DEPARTMENT OF THE PRIME MINISTER AND CABINET
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

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: Release of Discussion Document on Legislative Reform

The following documents have been included in this release:

Title of paper: Strengthening emergency management: release of discussion document on legislative reform (ECO-25-SUB-0057 refers)

Title of minute: Report of the Cabinet Economic Policy Committee: Period Ended 11 April 2025 (CAB-25-MIN-0125 refers)

Title of minute: Strengthening Emergency Management: Release of Discussion Document on Legislative Reform (ECO-25-MIN-0057 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.

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Office of the Minister for Emergency Management and Recovery

Cabinet Economic Policy Committee

Strengthening emergency management: release of discussion document on legislative reform

Proposal

1 This paper seeks agreement to release a discussion document for public consultation, to inform development of an Emergency Management Bill.

Relation to government priorities

2 Building a stronger economy and delivering efficient, responsive services are key Government priorities as stated in the 2025 Budget Policy Statement. Strengthening the emergency management system will reduce the impact of emergencies on businesses and communities and help them to get back on their feet faster.

Executive summary

3 New legislation is needed to ensure we deliver on commitments we have made in our response to the Government Inquiry into the Response to the North Island Severe Weather Events (the Inquiry).

4 In November 2024, Cabinet noted the intent of the Civil Defence Emergency Management Act 2002 (CDEM Act) generally remains sound, but legislative reform is required to fully deliver on the Government Response to the Inquiry (the Government Response) and address other known issues. Cabinet also invited me to report back seeking approval to release a discussion document to inform policy decisions for a bill [CAB-24-MIN-0458].

5 I am now seeking approval to release a discussion document in mid-April 2025 for four weeks of public consultation. The discussion document invites feedback on a number of issues that were not addressed by the previous government's Emergency Management Bill, including my key priorities for community leadership at the local level and accountable leadership, driven by the National Emergency Management Agency (NEMA).

6 Submissions on the discussion document will be analysed to inform development of recommendations for the final content of the bill. Assuming that analysis supports legislative change across all issues in the discussion document, the bill will address key reasons for discharging the previous bill.

7 Namely, I expect the new bill will make a difference on the ground, for example by:

7.1 clarifying who is in charge in an emergency at the national, regional and local levels, which will flow through to training and ensure faster decisions are made by the right people

7.2 enabling communities and lifeline utilities to be better prepared, and clarifying how offers of resources from the public will be managed in an emergency

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7.3 strengthening planning for rescue and care of animals and to minimise loss of taonga and other cultural heritage – this will allow people and communities to recover from emergencies with less grief.

8 There were also concerns that the previous bill recognised some groups in our community but not others. The discussion document recognises the important role that iwi Māori play in emergency management and includes options that would ensure the needs of all communities, such as the rural sector or disabled people, are considered appropriately.

9 The previous bill pre-dated the Government Response to the Inquiry. The issues and options in the discussion document have been informed by the Inquiry and will support actions under three of the five focus areas in the Government Response.

10 Many of the actions in the Government Response are operational in nature and will be progressed through the other paper I am taking to Cabinet about strengthening the emergency management system. Together, the papers progress the actions set out in the Government Response.

11 Annex 1 provides a summary of the issues and options set out in the discussion document, noting which options are new or were proposed in the previous bill (or partially proposed). The discussion document itself is attached as Annex 2.

12 I intend to report back to the Cabinet Economic Policy Committee (ECO) s9(2)(f)(iv) . I consider this timeline is achievable because Parliamentary Counsel Office (PCO) has already started drafting straightforward aspects of the bill based on the Cabinet decisions in November 2024. It is important the bill is s9(2)(f)(iv) , to reduce the risk of another emergency event occurring where legislative settings are seen to hinder an effective response or recovery.

Background

13 An Emergency Management Bill was introduced under the previous government, to replace the CDEM Act. In March 2024, Cabinet agreed to take steps to discharge the previous bill. Key reasons included:

13.1 much of the bill was bureaucratic rather than practical and would not make much difference on the ground

13.2 some provisions in the bill would have recognised some groups in the community but not others

13.3 concerns from submitters that systemic issues were not being addressed

13.4 the Inquiry's final report had not been delivered yet.

14 The Inquiry released its report on 23 April 2024. It found our emergency management system was not fit for purpose and set out 14 recommendations to improve the system, particularly in relation to responding to emergencies.[1]

[1] Report of the Government Inquiry into the Response to the North Island Severe Weather Events, March 2024.

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15 In October 2024, Cabinet agreed to release the Government Response to the Inquiry[2] and invited me to report back by the end of 2024 on legislative implications arising from the response, including the need for a new bill [ECO-24-MIN-0216].

16 Through that report back 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 Inquiry and address other known issues [CAB-24-MIN-0458].

17 Cabinet authorised me to issue drafting instructions to PCO for the rewrite of the CDEM Act and agreed in-principle that the new bill will have the following objectives:

17.1 Strengthen the participation of communities and iwi Māori in emergency management

17.2 Provide for clear responsibilities at the national, regional, and local levels

17.3 Enable a higher minimum standard of emergency management

17.4 Minimise disruption to essential services

17.5 Ensure agencies have the tools to do their jobs effectively when an emergency happens [CAB-24-MIN-0458].

18 Cabinet invited me to report back in March 2025 to seek approval to release a discussion document to help inform further policy decisions for the bill. This paper fulfils that report back on a slightly later timeframe, in order to better align with my other upcoming paper on strengthening emergency management, discussed further in paragraph 22 below.

19 Under the authorisation granted in November 2024, PCO has begun drafting the straightforward aspects of rewriting the CDEM Act while awaiting policy decisions on the matters set out in the discussion document. This 'rolling' approach to policy and drafting has been agreed with PCO to make the most of work undertaken on the previous bill and maximise the time to develop and engage on the new policy.

The discussion document seeks feedback on issues and a range of potential options

20 I have had conversations with New Zealanders about how we deliver the change we seek, including through legislative change. Through these conversations I have identified that my key priorities for the bill are to enable community leadership at the local level and accountable leadership, driven by NEMA.

21 The issues and options in the discussion document aim to support these priorities and the in-principle objectives for the bill. The issues and options also aim to address key reasons the previous bill was discharged, as noted in paragraph 13 above. In particular, the issues and options would make a difference on the ground and will support actions under the following focus areas in the Government Response:

21.1 Focus area 1: give effect to a whole-of-society approach to emergency management

[2] Strengthening disaster resilience and emergency management Government response to the Report of the Government Inquiry into the Response to the North Island Severe Weather Events, October 2024.

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21.2 Focus area 2: support and enable local government to deliver a consistent minimum standard of emergency management across New Zealand

21.3 Focus area 4: enable the different parts of the system to work better together at the national level.

22 It is important to note that many of the actions in the Government Response are operational in nature and will be progressed through the other paper I will take to Cabinet soon: *Strengthening emergency management: a roadmap for investment and implementation.* That paper will seek in-principle agreement to build an emergency management system that can manage major emergencies, with the first step being to modernise the emergency management sector's technology systems.

23 Annex 1 provides a summary of the issues and options, noting which options are new or were proposed in the previous bill (or partially proposed).

24 To ensure the discussion document supports an open conversation with the public, the document does not indicate preferred options for each issue but does provide indicative risks and benefits at a high level. The initial analysis has been shaped through targeted engagement with sector stakeholders (such as lifeline utilities), local government, the National Iwi Chairs Forum, and relevant government agencies.

25 Through the discussion document, I am seeking to test whether we have accurately identified and defined the underlying problems and considered all viable options. Each issue has a range of legislative and non-legislative intervention options from status quo to varying levels of regulatory change. I certify that the discussion document is not intended to narrow options under consideration, and that all feasible options will be included in the Regulatory Impact Statement for consideration by Cabinet when final decisions are made.

The bill represents one part of strengthening emergency management and is connected to other related work across government

26 In December 2024, Cabinet agreed a more strategic and proactive approach to national risk management and resilience building using the National Risk and Resilience Framework (the Framework), led by the Department of Prime Minister and Cabinet (DPMC) [CBC 24-MIN-0112]. Cabinet agreed that the Framework be used to provide Ministers greater visibility of how relevant workstreams on the Government's agenda relate to each other, to achieve its objective to reduce New Zealand's exposure to the harm and cost of crises. DPMC is focused on implementing the Framework and supporting alignment across the National Resilience System,[3] including clarifying roles and responsibilities across the National Resilience System.

27 The emergency management system is an integral part of the broader national resilience system. Strengthening emergency management is a key programme that this Government is leading to bolster New Zealand's approach to risk and resilience, focused on improving the emergency management system. Other related work includes local government reform (Department of Internal Affairs), resource management reform (including national direction on natural hazards) and a National Adaptation Framework (both led by the Ministry for the Environment), science sector reforms (Ministry of Business, Innovation and Employment) and Crown risk financing and incentives for pre-event risk reduction (the Treasury).

[3] The National Resilience System comprises the various systems (national security, hazards, strategic crisis, and emergency management systems) that function collectively to improve resilience to our most serious hazards and threats.

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28 Any of the work noted above could have a bearing on the bill (and vice versa), so agencies are working closely together to manage the connections. As those work programmes progress, consideration will need to be given as to whether, when and how that work docks into the bill process. To support this consideration, the National Hazards Board will provide input into advice ahead of final policy approvals for the bill. This will drive a strategic focus, ensure a well-governed approach, and ensure the bill delivers arrangements that work across multiple agencies and hazards. This is in keeping with actions agreed in the Government Response to the Inquiry.

Next steps

29 Following Cabinet approval, the discussion document will be published and submissions will be invited for four weeks. I consider this time period is reasonable given recent targeted engagement that has taken place to inform the discussion document, as well as past engagement through inquiries, reviews and the previous bill process. More information on the consultation process is set out in the Communications section below.

30 As part of finalising the discussion document for publication and release, I may need to make minor, editorial and/or design changes, consistent with the approach outlined in this Cabinet paper and the attached discussion document.

31 During and after the consultation period, submissions will be analysed to inform development of recommendations for the final content of the bill.

32 s9(2)(f)(iv)

33 I consider this timeline is achievable because PCO has already started drafting straightforward aspects of the bill. It is important the bill is passed s9(2)(f)(iv) , to reduce the risk of another event occurring where legislative settings are seen to hinder an effective response or recovery.

Cost-of-living implications

34 The release of the discussion document has no cost-of-living implications.

Financial implications

35 The release of the discussion document has no financial implications. Stakeholder engagement on the discussion document will be undertaken through NEMA baseline.

Legislative implications

36 Submissions on the discussion document will inform policy proposals for legislation. The bill holds a category s9(2)(f)(iv) on the 2025 Legislation Programme.

Population implications

37 The release of the discussion document has no direct population implications. However, the discussion document seeks feedback on options that may have population implications. Following feedback and policy analysis, population implications will be provided ahead of final policy decisions.

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Human rights

38 The public consultation process has no human rights implications.

Use of external resources

39 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

40 As required by the Ministry for Regulation, the NEMA quality assurance panel has reviewed the discussion document and determined that it will lead to effective consultation and enable the development of future impact analysis. Therefore, a separate regulatory impact statement (RIS) is not required at this stage. A full RIS will be completed at a later stage to inform Cabinet's final decisions on this proposal.

Climate Implications of Policy Assessment

41 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal at this time, as it is in the discussion document stage.

Consultation

42 The following agencies were consulted: Department of Internal Affairs, Department of the Prime Minister and Cabinet, Fire and Emergency New Zealand, Government Communications Security Bureau, Land Information New Zealand, 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 Social Development, Ministry of Transport, Natural Hazards Commission Toka Tū Ake, New Zealand Defence Force, New Zealand Police, New Zealand Security Intelligence Service, Public Service Commission, Reserve Bank of New Zealand, Te Tari Whakatau, Te Puni Kōkiri, Te Waihanga New Zealand Infrastructure Commission, the Treasury, and Whaikaha.

Communications

43 I propose to coordinate the announcement of Government decisions to strengthen emergency management as follows:

43.1 *Strengthening emergency management: release of discussion document on legislative reform* (this paper) – release for four-week public consultation in mid-April 2025, subject to Cabinet decisions

43.2 *Strengthening emergency management: a roadmap for investment and implementation* – announce decisions on the investment and implementation Roadmap following Budget 2025

43.3 *Strengthening emergency management: establishing a common operating picture* – no announcements on investing in operating systems until future budget decisions and commercial negotiations are completed. The

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development and design of a common operating picture will be noted in the investment and implementation Roadmap when it is announced.

44 To ensure there is awareness of the discussion document consultation process, NEMA will use standard communications channels (e.g. website, social media) and directly contact stakeholders whom NEMA has already been engaging with. This will be expanded to include contacts held by population-focused Ministries, such as ethnic communities.

45 To support accessibility of the discussion document, a summary version will be published alongside the full discussion document. The summary will be made available in accessible formats and translated into several languages.

46 During the consultation period NEMA and I will conduct in person and online meetings, to build awareness of the consultation process and understanding of the discussion document content amongst communities and stakeholders.

47 NEMA will also conduct targeted consultation on technical matters which have focused impacts. The main example relates to the responsibility for offshore islands, which is of specific interest to the Department of Internal Affairs, relevant local authorities, and iwi/Māori who have rights and interests in offshore islands that may be affected by emergency events.

48 A communications plan will accompany the consultation period to ensure the bill work is appropriately situated alongside other government reform programmes.

Proactive release

49 Once I have publicly released the discussion document, I will proactively release this paper with appropriate redactions within 30 business days.

Recommendations

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

1 **note** that in November 2024 Cabinet:

1.1 noted the Minister for Emergency Management and Recovery intends to introduce a bill s9(2)(f)(iv) to replace the Civil Defence Emergency Management Act 2002 (CDEM Act);

1.2 invited the Minister for Emergency Management and Recovery to report back to the Cabinet Economic Policy Committee (ECO) in March 2025 for approval to release a discussion document and seek further policy decisions on the new bill (CAB-24-MIN-0458);

2 **note** that the timeframes signalled in recommendation 1 above have been delayed to align with the other *Strengthening Emergency Management* papers: *A Roadmap for investment and implementation*, and *Building a common operating picture;*

3 **approve** the release of the document: *Discussion document: Strengthening New Zealand's emergency management legislation* for public consultation for four weeks;

4 **note** that the Minister for Emergency Management and Recovery has certified that the discussion document is not intended to narrow options, and that a full range of

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feasible options will be included in the Regulatory Impact Statement for consideration by Cabinet when final decisions are made;

5 **authorise** the Minister for Emergency Management and Recovery to make minor, editorial and/or design changes to the discussion document before its release;

6 **invite** the Minister for Emergency Management and Recovery to report back to ECO to seek final policy approvals for the bill after submissions on the discussion document have been analysed;

7 **note** that there are several pieces of work across government which are related to the emergency management system, including work on the National Resilience System, local government reform, resource management reform (and national direction on natural hazards), the National Adaptation Framework, science sector reform, and Crown risk financing and incentives for pre-event risk reduction;

8 **note** that any of the work described in recommendation 7 could have a bearing on the bill, so as that work progresses consideration will need to be given as to whether, when and how that work docks into the bill process;

9 **note** the National Hazards Board will provide input into advice ahead of final policy approvals for the bill, to drive a strategic focus, ensure a well-governed approach, and ensure the bill delivers arrangements that work across multiple agencies and hazards.

Authorised for lodgement.

Hon Mark Mitchell

Minister for Emergency Management and Recovery

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Annex 1: Summary of issues and options included in the discussion document

Green denotes issues that were not addressed in the previous bill and new legislative options. The other legislative options were either partially or fully proposed in the previous bill.

Objective one: Strengthening community and iwi Māori participation	
Issue 1: Meeting the diverse needs of people and communities	**Option 1 (status quo):** CDEM Groups are not explicitly required to identify, engage, recognise, or consider how emergencies can disproportionately affect some groups.
	Option 2 (non-legislative): This could include national level development and promotion of emergency management guidance tailored for the diverse needs of people and communities.
	Option 3 (legislative): Require CDEM Group plans to include how people and communities that may be disproportionately affected will be planned for. This includes explicitly requiring CDEM Groups to identify the diverse needs in their areas and engage with people and communities with diverse needs to inform Group plans.
	Option 4 (legislative): Require the Director to consult with representatives of disproportionately affected communities to inform national planning. This includes explicitly requiring that the Director consult these communities as part of the development of the National CDEM Plan and the National CDEM Strategy.
Issue 2: Strengthening and enabling iwi Māori participation in emergency management	**Option 1 (status quo):** Iwi Māori are not currently legislatively required to be represented in local government emergency management decision-making structures (CDEM Groups and Coordinating Executive Groups). In some areas, iwi Māori have been appointed as advisors to CDEM Groups or co-opted as members of Coordinating Executive Groups.
	Option 2 (non-legislative): This could include updating plans, guidance, and other policy settings to ensure iwi Māori are embedded into the emergency management system at an operational level.
	Option 3 (legislative): Require iwi Māori representation on CDEM Group decision-making structures. Māori representation could be required on CDEM Groups or Coordinating Executive Groups.
	Option 4 (legislative): Require CDEM Groups to engage with iwi Māori to develop of CDEM Group Plans. This includes explicitly require that CDEM Groups engage with iwi Māori in their areas to inform CDEM Group planning before emergencies.
	Option 5 (legislative): Require the Director to seek advice on Māori interests and knowledge to inform national level planning. This includes explicitly requiring the Director to seek advice on Māori interests and knowledge when developing the National CDEM Strategy and the National CDEM Plan. For example, the Director could establish a national Māori emergency management advisory group.
Issue 3: Strengthening and enabling community participation in emergency management	**Option 1 (status quo):** The CDEM Act does not set out the role of community beyond looking after themselves and their family. Communities' ability to dock into the "formal" emergency management system is varied.
	Option 2 (non-legislative): Develop and update guidance and strengthen public education.
	Option 3 (legislative): Require CDEM Group plans to state how the Group will manage offers of resources from the public. CDEM Groups would need to define when and how they will accept offers of resource from their communities.
Issue 4: Protection from civil liability for responding to an emergency in good faith	**Option 1 (status quo):** The protection from civil liability is not available for people who undertake actions in an emergency without direction from a Controller or constable.
	Option 2 (legislative): People would be protected from civil liability if they caused loss or damage while undertaking reasonable and significant emergency management actions in good faith, in circumstances where they were unable to seek or be given direction by a Controller or constable.
	Option 3 (legislative): Enable compensation for labour costs. Persons undertaking actions at the direction of a Controller or constable would be eligible for compensation for labour costs in certain circumstances**.**
Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels	
Issue 5: Clearer direction and control during an emergency	**Option 1 (status quo):** The agency dealing with the specific hazard (lead agency) is responsible for managing the response to the emergency. Group Controllers (in a local emergency) and the Director (in a national emergency) are responsible for coordinating and directing resources made available for emergency management.
	Option 2 (legislative): Require the agency dealing with the specific hazard to be the "Control Agency". Make it explicit that the Control Agency is in charge of the overall operational response to an emergency, while the Group 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 Control Agency.
	Option 3 (legislative): Require Group Controllers (local emergency) or the Director (national emergency) to be the "Control Agency". Make it explicit that the Group Controller or Director manages the overall operational response to an emergency, including the ability to direct the agency dealing with the specific hazard. Group Controllers would have the power to coordinate resources during the response to an undeclared emergency.
	Option 4 (legislative): A unified control model between the agency dealing with the hazard and the Group Controller or Director. Make it explicit that the Group Controller or Director 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.
Issue 6: Strengthening the regional tier of emergency management	
Issue 6.1 Resolving overlapping CDEM Group and local authority roles and responsibilities	**Option 1 (status quo):** The CDEM Group and its member local authorities have overlapping functions and duties in emergency management.
	Option 2 (legislative): Provide distinct responsibilities for CDEM Groups and their local authority members. CDEM Groups make governance, planning, and funding decisions about emergency management in the region, and monitor delivery of plans by local authorities. CDEM Groups manage emergency responses, delegating to local authority members and Local Controllers/Recovery Managers to manage local area emergencies. Each local authority supports the Group through funding and delivering on what the Group has decided.
	Option 3 (legislative): Require CDEM Group Plans to state how each member will fund and deliver on the functions and decisions of the CDEM Group. Expand requirements of Group Plans to include details on how each member will fund delivery. Strengthen accountability mechanisms, for example, by reporting on expenditure and performance for delivery of the Plan.
Issue 6.2: Providing for clear and consistent organisation and accountability for emergency management	**Option 1 (status quo):** CDEM Groups and local authorities can employ, manage and organise emergency management staff and Controllers and Recovery Managers, and resources in various ways to undertake emergency management in the area.
	Option 2 (non-legislative): Update guidance and provide models for how CDEM Groups and local authorities could organise emergency management in their region. Provide guidance and 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 while ensuring clear and appropriate lines of accountability.
	Option 3 (legislative): Make the CDEM Group responsible for organising emergency management functions. 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 functions. In practice, the administering authority (a regional council or unitary authority) would carry out this responsibility on the CDEM Group's behalf.

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	Option 4 (legislative): Retain flexibility but make the chief executive of each local authority hold the role of Controller and Recovery Manager. The chief executives of each local authority would have the functions and powers of a Local Controller and Recovery Manager. Where a CDEM Group is made up of multiple local authorities, the CDEM Group would be required to appoint one council's chief executive as the Group Controller and Recovery Manager. Chief executives could delegate these functions and powers to suitably qualified individuals, but would retain overall accountability.
Issue 6.3: Strengthening the performance of Coordinating Executive Groups	**Option 1 (status quo):** Responsibilities for local authorities and some other entities to engage in CDEM Group activities are set out in the CDEM Act. The Director may intervene where performance is not meeting expectations.
	Option 2 (legislative): Provide more specific expectations on members of the Coordinating Executive Group supported,\ by good practice guidance.
	Option 3 (legislative): Require the Coordinating Executive Group to report to the Director on how and to what extent it has delivered on its functions under the CDEM Act. This could include reporting on attendances and what decisions it has undertaken or items have been actioned in a given reporting period.
	Option 4 (legislative): Remove the ability for Coordinating Executive Group members to delegate membership, or require these entities to have a single, specified delegate. Requires one appointed person to attend the Coordinating Executive Groups, this being either the responsible person as named through the Bill, or a suitably qualified delegate, to ensure consistency and support working relationships.
Issue 7: Keeping emergency management plans up to date	**Option 1 (status quo):** Minor amendments to the National CDEM Plan and CDEM Group plans can be made without a review. Any larger changes require a full review of the plan.
	Option 2 (legislative): Enable targeted, "more than minor" amendments to the National CDEM Plan and CDEM Group Plans. Enable targeted amendments in the National CDEM Plan and CDEM Group Plans so roles and responsibilities and other matters can be updated without a full review.
	Option 3 (legislative): National CDEM Plan stops being an Order in Council, retaining its legislative status. This would simplify the process to develop and amend the National CDEM Plan.
Objective 3: Enabling a higher minimum standard of emergency management	
Issue 8: Stronger national direction and assurance	
Issue 8.1: Strengthening the Director's mandate to set expectations and monitor performance	**Option 1 (status quo): T**he Director has the function of monitoring the performance of persons with responsibilities under the CDEM Act and the power to issue guidelines, codes, or technical standards. The Act also enables certain mandatory requirements to be set through regulations.
	Option 2 (non-legislative): Increased guidance and strengthened governance. This could include updating, developing and publishing guidance material or strengthening governance to enable this mandate (for example, using existing national risk governance structures such as the National Hazards Board as a mechanism to assure the performance of those with responsibilities under the CDEM Act).
	Option 3 (legislative): Enable a wider range of mandatory standards to be set through rules. Rules would be secondary legislation made by the Director, prescribing matters of detail or procedure that may be unsuitable for regulations. For example, rules could prescribe how CDEM Groups are required to provide, control, and operate emergency warning systems.
	Option 4 (legislative): Give the Director the function of monitoring the performance of the emergency management system. The Director would be explicitly responsible for assessing whether the emergency management system is achieving the purpose of the Act.
Issue 8.2: Strengthening the mandate to intervene and address performance issues	**Option 1 (status quo):** There are limited powers of intervention in the CDEM Act to ensure performance against existing responsibilities.
	Option 2 (legislative): Provide the Director with the power to issue compliance orders. If a party had breached a legal requirement under the Act, the Director could 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.
	Option 3 (legislative): Expand the Minister's existing powers of intervention. 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.
Issue 9: Strengthening local hazard risk management	**Option 1 (status quo):** Local authorities (through CDEM Groups) are responsible for determining their approach to achieving an acceptable level of risk.
	Option 2 (non-legislative): Provide clearer guidance about what it means to achieve an "acceptable" level of risk. This could include updating guidance on risk assessments.
	Option 3 (non-legislative): Update guidance and strengthen assurance of CDEM Group plans. The Director could update guidance to set clearer expectations about the form and content of CDEM Group plans and strengthen NEMA's quality assurance processes.
	Option 4 (legislative): Enable the form and content of CDEM Group plans to be prescribed through secondary legislation. Secondary legislation could set mandatory requirements about the content and detail of Group Plans, including standards that must be followed (such as risk assessment processes).
	Option 5 (legislative): Strengthen the Minister's role in the CDEM Group planning process.
Issue 10: Strengthening due consideration of taonga Māori, cultural heritage and animals during and after emergencies	
Issue 10.1: Considering taonga Māori and other cultural heritage during and after emergencies	**Option 1 (status quo):** Taonga Māori and other cultural heritage are not always considered during and after emergencies.
	Option 2 (non-legislative): Develop guidance on considering taonga and other cultural heritage.
	Option 3 (legislative): Strengthening planning expectations through secondary legislation. This includes explicitly requiring CDEM Group plans to outline the cultural heritage of their communities and how this will be part of response and recovery planning; how mātauranga Māori-led approaches (using existing knowledge, understanding, skills) are used to consider local knowledge as part of response and recovery planning; and how cultural heritage experts have been consulted during planning and how they will be leveraged during and after emergencies.
Issue 10.2: Considering animals during and after emergencies	**Option 1 (status quo):** Animals are not always considered during and after emergencies.
	Option 2 (non-legislative): Develop guidance on considering animal impacts. This could include best practice for how to best integrate the consideration of animals in planning for emergencies.
	Option 3 (legislative): Strengthening planning expectations through secondary legislation. This could include requiring CDEM Group plans to consider animal preparedness as part of planning.
	Option 4 (legislative): Expand emergency powers to enable mitigation of pain or distress to animals. Sections 85 (emergency powers of CDEM Groups) and 87 (entry into premises) of the CDEM Act would be amended to enable Controllers and constables to mitigate of pain or distress to animals.
Objective 4: Minimising disruption for essential services	
Issue 11: Reducing disruption to the infrastructure that provides essential services	
	Option 1 (status quo): NEMA could continue encouraging voluntary participation by essential infrastructure providers that aren't lifeline utilities
	Option 2 (secondary legislation): Add additional entities to the CDEM Act's Schedule of lifeline utilities.

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Issue 11.1: Narrow definition of "lifeline utility"	**Option 3 (legislative):** Replace the lifeline utilities framework with an expanded, principles-based definition of "essential infrastructure". An organisation or class of organisations could 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. An "essential service" would be defined as a service that underpins: public order or safety, public health, national security, or the functioning of the economy or society.
Issue 11.2: Strengthening lifeline utility business continuity planning	**Option 1 (status quo):** Some detail about lifeline utilities' business continuity planning expectations is included in the National CDEM Plan. The Director's monitoring function is not currently prioritised.
	Option 2 (non-legislative): Increase guidance and monitoring of lifeline utilities' business continuity planning. The Director could also publish information about any concerns they have identified.
	Option 3 (legislative): Introduce financial penalties and enable detailed business continuity planning requirements to be set through regulations.
	Option 4 (legislative): Introduce financial penalties and prescribe specific business continuity planning requirements in primary legislation.
11.3: Barriers to cooperation and information-sharing	**Option 1 (status quo):** NEMA promotes voluntary cooperation and joint planning between lifeline utilities, CDEM Groups, and other agencies.
	Option 2 (non-legislative): Could include stronger assurance of current responsibilities, developing and updating guidance, information sharing agreements, and data standards.
	Option 3 (legislative): Explicitly require CDEM Groups to involve the lifeline utilities in their areas in the development of CDEM Group plans.
	Option 4 (legislative): Require lifeline utilities to contribute to national response plans. The Director could require one or more classes of lifeline utilities to contribute to the development of plans for responding to disruptions of national significance, similar to the existing National Fuel Plan.
	Option 5 (legislative): Strengthen information-sharing protections. This could occur by increasing penalties for improper disclosure of information or introducing a "safe harbour" protection from prosecution resulting from information disclosed by a lifeline utility during or immediately before an emergency.
	Option 6 (legislative): Enable data standards to be prescribed through secondary legislation. During an emergency, the Director, CDEM Groups, and lifeline utilities would be required to request and provide information in a consistent format, specified in secondary legislation. This would not override the CDEM Act's general power to require information from any person.
Issue 12: Strengthening central government business continuity	**Option 1 (status quo):** Only some public service agencies have business continuity requirements under the CDEM Act. The New Zealand Government Protective Security Requirements imposes requirements for business continuity planning on a broader group of government agencies.
	Option 2 (non-legislative): This could include the development of and updates to best practice guidance that is promoted widely across government agencies that provide critical functions and services.
	Option 3 (legislative): Extend current business continuity requirements through an "opt in" model. This includes extending business continuity requirements to the New Zealand Police, New Zealand Defence Force, Reserve Bank, Parliamentary Counsel Office. The Minister would also have an ability to extend these business continuity requirements to specific Crown agents, Autonomous Crown Entities, and Independent Crown Entities through notice in the Gazette.
	Option 4 (legislative): Extend current business continuity requirements to a broader group of central government organisations, with a mechanism to exempt specific Crown entities. Business continuity requirements would be extended to the New Zealand Police, New Zealand Defence Force, Reserve Bank, Parliamentary Counsel Office, and all Crown agents, Autonomous Crown Entities, and Independent Crown Entities. The Minister would have the power to exempt specific Crown Entities from these requirements through notice in the Gazette.
	Option 5 (legislative): New requirement to take account of guidance issued by the Director. Public service agencies (and any other agencies recognised under the previous options) would be required to take account of Director's Guidelines relevant to the development of business continuity plans.
Objective 5: Having the right powers available when an emergency happens	
Issue 13: Managing access to restricted areas	**Option 1 (status quo):** Roads and public places may be fully or partially closed during a state of emergency or transition period.
	Option 2 (non-legislative): National guidance and training on managing cordons. NEMA or the New Zealand Police could develop best practice guidance, including on identifying the organisations that may need access before an emergency.
	Option 3 (secondary legislation): Prescribe the form of identification passes through regulations. CDEM Groups or the Director could issue identification passes to accredited people and organisations before or during an emergency. Falsely claiming to be accredited would be an offence.
	Option 4 (legislative): Clarify that access can be restricted to any class or group of persons. The Act could explicitly enable those using this power to restrict access to any class or group of persons (or prevent access by any class or group of persons – for example, any organisation that hasn't been accredited by a CDEM Group).
Issue 14: Clarifying who exercises emergency powers at the local level	**Option 1 (status quo):** The powers in section 85 of the CDEM Act sit with CDEM Groups by default. Equivalent powers in section 94H sit with Recovery Managers.
	Option 2 (legislative): Tidy up existing functions and powers related to CDEM Groups, Controllers, and Recovery Managers. This specifically includes separating the functions from the powers in section 85 and determining where functions and powers appropriately sit with CDEM Groups, Controllers and Recovery Managers.
Issue 15: Modernising the process to enter a state of emergency or transition period	**Option 1 (status quo):** Physical signatures are required to declare a state of emergency or give notice of a transition period.
	Option 2 (legislative): Enable authorised persons to use electronic signatures. Elected members of CDEM Groups and the Minister would have the option to declare a state of emergency or give notice of a transition period by completing a form electronically.
	Option 3 (legislative): Enable authorised persons to declare a state of emergency verbally. This could require that there is a witness to the declaration. Notice of a transition period would still be required in writing because the decision is not as time critical.
Issue 16: Mayors' role in local state of emergency declarations and transition period notices	**Option 1 (status quo):** Both the CDEM Group and a mayor can declare a local state of emergency or give notice of a local transition period over a district or wards within the Group area.
	Option 2 (legislative): Mayors have primary responsibility for declaring a local state of emergency or giving notice of a transition period for their district or wards. The CDEM Group appointee would continue to declare or give notice for the whole Group area and may declare or give notice for more than one district. As a backup, the law could also provide that a representative of any member of the Group can declare or give notice for a district if the mayor (or another elected member designated to act on behalf of the mayor) is unable to declare. The Minister would retain their current ability to declare a local state of emergency.
	Option 3 (legislative): 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.

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Annex 2: Discussion document: Strengthening New Zealand's emergency management legislation

The final version of the discussion document is publicly available at the following page: https://www.civildefence.govt.nz/assets/Uploads/documents/EM-Bill/Discussion-document-Strengthening-New-Zealands-emergency-management-legislation.pdf

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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 11 April 2025

On 14 April 2025, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 11 April 2025:

ECO-25-MIN-0057	**Strengthening Emergency Management: Release of Discussion Document on Legislative Reform** Portfolio: Emergency Management and Recovery	CONFIRMED

Out of scope

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Rachel Hayward
Secretary of the Cabinet

Cabinet Economic Policy Committee

Minute of Decision

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Strengthening Emergency Management: Release of Discussion Document on Legislative Reform

Portfolio **Emergency Management and Recovery**

On 9 April 2025, the Cabinet Economic Policy Committee (ECO):

1 **noted** that in November 2024, ECO:

1.1 noted that the Minister for Emergency Management and Recovery (the Minister) intended to introduce a bill s9(2)(f)(iv) to replace the Civil Defence Emergency Management Act 2002;

1.2 agreed in principle to the new bill's objectives, subject to final policy approvals;

1.3 invited the Minister to report back in March 2025 for approval to release a discussion document and to further policy decisions for a new bill;

[ECO-24-MIN-0269]

2 **noted** that the timeframes signalled in paragraph 1 above have been delayed to align with other Strengthening Emergency Management papers to be considered by Cabinet shortly;

3 **approved** the release of the discussion document *Strengthening New Zealand's emergency management legislation*, attached under ECO-25-SUB-0057, for a four-week public consultation;

4 **noted** that the Minister has certified that the discussion document is not intended to narrow options, and that a full range of feasible options will be included in the Regulatory Impact Statement for consideration by Cabinet when final decisions are made;

5 **authorised** the Minister to make minor, editorial and/or design changes to the discussion document before its release;

6 **invited** the Minister to report back to ECO to seek final policy approvals for the bill after submissions on the discussion document have been analysed;

7 **noted** that there are several pieces of work across government related to the emergency management system, including work on the National Resilience System, local government reform, resource management reform (and national direction on natural hazards), the National Adaptation Framework, science sector reform, and Crown risk financing and incentives for pre-event risk reduction;

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8 **noted** that any of the work described in paragraph 7 above could have a bearing on the bill so, as that work progresses, consideration will need to be given as to whether, when, and how that work aligns with the bill process;

9 **noted** that the National Hazards Board will provide input into advice ahead of final policy approvals for the bill, to drive a strategic focus, ensure a well-governed approach, and ensure the bill delivers arrangements that work across multiple agencies and hazards.

Rachel Clarke
Committee Secretary

Present:
Rt Hon Winston Peters
Hon David Seymour
Hon Nicola Willis (Chair)
Hon Chris Bishop
Hon Brooke van Velden
Hon Shane Jones
Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston
Hon Mark Mitchell
Hon Tama Potaka
Hon Simon Watts
Hon Chris Penk
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Nicola Grigg
Hon Scott Simpson
Hon Mark Patterson
Simon Court MP

Officials present from:
Office of the Prime Minister
Office of Hon Simon Watts
Officials Committee for ECO

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