

## REWRITE PROPOSALS

- Also includes minor/technical proposals.

General	Submission Proposal	Officials Proposal	Comments
Bill Structure	<ul style="list-style-type: none"> <li>• The matters set out in Schedule 2 of the Bill should be listed in the relevant clauses of the Bill. Additional and important powers should not be contained in a Schedule.</li> <li>• The Bill should cover and define the responsibilities of the representatives and members in the body of the Bill itself and not in Schedule 2, which more clearly refers to representatives.</li> <li>• The recovery powers should be structured to ensure good decision making and assist the recovery manager. Their use should be limited by more specific language.</li> </ul>		<p>Revisit the decision to place information in Schedules. Is it still appropriate? Have the right provisions been shifted?</p> <ul style="list-style-type: none"> <li>• Note: Officials experienced difficulties locating provisions when working through submissions and policy queries.</li> </ul>
Powers	<ul style="list-style-type: none"> <li>• The Bill provides for government to access overriding powers in a state of emergency. It fails to balance this with requirements on government to undertake an appropriate level of prior risk analysis, contingency provisioning, and prevention work commensurate with the granting of such powers. The Bill should set additional minimum standards.</li> <li>• The impact of powers which have been exercised (including on local iwi) needs to be included within all the Bill's formal reporting requirements.</li> <li>• Important decisions such as when to declare and when to take control of land or property are made by "authorised people". Their powers can be delegated to others as seen fit. Who can be an additional "authorised person" needs to be clarified and regulations made (personal with local knowledge and experience should be</li> </ul>		<ul style="list-style-type: none"> <li>• Check LDAC advice, 2016 submissions on amendment bill, and any recent legal articles on safeguards against the misuse of powers.</li> <li>• Are the current safeguards still appropriate or do they need updating (eg. post event reporting)?             <ul style="list-style-type: none"> <li>• Note: balance safeguards against the need to ensure powers can be used effectively in an emergency.</li> <li>• Note: link to policy work on appeal rights.</li> </ul> </li> <li>• Points will need to be considered in context of major policy work, eg. animal rescue</li> </ul>

	recruited to become addition authorised persons).		
Commencement arrangements	Multiple comments about the need for commencement of the Bill's provisions to be co-ordinated with the availability of relevant Regulations.		<ul style="list-style-type: none"> <li>• Confirm legal/drafting position about the timing of Regulations associated with the implementation of Bill provisions.</li> <li>• Check LDAC/Regs Review advice.</li> <li>• If new policy (going forward), ensure that questions of whether secondary legislation is required, and if so, what are the appropriate timing arrangements, (commencement or transition) are considered as part of policy development.</li> <li>• If prior policy change, are the timing arrangements appropriate?</li> </ul>
Deeming arrangements	Existing lifeline utilities should automatically become CIEs.		Note: with new policy (going forward), check if any deeming provisions are required.
Legislative hierarchy	The level of provision for secondary legislation to guide the Bill's implementation is unusual.		Revisit legislative hierarchy to determine whether it can be simplified and whether legislative incentives/sanctions are required for compliance.
Consultation arrangements	<ul style="list-style-type: none"> <li>• Consultation requirements across regulations should be consistently defined.</li> <li>• Multiple suggestions for specific parties to be highlighted for mandatory consultation across the NDRS, regulations, rules, and plans.</li> <li>• Various suggestions for mandatory consultation timeframes, eg: <ul style="list-style-type: none"> <li>• 90 days for secondary legislation that is required to give effect to the Bill.</li> </ul> </li> <li>• A requirement to consult should be accompanied by the requirement to have regard to comments received.</li> </ul>		<ul style="list-style-type: none"> <li>• Check Cabinet Manual/Guide requirements.</li> <li>• Check legislative precedents.</li> <li>• Should there be a consistent approach across the Bill?</li> </ul>
Legal tests – consult/engage/collaborate	Multiple suggestions as to the appropriate test to be used in specific contexts. Also requests for definitions.		<ul style="list-style-type: none"> <li>• If new policy (going forward), ensure that the question of the appropriate legal test is considered as part of the policy work.</li> <li>• If prior policy change, check that appropriate legal test was used.</li> </ul>

			<ul style="list-style-type: none"> <li>• If lift and shift, does the legal test need to be updated?</li> </ul>
National EM plan	References to a “revised” national emergency management plan should be replaced with “reviewed”.		
EMC plans	Assumes Director’s Guidelines will be the instrument by which issues such as incorporation by reference will be addressed.		<p>Revisit incorporation by reference issue – consider legislative precedents. Note: IbR dealt with in Schedule 2, clause 15. The fact that this was missed by the submitter suggests that the Bill’s structure needs rethinking.</p>
Regulations/Rules	<p>Examples:</p> <ul style="list-style-type: none"> <li>• The scope, extent, and overlapping areas of responsibility of the new regulation making powers create the potential for ambiguity and confusion within the regulations and secondary legislation. Clarity is required.</li> <li>• Clause 147(2)(h) should be deleted. The Director’s authority to prescribe the operational approach to the management of concurrent emergency designations removes the power of local authorities to make autonomous decisions for their communities.</li> </ul>	<p>The list of general regulations have matters that were identified in Cab papers as better placed in rules, but seem to have been carried over from the 2002 Act, including:</p> <ul style="list-style-type: none"> <li>• [cl 143(1)(c)] prescribing the level of competence or standard to be met by persons carrying out specified emergency management functions; and</li> <li>• [cl 143(1)(e)] providing for the identification and promotion of emergency management services.</li> </ul>	<ul style="list-style-type: none"> <li>• Revisit Regs Review/LDAC advice on what should be dealt with through Regulations/Rules.</li> <li>• Update tables developed with Ryan (including areas identified for further work).</li> <li>• Points will need to be considered in context of major policy work on the appropriate legislative hierarchy and specific proposals for secondary legislation.</li> </ul>
Lead and Support Agencies	<ul style="list-style-type: none"> <li>• It is unclear from clause 146 who are intended to be lead and support agencies.</li> <li>• The absence of any provisions in the Bill clarifying the roles and responsibilities of lead and support agencies is a significant omission.</li> </ul>		<ul style="list-style-type: none"> <li>• Revisit reliance on a single regulation making power. Should a definition be included and a substantive law provision(s)?</li> <li>• Points will need to be considered in context of major policy work</li> </ul>
New definitions	<ul style="list-style-type: none"> <li>• Multiple requests for the term “warning” to be defined, especially as it is asserted that it is unclear whether this includes the National Warning System and/or the Emergency Mobile Alert System.</li> <li>• Multiple requests for terms not used in substantive provisions of the Bill to be defined, eg: children and young persons,</li> </ul>		<ul style="list-style-type: none"> <li>• For new policy (going forward), consider need for definitions (but only if they relate to a term used in a substantive provision).</li> <li>• If prior policy change (eg, disproportionately impacted communities), is a definition required or if a definition has been used, is it appropriate and does it relate to a term</li> </ul>

	science, rural, at-risk communities, undeclared emergencies, resilience.		used in a substantive provision (as opposed to the EN)? • If lift and shift, is a definition required or if a definition has been used, is it still appropriate?
Terminology	<ul style="list-style-type: none"> <li>• The new Emergency Management Act should retain the same names and terminology used in the CDEM Act, unless there are good reasons for the proposed changes.</li> <li>• The distinction between “events” and “emergency events” should be clearer.</li> <li>• The concepts of “emergency” and “disaster” are conflated throughout the Bill, causing confusion and lack of clarity about which powers need to be available during response or recovery.</li> <li>• Multiple comments on appropriate terminology relating to Māori: <ul style="list-style-type: none"> <li>• Use marae, iwi, Māori;</li> <li>• Use mana whenua instead of iwi, Māori; and</li> <li>• Use mana whenua and taura here.</li> </ul> </li> </ul>		Bullet point 5: if references to the role of Māori in emergency management are still to be included in some form, make sure that the appropriate descriptor for the policy change(s) is used and then check with PCO as to the latest drafting approach and with Cabinet guidance.
EMC Processes	A member of an EMC should be allowed to review its membership, with a view to changing to another EMC.	Clause 4, Schedule 2: legal requirements regarding the choice of standing orders to be followed by EMCs should be simplified.	<ul style="list-style-type: none"> <li>• Revisit to confirm whether risks outweigh benefits of enabling members to shift EMCs. Can they be addressed through criteria?</li> <li>• Standing Order choice: examine whether this can be removed.</li> </ul>
Declarations	<ul style="list-style-type: none"> <li>• Authorised persons may not be able to declare a state of emergency for a part of Tāmaki Makaurau. To enable this, declarations should be able to be made for wards or local board boundaries.</li> <li>• For local declarations, the advice of the Area Controller ought to be sought and considered unless there are barriers to doing so.</li> </ul>	<ul style="list-style-type: none"> <li>• The Minister can terminate a state of local emergency by giving notice of a local transition period. In other (most common) situations, two notices are required to 1) terminate the state of emergency early and 2) enter a transition period. This can be administratively inefficient. Consider whether all transition period notices should provide the option to terminate a state of emergency (declared for the same event).</li> </ul>	Bullet point 6: the Minister should have regard to CDEM Group capacity when giving notice of either a national or a local transition period.



		<ul style="list-style-type: none"> <li>• Clause 83(4) allows a 'further' state of local emergency to be declared over an unaffected area in order to make resources available to an affected area (that is also covered by a state of emergency). Question whether: <ul style="list-style-type: none"> <li>• This should necessarily be a 'further' state of emergency - it could make sense for a SOLE to be declared over an affected and unaffected district at the same time.</li> </ul> </li> <li>• The Bill should also enable a state of national emergency to be declared over an unaffected area (for the same reasons as cl 83(4)).</li> <li>• The Minister is an 'authorised person' for the purposes of declaring a SOLE? If not, Minister should be included in 83(4).</li> <li>• Section 94A of the CDEM Act requires the Minister to have regard to CDEM Group capacity when giving notice of a national transition period. The EM Bill has lost this requirement for national transition periods (but retains it when the Minister gives notice of a local transition period).</li> </ul>	
Concurrent Emergencies		<p>The Bill includes proposals for concurrent emergency designations. However, it doesn't include a requirement for the Area Recovery Manager to be consistent with priorities of the National Controller (during a concurrent SONE and LTP) or for an Area Controller to be consistent with priorities of the National Recovery Manager (during a concurrent SOLE and NTP). This is important because when there is a national state of emergency or national transition period, these national statutory role holders need to maintain control over the coordination of resources to manage the national level event.</p>	<p>Initial Policy View: Amend the Bill to ensure consistency during a concurrent LTP/SONE or SOLE/NTP (in line with the temporary changes made through the SWERL Act).</p> <p>There is a strong argument for Area Recovery Managers not to exercise powers in a manner contrary to the priorities for resources/services determined by the Director or National Controller during a state of national emergency. The primary focus of activities during response is preservation of life, which should always take precedence over recovery activities like repair works.</p> <p>On balance, we recommend that Area Controllers should also act consistently</p>

			with Director/National Recovery Manager priorities – for example, following a major emergency, it's conceivable that food, fuel, or other essential supplies may need to be prioritised nationally via NTP, even during a concurrent SOLE.
Miscellaneous	<ul style="list-style-type: none"> <li>Using the word “area” with either a capital “A” or a lower case “a” leaves room for confusion.</li> </ul>		Grammatical drafting choices to be considered as part of any line-by-line reviews of draft Bills.
Bill Clauses			
Clause 3(b)	<p>One of the Act’s purposes is to “encourage and enable communities to achieve acceptable levels of risk, <i>including by...</i>”.</p> <p>The phrase “including by” adds to the clause’s uncertainty and should be replaced by “including through”.</p>		Is the phrase “including by” unclear? How (if at all) would the meaning change by replacing it with “including through”?
Clauses 3 and 5, references to “emergency management”	<p>The term, as used in the purpose and interpretation clauses, should reflect the more inclusive and comprehensive contemporary meaning.</p> <p>Clause 3(g) should be more explicit: “the co-ordination of emergency management, planning, and related activities among the wide range of agencies and organisations <i>involved in understanding, communicating, reducing, preventing, readying for, responding to, and recovering from hazards, associated risks ...</i>”.</p>		
Clause 5, definition of “emergency”	<p>The definition of “emergency” is the same as that in the CDEM Act. There is confusion around when a situation “cannot be dealt with by emergency services”. Also, there is an increasing number of agencies that now have lead roles in different types of emergencies.</p> <p>Subclause (c) of the definition should be amended to state “cannot be dealt with effectively by emergency services and other</p>		

	agencies and organisations without a significant and co-ordinated response under this Act”.		
Clause 5, definition of “emergency designation”	<p>The term “emergency designation” has been introduced to refer to either a state of emergency or a declared transition period”. Subpart 6B of the Building Act provides for the designation of an area for building emergency management following an emergency event. The use of the term “designation” in both contexts is confusing.</p> <p>A more appropriate term such as “emergency declaration” should be used. If “emergency declaration” is used, then both a state of emergency and a recovery transition period would be declared (eliminating the need to refer to someone “giving notice” of a transition period).</p>		
Clause 5, definition of “emergency services”	<ul style="list-style-type: none"> <li>• The definition should be amended to refer to “emergency ambulance services”, instead of “ambulance services”.</li> <li>• The definition should be amended by adding to providers of health and disability services the phrase “that are directly recognised in health emergency plans administered by Te Whatu Ora Health New Zealand.</li> <li>• The list of emergency services includes Taumata Arowai, which should be a lifeline utility/critical infrastructure entity.</li> </ul>		
Clause 9(2)		The list of (non-exhaustive) activities that may require the coordination of specified resources by the Director during a state of national emergency may be too narrow in scope. For example, it does not include 'security' when there have been instances where NZDF personnel as specified resources under the CDEM Act have been needed to provide security in an emergency.	Agree. “Security” should be added to the list.

Clause 11	<ul style="list-style-type: none"> <li>• Section 8(a) of the CDEM Act that identifies the provision of advice to the Minister as a function of the Director should be reinstated.</li> <li>• Section 10(2) of the CDEM Act should be added to the Bill – “The Director may exercise the power of delegation at any time whether or not a state of emergency exists or is imminent”.</li> <li>• Clause 11(1)(b) should be amended to include the word “develop”. The role of the Director of Emergency Management should be “to <i>develop</i>, monitor, and evaluate the NDRS”.</li> <li>• Clause 11(1)(b) and (c) should be amended so that the Director is required to “develop, monitor, and evaluate <i>the effectiveness</i> of the NDRS and the National Emergency Management Plan respectively <i>to improve performance</i>”.</li> </ul> <p>Clause 11(1)(e) requires the Director to “monitor the performance of EMCs and persons who have responsibilities under this Act”. Clause 11(1)(e) should be amended by the addition of “<i>to improve performance over time</i>” after “this Act”.</p> <p>Clause 11(1)(f) requires the Director to “promote emergency management that is consistent with the purposes of this Act”. Clause 11(1)(f) should be amended to state “promote <i>and encourage the development of</i> emergency management that is consistent with the purpose of this Act”.</p>		<p>Bullet Two: Check the Public Service Act – does it cover this situation?</p> <p>Check the various functions against list developed during policy development – any relating to the CE role should be removed to avoid confusion.</p>
Clause 12(3)(a) and (b)	<p>Clause 12(3)(a) and (b) give the Director the power to “control the performance or exercise the functions, duties, and powers” of EMCs, Area Controllers, and Recovery Managers. There is no clear threshold for when such action may be warranted.</p>		<p>Consider as part of any assurance related policy work.</p>
Clause 12(4)(b)	<p>Clause 12(4)(b) gives the Director the power to issue guidelines, codes, or technical</p>		

	standards for the development of EMC plans and operational plans for the response to, and recovery from, specific emergencies. The term “specific” should be deleted as it suggests the documents only apply to some emergencies and not others.		
Clause 12(4)(c)	Clause 12(4)(c) gives the Director the power to issue guidelines, codes, or technical standards for the development of strategic recovery planning for emergencies. This should be removed as it is covered by clause 12(4)(b).		
Clause 33(1)(a), (c), (d)	<p>Various requests for changes to the wording relating to the alternate representative. Eg:</p> <ul style="list-style-type: none"> <li>• The seniority of agency and partner representation needs to be strengthened. References to senior employees, volunteers, or contractors should be deleted.</li> <li>• The clause’s intent is that, in order to adequately fulfil its purposes, an EMCE should comprise the most senior strategic representatives from across partners and agencies relevant to the area. Wording to this effect would be helpful.</li> <li>• Clause 33(1)(a) should be strengthened to make it clear that a person attending on behalf of a local authority chief executive is not just “acting” but has the chief executive’s decision-making delegations. This could be achieved by replacing “acting on the chief executive’s behalf” with “with delegated authority to act for the chief executive”.</li> <li>• The phrase “the [CE] or a senior officer of an ambulance service operating in the area” should be amended to “a senior office of an emergency ambulance service who is assigned for the purpose by the relevant [CE] of that service”.</li> </ul>		



Clause 40	Clause 40 should be amended to make it explicit that a state of emergency can be declared for part of a region or district in the case of EMCs where a single unitary authority is the sole member.		
Clauses 40 and 41	The clauses should be amended to enable a state of emergency to be declared with reference to either ward boundaries or local board areas, which is the most appropriate.		
Clauses 42, 43, 45, and 46	The appointment of alternate controllers should be provided for. Alternate controllers assume the role of controller for periods when the primary controller is not on duty (as opposed to being "absent from duty").		What does the term "absent from duty" mean? Is there a distinction between being absent from duty and not on duty (eg, not rostered on)?
Clause 47(3)	Recovery managers can require any person to give them information in accordance with clause 16. Clarification is required as to whether this power can be used outside of a transition period.		
Clause 60	The NDRS should be renamed as an Emergency Response Strategy, which more accurately reflects its scope and its limited implementation of the Sendai Framework.		<ul style="list-style-type: none"> <li>• If there is still to be a legal requirement for a strategy document, the legal name should be as generic as possible to allow for branding changes. EM Strategy?</li> <li>• Consider in context of major policy work</li> </ul>
Clause 83 - Clause 85 to be amended to be consistent	Clause 83 should be amended 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 substantive barriers/exceptional circumstances to/for doing so.		Bullet 1: Is this a valid concern? Should this be limited only to districts within a Group's area? What was the original policy intent?
Clause 83(2)(a)(i) - Clause 85 to be amended to be consistent	<ul style="list-style-type: none"> <li>• An authorised person is required to, if practicable and if the situation is not urgent, to consult a mayor of any district that is or may be affected by the emergency. Under certain circumstances, the wording of clause 83(2)(a)(i) could require mayors outside of a region for which a state of emergency was being declared to be consulted.</li> </ul>		

	<ul style="list-style-type: none"> <li>• Clause 83(2)(a)(i) should be amended to make it clear that the reference to “mayor” means the mayor of the unitary authority, where it is the sole member of the EMC.</li> </ul>		
Clause 88 - Clause 90 to be amended to be consistent	Clause 88 should be amended to make it explicit that authorised persons may only issue a notice of transition without seeking and considering advice from the area recovery manager if there are substantive barriers/exceptional circumstances to/for doing so.		
Clause 89	Ambiguity remains about the need for recovery in the absence of a notice of transition period, which needs to have been preceded by a declared state of emergency.		
Clause 90	Any person who is by notice extending a local transition period must seek and consider the advice of the Area Recovery Manager.		
Clause 90(3)	Clause 90(3) allows a person extending a transition notice to apply the transition period to a smaller location than it previously applied to. The person extending the notice should also be allowed to apply the transition period to a larger area.		
Clause 91(3)	Clause 91(3) should be amended to require a person making a decision to give notice of a local transition period or to extend a local transition period to have regard to either ward boundaries or local board areas, whichever is the most appropriate.		
Clause 100		In practice, CDEM Groups delegate use of some of their state of emergency powers to Group Controllers. However, it's ambiguous whether the Act (and Bill) actually enables this.	
Clause 108		The Bill provides for the Chair and Deputy of an EMC to make contracts in urgent cases. The Chair/Deputy may be any member of the EMC – question whether there should be any additional controls on the ability for Māori	<ul style="list-style-type: none"> <li>• Consider in context of major policy work (if there are any suggestions of non-local government members).</li> </ul>

		member Chairs or Deputies to make spending decisions that will be funded by the local authority members.	
Clause 122	<ul style="list-style-type: none"> <li>The Bill should make it explicit that the protection extends to controllers, recovery managers, and those persons authorised to perform the functions and duties and exercise the powers of a controller or recovery manager. The current wording of clause 122(1)(c) and (d) may not in all circumstances cover these individuals.</li> <li>Clause 122 should be amended to make it explicit that controllers and recovery managers are afforded protection from liability in their own right, rather than relying on their status as an employee of a local authority.</li> </ul>		
Clause 143		The CDEM Regulations 2003 protects the use of the civil defence logo. The Bill doesn't provide an equivalent reg-making power - we should consider retaining some form of legal protection while enabling flexibility for changes to the logo.	Point will need to be considered in context of any major policy work on offences.
Clause 147	<ul style="list-style-type: none"> <li>There should be safeguards to ensure that the new powers do not exceed the Director's mandate in the new Act.</li> <li>A cost benefit analysis should be undertaken before making rules.</li> </ul>		If the Rules are retained, do we need any more procedural safeguards than are currently provided for?
Clause 147(2)(b)	This should be deleted. The Director's power to describe forms is problematic. If the forms are poorly constructed, local authorities run the risk of having to use forms that do not serve those in need and potentially discourage them from seeking assistance.		<ul style="list-style-type: none"> <li>Check legislative precedents. The power to prescribe forms tends to be standard requirement.</li> <li>Consider in context of major policy work on any proposals to impose central government obligations on local government and the mechanisms for doing so.</li> </ul>
Clause 147(5)	<ul style="list-style-type: none"> <li>The definition of "minor change" should include the words "direct cost".</li> <li>The definition of "minor change" refers to the effect on the rights and obligations of</li> </ul>		Check legislative precedents to confirm that the definition reflects standard wording.

	any "person". It does not include organisations.		Does the legal definition of "person" cover the full range of organisations that could be affected in the CDEM context?
Schedule 2, clause 13	The meaning of "established emergency management coordination mechanism" is unclear.		Clause 13 is a National Plan lift up. If this and similar clauses are to be carried over into the new Bill, check their appropriateness and what else might be needed.

## List of post-introduction Emergency Management Bill policy issues

Last updated 20 December 2023

#	Theme	Policy issue	Status	Initial analysis / position	Bill clause	Lead	Support
1	Purpose, scope and underpinning system design	Bespoke legislation is often used following major emergency events. This has been criticised, since bespoke legislation is often passed under urgency and without the normal level of legislative scrutiny. It has been suggested some of the experience from use of bespoke legislation be consolidated by embedding selected provisions for emergencies in standing rules, protected by legal thresholds and triggering provisions. This issue was raised in the select committee stages of the Severe Weather Emergency Legislation Act and the Severe Weather Emergency Recovery Legislation Act, and in the EM Bill's First Reading.	Other	This hasn't been in scope for the bill to date, but we anticipate it's something the Minister may want to explore.	N/A		
2	Purpose, scope and underpinning system design	Cyber attacks or incidents are not included in the (non-exhaustive) list of 'happenings' in the emergency definition in the Bill. DPMC has expressed interest in including this in the list to ensure they are considered in future events.	Not progressed (closed)	s 9(2)(h)	5		
3	Purpose, scope and underpinning system design	The Bill proposes that EMCs are responsible for regional coordination and governance, while their local authority members are responsible for delivering emergency management in their own communities. Is this the right balance between regional and local responsibilities?	Other	We anticipate the Minister may want to reopen this issue.	N/A		
4	Purpose, scope and underpinning system design	Animal welfare issues	Other	Various - see here <a href="#">*See Attachment A</a>	N/A		
5	Māori participation	The Bill includes a requirement that the responsible Minister appoint a National Māori Emergency Management Advisory Group (NMEMAG) to provide advice to the Chief Executive of NEMA across all aspects of the role of Māori in the emergency management system.	Policy work required		20		
6	Māori participation	The Bill proposes that EMCs are required to engage with Māori and iwi partners in the development of EMC Plans, give notice of proposed new or revised plans to those representatives, and have regard to any comments made by iwi and Māori regarding the proposals	Other	We anticipate the Minister may want to reopen this issue.	76		



7	<b>Māori participation</b>	The Bill requires EMCs to: <ul style="list-style-type: none"> <li>• identify the needs of iwi and Māori within its area in relation to emergency management and develop plans to address those needs</li> <li>• recognise the role and contributions of iwi and Māori in emergency management in its area and communicate that information to local authorities, communities, and others within the area if it is relevant</li> </ul>	Other	We anticipate the Minister may want to reopen this issue.	29(1)(h) 29(1)(i)		
8	<b>Māori participation</b>	The Bill requires EMCs and EMCEs to have at least 1 Māori member and provides for regulations relating to Māori members' appointment. As drafted, the Minister must appoint Māori members if no appointment has been made within the process/timeframe prescribed in regulations.	Policy work required	We anticipate the Minister may want to reopen this issue. If retained, the Minister's appointment role should be changed from 'must' to 'may'.	26 33(2) 144		
9	<b>Critical infrastructure</b>	The purpose of the National Plan currently lists all agencies and EM Committees but not CI entities.	Not progressed (closed)	The Bill already reflects CI entities' role in local and national planning: <ul style="list-style-type: none"> <li>• cl 66 refers to 'relevant organisations', which could include CI entities.</li> <li>• cl 54(1)(f) requires CI entities to participate in the development of emergency management plans.</li> </ul>	66	Jeremy	
10	<b>Critical infrastructure</b>	The Bill requires CIEs to develop/contribute to sector-wide response plans (like the existing National Fuel Plan). As drafted, sector plans must be developed regardless of whether sector-wide planning is feasible/desirable. The Bill is currently silent on how plans will be developed and what they need to contain.	Policy work required	The Bill should explicitly provide for sector plans and explain their purpose; initiation; and procedural requirements	54(1)(c) 54(1)(d) 54(1)(e)	Jeremy	
11	<b>Critical infrastructure</b>	The Bill requires CIEs to proactively share information with NEMA, the relevant EMC, and '1 or more responsible agencies relevant to the entity'. It's currently unclear what information needs to be shared, and how 'responsible agencies' are determined.	Policy work required	Written submissions make a range of suggestions on this provision - need to reassess scope and intent	55	Jeremy	
12	<b>Critical infrastructure</b>	The current legal test to recognise CIEs is unnecessarily complex. Some criteria and factors duplicate each other and the definition, or use ambiguous/inconsistent language.	Policy work required	Pending further discussions with DPMC	5 51	Jeremy	
13	<b>Critical infrastructure</b>	The Bill requires CIEs to report annually to the Director and their responsible agencies regarding their compliance with the Act, with reporting requirements prescribed in regulations. It's not clear why annual reporting is necessary, and probably doesn't make sense for other agencies to receive it (given that the Bill doesn't provide compliance mechanisms, and other agencies can't enforce any EM Bill compliance issues through their own legislation)	Policy work required	Written submissions make a range of suggestions on this provision - need to reassess scope and intent	58(a) 145(1)(b)	Jeremy	
14	<b>Critical infrastructure</b>	Further obligations' of CIEs are listed in Schedule 2. The intent and scope of some of these obligations (like business continuity planning, operating within coordination mechanisms) is unclear. Being in a schedule could also make these obligations hard to find.	Policy work required	Written submissions make a range of suggestions on this provision - need to reassess scope and intent	Sch. 2, cl 12-13	Jeremy	

15	<b>Critical infrastructure</b>	The Bill retains the CDEM Act's schedule of lifeline utilities for 2 years, after which they will be replaced with a new (gazetted) list of CIEs. There's a risk that, if they aren't gazetted in time, there wouldn't be any CIEs covered by the EM framework.	<b>Decision needed</b>	The Bill should retain the 2002 Act's list of lifeline utilities until they are replaced (i.e. potentially for longer than 2 years).	Sch. 1, cl 10-11	Jeremy	Harriette
16	<b>Regulatory design</b>	The Regulations Review Committee has recommended that Minister's power to exempt CIEs from their obligations should be secondary legislation because it can apply generally (such as to a sector), and the Minister has wide discretion when deciding whether to grant an exemption	<b>Decision needed</b>	<b>Exemption notices should be made secondary legislation</b> We agree these notices have legislative effect.	53	Harriette	
17	<b>Regulatory design</b>	The Minister may, by notice in the Gazette, identify additional factors that the Minister must give weight to when deciding to recognise CIEs. These notes currently aren't secondary legislation.	<b>Decision needed</b>	<b>"Additional factor" notices should be made secondary legislation</b> We agree these notices have legislative effect.	52(4)	Harriette	
18	<b>Regulatory design</b>	The Minister may recognise CIEs by notice in the Gazette if certain requirements are met. It's likely that other legislative instruments will need to refer to the CIEs defined in these notices - does this mean they need to have legislative status?	<b>Policy work required</b>	Pending legal advice	50	Jeremy	Harriette
19	<b>National-level roles, responsibilities and powers</b>	The Director does not have an explicit power to intervene during local emergency designations. Therefore, if an Emergency Management Committee was seen to be acting inconsistently in their dissemination of advice to the public in a state of local emergency, only the Minister would be able to intervene.	<b>Not progressed (closed)</b>	<b>Do not recommend giving the Director the power to direct EMCs outside a national emergency designation</b> CI 100 applies to both local and national emergency designations. Under a local emergency designation, only the Minister could provide a direction. Under a national emergency designation, the Minister or Director could provide a direction.  Consistent with the locally led model, it wouldn't be appropriate for the Director to control EMC functions outside a national emergency designation (noting that this intervention would be overriding local elected members' decisions). Ministerial direction exists as a backstop mechanism.	100(4)	Jeremy	
20	<b>National-level roles, responsibilities and powers</b>	The list of (non-exhaustive) activities that may require the coordination of specified resources by the Director during a state of national emergency may be too narrow in scope. For example, it does not include 'security' when there have been instances where NZDF personnel as specified resources under the CDEM Act have been needed to provide security in an emergency.	<b>Decision needed</b>	<b>Amend the list in clause 12(2)(a) to include "the restoration of safety and security"</b>	12(2)(a)	Owen	

21	<b>Local-level roles, responsibilities and powers</b>	s 9(2)(f)(iv)				Jo	
22	<b>Local-level roles, responsibilities and powers</b>	The Bill separates the functions of EMCs and local authorities to make it clearer who is responsible for what. Question whether there are unintended inconsistencies and duplication between these functions, for example: <ul style="list-style-type: none"> <li>• local authority functions (cl 37) don't mention relationships with Māori</li> <li>• whether the local authority functions make sense for regional councils (vs territorial authorities)</li> <li>• local authorities are required to 'plan and carry out recovery activities', but there isn't an equivalent requirement to plan and carry out response activities</li> <li>• 37(1)(g) and (h) need to include the words "(including the Acts set out in clause 3 of Schedule 2)" - refer 29(1)(j)</li> </ul>	<b>Policy work required</b>		29 37	Jo	
23	<b>Local-level roles, responsibilities and powers</b>	The Bill includes proposals for concurrent emergency designations. However, it doesn't include a requirement for the Area Recovery Manager to be consistent with priorities of the National Controller (during a concurrent SONE and LTP) or for an Area Controller to be consistent with priorities of the National Recovery Manager (during a concurrent SOLE and NTP). This is important because when there is a national state of emergency or national transition period, these national statutory role holders need to maintain control over the coordination of resources to manage the national level event.	<b>Policy work required</b>	<b>Amend the Bill to ensure consistency during a concurrent LTP/SONE or SOLE/NTP</b> (in line with the temporary changes made through the SWERL Act).  There is a strong argument for Area Recovery Managers not to exercise powers in a manner contrary to the priorities for resources/services determined by the Director or National Controller during a state of national emergency. The primary focus of activities during response is preservation of life, which should always take precedence over recovery activities like repair works.  On balance, we recommend that Area Controllers should also act consistently with Director/National Recovery Manager priorities – for example, following a major emergency, it's conceivable that food, fuel, or other essential supplies (cl 100(3)(e)) may need to be prioritised nationally via NTP, even during a concurrent SOLE.	44(4) 47(6)	Jeremy	
24	<b>Other roles, responsibilities and powers</b>	The Building Act contains provisions (subpart 6B (133BC)) for managing buildings following an emergency. This includes that where there is a SOE or TP in place, that the powers for managing buildings under the BA sit with Controllers (and Mayors etc give notice of designation). In practice this has created some confusion over where the powers sit.	<b>Not progressed (closed)</b>	<b>Out of scope</b> Beyond the scope of the EM Bill, which is not an omnibus Bill (would be a change to the Building Act)	N/A	Jeremy	
25	<b>Other roles, responsibilities and powers</b>	The Water Services Act 2021 amended the CDEM Act to include Taumata Arowai (TA) as an emergency service. The EM Bill carries forward this change.	<b>Decision needed</b>	<b>Remove Taumata Arowai from the definition of 'emergency service'.</b>  The intent of the 2021 change was to ensure TA had a seat at the table at the national level. We've agreed with TA and DIA that this would more appropriately be achieved through lead and support agency arrangements.	5	Jeremy	

26	<b>Other roles, responsibilities and powers</b>	The CDEM Act uses the term 'departments', while equivalent provisions in the Bill use 'public service agencies' (which also encompasses departmental agencies, interdepartmental ventures, and interdepartmental executive boards). Question whether these entities realistically need to be included.	Not progressed (closed)	<b>Continue to include departmental agencies, interdepartmental ventures, and interdepartmental executive boards</b> The Bill should retain the flexibility to make use of resources provided by any public service agency that may be created in the future – for example, an interdepartmental venture could be established specifically to manage the consequences of a biosecurity (or other) emergency.	5 48	Jeremy	
27	<b>Purpose, scope and underpinning system design</b>	Many Crown entities play important roles in the emergency management system (for example as lead agencies), but our primary legislation doesn't acknowledge them at all - potentially because the CDEM Act predates the Crown Entities Act. Should some/all of the duties on public service agencies be extended to cover Crown entities?	Policy work required	Explore with Public Service Commission	5 48	Jeremy	
28	<b>Other roles, responsibilities and powers</b>	The emergency management system relies on individuals, households, and communities looking after themselves (i.e. EM is everybody's responsibility). Should the general self-help obligations for individuals be recognised in the Bill?	Not progressed (closed)	<b>Do not recommend changes to Bill</b> The Bill (and Act) recognises this already – cl 65(1)(a) states that emergency management plans must have regard to "the responsibility of people and communities to provide for their own well-being and the well-being of future generations". The Bill doesn't impose specific obligations on the public. The balance between self-help and government support is more appropriately articulated through the NDRS and government policy.	65(1)(a)	Jeremy	
29	<b>System enablers</b>	The Minister can terminate a state of local emergency by giving notice of a local transition period. In other (most common) situations, two notices are required to 1) terminate the state of emergency early and 2) enter a transition period. This can be administratively inefficient. Consider whether <b>all</b> transition period notices should provide the option to terminate a state of emergency (declared for the same event).	Policy work required		86(3)		
30	<b>System enablers</b>	The Bill expands the permanent legislative authority to enable direct reimbursement of welfare costs incurred by iwi and Māori organisations. There's strong interest in direct reimbursement from other community organisations.	Decision needed	<b>Remove direct reimbursement for iwi and Māori organisations (and don't extend it to other groups)</b> After considering how direct reimbursement would work in practice, we no longer think it would be more administratively efficient for organisations.  Central government doesn't have visibility over specific response actions taken at the local level. As part of our financial assurance obligations, NEMA would need to seek information from local authorities to understand whether costs were legitimate. This would place an additional administrative burden on local authorities and not actually make reimbursement happen faster.  The reimbursement process should instead be made more efficient by improving operational processes, clearer guidance to local authorities, and potentially modifying financial assistance policy settings.	149	Jeremy	

31	<b>System enablers</b>	<p>The Director may, for the purpose of protecting the public, publish statements relating to any emergency, or to the performance or non-performance of any duty imposed on any person by or under the Act (with these statement protected by qualified privilege).</p> <p>Question whether the 'for the purpose of protecting the public' bar is too high, and whether other compliance mechanisms would be desirable to drive system improvements.</p>	<b>Policy work required</b>		13		
32	<b>System enablers</b>	<p>EMC plans must not be inconsistent with the national disaster resilience strategy, which sets the government's EM goals and objectives. However, there's no requirement for EMC plans to be consistent with the national EM plan, which sets various operational arrangements at the national level.</p> <p>Should EMC plans be required to be consistent/otherwise consider the National Plan?</p>	<b>Decision needed</b>	<p><b>Do not recommend requiring consistency with the National Plan</b></p> <p>The National Plan and EMC plans are all updated on different 5-year cycles – we don't want EMCs delaying necessary changes to their plans while they're waiting for the National Plan to be updated. The Bill provides other measures to ensure alignment (such as Director's guidelines and statutory Ministerial review).</p> <p><b>Add requirement for EMCs to consult persons and agencies who would have roles and responsibilities under a new or revised EMC plan</b></p> <p>This would provide an additional check to ensure alignment between EMC plans and the National Plan.</p>	76	Jeremy	
33	<b>System enablers</b>	Concerns raised about the scope of information sharing provisions, and accessing timely information (whether personal, commercially sensitive, or classified information) for emergency management activities across the 4Rs (risk reduction, readiness, response, recovery).	<b>Not progressed (closed)</b>	<p>The Privacy Act is sufficiently enabling for personal information.</p> <p>The information classification system is set through government policy (administered by the NZSIS). We don't recommend changing this through the EM Bill.</p>	N/A	Jeremy	
34	<b>Regulatory design</b>	<p>The list of general regulations have matters that were identified in Cab papers as better placed in rules, but seem to have been carried over from the 2002 Act, including:</p> <ul style="list-style-type: none"> <li>• [cl 143(1)(c)] prescribing the level of competence or standard to be met by persons carrying out specified emergency management functions</li> <li>• [cl 143(1)(e)] providing for the identification and promotion of emergency management services</li> </ul> <p>The list of general regulations [cl 143] duplicates the regulations relating to critical infrastructure entities [cl 145]:</p> <ul style="list-style-type: none"> <li>• [cl 143(1)(f)] setting out matters of detail and procedure relating to critical infrastructure entities' planning for emergency levels of service</li> <li>• [cl 143(1)(g)] prescribing reporting requirements for critical infrastructure entities</li> </ul>	<b>Policy work required</b>	Reassess which matters should be addressed in regulations vs rules	143	Jo	Harriette
35	<b>Local-level roles, responsibilities and powers</b>	States of emergency can be declared if an authorised person is satisfied that an emergency has occurred or may occur. Consider whether the need for state of emergency powers should also be a factor in making declarations (see also 'non-declared emergencies' issue below.	<b>Policy work required</b>				



36	Local-level roles, responsibilities and powers	It's ambiguous whether CDEM Groups have the mandate to lead non-declared emergencies	Policy work required				
37	Local-level roles, responsibilities and powers	Clause 100 sets out the emergency powers of EMCs and Recovery Managers. Consider whether some of the EMC powers should be directly available to Area Controllers (these powers are generally delegated in practice)	Policy work required		100		
38	Local-level roles, responsibilities and powers	s 9(2)(h)	Policy work required		30(1)		
39	System enablers	Some jurisdictions have a permanent 'Inspector-General' function to review emergency responses.	Other	This hasn't been in scope for the bill to date, but we anticipate it's something the Minister may want to explore.	N/A		
40	System enablers	s 9(2)(g)(i)	Policy work required	s 9(2)(g)(i)	N/A		
41	National-level roles, responsibilities and powers	Clause 83(4) allows a 'further' state of local emergency to be declared over an unaffected area in order to make resources available to an affected area (that is also covered by a state of emergency). Question whether: <ul style="list-style-type: none"> <li>• This should necessarily be a 'further' state of emergency - it could make sense for a SOLE to be declared over an affected and unaffected district at the same time.</li> <li>• The Bill should also enable a state of national emergency to be declared over an unaffected area (for the same reasons as cl 83(4))</li> <li>• The Minister is an 'authorised person' for the purposes of declaring a SOLE? If not, Minister should be included in 83(4).</li> </ul>	Policy work required		93(4)		Harriette
42	Minor and technical changes	Clause 33 refers to "ambulance service", which is inconsistent with the term used in the interpretation section (emergency ambulance service)	Decision needed	Change "ambulance service" to "emergency ambulance service"	33(1)(d)	Harriette	
43	System enablers	A DIA SOP for the Local Government Electoral Legislation Bill clarifies that a member of a local authority or a committee that attends a meeting via audio or audiovisual link is to be counted as present for the purposes of meeting a quorum.	Decision needed	Ensure the reference in the EM Bill to clause 25A of Schedule 7 of the Local Government Act remains appropriate following the SOP	Sch. 2, cl 5	Harriette	

44	<b>National-level roles, responsibilities and powers</b>	Section 94A of the CDEM Act requires the Minister to have regard to CDEM Group capacity when giving notice of a national transition period. The EM Bill has lost this requirement for national transition periods (but retains it when the Minister gives notice of a <b>local</b> transition period).	<b>Decision needed</b>	<b>91(5)(a) should also apply when the Minister gives notice of/extends a national transition period</b>  91(5)(b) should still only apply to local transition periods	91(5)	Harriette	
45	<b>Minor and technical changes</b>	As drafted, it isn't immediately clear (without reading earlier clauses) that some of the powers in clauses 100-108 can only be used during declared emergencies. For example, the 'contracts in urgent cases' powers. This poses a potential risk of EMCs thinking they can exercise powers when they can't	<b>Decision needed</b>		94-108		
46	<b>System enablers</b>	The CDEM Regulations 2003 protects the use of the civil defence logo. The Bill doesn't provide an equivalent reg-making power - we should consider retaining some form of legal protection while enabling flexibility for changes to the logo.	<b>Policy work required</b>				
47	<b>Community participation</b>	The Bill requires EMCs to engage with Māori and disproportionately-affected groups, but it doesn't recognise the role of community organisations more broadly.	<b>Other</b>	This hasn't been in scope for the bill to date, but we anticipate it's something the Minister may want to explore.	N/A		

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**DRAFT Assessment of Submissions on Protecting animals, heritage and other property** Text in aqua may change as a result of ministerial decisions on briefing to joint ministers led by MPI

The purpose of this template is to provide draft comments / recommendations for the departmental report on each discrete proposal from submitters under the theme above. Where there may be merit in making a change and/or where the Government's position is uncertain, the final column should show that a decision is needed.

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
<b>Proposals that relate to specific clauses of the EM Bill</b>					
1	The emergency powers within the Bill are revised to address the inconsistent use of "life" and "human life"; only use "life", which is defined as any sentient being. [Animal Evac rec 8]	142 form submissions supporting Animal Evac campaign 1 individual submitter (Rhonda Findlay)	No	s 9(2)(g)(i)	

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
2	<p>Amend clause 102 (Entry on premises) to include animals, and to clarify that entry onto premises is allowed to rescue animals (as it is to rescue humans) [NZVA rec 1]</p> <p>AND other closely related proposals:</p> <ul style="list-style-type: none"> <li>Amend clause 102 (Entry on premises) to include animals, and to clarify that entry onto premises is allowed to rescue animals <u>and provide for their wellbeing</u></li> <li>Amend clause 102 (Entry on premises) to allow the safe removal of animals by authorised responders</li> </ul>	<p>5 from veterinary sector (NZVA, 2 veterinarians, 1 professor of veterinary science, 1 technical animal rescue team)</p> <p>3 animal welfare organisations (Companion Animals, SPCA, HUHA)</p> <p>5 primary industry entities (Dairy NZ, Fonterra, Beef &amp;</p>	No		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
		Lamb, Fed Farmers, NZ Pork)		s 9(2)(f)(iv) and s9(2)(g)(i)	
3	<p>Include an additional clause stipulating that the power of entry onto properties for response purposes / during a declared emergency should be limited to specified persons authorised by the governance entity of the response</p> <p>AND another closely related proposal: Include an additional clause specifying that entry onto premises should be limited to a designated or official person that is recognised through delegated authority through MPI, or is a person who has been given permission by MPI or the landowner</p>	3 primary industry entities (Dairy NZ, Beef & Lamb, Fed Farmers)	No		
4	Amend clause 102 (Entry on premises to include the word 'property', so farms are covered by the clause [NZVA rec 2])	<p>5 from veterinary sector (NZVA, 2 veterinarians, 1 professor of veterinary science, 1 technical animal rescue team)</p> <p>3 primary industry entities (Dairy NZ, Beef &amp; Lamb, Fed Farmers)</p>	No		
5	Amend clause 107 (Power to carry out inspections and other activities in relation to property and things) to clarify that animals are covered, and that the power to carry out inspections and other activities may be exercised to 'seize' animals for their safety/rescue (or to provide for the welfare of animals)	5 from veterinary sector (NZVA, 2 veterinarians, 1 professor of veterinary science, 1	No		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	[NZVA rec 3 and slight variants]	technical animal rescue team) 4 primary industry entities (Fonterra, Fed Farmers, NZ Pork, Beef & Lamb) 1 animal welfare organisation (HUHA)		s 9(2)(g)(i)	
6	Clarify clause 107 (Power to carry out inspections and other activities in relation to property and things) as to whether it allows for seizure of animals from a property	1 animal welfare organisation (SPCA)	No		
7	Where things, including animals, are "seized", the Bill provides a process for disposal, e.g. rehoming, transferring, selling (currently they would sit in legal limbo). [Animal Evac rec 14]	142 form submissions supporting Animal Evac campaign 1 individual submitter	New		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
8	<p>Microchipping of animals be added as an emergency power in the Bill (currently there are only options such as spray-painting – not ideal) [Animal Evac rec 20]</p> <p>AND another closely related proposal:</p> <ul style="list-style-type: none"> <li>Amend clause 107 (Power to carry out inspections and other activities in relation to property and things) to include microchipping and recording identification of animals. In the</li> </ul>	<p>142 form submissions supporting Animal Evac campaign</p> <p>1 animal welfare organisation (Companion Animals)</p> <p>1 individual submitter</p>	New		

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Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	cases of companion animals that have no positive identification, give suitably trained persons, acting under the authority of a Controller or constable, the power to implant a microchip in that animal, and register the microchip number on the NZ Companion Animals Register			s 9(2)(g)(i)	
9	Companion animals cannot unilaterally be "destroyed" (yes, that is the current language) by Controllers (who have no civil liability). Any instances of this will have safeguards, such as a requirement to consult with a registered veterinarian. [Animal Evac rec 6]	142 form submissions supporting Animal Evac campaign 1 individual submitter	No		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
10	Requisitioning powers are applicable to the preservation of "life" (which, as above [Animal Evac rec 8], includes animal life). [Animal Evac rec 9]	142 form submissions supporting Animal Evac campaign 1 individual submitter	No		
11	Amend clause 100 (Emergency Powers of Emergency Management Committees and Recovery Managers) to include providing relief for animals	1 primary industry entity (Fonterra)	No		
12	Area Emergency Management Plans, when approved, must have integrated provisions for the rescue, care, shelter, and transportation of companion animals (just like in the US) and not treated as an afterthought. [Animal Evac rec 2]  AND other closely related proposals for emergency management plans to cover animals: <ul style="list-style-type: none"> <li>Animals (including farmed animals) should be included in emergency management / disaster recovery plans</li> <li>Animal Emergency Management Plans should be developed and updated annually at all the administrative levels (national to community level)</li> </ul>	142 form submissions supporting Animal Evac campaign 1 from veterinary sector (veterinarian) 7 individual submitters	No		

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Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
13	Public transportation can be directed to transport companion animals during an emergency with stipulations as determined by the Controller. [Animal Evac rec 10]	142 form submissions supporting Animal Evac campaign 2 individual submitters	No		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
14	Humane trapping may be directed during an emergency, or in the transitional period following an emergency, to secure animals roaming and displaced by the disaster so they can be reunited [Animal Evac rec 24]	142 form submissions supporting Animal Evac campaign 2 individual submitters	No		
15	Companion animals are defined in law, consistent with the <a href="#">American SPCA (ASPCA) definition</a> to include dogs (including disability assistance dogs), cats, birds, horses, etc. [Animal Evac rec 3]	142 form submissions supporting Animal Evac campaign 1 individual submitter	New		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
16	Include in the Bill a definition of rescue, namely the safe removal of persons or domestic animals from actual or threatened danger of physical harm	1 animal welfare organisation (Animal Emergency Incident Management)	No	s 9(2)(g)(i)	
17	Recognise animals as property in the Bill (as they are in the Crimes Act) [NZVA rec 4]	5 from veterinary sector (NZVA, 2 veterinarians, 1 professor of veterinary science, 1 technical animal rescue team) 2 primary industry entities (Beef & Lamb, Fed Farmers)	No		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
18	Clause 12(2)(v) should be extended to give the Director the power to "co-ordinate the use of specified resources for the purposes of this Act, including the following ... the accommodation, feeding, care, and protection of persons <i>and animals</i> ".	1 CDEM Group	No		
General proposals with potential implications for EM Bill					
19	Laws need to include animal welfare / protect animals	1 animal welfare (Animal Evac) 2 individual submitters	No		
20	Proposals relating to recognising animal welfare as a priority: <ul style="list-style-type: none"> <li>The law should include provisions for animals to have the same rights as homeowners in a disaster</li> <li>Animals/pets should have the same rights as people</li> </ul>	1 primary industry entity (NZ Pork) 3 individual submitters	New		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<ul style="list-style-type: none"> <li>The legislation needs to make clear that animal welfare should be prioritised alongside human welfare and wellbeing</li> </ul>			s 9(2)(g)(i)	
21	<p>Proposal to continue to prioritise human life:</p> <ul style="list-style-type: none"> <li>We note the submissions raised to include animal evacuation to be given the same status and requirements as human. While this is part of our current practices (when it is practical), we highlight the need for prioritising human life.</li> </ul>	1 council	No		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
22	<p>Proposals to include animals in emergency management legislation:</p> <ul style="list-style-type: none"> <li>The Bill should make clear that for emergency management activities animals are covered (in addition to people and property)</li> <li>Make legislative provision for the care of animals in an emergency</li> <li>The law should cover/require evacuation of animals in emergencies. Lift relevant statements about evacuation of companion animals occurring alongside people from the National Plan and insert them into the bill</li> <li>The law should support the ability of emergency services to rescue, house and reunite companions animals in the case of emergency events</li> <li>The law should recognise/include owned/companion animals</li> <li>The importance of (companion dogs) has not been considered or given any mention</li> </ul>	<p>1 primary industry entity (Fonterra)</p> <p>1 animal welfare (Animal Evac)</p> <p>9 individual submitters</p>	New	s 9(2)(g)(i)	

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
23	<p>Proposals relating to clarifying or allocating responsibilities for the welfare of different types of animals in emergencies, including funding:</p> <ul style="list-style-type: none"> <li>Emergency management legislation should clarify the classification and care of animals, and how agencies interact to meet their responsibilities for animal welfare. EMCs should not have to perform this function.</li> <li>Include provisions in the Bill (i.e. in primary legislation) that explicitly deal with animal welfare (incl. responsibilities for different elements of animal welfare; defining eligible versus non-eligible animals; and resourcing the care for animals) and resolve the identified ambiguity across different legislation about what actions can be taken and by whom for ensuring the welfare of animals in emergencies</li> <li>The Bill should clarify central government agencies' responsibilities for animal welfare and reimbursement of expenditure on animal welfare</li> <li>There are some parts of the Bill where more change is signalled, but the content is yet to be developed, including animal welfare. Given the importance, this need to be resolved promptly.</li> <li>Central government agencies' responsibilities for animal welfare during emergencies (declared and undeclared) need to be clarified.</li> <li>Gaps need to be addressed in relation to who is responsible for different elements of animal welfare; defining eligible versus non-eligible animals; and resourcing the care for animals.</li> <li>Reimbursement of expenditure on animal welfare needs to be clarified.</li> </ul>	<p>2 councils 4 CDEM Group 1 joint council/CDEM Group submission 1 individual submitter</p>	New	s 9(2)(g)(i)	

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<ul style="list-style-type: none"> <li>Deal with companion animals through the existing animal control (led by territorial authorities) and emergency management frameworks</li> </ul>			s 9(2)(g)(i)	
24	Acknowledge the role of animal welfare organisations as this is key to these organisations working safely and effectively within the CIMS framework	1 animal welfare (HUHA)	New		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
25	Either amend the EM Bill to include requirements for planning for animals in commercial situations before an emergency, or direct NAWAC or MPI to prioritise relevant minimum standards in codes of welfare	1 animal welfare organisation (SPCA)	New	s 9(2)(g)(i)	
26	The barriers to share information from the National Dog Database and other microchipping databases during an emergency are removed to expedite reunification. [Animal Evac rec 17]	142 form submissions supporting Animal Evac campaign 2 individual submitters	New		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<p>The Bill does not recognise or provide for the wider role of heritage in community recovery or set out a role for heritage technical experts during the response phase.</p> <p>While the Bill may not be the appropriate instrument to address these issues, it is an opportune time for the following to be considered at a national level:</p> <ul style="list-style-type: none"> <li>establishing a nationally co-ordinated specialist heritage response team,</li> <li>identifying and setting out a role for heritage experts during a state of emergency, transition period, and subsequent response phase, and</li> <li>recognising and providing for the role of heritage in community recovery following a disaster or other emergency.</li> </ul>	Icomos NZ		s 9(2)(g)(i)	
	<p>Clause 73: New sub-clauses should be added, requiring that Emergency Management Committee plans must refer to reduction, readiness, response, and recovery for both heritage and culture sites and associated collections.</p>	Museums Aotearoa			
<b>Proposals that relate to other legislation, subsidiary instruments, policy settings or operational p</b>					
27	<p>Shift from the current human-centric approach to emergency management to a systems integrated approach that includes animals in emergency response and recovery processes (e.g. in national and area emergency management plans)</p> <p>[NZVA rec 5]</p>	<p>4 from veterinary sector (NZVA, 2 veterinarians, 1 professor of veterinary science)</p> <p>2 primary industry entities (Dairy NZ, Fed Farmers)</p>	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
28	<p>The National Emergency Management Agency is responsible for coordination across all animal-emergency management functions.</p> <ul style="list-style-type: none"> <li>• Fire &amp; Emergency New Zealand is mandated and funded to perform companion animal rescue and decontamination (saving pets = saving humans).</li> <li>• Department of Conservation is obligated to be part of national animal welfare emergency management arrangements (think the Australian bushfires!).</li> <li>• Ministry for Primary Industries is refocused on non-companion animal emergency management such as livestock, factory farms, zoos, research facilities, and any other sentient animals.</li> </ul>	<p>142 form submissions supporting Animal Evac campaign</p> <p>1 animal welfare (Animal Evac)</p> <p>3 individual submitters</p>	N/A		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<p>[Animal Evac rec 1]</p> <p>AND another closely related proposal:</p> <ul style="list-style-type: none"> <li>MPI, DOC and FENZ should take responsibility for animals in liaison with Councils and other authorities</li> </ul>			s 9(2)(g)(i)	
29	Retain MPI as the lead agency for production animals and commercial operations	1 individual submitter	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
30	Separate [animal welfare] advisory bodies with relevant expertise and planning and management skills, and organisations able to perform practical field work	1 individual submitter	N/A	s 9(2)(g)(i)	
31	To successfully support farmers and their livestock with readiness planning, response and recovery, an understanding of farming/farming communities is required. NEMA should recognise and collaborate with key rural representatives such as the Rural Advisory Groups and Rural Support Trust.	1 primary industry entity (Dairy NZ)	N/A		
32	The unique first-hand knowledge that a farmer has of their property, its topography, infrastructure (including buildings, fences, water supply, and areas of shade and shelter) should be considered during response decision-making in the interests of animal welfare	1 primary industry entity (Beef & Lamb)	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
33	<p>Officially recognise veterinary services as an essential service during emergencies, as done in disease incursion plans such as COVID-19 and the Foot and Mouth Disease Response and Recovery Plan [NZVA rec 6]</p> <p>AND other closely related proposals:</p> <ul style="list-style-type: none"> <li>Recognise veterinary services as an essential service during emergencies, in particular to provide critical animal welfare support for livestock and other farm animals in affected areas</li> <li>Veterinarians should be included/recognised in the emergency management system</li> </ul>	<p>5 from veterinary sector (NZVA, 3 veterinarians, 1 professor of veterinary science)</p> <p>3 primary industry entities (Dairy NZ, Fed Farmers, Beef &amp; Lamb)</p> <p>1 individual submitter</p>	N/A		

Until GAC makes submissions and officials' advice public, this analysis needs to be treated in strict confidence. It must not be disclosed outside of the Executive.

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
34	Veterinarians should be authorised to recommend, document and carry out suitable treatment in the absence of the owner or other authorized person	1 individual submitter	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
35	<p>Fund veterinary services as part of the emergency responses via a new AWEM Reimbursement Fund to enable AWEM support agencies to effectively deliver essential animal welfare services during emergencies and aid in the recovery process [NZVA rec 7]</p> <p>AND other closely related proposals:</p> <ul style="list-style-type: none"> <li>Funding and support should be made available for veterinarians assisting with emergency responses (when no owner is able to be located)</li> <li>Funding should be provided for Animal Welfare Emergency Management support agencies to deliver essential animal welfare provisions in an emergency</li> </ul>	<p>6 from veterinary sector (NZVA, 3 veterinarians, 1 professor of veterinary science, 1 technical animal rescue team)</p> <p>1 primary industry entity (Fed Farmers)</p> <p>1 individual submitter</p>	N/A		
36	<p>Companion animal welfare costs during an emergency are eligible for central government funding (just like the rest of the family).</p> <p>Animal Evac (rec 4)</p> <p>AND other closely related proposals:</p> <ul style="list-style-type: none"> <li>Where animal evacuation is possible, support is needed to resource this via centrally-funded means, including reimbursement of costs and support for appropriate facilities.</li> </ul>	<p>142 form submissions supporting Animal Evac campaign</p> <p>1 council</p> <p>2 individual submitters</p>	N/A		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<ul style="list-style-type: none"> <li>An Animal Emergency Management Fund should be created to support animal centric emergency interventions with adequate trained personnel, equipment and resources.</li> </ul>			s 9(2)(g)(i)	
37	As local government is responsible for companion animal care (not rescue), preparedness costs can be funded from fees collected under the Dog Control Act. [Animal Evac rec 5]	142 form submissions supporting Animal Evac campaign 1 individual submitter	N/A		
38	Commercial animal housing facilities (zoos, laboratories, shelters, feedlots, barns) must have an emergency management plan in place that is checked and is part of the approvals to operate. [Animal Evac rec 7]	142 form submissions supporting Animal Evac campaign 2 individual submitters	N/A		
39	The Resource Management Act considers the risk of disaster harm to "life" (as above) in its consideration to approve consent, e.g. to avoid situations such as factory farms being built on a flood plain. [Animal Evac rec 18]	142 form submissions supporting Animal Evac campaign 2 individual submitters	N/A		
40	The National Animal Welfare Advisory Committee has a suitable, qualified, and experienced animal emergency management representative to champion disaster risk reduction. [Animal Evac rec 19]	142 form submissions supporting Animal Evac campaign 1 individual submitter	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
41	The Biosecurity Act 1993 is amended to ensure that sufficient plans and arrangements for animals placed put in place by the owner or person-in-charge in the event of an emergency (such as a flood or volcanic eruption). [Animal Evac rec 25]	142 form submissions supporting Animal Evac campaign 1 individual submitter	N/A		
42	That the above [i.e. other Animal Evac proposals] is not delayed because of the Select Committee Report of <a href="#">Petition of Erica Rowlands: Mandate the registration and desexing of pet cats and kittens</a> as immediate change protects human and animal life. AENZ recommends that an integrated Act such as a Companion Animal Management Act replaces the Dog Control Act, and this allows for registration of such companion animals to fund local or area companion animal emergency management arrangements. [Animal Evac rec 26]	142 form submissions supporting Animal Evac campaign 1 individual submitter	N/A		
43	Proposals relating to improving animal evacuation and shelter during emergencies: <ul style="list-style-type: none"> <li>• People need to be better prepared to evacuate with their animals</li> <li>• Responders need to be better prepared, trained and equipped to handle animal evacuations</li> <li>• Animals/pets should be rescued alongside rescuing people</li> <li>• People should be able to go and rescue their animals</li> <li>• Animal/pet owners should be allowed to organise a service that can go into a home and</li> </ul>	17 individual submitters	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<p>collect their pets if the owner is not allowed to do this</p> <ul style="list-style-type: none"> <li>• Having an authorised person collect animals on behalf of owners will be safer and means that owners won't break the law</li> <li>• Emergency personnel should be allowed to assist animals when disasters occur</li> <li>• Emergency shelters should be set up to accommodate animals as well as people</li> </ul>			s 9(2)(g)(i)	
44	Explicitly include animal safety in a Controller's objectives	1 animal welfare organisation (Companion Animals)	N/A		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
45	<p>Controllors (the big cheese during an emergency) have the power to make or revise emergency dog control bylaws during a state of emergency (such as creating temporary dog exercise areas near evacuation centres).</p> <p>[Animal Evac rec 11]</p>	<p>142 form submissions supporting Animal Evac campaign</p> <p>1 individual submitter</p>	N/A	s 9(2)(g)(i)	
46	<p>Proposals relating to reuniting animals with their owners:</p> <ul style="list-style-type: none"> <li>Animals should be cared for and returned to their owners as soon as possible</li> <li>Mechanisms need to be put in place to quickly reunite and shelter animals to reduce downstream risks to people and responders</li> <li>A chain of communication needs to be in place for the location of lost animals. (e.g. a centralized database for lost or found animals)</li> <li>Found/displaced animals should be advertised within and outside of digital platforms after a certain period of time</li> <li>Pets shouldn't leave a shelter unless they are chipped and included in the NZ Companion Animal Register</li> <li>Returning to property for animals by owner/specialised group should not be thwarted</li> </ul>	<p>5 individual submitters</p>	N/A		
47	<p>The removal of collars or other forms of identification from animals, with the intent to hinder the reunion of that animal with its owner, is made an offence (yup, this happens).</p> <p>[Animal Evac rec 12]</p>	<p>142 form submissions supporting Animal Evac campaign</p> <p>1 individual submitter</p>	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
				s 9(2)(g)(i)	
48	During an emergency, the statutory holding period under the Animal Welfare Act and Dog Control Act for displaced companion animals is extended from 7 days to 30 days (so that in the chaos you have time to find your pet). [Animal Evac rec 15]	142 form submissions supporting Animal Evac campaign 2 individual submitters	N/A		
49	Where reasonable in the circumstances, deceased companion animals be held for 30 days to allow for the body to be reunited with their family. [Animal Evac rec 16]	142 form submissions supporting Animal Evac campaign	N/A		
50	The obligation to register a dog in custody (i.e. emergency animal shelter) are exempt during an emergency where such custodians are operating under the direction of the Controller. [Animal Evac rec 21]  AND another closely related proposal:	142 form submissions supporting Animal Evac campaign 2 individual submitters	N/A		



Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<ul style="list-style-type: none"> <li>During a disaster period, there should be a dog registration amnesty or free registration</li> </ul>			s 9(2)(g)(i)	
51	The impersonation or illegal identification of <a href="#">Disability Assist Dogs</a> is made a specific offence (as the civil defence dog tag is the only single tag used consistently across such dogs). [Animal Evac rec 22]	142 form submissions supporting Animal Evac campaign 1 individual submitter	N/A		
52	The current civil defence identification tag for Disability Assist Dogs is protected in any changes. [Animal Evac rec 23]	142 form submissions supporting Animal Evac campaign 1 individual submitter	N/A		
53	An Animal Emergency Management Resource Inventory should be developed as an interactive online database to facilitate effective stakeholder coordination and timely emergency operations	1 individual submitter	N/A		
54	Animal management should have powers to enforce infringements if pets are left in danger e.g. dogs on chains or kennels in rising water	1 individual submitter	N/A		
55	Make the following amendments to the Dog Control Act: <ul style="list-style-type: none"> <li>where affected by the emergency, waive s36 registration requirements until 30 days after the emergency ends</li> <li>where affected by the emergency, suspend the s37 penalty commencement date for 30 days,</li> </ul>	1 individual submitter	N/A		

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<p>counted from the date the penalty would have applied</p> <ul style="list-style-type: none"> <li>where affected by the emergency, permit release of an impounded dog (ss 68 &amp; 70) without requiring prior payment</li> <li>where affected by the emergency, extend the collection period for impounded dogs (s69) until 30 days after the emergency ends, but only after confirmation the owner received notice; the owner is not liable for pound fees during that extended period</li> <li>the dog can be released after being removed for barking under s70 without proof the conditions are satisfied where the owner can provide for the dog and the circumstances of the emergency indicate the nuisance is unlikely to reoccur; for dogs not collected, extend the collection period for 30 days as above</li> <li>where affected by the emergency, extend application appeal and collection periods for dogs seized for aggression-related issues (under ss 71 or 71A) by 30 days, commencing after the emergency ends; if the emergency continues for a lengthy period, allow the owner regular access where reasonably possible</li> <li>cease all enforcement action, except directly related to the emergency</li> <li>Empower Controllers, in consultation with the Mayor, to perform the following for the period of the emergency, + 30 days where required, subject to the earliest confirmation by full Council: <ul style="list-style-type: none"> <li>appoint additional warranted DCOs and rangers and pound keepers</li> </ul> </li> </ul>			s 9(2)(g)(i)	

Ref	Proposal	No. & nature of submitters	Relates to a change?	Draft comments for departmental report	Level of Decision Needed?
	<ul style="list-style-type: none"> <li>enter into agreements with other parties to provide custody and care of dogs</li> <li>designate areas as dog exercise areas and specify areas as accessible to off or on leash dogs as required.</li> </ul>			s 9(2)(g)(i)	
56	Farms should have emergency management plans (incl. for flooding, bushfires & other disasters) in place including evacuation of animals as prerequisite to consents and to operate.	1 individual submitter	N/A		
57	Where approaching fire is imminent and evacuation /transportation is not possible in spite of plans, the farmer/MPI be required to shoot /kill animals rather than leave them to burn [says the bill needs to address this so that farmers don't have insurance reasons for not killing].	1 individual submitter	N/A		
58	Mandate FENZ or delegated subgroup or other Authority such as DOC carry out strategic searching and identification of burnt animals (incl pests) after all bushfires to alleviate suffering- usually by terminating life, in accordance with the Animal Welfare Act (by means of captive bolt, air rifle, knock to the head, fire arms, humane trapping etc.) or if minor injury or pet, as above, receive vet attention.	1 individual submitter	N/A		
<b>General comments made by submitters without any specific proposal (for bill or other)</b>					
59	I would not leave my animals/pets behind	3 individual submitters	N/A	No proposal for Committee to consider	No
60	I'd like to be a volunteer for animals left behind after a natural disaster	1 individual submitter	N/A	No proposal for Committee to consider	No
61	It can be affirmatively said that under the current Global/International disaster risk reduction framework, only if we illustrate the complete global disaster risk reduction framework, the protection of	1 individual submitter	N/A	No proposal for Committee to consider	No



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<i>Ref</i>	<i>Proposal</i>	<i>No. &amp; nature of submitters</i>	<i>Relates to a change?</i>	<i>Draft comments for departmental report</i>	<i>Level of Decision Needed?</i>
	Animal Rights is a human right to reduce disaster risk and prevent future disasters effectively. However, given the UNDRR Sendai Framework language is highly anthropocentric, the effective implementation of such a qualified statement is in peril.				

~~IN CONFIDENCE~~

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# Emergency Management Bill 2.0

## Project Plan

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## Sign Off

This document requires the following approvals

Jenna Rogers Deputy Chief Executive, Strategic Enablement	<Signature> [Date]
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## Document

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Name	Role
Rachel Walker	Strategic Programme Director
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# Section 1 Introduction

## 1.1 Purpose of the project

The purpose of this document is to initiate a project to develop a new Emergency Management Bill, to be passed this Parliamentary term.

### 1.1.1 Background and Context

In March this year, Cabinet agreed to discharge the previous Emergency Management Bill once it became clear it would not sufficiently address the issues identified by the Government Inquiry into the Response to the North Island Severe Weather Events (NISWE Inquiry). Minister Mitchell is required to report back to Cabinet by the end of 2024 on legislative implications arising from the Government Response to the NISWE Inquiry, including the need for a new Bill.

The Minister has agreed that the intent of the Civil Defence Emergency Management Act 2002 (CDEM Act) remains sound, but changes are needed to fully deliver on the Government Response and address known barriers to operational effectiveness, including certain matters that the previous Bill intended to address. The Minister has directed officials to work towards introducing the new Bill in s 9(2)(f)(iv) to enable passage of the Bill in s 9(2)(f)(iv). To meet these timeframes, this project has already commenced.

The response to the NISWE Inquiry was developed through Phase 1 of the Emergency Management System Improvement Programme (EMSIP). This project has connections to EMSIP Phase 2, in particular action 1.2: *Recognise and enable the significant contribution of iwi and Māori in emergency management to the benefit of all people in New Zealand. This will include consideration of formalising the role of iwi and Māori in the new Emergency Management Bill.*

### 1.1.2 Objectives

The objective for this project is to pass a high quality, modern Emergency Management Bill before the end of the current Parliamentary term. The policy objectives proposed for a new Bill, building on the intent and main features of the CDEM Act, are to:

- Strengthen communities' participation in emergency management.
- Provide for clear responsibilities at the national, regional, and local levels.
- Enable a higher minimum standard of emergency management across New Zealand.
- Minimise disruption to essential services.
- Ensure agencies have the tools to do their jobs effectively when an emergency happens.

### 1.1.3 Strategic alignment

The project is strategically aligned with the National Disaster Resilience Strategy and NEMA's organisational priorities. The new Bill will directly support NEMA's strategic outcomes, so that:

- the emergency management system is well coordinated and aligned to clear, shared priorities
- the impacts of emergencies on people, the economy and the environment are reduced, and communities experience equitable outcomes
- NEMA is a high performing organisation, with the capabilities, culture and ways of working to succeed.

The project is also strategically aligned with NEMA's international obligations. Passage of a new, fit-for-purpose Emergency Management Bill will enable the regulatory framework to be more

responsive to current and future disaster risks, and the needs of New Zealanders. This aligns with New Zealand's obligations to the Sendai Framework<sup>1</sup> for Disaster Risk Reduction.

## 1.2 Project deliverables and approach

### 1.2.1 Project scope

The table below lists what is in and out of scope of the project. The workstreams of the project correspond to the key policy topics noted as in scope in the table below. See section 1.4 below for links to the Workstream scoping documents, which provide further detail on each workstream. The scope of the workstreams has been determined based on evidence gathered from the NISWE inquiry and other reviews, as well as submissions on the previous Bill.

In scope	Reason
Policy analysis to determine which matters should be included in the Bill, versus addressed by other means.	The new Bill is an opportunity to address issues that were not included in the previous Bill – however not all matters warrant legislative change. Objective analysis is required to assure all parties that the content of the Bill is appropriate.
Policy matters within the following workstreams: <ul style="list-style-type: none"> <li>Central government roles and responsibilities</li> <li>Local government roles and responsibilities</li> <li>Community participation</li> <li>The CDEM planning regime</li> <li>Use of powers for emergency management</li> <li>Restoration of essential services (lifeline utilities)</li> <li>Emergency services</li> </ul>	These workstream topics cover the main issues raised by reviews, inquiries and submitters on the previous Bill, all of which are informing the policy analysis noted above.
All written products (eg Cabinet papers, advice to Select Committee) directly related to the policy and legislative process for the new Bill.	These are core aspects of this project.
New communications material and engagement activity associated with the policy and legislative process for the new Bill (noting previous engagement feedback is feeding into the new Bill.)	
Out of scope	Reason
Policy analysis and associated written advice, communications material and engagement activity which are not directly related to the new Bill, eg BAU of the Policy Unit.	These are closely related to this project and there may be interdependencies, however delivery of these matters are not within the remit of this project.
Non-legislative implications of EMSIP Phase 2.	
Review of the NCDEM Plan	

<sup>1</sup> The Sendai Framework for Disaster Risk Reduction 2015-2030 is a UN framework. It aims to achieve the substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries over 15 years through seven clear targets and four priorities for action.



### 1.3 Success indicators

The key critical success factor for the project is that a new emergency management Bill is passed this Parliamentary term which meets the objectives noted above.

### 1.4 Related Documentation

Document	Version
<a href="#">Central government roles and responsibilities - workstream scope</a>	1
<a href="#">Community Participation Workstream Scope</a>	1
<a href="#">Emergency Services Workstream Scope</a>	1
<a href="#">Local Govt Roles &amp; Responsibilities Workstream Scope</a>	1
<a href="#">Minor and technical proposals (Workstream Scope)</a>	1
<a href="#">Other issues [other] workstream scope</a>	1
<a href="#">Other issues [Protecting property – i.e. non-livestock animals, heritage, or other property] workstream scope</a>	1
<a href="#">Planning regime - workstream scope</a>	1
<a href="#">Restoration of essential services (lifeline utilities) - Workstream scope</a>	1
<a href="#">Rewrite of CDEM Act Workstream Scope</a>	1
<a href="#">Use of Powers for Emergency Management Workstream scope</a>	1



## Section 2 Project approach and resources

### 2.1 Project approach

To seek authority for drafting the new Bill, three policy Cabinet papers will be submitted to the Cabinet Economic Policy Committee (ECO):

- ECO Paper 1 (due mid November 2024): seeks in-principle agreement to the scope of reform, plus agreement to commence drafting on straightforward aspects of the CDEM Act rewrite.
- ECO Paper 2: anticipated late March 2025, seeking approval to release a discussion document for public consultation on key Bill proposals. The paper will also seek agreement on any policy that is ready for decisions based on targeted consultation, to enable further drafting of the Bill.
- ECO Paper 3: anticipated mid-June 2025, seeking final policy decisions based on consultation feedback, to enable final drafting of the Bill.

This “rolling” policy and drafting approach has been agreed with the Minister as well as Parliamentary Counsel Office (PCO) in an effort to manage their workload, given the Legislative Programme expected next year. This approach makes the most of work undertaken on the previous Emergency Management Bill and maximises the time to develop and engage on new policy.

This approach and the indicative timing for the legislative process are set out in Appendix 1. The next section (Milestones and deliverables) sets out the key dates related to the three ECO papers. Internal and external engagement are not noted in the next section – this is covered in Appendix 2: Engagement Plan.

### 2.2 Phases

Phase	
1	Initiation
2	Policy work and engagement
3	Drafting
4	Legislative process
5	Implementation

s 9(2)(f)(iv)

## 2.3 Milestones and deliverables

The below timeline focuses on the steps directly associated with Cabinet papers for the project. Although not noted below, the timeline will also include internal consultation, regular engagement with the PAG advisor, quarterly updates to the Natural Hazards Board and external engagement.

Oct to Feb '25	<i>Policy analysis, concurrent to Cab paper process below</i>
25 Oct – 8 Nov	Ministerial consultation on ECO paper 1
11 and 12 Nov	Finalising ECO paper 1, final sign-out by Megan/Jenna
Weds 13 Nov	Final ECO paper 1 to Minister
Thurs 14 Nov	ECO paper 1 lodged
20 Nov	ECO Cabinet Committee considers paper 1
25 Nov	Cabinet approves ECO paper 1
3 and 4 Feb	Early draft Discussion Document (DD) to Megan/Jenna for review
Weds 5 Feb	Early draft DD to Minister for direction
5 – 14 Feb	Drafting ECO paper 2 and associated RIS (if policy decisions will be sought)
Tues 11 Feb	Feedback from Minister on draft DD
11 – 14 Feb	Updating DD and fleshing out further, approval from Megan/Jenna to circulate DD and ECO paper 2 to central government agencies
17 – 21 Feb	Draft DD and ECO paper 2 with agencies for feedback
3 – 5 March	Updating DD and ECO paper 2, sign-out by Megan/Jenna
Thurs 27 Feb	DD and ECO paper 2 to Minister for circulation to Ministers
28 Feb – 14 Mar	Ministerial consultation
17 and 18 Mar	Updating DD and ECO paper 2, final sign-out by Megan/Jenna
Weds 19 Mar	Final ECO paper 2 and DD to Minister
Thurs 20 Mar	Lodge ECO paper 2 and DD
Weds 26 Mar	ECO considers paper 2, final touches can be made on publication version of DD
Mon 31 Mar	Cabinet approves paper 2, release of DD
31 Mar – 28 Apr	Prepare ECO paper 3 and RIS based on preferred options in DD
16 and 17 Apr	Early draft of ECO paper 3 to Megan/Jenna for approval to circulate to agencies
18 – 24 Apr	ECO paper 3 with agencies and Minister for feedback
Mon 28 Apr	Submissions on DD close (4 week submission period)
Apr to 12 May	Analysis of submissions (as they come in), further develop ECO paper 3 and RIS
13 and 14 May	Review and approval to send ECO paper 3 and RIS to Minister for consultation
Thurs 15 May	ECO paper 3 and RIS to Minister for circulation to Ministers
16 – 30 May	Ministerial (2 weeks) and agency consultation (1 week)
23 May – 3 June	Updating ECO paper 3 and RIS, final sign-out by Megan/Jenna
Weds 4 June	Final ECO paper 3 and RIS to Minister
Thurs 5 June	Lodge ECO paper 3 and RIS
Weds 11 June	ECO considers paper 3, final touches can be made on drafting instructions
Mon 16 June	Cabinet approved paper 3, final drafting instructions sent to PCO



## 2.4 Required resources

The Policy Unit currently has 10 staff (including one Unit coordinator), with recruitment underway to fill three Senior Analyst vacancies. Given the tight timeframes for policy development and resource constraints, virtually every member of the Policy Unit is currently working on the Project to a greater or lesser extent.

The table below sets out the estimated resourcing needs over 3 distinct stages within the policy and legislative process. These estimates should be revisited in the new year. **Note:** key areas of NEMA whose input will be needed are indicated in the RASCI table below.

Stage	When	Policy resources required
Policy analysis to develop the Bill, particularly preparation of the Discussion Document	October 2024 to February 2025	Approx. 6 full-time, 3 part-time
Support of public consultation, analysis of feedback and policy analysis to finalise the Bill	March 2025 to July 2025	Approx. 4 full-time, 5 part-time
Support of the legislative process	s 9(2)(f)(iv)	Approx. 4 full-time, 3 part-time ( <b>note:</b> potential for further policy work which may require additional resources)

## 2.5 RASCI

Each workstream scoping document (links provided in section 1.4) sets out the RASCI for that workstream. Common elements of the RASCI are noted below.

RASCI	Who	What
Responsible	Beth Le Roux (overall)	Project management, commissioning, undertaking policy work as required.
	Workstream Leads (specific workstreams)	Leading policy work for their specific workstream and supporting policy for others.
Accountable	Megan Beecroft	Sign-off of deliverables before submission to Project Sponsor (eg Cabinet papers), assign resources. May delegate to Project Lead and/or Team Leaders.
Support	Legal	Advice/input and review of early draft policy issues and options.
	Engagement Specialist	Supporting development of the engagement plan, eg advice on stakeholder mapping.
	Communications PSP – Planning and REMAs Risk & Recovery System Capability National Ops / National Controller and Director	These are the main areas of wider NEMA where support will be needed. The extent of effort requested will fluctuate over time, so the project team will give as much advance notice as possible before seeking input.
Consulted	Internal and key external groups (see Appendix 2: Draft Engagement Plan)	Consultation on policy proposals and operational implications.
Informed	SMT and some external stakeholders	Keeping informed of policy proposals.

## Section 3 Project organisation

### 3.1 Project governance

The project will be governed by the core Executive Leadership Team. The monthly ELT meetings will have a standing item on the project, supplemented by shorter check-ins on the fortnights in between (to be set up as needed). The meetings and check-ins will be supported by a fortnightly progress report (see next section on reporting).

The Project Sponsor will have authority to approve key deliverables, such as Cabinet papers, given the short timeframes associated with Ministerial products. ELT will approve matters related to project management, such as this project plan) and will be updated regularly in order to maintain effective oversight of the project. In due course, ELT may delegate some or all of its role to one the governance bodies/portfolios being set up to drive NEMA's strategic priorities.

The Senior Management Team will also be kept informed, with key members consulted more closely on particular topics or deliverables. The National Hazards Board, which is governing EMSIP Phase 2, will be kept informed of progress on the project. The Project Lead will also maintain close links with other action leads in EMSIP Phase 2.

Role	Name
Project Sponsor	Jenna Rogers, Deputy Chief Executive, Strategic Enablement
Senior User	NEMA and CDEM Groups, wider Aotearoa
Governance Team Members	Dave Gawn, Chief Executive Jenna Rogers, Deputy Chief Executive, Strategic Enablement John Price, Deputy Chief Executive, Emergency Management TBC: Megan Beecroft, Manager, Policy
Project Manager	Beth Le Roux, Project Lead – EM Bill

### 3.2 Change control process

The change control approach is outlined as follows:

- Any changes to the Project Plan will be submitted using a change request form.
- A change request, supported by the Project Lead, will be raised with the role or group where it has a significant impact on the risks, deliverables, schedule or budget.
- A change management tracking log will be completed.
- Intention and approval of change will be reported in the project status reports.



## Section 4 Monitoring, reporting and closure

### 4.1 Monitoring and reporting

Responsibility for monitoring	Method
Beth Le Roux – EM Bill Project Lead, with support from Isabella O'Connor – Coordinator, Policy	Weekly meetings with Project Team to check in on progress, risks, issues, opportunities. Fortnightly project status report to ELT – high-level, to be supplemented with more in-depth material when required (eg when seeking decisions).

### 4.2 Project Closure

#### 4.2.1 Handover Approach

During the legislative process, preparation for implementation will ramp up – including development of a separate project plan for the Implementation phase. When that plan is prepared, it will address handover from the Policy Unit to the Implementation Lead(s).

#### 4.2.2 Project Completion

The project will be considered closed when the EM Bill has passed. A Close-out Report will be completed by the Project Lead and submitted for approval within two weeks of completion.



## Section 5 Project financials

### 5.1 Estimated project costs

The following expenditure is required for the project:

Item	Detail	Total cost	Financial year
Advice from NICF/Pou Take Āhuarangi (Kiritapu Allan)	Advice from iwi Māori perspective regarding EM Bill policy options	TBC	2023/24
'Roadshow' during public consultation phase	Travel, accommodation, venue hire, catering	Approx \$10,000	2023/24

### 5.2 Cost assumptions

The cost for engaging with Pou Take Āhuarangi will be informed by the costs incurred for their work on the NISWE Inquiry response. They were contracted to supply a specific deliverable during a short timeframe, at a cost of \$50,000. The hourly fee underpinning that total cost was consistent with those DPMC previously agreed with other NICF Pou, such as the He Hoa Mahi Tahi partnership which the NSG had previously established with Bill Hamilton / Pou Tangata. We anticipate the cost for their input on the EM Bill will be closer to \$10-20,000 but this will be discussed with Kiri Allan.

The roadshow is expected in April 2025 (while the Discussion Document is out for comment) and has been requested by the Minister. The costs will depend heavily on the level of ambition the Minister has for the roadshow (eg number of locations), as well as a number of other factors such as availability of low- or no-cost venues and the extent of staff support expected to be in attendance. Before March 2025, options will be developed and brought to ELT for direction and then provided to the Minister for decision.

## Section 6 Dependencies and risks

### 6.1 Dependencies

Specific interdependencies between policy issues are noted within the Workstream scoping documents linked in section 1.4. The table below notes high-level dependencies.

Project or work programme	Nature of dependency	Impact on project
EMSIP Phase 2	Some EMSIP Phase 2 actions have legislative implications and are reliant on the Bill for their successful completion.	If the legislative implications are not identified on time for inclusion in the Bill as introduced, there may need to be amendments during Select Committee or later stages, which could delay passage of the Bill.

### 6.2 Risks

Below are the highest inherent risks identified in the project risk register. The full risk register can be found [here](#).

Risk Description	Inherent Risk Rating	Mitigation / contingency
Risk of the EMSIP Phase 2 dependency noted above impacting on the project	Yellow	Policy analysis is cognisant of the relevant EMSIP Phase 2 actions. Policy staff can lean into relevant actions to support timely identification of legislative implications, if required. Contingency plan is to make changes to the Bill through the Departmental Report (advice to Select Committee) or through Amendment Papers during the final stages of the legislative process.
Risk of low quality policy analysis and/or written advice due to time and resource constraints	Yellow	Building in time for clear commissioning, check-ins on policy analysis, peer review of products. Policy Project peer review/QA templates used. Ensuring junior staff have access to training and support from experienced staff.
Risk of creating consultation fatigue for external stakeholders and iwi Māori partners	Yellow	Maximising engagement opportunities where stakeholders are already meeting, ensuring we are coordinated with EMSIP Phase 2 and CRU engagement, explaining how previous feedback has been taken on board, so that stakeholders and partners feel heard.
Resources diverted to respond to an emergency response	Yellow	Project Lead is not available for response work. If small/medium event, Policy likely to have light touch involvement and unit can continue working on Bill project in order to maintain momentum.

#### Key – inherent risk

Green	Low	Yellow	Medium	Amber	High	Red	Extreme
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## Appendix 2: **DRAFT** Engagement Plan

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As at 31 October 2024

### Purpose

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This appendix outlines the engagement objectives and approach to support the Emergency Management (EM) Bill Project.

### Context

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On 9 September 2024 Minister Mitchell agreed to a 'targeted yet broad' approach to engagement on the new Emergency Management Bill. The targeted aspect will be achieved through using key existing forums and relationships, while the broad aspect will be achieved through public consultation (including a road show) on a discussion document focused on policy options. The options will seek to address problems that have been identified through submissions on the previous Bill and stakeholder input received through recent reviews such as the North Island Severe Weather Events inquiry.

Engagement on the EM Bill is likely to overlap with other engagement central government intends to undertake with similar stakeholders and Treaty partners on related topics, including the wider EMSIP Phase 2 activities. This presents a risk of duplicating effort and exacerbating consultation fatigue, but is also an opportunity for synergies and efficiencies. NEMA will work closely with other agencies to ensure engagement is aligned, including the Cyclone Recovery Unit (CRU) because it will be undertaking engagement with similar stakeholders over a similar period.

### Objectives

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The objectives of engagement on the development of the EM Bill are to:

- ensure a diverse range of views, particularly of those who are affected by or have a role to play in EM, feed into the Bill so that it is fit for purpose
- ensure those actors are able to efficiently participate in the design of the Bill and its implementation (alongside other related engagement)
- bring those actors along the journey so that we build buy-in for the new system
- ensure stakeholders and Treaty partners feel heard and that their point of view is valued.

### Key audiences

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As of 31 October, the stakeholder mapping for this project is nearly complete. This will enable planning which stakeholders to engage with and when. It will also support wider understanding of who are likely to be the groups and actors regularly engaged across workstreams, and where the risk of fatigue may be greatest.

The intention is to leverage off existing forums as much as possible.

#### **NEMA staff**

NEMA staff are subject matter experts and have an active role to play, both in informing policy development and in engaging with stakeholders. NEMA staff will be consulted throughout development of the EM Bill, as well as supported to communicate with their stakeholders.

#### **Reference Group**



TBC with DPMC: there is potential to establish a multi-stakeholder reference group to engage with in more depth, under non-disclosure agreements. Establishing such a group would enable engagement with a cross-section of interests, where members benefit from hearing different perspectives. If such a group is established, it may or may not be established in time to be a testing ground for EM Bill policy proposals before final Cabinet decisions in June 2025.

## **Engagement approach**

- Engagement will be coordinated by Darren Brunk (DPMC) in consultation with Beth Le Roux, Isabella O'Connor and Kimberley Brabazon (CRU Consultation Lead). This group has recently agreed to:
  - have a fortnightly coordination meeting (noting we will link into the EMSIP Phase 2 Leads meetings as well)
- use a collective engagement calendar to facilitate joint activities, effective sequencing and de-conflicting of efforts.
- Engagement will be prioritised based on the overall stakeholder map noted above – that will influence which groups are targeted in the draft engagement timeline.
- The engagement plan will seek to ensure:
  - the EM Bill is discussed with each key group/stakeholder/partner at least once
  - each month has a workable amount of engagement activity
  - the month of public consultation and roadshow (estimated for April 2025) is reserved for that activity.
- Engagement with key individuals (who may or may not be from a representative group) should also be factored into the engagement plan, such as meetings with Kiritapu Allen (NICF).
- For lower priority groups, we will engage them via email and ensure they are aware of the public consultation phase.
- Note that engagement is proposed to continue past policy decisions in June, with discussion shifting to implementation. Engagement of that nature can technically continue while the Bill is going through the legislative process – it would require:
  - a waiver from the Select Committee (which they are likely to grant) and
  - carefully managing what is discussed during the engagement.
- Engagement material will be provided in advance of any workshops or meetings in a timely manner, to ensure partners and stakeholders are prepared, understand what is expected of them and are able to provide fully considered feedback.
- At a minimum, feedback received through engagement will be taken into account by all relevant parties by filing notes and distributing them across the Project Team, the EMSIP Phase 2 project leads, and to CRU on a regular basis. This may be weekly or fortnightly depending on the amount of engagement activity underway.



## Appendix 3: **DRAFT** Communications Plan

Audience	What information	Why	How	When
Minister	Public-facing key messages and FAQ on the Bill	So he and his office can respond to queries, front-foot media opportunities	Updated key messages	30 Oct (and as milestones are met)
NEMA Staff	Public-facing key messages and FAQ on the Bill	So they can answer questions from their networks	Pānui	1 Nov (and when updated)
NEMA Staff	Policy and legislation 101, including confidential information on the Bill	So they better understand the work underway and when they may be involved	Brown bag session and follow-ups with specific teams	11 Nov
EMLG	Policy and legislation 101, including public-facing key messages and FAQ on the Bill	So they understand the high-level plan and how they will be involved, incl. why the dynamic changes during the leg process	EMLG quarterly meetings	13 Nov
Wider CDEM sector	Public-facing key messages and FAQ on the Bill	So they understand the high-level plan and how they will be involved	Sector newsletter	Monthly
Central govt agencies	Policy development and Bill timelines	So they can determine when and to what extent they want to engage in the Bill's development	Agency consultation on draft Cabinet papers	Oct, Feb, May
TBC				