



OFFICE OF THE MAYOR  
HAMILTON

2 November 2023

Committee Secretariat  
Governance and Administration Committee  
Email: [ga@parliament.govt.nz](mailto:ga@parliament.govt.nz)

Dear Governance and Administration Committee Members,

**Letter of Support for the Submission made by the Waikato Civil Defence Emergency Management Group to the Emergency Management Bill.**

I would like to thank Parliament's Governance and Administration Committee for the opportunity to provide feedback on the **Emergency Management Bill**.

It is noted that the Emergency Management Bill would replace the Civil Defence Emergency Act 2002, which provides powers for managing emergencies at local, regional, and national levels.

Hamilton City Council representatives have been extensively involved with the development of the submission made by the Waikato Civil Defence Emergency Management (CDEM) Group to the Emergency Management Bill – a copy of this submission is attached as part of this letter.

As noted in the Waikato CDEM Group's submission: *"The Waikato CDEM Group area covers 11 local authorities, more than any other Group area in the country, and has a diverse hazardscape – from high tsunami risk on the east coast to caldera/volcanic risks in the southern areas and severe storm and flooding risks across the Waikato region. The environment varies from built-up urban areas to remote and isolated small communities."*

I support the submission made by the Waikato CDEM Group, and in particular endorse the Group's four key concerns of the Emergency Management Bill (outlined in point 15 on pages 5-6 of the Group's submission).

These four specific concerns are reproduced below:

**(i) Lack of Consultation**

a. The Group has concerns that the Bill as drafted provides for change to be introduced by rules and regulations without explicitly requiring consultation with Civil Defence Groups and their members. The Group requests that direct consultation with Emergency Management Committees be explicitly required to be undertaken and included in the Bill.

b. In the development of secondary legislation, specifically in relation to giving effect to the implementation of the Bill as an Act, we request a mandatory consultation term of 90 days with CDEM Groups/Emergency Management Committees.

**(ii) Funding and Resourcing:** It is noted expressly that *“No new funding powers are proposed to be created in the legislative reforms or funding provided in any supporting package of policies to address any capacity issues in the emergency management system”*.<sup>1</sup>

a. The Group, throughout this submission, refers to funding and resourcing implications arising from the Bill and its contents. There is a lack of identified funding streams to support any directives issued through the Powers of the Director.

b. Noting the Government response to the Technical Advisory Group’s recommendations of ‘greater nationwide consistency’, to achieve a consistency of output requires consistency of input which requires a financial framework. Currently there is a large inconsistency in the funding of CDEM Groups, which creates a capability and capacity differential based on resources available to a CDEM Group.

### **(iii) No Powers Outside of State of Local Emergency**

a. The Bill gives no access to powers for ‘imminent threat of emergency’ outside of the Minister, which raises potential for increased local state of emergency to ensure risk mitigation is undertaken (measures required to reduce risk effects in case they happen). The potential increased frequency of local state of emergencies, in preparation for imminent threats, may lead to “declaration fatigue” (like warning fatigue) and public complacency for the potential significance of impacts indicated by a state of emergency declaration.

### **(iv) Roles and Responsibilities**

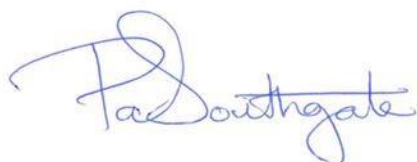
a. The Bill omits some matters that had previously been indicated as intended for inclusion. The relegation of roles and responsibilities of lead and support agencies is significant and creates ambiguity, with work to replace the National Emergency Management Plan on hold. The absence of provisions clarifying roles and responsibilities for animal welfare is also a concern.

b. These implications will not be able to be fully understood until the reviewed National Emergency Management Plan, road map for the implementation of the National Disaster Resilience Strategy and regulations and rules provided for by the Bill have been made.

### **Further Information and Hearings**

Should the Governance and Administration Committee require clarification of the points outlined in this letter, or additional information, please contact **Kelvin Powell** (Unit Director - City Safe) on **027 808 2927** or email [kelvin.powell@hcc.govt.nz](mailto:kelvin.powell@hcc.govt.nz) in the first instance.

Yours faithfully,



Paula Southgate  
**Mayor of Hamilton**

<sup>1</sup> Regulatory Impact Statement: Emergency Management System Reforms - 28 October 2021.

File No: 40 02 01 02  
Document No: 27472499

30 October 2023

Committee Secretariat  
Governance and Administration Committee  
Parliament Buildings  
Wellington

Phone: 04 817 9520  
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Dear Governance and Administration Committee Members


**Submission to Emergency Management Bill from Waikato Civil Defence Emergency Management Group Joint Committee**

Thank you for the opportunity to submit on the Emergency Management Bill 225-1 (the Bill). Please find attached the Waikato Civil Defence Emergency Management (CDEM) Group's submission regarding the Bill. The submission was formally endorsed by the Waikato CDEM Group Joint Committee on 30 October 2023.

***Waikato CDEM Group wish to speak in support of this submission to the Governance and Administration Committee.***

Should you have any queries regarding the content of this submission please contact Vicky Cowley, Strategic Planning Advisor, Waikato Group Emergency Management Office directly on +64 21 322 074 or by email [vicky.cowley@waikatoregion.govt.nz](mailto:vicky.cowley@waikatoregion.govt.nz).

Regards



Councillor Anna Park  
Chair  
Waikato CDEM Group Joint Committee

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# Submission to the Emergency Management Bill

Waikato Civil Defence Emergency Management Group

30 October 2023

# Introduction

## Waikato Civil Defence Emergency Management Group

1. Waikato Civil Defence Emergency Management (CDEM) Group Joint Committee welcome the opportunity to make a submission on the Emergency Management Bill (the Bill). This submission has been prepared with feedback from local authorities, emergency management professional staff, Coordinating Executive Group and Joint Committee.
2. The Waikato CDEM Group is a consortia of organisations that have a function in relation to CDEM (11 local authorities, police, fire, and health organisations involved in delivering welfare services and lifeline utilities), governed by a Joint Committee of elected representatives.
3. We highlight the complexity and diversity of the Waikato CDEM Group area. The Waikato CDEM Group area covers 11 local authorities, more than any other Group area in the country, and has a diverse hazardscape – from high tsunami risk on the east coast to caldera/volcanic risks in the southern areas and severe storm and flooding risks across the Waikato region. The environment varies from built-up urban areas to remote and isolated small communities.
4. Te Puni Kōkiri website advises of 27 Iwi who exercise kaitiakitanga within the Waikato Region.
5. A further complexity is the requirement of good working relationships across boundaries in regard to the emergency services - note that the bill doesn't address the lack of boundary consistency issue.
6. Waikato CDEM operates a system of 24/7 duty coverage with Duty Officers and Group Controller supported by alternates on rotating rosters. A Group Welfare Manager is appointed together with alternatives as is a Group Recovery Manager and alternatives.
7. The 11 Waikato local authorities locally maintain resources/structures of staffing and facilities for activating emergency operating centres and civil defence centres. Some local authorities, particularly smaller councils, are challenged to provide resourcing to fulfil their emergency management responsibilities as they are currently under the Act. Accordingly to mitigate this some smaller councils such as the Western Waikato Emergency Management Group, consisting of three councils, are aligned to deliver jointly their emergency management responsibilities.
8. Waikato experienced consecutive extreme weather events in January and February 2023, state of local emergency was declared by four territorial authorities and the Waikato CDEM Group. Capacity, capability, and systems were tested, with a review being completed and recommendations made to be addressed.

## Emergency Management sector

9. The broader picture is one of increasingly significant activity across the nations emergency management sector. Edgumbe floods, Pigeon Valley and Ohau fires, Christchurch and Kaikoura earthquakes, Canterbury and West Coast flooding, Cyclone Hale, Auckland Anniversary Weekend floods, Cyclone Gabrielle and more recent flooding in the South Island are recent examples. From the beginning of 2002 until 23<sup>rd</sup> September 2023, a state of emergency has been declared 102 times. Over 75% were declared in the last 10 years, including two of the three national declarations.
10. The Bill is an opportunity to ensure a fit for purpose system to meet the challenges of a changing society, increased expectations and a climate that is becoming more extreme and damaging. Quite simply, the threats of disasters to New Zealand are increasing and our emergency management system is not designed to take on these threats. Unless we adapt to these new climate and societal challenges, there is a real risk that the emergency management system will not be able to do what the Government asks it to do and the public expect, which is to keep our people safe.

# The Emergency Management Bill

## General commentary

11. The Waikato Civil Defence Emergency Management Joint Committee (the Group) notes the extensive background to the Bill; the Ministerial Review in 2017, the Government's response in 2018, National Disaster Resilience Strategy in 2019, the Trifecta work programme and the Bill being introduced in 2023.
12. The Bill is intended to replace the Civil Defence Emergency Management Act 2002 (the Act). It builds on the Act and:
  - a. applies current legislative structures and drafting to emergency management
  - b. includes provisions similar to those in the Act with minor amendment
  - c. introduces new language and terminology, as a consequence of the shift from 'Civil Defence Emergency Management' to 'Emergency Management'
  - d. introduces more significant change consistent with the Technical Advisory Group's recommendations and the Government's response.
13. The Group is also of the view that in combination some minor amendments amount to significant changes, particularly in regard to emergency management committees and their local authority members.
14. The Group welcomes the continuing transition from civil defence towards emergency management and its ongoing development as reflected in the title of the Bill and its contents. While the Group agrees that the Bill introduces beneficial changes to emergency management and supports the Bill, it is of the view that it is not without issues, arising either through its drafting or implementation.
15. Before proceeding further, ***the Waikato CDEM Group (the Group) would like to raise the following concerns:***
  - (i) **Lack of consultation**
    - a. The Group has concerns that the Bill as drafted provides for change to be introduced by rules and regulations without explicitly requiring consultation with Civil Defence Groups and their members. The Group requests that direct consultation with Emergency Management Committees be explicitly required to be undertaken included in the Bill.
    - b. In the development of secondary legislation, specifically in relation to giving effect to the implementation of the Bill as an Act, we request mandatory consultation term of 90 days with CDEM Groups/Emergency Management Committees.
  - (ii) **Funding and Resourcing:** *It is noted expressly that 'No new funding powers are proposed to be created in the legislative reforms or funding provided in any supporting package of policies to address any capacity issues in the emergency management system'<sup>1</sup>*
    - a. The Group throughout this submission refers to funding and resourcing implications arising from the Bill and its contents. There is a lack of identified funding streams to support any directives issued through the Powers of the Director.
    - b. Noting the Government response to the Technical Advisory Group's recommendations of 'greater nationwide consistency', to achieve a consistency of output requires consistency of input which requires a financial framework. Currently there is a large inconsistency in the funding of CDEM Groups, which creates a capability and capacity differential based on resources available to a CDEM Group.

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<sup>1</sup> Regulatory Impact Statement: Emergency Management System Reforms 28 October 2021



(iii) **No powers outside of state of local emergency**

- a. The Bill gives no access to powers for ‘imminent threat of emergency’ outside of the Minister. Which raises potential for increased local state of emergency to ensure risk mitigation is undertaken (measures required to reduce risk effects *in case* they happen). The potential increased frequency of local state of emergencies, in preparation for imminent threats, may lead to “declaration fatigue” (like warning fatigue) and public complacency for the potential significance of impacts indicated by a state of emergency declaration.

(iv) **Roles and Responsibilities**

- a. The Bill omits some matters that had previously been indicated as intended for inclusion. The relegation of roles and responsibilities of lead and support agencies is significant and creates ambiguity, with work to replace the National Emergency Management Plan on hold. The absence of provisions clarifying roles and responsibilities for animal welfare is also a concern.
- b. These implications will not be able to be fully understood until the reviewed National Emergency Management Plan, road map for the implementation of the National Disaster Resilience Strategy and regulations and rules provided for by the Bill have been made.

## The role of Iwi and Māori

**Clauses:** 2, 3, 4, 5, 20, 21, 25, 26, 29, 32, 33, 67, 73, 76, 144, 149.

- 16. Inclusion done in a successful way is supported, allow communities to drive what their inclusion looks like because they are the ones in the relationship, and resource it appropriately.
- 17. The Group supports greater recognition of the role of, and enhanced participation of, Māori in emergency management. Collaborating on the delivery of emergency management benefits the people of the Waikato.
- 18. The Group is pleased to see the importance of local arrangements acknowledged in regulation making for representation of Māori with reference to:
  - a. appointment processes and mechanism that are *locally appropriate* (cl 144(2))
  - b. require the Minister to *consult broadly in regard to perspectives and concerns of Māori* (cl 144(4))
- 19. Even so, the Group has concerns about the potential resource implications of these provisions and the extent to which the Crown will contribute funding. For example, addressing the needs of iwi and Māori in relation to emergency management under clause 29(h) is very broad and the implementation of such plans may not be deliverable as interpretation is open to household level, with the funding for implementation not clear. To that point The Group *does not support the current wording of clause 29(h)*, and reference the wording of clause 73(k) for suggested change.
- 20. The Group notes the potential for confusion about reimbursement for welfare expenses incurred by Māori in respect of emergencies between the Bill coming into force and 12 months after the date of royal assent as advised in clause 2(1)(a)(ii). The Group understands the policy changes following Cyclone Gabrielle and is unclear about the reasoning for the delayed commencement of reimbursement under clause 149(b).
- 21. The Group notes that implementation of other provisions may not be severable from the commencement of National Māori Emergency Management Advisory Group taking up its role and the development of regulations.



22. Building relationships on which to base arrangements takes time and different CDEM Groups are at different stages in their relationships with iwi and Māori. The Bill may need to be more realistic about the time required to arrive at the point that the provisions are able to be operationalised across multiple iwi Māori organisations.

## Emergency Management Committee

Clauses: 24, 25, 26, 27, 28, 29, 30, 31, 32, 40, 41, 76, Schedule 1 Cls 5, 6, 7, Schedule 2 Cls 2, 3, 4, 5, 6, 7.

23. The Group notes there are similarities to, and differences from, sections of the Act to corresponding clauses in the Bill. As discussed above, the Group supports greater recognition of the role of, and enhanced participation of, Māori in emergency management though lacks clarity on corresponding resourcing.
24. The Group notes and supports the elevation of Emergency Management Committees relative to their local authority members. Separately defining the role of Emergency Management Committee from the function and duties of local authority members (clause 29 and 37 compared to section 17) is welcomed. The provisions emphasise that the Emergency Management Committee is continuous and separate from the local authority members of the Group, with a distinct emergency management role.
25. The Group notes, as drafted, the Bill gives rise to several issues.
26. Requirements to engage with representatives of communities likely to be disproportionately impacted by emergency events and iwi and Māori will likely require a significant programme of ongoing proactive community engagement and planning, though greater clarity is required. These provisions have significant implications in terms of resources.
27. Further where an authorised person declares a state of emergency, the Bill should clarify that the advice of the Area Controller is to be sought and considered unless there are barriers to doing so.
28. The Group requests clarity be provided through clause 29 of the Bill, addition required to Emergency Management Committees role to reflect that 'Emergency Management Committees set and approve funding budgets for emergency management within their Area', with funding to be provided as per agreed funding mechanism set out in the Emergency Management Committee Plan'. Current legislation is open to interpretation as does not set clear direction to administering authorities and their governance.
29. The Bill misses an opportunity of reaching national consistency through not addressing resourcing and roles within Emergency Management Committee Areas and is silent in respect of Area (Group) Offices or Area (Group) Managers.

## Local authority members of Emergency Management Committee

Clauses: 37, 38, 39, 143, Schedule 2 Cl 8.

30. The Group supports the greater clarity of function and duties of local authority members (cl 37). The language of clause 37 is similar but with importance differences, and is more active:
- cl 37(a) "do, in relation to"
  - cl 37(b) "arrange for."
31. Local authority members are under a duty to "arrange for" the provision of personnel, including volunteers, and appropriate organisational structure" (cl 37(b)) and to "take all steps to

maintain and provide” “... resources for effective emergency management” (cl 37(c), and implement relevant aspects of the Emergency Management Committee plan (37(i)(ii)).

32. Clause 37(i)(iii) requires local authorities to ensure alignment between aspects of the Emergency Management Committee Plan and local government planning instruments. It is not clear if under other legislation this requirement will be reflected in other relative legislation e.g. Local Government, Resource Management, Climate Change.
33. The difference between the treatment of hazards and risks, and risk reduction in emergency management and legislative frameworks for the treatment of natural hazards in land use planning, are currently beyond the scope of Emergency Management Committees to align.

## Administrating Authorities

**Clauses:** 35, 36, 143

34. The Group reaffirms its concerns regarding consultation in the context of regulations under 143(d) in relation to operational requirements for an administering authority to fulfil its role.

## Critical Infrastructure

**Clauses:** 5, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 143, Schedule 1, Cls 10 & 11, Schedule 2, Cls 12 & 13

35. The Group notes the wider policy programme on infrastructure resilience led by the Department of Prime Minister and Cabinet (DPMC) which may lead to subsequent changes in the Bill.
36. The Group supports DPMCs work as it seeks to address the significance, complexity and interrelationships of critical infrastructure and the role it plays in the daily life of Waikato communities and businesses.
37. Overall, the provisions for critical infrastructure in the Bill are considered to emphasise and build upon business continuity approaches and practices through to service recovery. The Group notes and supports the delayed commencement of these provisions.
38. The provision for information sharing is welcomed and the recognition of the sensitive nature of information and the specific purposes for which information may need to be shared is appropriately recognised. It is requested, that the ability to request information outside of a state of emergency could be extended to Area Controllers in addition to a ‘representative of an Emergency Management Committee’ in clause 55(2).
39. Critical infrastructure entities participation in emergency planning is welcomed.
40. There is generally support for the Bill’s provisions in respect of critical infrastructure (clauses 50 to 59 and 143) subject to the following comment:
  - a. There remains some concern about the as yet unclear but inevitable compliance costs, and where they might fall, particularly the scope and scale of work that will need be undertaken for the planning cycles – response and recovery (3 yearly) and planning emergency level of service (5 yearly).
  - b. A general lack of detail about the planning emergency level of service regarding what needs to be planned for was raised. Is it the worst-case scenario, for example? It was also raised that the lack of clarity may inhibit development of business cases to secure resources to ensure compliance. This issue may be addressed by regulations under clause 143 although the absence of explicit requirements for consultation is again noted, and the timing of regulations could be important.
  - c. The continued reference to “fullest extent possible” in terms of function during and after response in clause 54(1)(a) without guidance was noted.

- d. The need to ensure consideration and development of the Bill's provisions to align with DPMC's parallel policy programme on the resilience of infrastructure was also noted.
- e. The meaning, intent and implementation of 'established emergency management coordination mechanism' in clause 13, schedule 2, is unclear.

## Emergency Management Committee Plans

**Clauses:** 5, 72, 73, 74, 75, 76, 77, 143, 147

- 41. The Group notes broad similarities except for provisions relating to Māori and to engaging with representatives of communities likely to be disproportionately impacted by emergencies. The Group supports the former with reservations regarding resourcing as previously mentioned. The Group is also concerned about the implications of the latter in the context of one third of New Zealand's population. The absence of a definition of 'disproportionately impacted' and other guidelines, together with the prospect of regulations identifying who to engage and minimum requirements of engagement, without explicit provision for consultation with the sector, is noted.
- 42. The Group also makes a suggested amendment to clause 76 and the use of the word 'revised'.

## Regulations and Rule-Making powers

**Clauses:** 143, 144, 145, 146, 147

- 43. Section 115 of the CDEM Act 2002 provides for regulations for 11 purposes which mostly relate to technical requirements, standards, forms, badges, insignia. The Bill provides for many of these to be made under the Director's ability to make rules. The Bill makes provision for:
  - a. general regulations for 17 purposes, in addition to regulations
  - b. relating to Māori representation
  - c. relating to critical infrastructure entities
  - d. relating to roles of lead and supporting agencies.
- 44. The provision for the making of regulations without explicit requirement to consult Emergency Management Committees, local authorities or critical infrastructure entities. As previously discussed, this is a general concern of the Group, though particularly in regard to:
  - a. engagement 'with communities that are, or may be, disproportionately affected by emergencies'
  - b. operational requirements for an administering authority to fulfil its role
  - c. matters of detail and procedure relating to critical infrastructure entities' planning for emergency levels of service.
- 45. The need to maintain the emergency management system and frameworks thereunder is acknowledged although the extended regulatory powers, while providing this flexibility, raises significant funding and resource implications. Providing for lead and support agencies in this manner appears as a significant omission from the Bill.
- 46. It is noted in passing, that the clause 143(1)(h) refers to disproportionately 'affected' whereas clause 76(1)(a)(i) refers to 'impacted'.
- 47. Rule-making powers are recognised as playing a role in maintaining the emergency management system and the need to introduce changes from time to time.

48. Support the inclusion of requirements to consult with local authorities and iwi and Māori representatives on the making of rules where the Director thinks appropriate, particularly where rule making includes rules on:
- a. roles and responsibilities of participants of the emergency management system in certain circumstances
  - b. form and subject matter of emergency management plans
  - c. organisational arrangements
  - d. reporting requirements of Emergency Management Committees
  - e. operational approaches to the management of concurrent emergency designations, and
  - f. any other matter contemplated by the Bill or the Director considers necessary for the Bills administration or for giving full effect to the Bill, consistent with the purposes of the Bill.

## Recovery

**Clauses:** 19, 29, 30, 37, 45, 46, 47, 73, 100, 101, 102, 103, 106, 109, 132, Schedule 2 Cl 9

49. The Group acknowledges the Bill is not intended to introduce transformational change though expresses some disappointment that the mandate for recovery is not clarified and strengthened. There remains some ambiguity about the need for recovery in the absence of a Notice of Transition Period, which for all practical purposes, needs to have been preceded by a declared state of emergency.
50. The Group notes provisions for critical infrastructure seem to emphasise vertical relationships to the Director and relevant chief executives and public service agencies. The provisions also, rightly, emphasise levels of service before, during and after emergencies, and service recovery.
51. The means of securing agreement on arrangements for coordinating recovery are addressed through critical infrastructure entities sharing information and participating in emergency management plans, the contents of emergency management plans and the role of Emergency Management Committees in preparing them. It is not clear whether this arrangement is what clause 13(b) in Schedule 2 refers to, which needs to be clarified.

## Appendix One

Please refer to our detailed submission feedback and clause analysis as attached.



# APPENDIX ONE

Detailed submission feedback  
and  
clause analysis

## Detailed submission feedback and clause analysis

Clause	Topic of clause	Commentary	Recommendation/ Request
1	Title	Renaming of legislation as Emergency Management speaks more to a system, and is easier to articulate how Māori, organisations and the community have a part to play in the system.	<b>Support</b> the title of the Bill.
3	Purpose	<p>The Group notes ‘acceptable levels of risk’ are not defined and inclusion of the words ‘including by’ further add to the uncertainty of clause 3(b).</p> <p>The Group supports the inclusion of greater recognition of the role of Māori in emergency management and enhancing Māori participation as a purpose of the Bill.</p> <p>The Group supports the inclusion of a framework for managing risks related to critical infrastructure in planning for and contributing emergency management as a purpose of the Bill.</p>	<p><b>Seek amendment</b> by removing the words “included by” and replace with the word “through” in clause 3(b).</p> <p><b>Support</b> clause 3(f)</p> <p><b>Support</b> clause 3(h)</p>
4	Tiriti o Waitangi / Treaty of Waitangi	The Group supports this clause consistent with its support for greater recognition of the role of, and enhanced participation of, Māori in emergency management.	<b>Support</b>
5	Interpretation	<p>The Group notes some terms used in the Bill are not provided for by interpretation, which when open to interpretation does not support national consistency, and make the following points:</p> <ul style="list-style-type: none"> <li>Request interpretation of ‘warning’ in reference to clause 30(2)(d) Emergency Management Committees are tasked to 'provide, maintain, control, and operate warning systems'.</li> <li>Request interpretation of ‘suitably qualified’.</li> <li>Request interpretation of ‘disproportionately affected’ and ‘disproportionately impacted’ as referenced throughout the Bill.</li> </ul>	<b>Seek amendment</b> for the addition of an interpretation for ‘warning’.
11	The role of Director of Emergency Management	<p>The Group notes the Bill defines the Director as a chief executive of the responsible department, and that section 8(2)(a) of the Civil Defence Emergency Management Act 2002 (the CDEM Act) relating to the provision of advice to the Minister is not carried over.</p> <p>The Group further notes the role of public service executives includes ‘providing advice to Ministers’ (Te Kawa Mataaho Public Service Commission <a href="https://www.publicservice.govt.nz/role-and-purpose/role/the-role-of-public-service-chief-executives/#:~:text=Public%20Service%20chief%20executives%20are,to%20improve%20ways%20of%20working.">https://www.publicservice.govt.nz/role-and-purpose/role/the-role-of-public-service-chief-executives/#:~:text=Public%20Service%20chief%20executives%20are,to%20improve%20ways%20of%20working.</a>)</p>	<b>Seek amendment</b> reinserting the wording of section 8(2)(a) of the Civil Defence Emergency Management Act 2002 into clause 11 of the Bill.
12	Powers of Director	There is a lack of identification of funding streams to support any directives issued through the Powers of the Director.	<b>Seek clarification</b> on what funding streams will support

Clause	Topic of clause	Commentary	Recommendation/ Request
			directives issued through the Powers of the Director.
20	National Māori Emergency Management Advisory Group	Clause 20(4) is unclear if the Advisory Group will have authority to increase membership in addition to the Minister appointed 5 to 8 members.	<b>Seek clarification</b> on membership.
22	Approved providers of warnings and notifications	Addition of clause 22 as it lends its weight to the definition and responsibilities of 'lead agencies' and supports innovations and advances in warning systems.	<b>Support</b>
24	Emergency Management Committee	The Group acknowledges the Emergency Management Committee's title is consistent with the ongoing development of emergency management.	<b>Support</b>
25	Membership of the Emergency Management Committee	The Group supports the membership of Emergency Management Committees to include one or more Māori members.	<b>Support</b>
26	Appointment of Māori members of the Emergency Management Committee	The Group supports the appointment of Māori representatives to the EMC consistent with its support for greater recognition of the role of, and enhanced participation of, Māori in emergency management.	<b>Support</b>
29	Role of Emergency Management Committees	<p>The Group supports separate provision for the Role of the EMC and the Functions and duties of the local authority member or members.</p> <p>The Group notes that its role in addressing the needs of iwi and Māori in relation to emergency management under clause 29(h) is very broad and can be anticipated to require significant funding. The intended scope, implementation of such plans is unclear. Clause 29 needs to give flexibility that the two parties enter into dialogue and decide how the governance and partnership should work for them rather than set structure being imposed through legislation. Request wording of Clause 29 (h) be amended and align to Clause 73(1)(k) <i>'to develop plans through consultation with iwi and Māori during all stages of emergency management, including reduction, readiness, response and recovery'</i>.</p> <p>The Bill does not address resourcing and roles within Emergency Management Committee Areas as is silent in respect of Area (Group) Offices or Area (Group) Managers.</p>	<p><b>Seek amendment</b> to clause 29(h) as no limit of scope of implementation and funding of Emergency Management Committee's role, suggest alignment with wording of clause 73(1)(k).</p> <p><b>Seek amendment</b> by an addition to clause 29, to reflect <i>'Emergency Management Committee have the delegation</i></p>



Clause	Topic of clause	Commentary	Recommendation/ Request
		The Group notes absence of ensuring intra- and inter-regional consistency in EM service levels through a more consistent funding approach that deals with inequities in rating bases across Council areas. Due to the current lack of clarification of roles in the setting and approval of budgets required EMC provision of emergency management services, an addition is required to ensure clear financial roles of the EMC to that of administering authority governance in funding setting and approval.	<i>and authority to set funding budgets required for emergency management services within its Area, with budget funding to be provided as per agreed funding mechanism set out in the Emergency Management Committee Plan.'</i>
30	General Powers of Emergency Management Committees	The addition of the Area Recovery Manager as a person to whom the EMC can delegate the performance of its functions is supported.	<b>Support</b>
32	Emergency Management Committees not PCBU's under Health and Safety at Work Act 2015	The Group supports this clear guidance to Emergency Management Committees on PCBU status, noting that elected members are excluded from liability already (Health and Safety at Work Act 2015/Local Electoral Act 2001), this clause provides clarity for Māori Emergency Management Committee members, that they are also excluded from liability.	<b>Support</b>
33	Appointment of Emergency Management Co-ordinating Executive	The Group is in favour of the appointment of an ambulance service and Māori representatives.  The Group is of the view that the Coordinating Executive would be more effective if the Bill stipulated that a person acting on the chief executive's behalf were delegated authority to act for the chief executive, and in line with clause 25.	<b>Support</b> appointment of an ambulance services and Māori representatives.  <b>Seek amendment</b> replacing "activating on behalf of the chief executive's behalf" with "with delegated authority to act for the chief executive;".
35	Administering Authorities	The Group supports the enablement of administering authority of choice.	<b>Support</b>

Clause	Topic of clause	Commentary	Recommendation/ Request
37	Functions and duties of local authorities members of Emergency Management Committees in emergency management	<p>The Group supports separate provision for the Role of the EMC and the Functions and duties of the local authority member or members.</p> <p>The Group notes reference in clause 37(i)(iii) to “the local authority’s local government planning instruments’.</p> <p>The Group notes it is relevant to note clause 37 does not specifically address iwi and Māori and does not include any specific functions or roles in relation to Māori and iwi as part of local level emergency management. Typically, there are ongoing mana whenua relationships that sit with individual local authorities. In some regions these are long standing and reflect the complex hapū and iwi structures that exist.</p> <p>Considering what is now assigned to local councils, esp. smaller ones, calls into question the ‘do-ability’ of standing up local responses, incl. partners, volunteers and then local recovery management in a significant event.</p>	<p><b>Support</b> separate provision for the functions and duties of the local authority member or members from the role of Emergency Management Committees.</p> <p><b>Seek amendment</b> by an addition to clause 37 to reflect requirement to <i>‘identify arrangements with iwi and Māori during all stages of emergency management.’</i></p>
39	Emergency management functions and duties for offshore islands	The Group support the inclusion of clause 39, as it makes clear the obligations.	<b>Support</b>
40	Persons appointed or authorised to make local emergency designations	The Group supports clause 40, as it improves the declaration process through giving clear appointment framework for regional/multi-district area designations.	<b>Support</b>
41	Persons authorised to make local designations	The Group supports the national alignment of and the clarity that clause 41 brings to the declaration process.	<b>Support</b>
43	Appointment of Local Controllers	The Group supports this amendment as it aligns the appointment requirements of Local Controllers to Area Controllers.	<b>Support</b>
44	Role of Area Controllers and Local Controllers	<p>The Group notes that it is not uncommon for a Controller to be activated to lead and coordinate a response for which a state of emergency has not been, nor needs to be, declared.</p> <p>Accordingly, The Group requests that the Area Controller be extended the power to require information in the same way as the Area Recovery Manager outside of a Transition Period.</p>	<b>Seek amendment</b> through the addition of a new subclause equivalent to Clause 47(3) for Area Controllers to require information in accordance with section 16.

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		This would support their role in response and release them from otherwise having to request the Emergency Management Committee or its members to require the information.	
47	Role of Area and Local Recovery Managers	The Group seeks clarification on Recovery Managers (Area and Local) utilising clause 47, details in Schedule 2 clauses 9 to 11 have no limitation of use outside of legally privileged, medical or personal history.	<b>Seek clarification</b> of intent that clause 47(3) to be used outside of transition period.
48	Public service agencies to prepare plans to continue functioning during and after an emergency	The Group appreciates recognition of the importance of the business continuity for public service agencies in times of emergency.	<b>Support</b>
50-58	<i>Critical Infrastructure Entities</i>	The Group generally supports the Bills provisions for critical infrastructure entities and sectors though noting issues raised in the general commentary section of this submission.  The Group wishes to signal its particular support provisions for critical infrastructure entities sharing of information and scope for technology advances to be incorporated for enhanced resilience.	<b>Support</b> in general
69	Preparation of new or revised national emergency management plan	<p>The Group acknowledges that the National Emergency Management Plan (NEMP) would no longer be authorised by Order in Council nor of regulatory effect. Clause 66 provides that the NEMP is to “state” ... “<i>guiding principles and roles and responsibilities for emergency management</i>” ... “<i>so that Emergency Management Committee are able to</i>” ...</p> <ul style="list-style-type: none"> <li>• “<i>work to reduce the impact of [national level] hazards and reduce [national] risks</i>”</li> <li>• “<i>build resilience in respect of those hazards and risks</i>”</li> <li>• “<i>build capability and capacity to provide co-ordinated, integrated and effective responses to, and recovery from, emergencies.</i>”</li> </ul> <p>The content of NEMP’s is further elaborated on in clause 67, including “<i>default activities and arrangements relating to collaboration of the agencies to which the Act applies.</i>”</p> <p>Although many of the provisions are expressed as being at the national level, it is inevitable and appears as at last part of the intent (per clause 66) that the content of NEMP’s give direction to the EMCs.</p> <p>The Group notes that despite obligations for coordination and integration of emergency management, there is potential for the NEMP to not be as well understood as it ought in its entirety, depending on the manner and extent of consultation, we support the NEMP</p>	<b>Seek clarification</b> that the introduction of new or reviewed National Emergency Management Plans will be open to submission by Emergency Management Committees.

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		consultation being undertaken with those who have roles and responsibilities to plans as this creates buy-in to outcomes.	
72	Emergency management committee plans	The Group notes the clarity clause 72(2) brings, as removes ambiguity through providing clear requirements for publishing, and notes the alignment to other acts publishing requirements.	<b>Support</b>
76	Process for making proposed new or revised emergency management committee plan	<p>The Group notes that in making an EMC Plan, it cannot be inconsistent with the National Disaster Resilience Strategy in force and must take account of guidelines, codes or technical standards issued by the Director.</p> <p>The CDEM Act and the Bill require that the CDEM Group/EMC Plans are reviewed periodically. Following a review, the Group/EMC may amend the plan, replace the plan or leave the plan unchanged (section 56/ clause 75). The Group is concerned that the use of “revised” could imply that the plan has changed when it may not have been.</p> <p>Clause 76 sets out new obligations for The Group to engage with representatives of communities that are likely to be <i>disproportionately impacted</i> by emergency events. The Group supports this concept, although the absence of definitions or guidelines causes concern, given the responsibility for one third of Aotearoa’s population. This provision will have significant implications operationally and in terms of resources and funding.</p>	<p><b>Seek amendment</b> to replace the word “revised” with “reviewed”.</p> <p><b>Note:</b> The Group has concern at the absence of definition or guidelines associated with ‘communities likely to be disproportionately impacted’, and the requirement to consult on associated regulations.</p>
83	Declaration of state of emergency	The Group is of the view that the Bill should make it explicit that an authorised person’s ability to declare a state of emergency <u>without</u> first seeking and considering advice from the Area Controller is the exception.	<b>Seek amendment</b> to Clause 83 to make it explicit that authorised persons may only declare a state of emergency without seeking and considering advice from the Area Controller if there are exceptional circumstances to doing so.
85	Extension of duration of state of emergency	Clause 85(2) should be similarly amended for clarity and consistency.	<b>Seek amendment</b> consistent to the amendment of clause 83 above
88	Notice of Transition Period	The Group is of the view that the Bill should make it explicit that an authorised person’s ability to give a notice of transition <u>without</u> first seeking and considering advice for the Area Recovery Manager is the exception. It is less likely such an exception would arise as a Notice	<b>Seek amendment</b> to clause 88 to make it explicit that authorised persons may only issue a Notice

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		of Transition Period is generally considered when the expiry or termination of a state of emergency comes into consideration which may include consideration of an extension Subclauses (1) and (2) should be reordered and reworded accordingly.	of Transition without seeking and considering advice from the Area Recovery Manager if there are exceptional circumstances to doing so.
90	Extension of duration of transition period	For completeness, this clause should also require seeking and considering the advice of the Area Recovery Manager.  Amendment to enable the clause to apply to a larger area as well as a smaller area is required. Ideally this should not happen, but it may, and ought to be provided for.	<b>Seek amendment</b> consistent to the amendment of clause 88 above.
93	Concurrent emergencies designations: Sates of emergency and transition periods	The Group notes recent events, such as COVID -19 and Cyclone Gabrielle, have illustrated the need to recognise and make provision for the potentially novel and increasingly complex emergency situations. Noting that during Cyclone Gabrielle response Waikato CDEM Group were unable to enter transition period as National declaration of state of emergency was in force.	<b>Support</b>
94	Emergency Powers: overview	The addition of Emergency Powers Overview and table provided gives good guidance.	<b>Support</b>
100	Emergency powers of Emergency Management Committee and Recovery Managers	The Group notes there is concern that the exercise of powers under this clause is available to the EMC rather than Controllers.  The changes reduce the clarity of roles and responsibilities (one of the rationales of the Bill), with split accountabilities and responsibilities.  There is concern that making the exercise of the powers a political decision undermines the increased professionalism the sector is striving towards.  The reason for a change is unclear and is in contrast to the exercise of powers subsequently set out in the Bill, charged to Controllers and (as appropriate) Recovery Managers.  The powers should be exercisable by the Controller. If, however, they are to be exercisable by the EMC at all, seeking and considering the advice of the Area Controller must be required.	<b>Seek amendment</b> to clause 100 to replacing ‘an Emergency Management Committee” with “a Controller” making it explicit that the powers are available to a Controller instead of the EMC.
106	Power to give directions	The Group support clause 106, with the inclusion in (2)(a)(i) directing a person to stop any activity that may substantially contribute to the consequences of an emergency.	<b>Support</b>

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122	Protection from liability	<p>The Group views the protection of individuals exercising powers in the performance of their role as Controller or Recovery Manager as an essential part of supporting them in their role.</p> <p>The protection from liability afforded to Controllers and Recovery Managers should be made more explicit than is provided in clause 122 (1)(c), as an employee of a local authority member of the EMC.</p>	<p><b>Support intention</b> of affording protection to those exercising powers in good faith.</p> <p><b>Seek amendment</b> to make it more explicit that Controllers and Recovery Managers are afforded protection from liability under clause 122 rather than relying on their status as an employee of a local authority under clause 122(1)(c).</p>
125 - 132	<i>Offences and penalties</i>	The Group appreciates the increased sanctions available for non-compliance where powers need to be exercised or information is required.	<b>Support</b>
143	General regulations	<p>The Group notes the extension of the ability to make general regulations as compared to the CDEM Act, alongside the introduction of the Directors ability to make rules.</p> <p>The Group refers to comment that it made above in regard to clause 76 about the absence of definitions and guidelines in regard to communities likely to be disproportionately impacted for which regulations may be made by cl 143(1)(h). The Group also notes subparagraphs (1)(f) and (g) relating to critical infrastructure.</p> <p>The Group is concerned at the absence of explicit requirements for consultation in the powers for making general regulations.</p>	<b>Seek amendment</b> making explicit requirements for gazette notice and consultation with “persons and agencies who would have roles and responsibilities” under the new or revised regulations before regulations under clause 143 can be submitted to the Minister for approval.
144	Regulations relating to Māori representatives on Emergency Management Committees and Emergency Management Committee Coordinating Executives	<p>The Group notes regulations <u>may</u> provide for appointment processes and mechanisms that are locally appropriate and include providing for different appointment processes and mechanisms for different EMCs and their Coordinating Executives. The Group is firmly of the view that such regulations <u>must</u> be locally appropriate.</p> <p>The Group also notes that some time may pass before all processes are completed enabling the appointment of representatives to EMCs and their Coordinating Executives.</p>	<b>Seek amendment</b> through the replacement of the words ‘may’ with the word ‘must’ in clause 144(2).

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146	Regulations relating to roles of lead and support agencies	<p>The Group notes the absence of provisions clarifying the roles and responsibilities of lead and support agencies as previously indicated and considers this a significant omission.</p> <p>These matters are currently provided for in the National Emergency Management Plan 2015 made under section 41 of the Civil Defence Act 2002, which requires gazette notice, other notification that Minister considers appropriate and a submission process and consultation with “persons and agencies who would have roles and responsibilities under the new or revised plan”.</p> <p>It is a concern that the regulations only require consultation with other relevant Minister and public service agency Chief Executives.</p> <p>Relationships are central to emergency management. Their quality directly influences the effectiveness of coordination in response and recovery.</p>	<p><b>Seek amendment</b> making explicit requirements for gazette notice and consultation with “persons and agencies who would have roles and responsibilities” under the new or revised regulations before regulations under cl 146 can be submitted to the Minister for approval.</p>
147	Directors power to make rules	<p>The Group acknowledges that stewardship of the emergency management system will, over time, require tweaking of established frameworks to ensure that it remains current.</p> <p>The Group appreciates the comment in the Bills explanatory note about “<i>additional safeguards to ensure the use of the [rule-making] power is transparent and follows a participatory development process</i>” through the provisions of cl 147(3).</p> <p>The Group notes that the breadth of cl 147(1) may still see rules made that are of considerable impact and hold unknown implications for resources and funding.</p>	<p><b>Support</b> for the requirements of clause 147(3).</p> <p><b>Seek amendment</b> through the addition of new clause 147(3)(c)(iii) “Emergency Management Committees”.</p>
149	Permanent legislative authority for payment of certain expenses	<p>The Group welcomes the inclusion of iwi and Māori organisations in cl 149 making permanent the authority for reimbursement. The Group however notes and questions the delayed commencement of this provision.</p> <p>The current policy is determined under the National Emergency Management Plan at 162(a) for accommodating, transporting, feeding and clothing people.</p> <p>Issues highlighted during the response to the consecutive events of early 2023 have confirmed that psychosocial support needs to be added to this list. Emergency management practices increasingly recognise the importance of psychosocial wellbeing as indicated by CDEM Resilience Fund funding for EMBoPs Recovery Management Navigator Guide, and NEMA’s reference to Navigators in respect of the 2016 Earthquake (<a href="https://www.civildefence.govt.nz/resources/november-2016-earthquake-recovery/people/navigators/">https://www.civildefence.govt.nz/resources/november-2016-earthquake-recovery/people/navigators/</a>).</p>	<p><b>Support</b> reimbursement of iwi and Māori organisations.</p> <p><b>Seek clarification</b> for the reasoning for the delayed commencement of clause 149((b).</p> <p><b>Seek early amendment</b> of the National Emergency Management Plan Order to confirm expenditure on psychosocial support in a response is able to be reimbursed under clause 162.</p>



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		<p>Further, it needs to be clarified that reimbursement is available for the provision of support services where required by those impacted by emergency events in isolated communities. Required support services that would normally be made available to impacted communities and had to be transported by helicopter, there have been issues around reimbursement of costs.</p> <p>The experience of reimbursement has been that it can, and usually does, take a significant length of time before reimbursement is made. It is too often the case that each invoice is individually queried and sometimes, seemingly spurious objections raised against reimbursement. Criteria referred to has never been produced.</p> <p>Transparency of the relevant criteria to be applied before an emergency occurs is required. This would be addressed if the criteria for reimbursement had to be published, with reimbursement based on the published criteria as at the date an emergency starts/occurs.</p> <p>The Group notes provision for the welfare of animals is absent from the Bill although it was a part of NEMA's consultation in early 2022. The Group expresses its concern that the Bill does not clarify responsibilities for animal welfare or associated funding streams.</p>	<p><b>Seek amendment</b> requiring the publication of appropriate criteria determining eligibility for reimbursement of welfare expenditures.</p> <p><b>Seek commitment</b> to clarifying and ensuring that the cost of helicopter transport of eligible welfare support services to isolated communities enabling residents to access those services is eligible for reimbursement.</p> <p><b>Seek clarification</b> of the central government agencies responsibilities for animal welfare and reimbursement of expenditure on animal welfare.</p>
Sch 1 2-6 & 8-13	Transitional, savings and related provisions	The Group appreciates the clarity on existing structures/systems in transitioning to the Bill.	<b>Support</b>
Sch 1 7		The Group seeks guidance/reference to what stipulates 'reasonable time' referred to for EMC ensuring that its Co-ordinating Executive meets the requirement of the Bill.	<b>Seek clarification</b> on what stipulates a reasonable time.
Sch 2 1-3	Matters of detail relating to Part 2	The Group supports the inclusion of these matters that provide clarification to Part 2.	<b>Support</b>
Sch 2 5	Attendance at Emergency Management Committee meetings by audio link or audio-visual link during state of emergency	The Group notes the lessons learnt from Cyclone Gabrielle and the infrastructure damage (roads) that are still a barrier to accessibility.	<b>Seek amendment</b> through the addition of inclusion of 'during a transition period'.

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Sch 2 12	Role of critical infrastructure entities during reduction and readiness stages of emergency management	The Group supports the inclusion of critical infrastructure entities testing and exercising their response arrangements.	<b>Support</b>
Sch 2 13(b)	Role of Critical infrastructure entities during response and recovery stages of emergency management	The Group is unclear on the meaning of “within established emergency management coordination mechanisms.” Does this mean emergency management plans or something else?	<b>Seek clarification</b> of the meaning, intent and implementation of clause 13(b) of the 2 <sup>nd</sup> Schedule.
Sch 3 3	Content and publication of transition period notice or notice extending or terminating transition period	The Group supports the administrative removal of publishing transition period notice in newspaper and to publish on an internet site to which the public has free access.	<b>Support</b>