

Emergency Management Bill (No 2)

Government Bill

As reported from the Governance and Administration Committee

Commentary

Recommendation

The Governance and Administration Committee has examined the Emergency Management Bill (No 2) and recommends that it be passed. We recommend all amendments unanimously.

About the bill as introduced

The bill would repeal and replace the Civil Defence Emergency Management Act 2002 (CDEM Act). It seeks to build on the legislative framework established by that Act, drawing on findings from the 2023 Government Inquiry into the Response to the North Island Severe Weather Events.

The inquiry found that New Zealand's emergency management system was not fit for purpose, as it lacked the capacity and capability to respond to significant emergencies affecting multiple regions. It also highlighted that New Zealand has not achieved the whole-of-society approach to emergency management envisaged when it was enacted.

The changes in the bill seek to:

- strengthen the role of communities and iwi Māori in emergency management
- provide for clear responsibilities at the national, regional, and local levels
- enable a higher minimum standard of emergency management
- minimise disruption to essential services
- ensure that agencies have the tools to do their jobs effectively when an emergency happens.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation’s design to bring to the attention of the House, other than issues relating to secondary legislation identified by the Regulations Review Committee in its letter dated 13 February 2026. The Regulations Review Committee raised concerns about several regulation-making and exemption-making powers in the bill. We address those matters later in this report (clauses 75, 76, 77, and 214).

Proposed amendments

This commentary largely follows the order of the bill. It covers the main amendments we recommend to the bill as introduced; we do not discuss minor or technical amendments.

Many of the amendments we propose are for purposes of clarification and to improve the workability of the bill. Our more substantive recommendations relate to the following matters:

- enabling multi-member Emergency Management Committees (EMCs) to co-opt additional members that have skills, attributes, or knowledge that would assist the committee’s work—to be known as “associate members” (clauses 24 to 26)
- requiring the national emergency management strategy to be presented to the House of Representatives for confirmation (clause 79A)
- modernising the powers regarding warrants for entry, and aligning them with the Search and Surveillance Act 2012 (clauses 137 to 140)
- extending protection from civil liability to persons with functions, duties, or powers under the bill who consider that there is an imminent threat of an emergency and take preventative or precautionary actions designed to limit the impact of the emergency (clause 202)
- confirming individuals’ right to limited compensation for loss or damage to property due to the exercise of powers during an emergency or if one is imminent, and providing guidance for the court (clauses 197 to 200)
- inserting a new Part 6 with substantive amendments to other legislation, including the Constitution Act 1986 to provide for changing the meeting place of Parliament in an emergency (the new Part would also make changes to the Local Government Act 2002).

The changes we propose in new Part 6 would cause the bill to become an omnibus bill. We obtained authorisation from the Business Committee for this, as required by Standing Order 267(2).

Part 1 – Preliminary provisions

Commencement dates

As introduced, the bill would require the Director-General of Emergency Management, when developing a proposal to review the national emergency management plan, to identify and engage with disproportionately affected communities 12 months after Royal assent (clause 86(2)(a)).

We consider that this engagement should happen earlier. This would help ensure that the revised national emergency management plan, which is due within two years of Royal assent, is informed by early engagement with affected communities.

We recommend removing clause 2(3)(d) so that the obligation on the Director-General to engage with representatives of disproportionately affected communities would come into force on the day after Royal assent.

Identification and role of lead agencies

Clauses 69, 70, and 83 relate to the identification and role of government agencies as lead agencies in the national emergency management plan. As introduced, these clauses would come into force on a date set by Order in Council, or no later than two years after Royal assent, as set out in clause 2(4).

We consider it appropriate for the commencement dates for clauses 69 and 70 to remain unchanged. However, we consider that the identification of lead agencies in the national emergency management plan, provided for in clause 83, should occur earlier in the process.

We recommend amending clause 2(4) by removing reference to section 83 so it would come into force on the day after Royal assent.

Purpose of the Act

Clause 3 sets out the intended purpose of the legislation. As introduced, it begins by stating that the purpose of the Act would be to support the social, economic, cultural, and environmental well-being and safety of the public.

We consider that these opening words would widen the Act's purpose beyond emergency management. We think they could be read as extending to general well-being and safety, rather than being clearly focused on the management of hazards and emergencies.

We recommend moving clause 3(a) to the start of clause 3 to make clear that the purpose is to promote and improve the management of hazards.

Meaning of disproportionately affected community

Clause 5 defines key terms used in the bill. As introduced, it would define a disproportionately affected community as a “community that has existing vulnerabilities or specific needs that mean that it is likely to be affected more significantly in the case of an emergency”.

We gave thought to whether the definition should include a list of the types of communities envisaged. However, we consider this unnecessary; in practice, guidance would be provided and EMCs would be expected to identify vulnerable communities and communicate with them to plan appropriate responses. We recommend slight rewording of the definition for clarity.

Engagement with disproportionately affected communities

Clause 86 would require the Director-General, when developing a proposal to amend, replace, or leave unchanged the national emergency management plan, to engage with communities that are likely to be disproportionately affected by an emergency. The proposal would then be submitted to the Minister for consideration.

We consider that, for engagement at the national level to be effective, the bill should make clear that this engagement is intended to occur with national-level representative bodies. This would help ensure that engagement is appropriately targeted and proportionate to the national planning context.

We recommend inserting “who operate at a national level” into clause 86(2)(a).

Identification of disproportionately affected communities

We consider that the wording “identify any communities that the Director-General considers will or are likely to be a disproportionately affected community” introduces an unintended future focus to the identification process. This differs from the corresponding requirement regarding regional emergency management plans in clause 94(a).

We recommend amending clause 86(2)(a) to remove the words “will or are likely to be” and insert “to be”.

Meaning of emergency

Clause 6 defines the meaning of an emergency under the bill. Clause 6(2) includes a non-exhaustive list of examples of happenings that could be emergencies.

Some submitters recommended expanding the list in clause 6(2) to reflect a wider range of emergencies that may occur. In particular, they suggested adding references to pandemics and transport-related emergencies. We note that clause 6(2) is intended to list the types of situation that may give rise to an emergency, rather than to limit the scope of the definition in clause 6(1). We agree that there would be benefit in updating the term “epidemic” to “pandemic”, and consider that it would be helpful to include major transport incidents.

We recommend amending clause 6(2) accordingly. We consider that major transport incidents are sufficiently distinct from the other listed examples to warrant inclusion in the list.

Meaning of recovery planning

Clause 8 defines recovery activities under the bill. We note that clause 8(3)(d), which refers to “measures to enable community participation in recovery planning”, is inten-

ded to apply to communities generally. However, we consider that explicitly referring to iwi and Māori alongside communities would be consistent with other provisions of the bill and would better reflect the importance of Māori participation in recovery activities.

We recommend amending clause 8(3)(d) by inserting “including the participation of iwi and Māori”.

Part 2 – Emergency management system role-holders

Parts 2 and 4 of the bill are closely linked: this Part sets out the roles of the various actors in the emergency management system, while Part 4 specifies the powers those actors could use during a state of emergency or transition period.

Powers of the Director-General

Clause 15(4) provides that the Director-General may issue guidelines, codes, or technical standards to any person or organisation with responsibilities under the Act. Some submitters, particularly from local government, recommended including additional examples of matters that may be addressed in guidelines, codes, and technical standards. Suggestions included island-specific considerations, the use of compliance orders, and processes to manage lessons learned.

We note that guidelines, codes, and technical standards may already address matters beyond those specifically listed in clause 15(4). We do not consider it necessary to expand the list of examples. However, we are concerned that the use of the word “necessary” in clause 15(4)(f)(i) could create a higher threshold than intended for issuing guidelines on other matters.

We recommend amending clause 15(4)(f)(i) to include the wording “or desirable” to widen matters the Director-General may consider.

Role of National Controller and National Recovery Manager

Clauses 19 and 20 set out the roles of the National Controller and the National Recovery Manager. Unlike the equivalent statutory roles at the regional and district levels, we note that the bill as introduced would not:

- enable the appointment of a “back-up” National Controller or National Recovery Manager
- explicitly require the National Controller and National Recovery Manager to be suitably qualified and experienced
- explicitly enable the National Controller or National Recovery Manager to authorise another person to carry out their functions, duties, or powers.

We propose the following changes to address these issues:

- We recommend inserting clauses 19(6A) and 20(6A) to enable the Director-General to appoint one or more suitably qualified and experienced persons to act in the role of the delegate when the delegate is absent from duty. During the delegate’s absence, the appointed person or persons would be authorised to per-

form or exercise the functions and powers of the delegate, including the powers conferred on the National Controller or National Recovery Manager by this bill.

- We recommend amending clauses 19(2) and 20(2) so the Director-General could only delegate the National Controller and National Recovery Manager roles to qualified and experienced persons.
- We recommend inserting clauses 19A and 20A to enable the National Controller and the National Recovery Manager to authorise any suitably qualified and experienced person to perform or exercise their functions and powers. In these circumstances, the National Controller or National Recovery Manager would remain responsible and accountable for the performance or exercise of those functions, duties, and powers.

Emergency Management Committees

Clauses 24 to 26 provide for the composition of Emergency Management Committees (EMCs). These clauses set out the types of EMCs, specify which local authorities may or must be members, and provide for representation on multi-member committees.

We note an inconsistency in how the bill as introduced treats unitary authority and multi-member EMCs. An EMC consisting of a single unitary authority may act through a committee appointed under Schedule 7 of the Local Government Act 2002, which permits the appointment of non-elected members for their skills or expertise. By contrast, the bill would limit membership of multi-member EMCs to elected representatives of the constituent local authorities.

Associate members

We consider that the bill should enable multi-member EMCs to co-opt additional members where those persons have skills, attributes, or knowledge that would assist the work of the EMC. We also consider that additional members should not have access to extraordinary emergency powers that affect the rights of the public. To support meaningful participation, we consider that such members should be eligible for remuneration by the EMC.

We have used “associate member” as the title to distinguish additional members from other members of the EMC. An associate member would be a member of a multi-member EMC appointed under clause 31 of Schedule 7 of the Local Government Act who is not an elected member of a local authority, and has the skills, attributes, or knowledge that will assist the work of the Committee.

We recommend amendments throughout the bill to enable multi-member EMCs to appoint associate members where those persons have skills, attributes, or knowledge that would assist the work of the EMC. The following are specific features of our proposal:

- Associate members would be eligible for remuneration, but would not be eligible to be appointed as chairperson or deputy chairperson of the EMC (clause 32).
- Associate members would not be eligible to be an “appointed person” for the purpose of making emergency declarations under clause 49. Our amended clause 49(4) specifies that the appointed person must be chosen from the representatives of the “local authority” members of the Committee.
- The default provision in clause 50(3) (enabling EMC members to make local emergency declarations if no appointed person is able to) would not apply to associate members. Our amended clause 50(3) specifies that the representative must be a “local authority” member of the Committee.
- The powers and duties of EMC members under clause 30 would not apply to associate members. Our new clause 30A specifies that certain powers of multi-member EMCs are not to be exercised by associate members.
- Associate members would not be eligible to enter into contracts under clause 126, as our amendment would insert “local authority” into clause 126(1)(c).

Responsibilities of committees and members

We are aware of uncertainty about how the functions of EMCs and their members relate to local authorities’ hazard risk management responsibilities under other existing and proposed legislation.

As with the Civil Defence Emergency Management Act, EMCs are expected to fulfil many of their responsibilities through the hazard risk management powers and duties already available to local authorities. These include functions under the legislation listed in Schedule 2 of the bill. We note that these responsibilities are intended to be complementary rather than duplicative. This approach is fundamental to the intent of the bill and should be made explicit.

We recommend inserting clause 43A to clarify that EMCs and their local authority members may meet their emergency management responsibilities in the course of local authorities carrying out their functions, duties, and powers under other relevant legislation (including the legislation listed in Schedule 2), and to provide a duty to consider how they might do so.

General powers

Clause 29 sets out the general powers of EMCs, including that they would have all powers necessary or expedient to perform their functions, and provides a non-exhaustive list of EMCs’ powers. We have identified the omission from this list of a power to authorise a person to act under clause 137, which relates to a warrant for entry. Clause 137(5) refers to a person authorised by an EMC, but there is no corresponding provision that expressly enables an EMC to give such an authorisation. For consistency, we recommend inserting clause 29(2)(ea) to authorise a person to act as an office holder for the purpose of clause 137.

Co-ordinating Executive Group

Clause 39 would require each EMC to appoint and maintain an Emergency Management Co-ordinating Executive Group (CEG) and would specify the membership of each group. Clause 39(2)(f) provides that each CEG must include one or more persons with local perspectives of Māori, Māori communities, and their interests and values, including mātauranga Māori and tikanga Māori, iwi, and hapū in the area.

As introduced, clause 39(2)(f) may be unclear as to whether the member or members are expected to represent mana whenua or particular iwi or hapū. We note that the policy intent is that the member or members appointed under clause 39(2)(f) would be Māori, but not necessarily representatives of a particular iwi or hapū. We recommend amending clause 39(2)(f) to make this policy intent clear.

Local authorities

Section 5(1) of the Local Government Act 2002 defines a local authority as a regional council or a territorial authority. Clause 43 of the bill would require a local authority, to the extent it is able in the circumstances, to continue to carry out its role during and after an emergency. We consider that, as introduced, clause 43 could be interpreted more narrowly than the equivalent provision in the CDEM Act. That Act provides that a local authority must ensure that it is able to function to the fullest possible extent, even if this is at a reduced level, during and after an emergency. By comparison, the wording in clause 43 may suggest a lower expectation of continuity of functions.

We recommend amending clause 43 to state that “a local authority must ensure that it is able to continue to function, to the fullest possible extent, during and after an emergency, even though this may be at a reduced level.”

Mayor-elect authorised to make local emergency declarations

As introduced, the bill does not provide for local declarations to be made in the period between final election results and the swearing-in of new mayors. This could create a gap where decisions about a state of local emergency or a local transition period must instead be referred to the Minister. We consider it preferable for declarations to be made by local decision-makers wherever possible.

We recommend amending clauses 49 and 50 and inserting clause 50A to allow a mayor-elect to be sworn in temporarily to have the same power as other mayors to be able to declare, extend, or terminate a state of local emergency or a local transition period. The clause would provide that:

- the mayor-elect must first make a written and oral declaration before the local authority’s chief executive, or their representative, in a similar form to the declaration required under the Local Government Act 2002 before a person is sworn in as mayor
- the powers conferred would expire in 21 days, or when the substantive swearing-in of the mayor occurs at the first meeting of the local authority after the election (whichever is first).

We recommend amending clause 113(3) so that where a declaration made by a mayor-elect is to apply to more than one district within an EMC area, the mayor-elect must first consult the mayor and chief executive of each affected local authority, to the extent practicable in the circumstances.

Lead agencies

Where an emergency is caused or contributed to by a specific hazard, the lead agency for that emergency would have primary responsibility for managing the response. Clause 69 sets out the functions of a lead agency. We note that the lead agency role is intended to clarify how emergency management bodies interact with government agencies that have statutory responsibilities for responding to specific hazards, including under other legislation.

We are satisfied that the operational relationship between lead agencies and emergency management role-holders is more appropriately addressed through national and regional emergency management plans than in the bill.

We do recommend inserting clause 69(3A) to clarify that, where no lead agency is identified for the hazard that caused an emergency, primary responsibility for managing the response would sit with:

- the Director-General during a state of national emergency
- during other emergencies, the relevant EMC for the area in which the emergency has occurred.

Transfer of lead agency role

Clause 70 specifies that the lead agency responsibilities may be transferred from one government agency to another, or to an EMC, with the agreement of the agency or Committee to which the responsibilities are transferred.

We consider it appropriate to allow discretion in the transfer of the lead agency role. Prescriptive transfer requirements would lack the flexibility needed to respond to the wide range of circumstances that may arise during emergencies. However, we consider that certain aspects of the transfer process should be made clearer.

We recommend inserting clause 70(1A) to clarify that a transfer of the lead agency role is limited to:

- co-ordinating the response to the emergency
- any additional obligations relating to the response to the emergency that are imposed on a lead agency under the national emergency management plan.

We also recommend amending clause 70(3) to clarify that the transfer may happen before the response is completed “with the agreement of agency A and the agency or Committee to which the lead agency obligations were transferred”.

Essential infrastructure providers

Under clause 74, essential infrastructure providers would have duties that include being required to ensure that their essential infrastructure can function to the fullest possible extent. Schedule 3 lists the entities, or classes of entities that would be designated as essential infrastructure providers. They include electricity, communications, transport, and water services (including wastewater and stormwater).

Essential infrastructure providers covered by Schedule 3

Many submitters advocated expanding the types of entities that would be classified as essential infrastructure providers in Schedule 3. Suggestions included the infrastructure that enables waste management, cash and payments, certain digital services, grocery distribution, and hazard warning systems.

We agree that these are important services. However, we do not consider that formal inclusion in Schedule 3 is necessary to require a service to continue operating during an emergency. The intention is that the continued functioning of essential services like electricity, communications, and transport would reduce disruption to other services, which could continue operating without the need for a legislative mandate. In some cases, duties on other entities may instead be imposed through national or regional emergency management plans. Additional entities could be recognised under clause 75 (discussed further below). We also note that entities included in Schedule 3 would face additional costs and compliance obligations, so some entities would not find it desirable to be included in the list.

Accordingly, we do not recommend adding to the list of entities classified as essential infrastructure providers at this stage; we recommend only the following changes to Schedule 3:

- **Electricity services**—For consistency with the electricity regulatory framework, we consider that it would be clearer for Schedule 3 to distinguish between electricity transmission and electricity distribution. We recommend amending item 4 of Schedule 3 accordingly.
- **Gas services**—Similarly, for consistency with the gas regulatory framework, we recommend amending item 5 of Schedule 3 to distinguish between gas distribution and gas transmission. We also note that the term “gas” may be interpreted broadly, potentially capturing substances not intended to be covered, such as carbon dioxide supplied for industrial purposes. We recommend defining “gas” by reference to the Gas Act 1992.
- **Water services**—We consider that the terminology used to describe water services in Schedule 3 should align more closely with the Local Government (Water Services) Act 2025. This would help ensure that entities responsible for only minor aspects of water services are not inadvertently included. We recommend replacing the water services descriptions in items 15 to 17 of Schedule 3 to align with the definitions and classifications used in that Act.

Adding, amending, or removing entities listed in Schedule 3

Clause 75 would empower the Governor-General, by Order in Council on the recommendation of the Minister, to insert, remove, or amend an essential infrastructure provider listed in Schedule 3. The Regulations Review Committee expressed concern that this is what is known as a Henry VIII power, as it would allow delegated legislation to amend the effect of primary legislation. Such powers are generally considered undesirable, as they risk enabling the Executive to override the intention of Parliament without sufficient scrutiny.

We recommend strengthening the safeguards on the use of this power by inserting clause 75(1A) to require the Minister to publish a “statement of the reasons for the recognition of, or amendment to the recognition of, the entity or class of entities”.

Exempting an essential infrastructure provider

Clause 76 would allow the Minister, by notice, to exempt an entity or a class of entities listed in Schedule 3 as essential infrastructure providers from the provisions relating to essential infrastructure, either in whole or in part. To grant an exemption, the Minister would need to be satisfied that applying the relevant provisions is not appropriate for the entity or class of entities. However, the bill as introduced does not explain what “not appropriate” means in this context.

We agree with the Regulations Review Committee that the scope of this discretion should be more clearly defined. We recommend inserting a new version of clause 76(2) that adds the requirements that the Minister may grant an exemption only if satisfied that:

- the exemption is no broader than reasonably necessary to address the circumstances giving rise to the exemption, and
- the exemption is consistent with the purpose of the Act.

We also recommend adding requirements to clause 76(3) so that the Minister must:

- record any terms and conditions attached to the exemption, and
- publish the exemption together with the Minister’s reasons for granting it.

Part 3 – Emergency management system planning

National emergency management strategy

The national emergency management (NEM) strategy would provide the overarching framework for emergency management in New Zealand. It would set out the Crown’s goals for emergency management, along with the objectives and measurable targets to achieve them.

The Regulations Review Committee drew our attention to the fact that the bill as introduced does not identify the NEM strategy as secondary legislation. This differs from section 31 of the CDEM Act, which provides for a national civil defence emergency management strategy and expressly identifies it as secondary legislation. We

consider that the NEM strategy may have indirect legislative effect and therefore consider it appropriate to restore the strategy's legislative status.

We recommend inserting clause 77(2) to specify that the NEM strategy is secondary legislation.

Presentation of strategy to House of Representatives

We also consider that the NEM strategy should be subject to appropriate parliamentary scrutiny. We note that, under the CDEM Act, the national civil defence emergency management strategy must be presented to the House, which can resolve, within 15 sitting days, not to approve it. We propose that the bill echo this current requirement.

We recommend inserting clause 79A setting out a requirement to present the NEM strategy to the House of Representatives. The strategy would come into force within 15 sitting days after presentation unless the House resolved not to approve it. If the House so resolved, the Minister would need to present a revised strategy to the House within 30 working days.

Consultation to amend or replace the strategy

Clause 79 would require the Minister to consult publicly, and with any persons the Minister considers appropriate, when amending or replacing the NEM strategy. Although this wording allows for broad engagement, we consider that explicitly requiring consultation with iwi and Māori, rural communities, and disproportionately affected communities would better align with the bill's objective of strengthening the role of communities and iwi and Māori in emergency management.

We recommend amending clause 79 to expressly require consultation with iwi and Māori, disproportionately affected communities, and rural communities when amending or replacing the national emergency management strategy.

National emergency management plan: lead agencies

Clause 82 provides for the making of a national emergency management plan by Order in Council, and sets out what it must cover. Clause 83 would allow the plan to identify government agencies as lead agencies for emergencies caused or contributed to by a particular hazard.

We note that emergencies may be caused by multiple hazards. We consider that there would be benefit in explicitly enabling the national emergency management plan to address how the lead agency role operates in multi-hazard emergencies.

We recommend amending clause 83 to enable the national emergency management plan to explain the arrangements regarding which agency or agencies will be the lead agency in relation to an emergency that has been caused or contributed to by multiple hazards.

Regional emergency management plan

Clauses 90 and 91 specify that each EMC must prepare and approve a regional emergency management plan, and what the plan must cover. We consider that EMCs should be required to engage with essential infrastructure providers and other persons who would have roles and responsibilities under a proposed regional plan. Early engagement would help ensure that planning assumptions are realistic and that roles and responsibilities are clearly understood.

We recommend inserting clause 94(c) to require EMCs to consult persons and agencies that would have roles and responsibilities under any new or amended regional emergency management plan that is being proposed. For consistency, we also recommend amending clause 94(a) to include “and involve” to match the wording in clause 94(b).

Reviews of regional emergency management plan

Clause 97 would enable the Minister to direct an EMC to review its regional emergency management plan. We expect that this power would be exercised only as a last resort. However, we think that the Minister should be required to provide reasons for the use of the power. We recommend inserting clause 97(2) to require the Minister to provide reasons for directing a review.

Sector response plan

Clause 104 would enable the Director-General to develop and approve a sector response plan to provide for coordination between one or more classes of essential infrastructure providers. It would require the Director-General to consult with those providers and other relevant agencies and persons.

Submitters recommended strengthening the consultation requirements by providing for regular engagement with essential infrastructure providers during the development of sector response plans and by including a regular review cycle and defined trigger points for review. They also recommended that the entities the Director-General must consult before amending or replacing a sector response plan should align with those specified in clause 104.

We agree that it would be beneficial to enable the Director-General to consult representatives of essential infrastructure providers, rather than requiring consultation with individual providers in all cases. This would allow contributions to be made through representative bodies where appropriate. We recommend inserting in clause 104(3)(a) the words “(or persons that the Director-General considers represent a class of essential infrastructure providers affected)”.

We also agree that there should be closer alignment between the consultation requirements in clause 104 and those that apply when a plan is amended or replaced. However, we consider that consultation on an amended plan should be limited to relevant parties.

We recommend amending clause 106(2) to state that before approving a replacement sector response plan, the Director-General must consult the parties listed in clause 104(3).

We also recommend inserting clause 106(2A) to specify that before approving an amended sector response plan, the Director-General must consult the parties listed in clause 104(3) to the extent that the Director-General considers that the amendments are relevant to those persons.

Part 4 – Emergency response and recovery: states of emergency and transition periods

Interpretation for this Part

As introduced, clause 107 defines the key roles that could exercise emergency powers under Part 4 of the bill. We consider that it would be clearer to remove these definitions and instead refer directly, in the relevant provisions, to persons exercising powers under authority. Accordingly, we recommend deleting clause 107 and making a number of amendments to Parts 4 and 5 to clarify when an office holder or an EMC may authorise or appoint a person to act.

State of emergency

Clause 109 would authorise the Minister to declare a state of national emergency over the whole or part of New Zealand, before or after an emergency, if the emergency management required is beyond the resources of the relevant EMCs.

We note that clause 109 does not provide that, where a state of national emergency is declared for an area, any other state of emergency already in force for the same area is terminated. This contrasts with section 66(3) of the CDEM Act, which would terminate an existing declaration for the same emergency. The absence of a similar provision in this bill risks uncertainty where overlapping declarations apply to the same area. Introducing such a provision would not prevent the bill providing for concurrent national and local declarations for different emergency events.

We recommend amending clause 119 to provide that a state of national or local emergency is terminated if the Minister declares a state of national emergency for the same emergency that applies to the whole of New Zealand or to the area, district, or (in the case of a state of local emergency) ward to which the existing state of emergency applies.

We note that the same issue arises in relation to clause 113 (declaring a state of local emergency). We recommend inserting clause 119(2)(c) to clarify that a state of local emergency may be terminated if another state of local emergency is declared under clause 113 for the same emergency and applies to the same area, district, or ward as the original state of local emergency.

Changing the meeting place of Parliament

Clause 111 would require Parliament or the House of Representatives to meet no later than 7 days after the Minister has declared a state of national emergency. We consider that the bill should establish a more efficient process for changing the meeting place of Parliament if Wellington is affected to the extent that the House cannot meet in Parliament buildings within 7 days.

Amendment to Constitution Act 1986

At present, section 18(1A) of the Constitution Act provides that the Governor-General may make a Proclamation to change the meeting place of Parliament if the place is unsafe or uninhabitable. However, we acknowledge the submission from the Clerk of the House that this process involves multiple steps, with potential for delay to occur.

We recommend providing an alternative mechanism in new Part 6 of the bill, by inserting clauses 217 to 219 that would insert a new section 18A into the Constitution Act and repeal section 18(1A), re-enacting it as new section 18A(1). New section 18A would give the Speaker the power to change the place of meeting of Parliament by written notice, provided three conditions were met:

- Parliament's place of meeting is unsafe or uninhabitable, and
- a state of national emergency has been declared, and
- the Prime Minister has agreed to the proposed change to Parliament's place of meeting.

The Governor-General could, through a Proclamation, amend or withdraw the notice.

Our proposed new section 18A would also provide for the powers of the Speaker under this section to be exercised by the Speaker within the meaning of that term under section 5 of the Parliament Act 2025. That means that the Deputy Speaker or a member with authority to act as Speaker may exercise powers under proposed new section 18A in certain circumstances.

Early recall of Parliament from adjournment

Clause 111(5) to (7) sets out the circumstances in which the House of Representatives must meet if a state of emergency is declared while the House is adjourned. We consider that these provisions should align more closely with Standing Order 55(1) and (2), which provide a more efficient process for the early recall of the House. Alignment would reduce complexity and ensure consistency between the bill and parliamentary practice.

We recommend replacing subclauses (5) to (7) with proposed new clause 110A. New clause 110A provides that the House must meet within 7 days if adjourned when a state of national emergency is declared. The Speaker would be required to determine a day and time at which the House of Representatives must meet and notify all members.

Powers applying during states of emergency

Clause 121 defines “authorised Controller” for the purposes of subpart 2 of Part 4 of the bill (powers applying during states of emergency). Some submitters suggested that a Local Controller should be included in the definition of “authorised Controller”. Under clause 54, the chief executive of a unitary authority may appoint one or more suitably qualified and experienced persons as a Local Controller for the district. Clause 58 provides that, although Local Controllers appointed for unitary authority EMCs do not hold that role during a state of emergency, they do have specified functions, duties, and powers.

The intent is that a Local Controller or Local Recovery Manager may exercise powers under the bill only where the appointing chief executive has directed them to hold those powers. We consider that this limitation should be made explicit in Part 4 of the bill and in clause 170 (power to require information).

To do this, we recommend:

- amending the definition of “authorised Controller” in clause 121 to include a Local Controller if they have been directed, under clause 58(2), to perform a function or duty, or exercise a power (defined as a “Local Controller under direction”)
- amending the definition of “authorised Recovery Manager” in clause 155 to include a Local Recovery Manager if they have been directed, under clause 67(2), to perform a function or duty, or exercise a power (defined as a “Local Recovery Manager under direction”)
- amending clause 170(1)(b) and (c) to include a Local Controller and Local Recovery Manager who has been directed under clauses 58(2) and 67(2) to exercise the power to require information.

Clarifying exercise of powers

Clause 124 as introduced sets out when authorised Controllers may exercise emergency powers. We consider that the clause does not clearly distinguish between the geographic scope of a statutory officer’s responsibilities and the level of emergency declaration under which that officer may exercise powers.

We recommend replacing clause 124 and amending clause 158 to provide that the statutory officer described in these clauses may exercise their powers:

- only in respect of the location for which they were appointed, and
- only during a state of national emergency or national transition period, in the case of the National Controller and National Recovery Manager respectively.

Powers of an authorised Controller

Clause 127 lists the powers of an authorised Controller during a state of emergency. These include the power to carry out works, clear roads and public places, remove or secure dangerous structures, and provide for the conservation and supply of food, fuel, and other essential supplies.

We note some inconsistency, as clause 127 would give these powers to Regional and Local Controllers during a state of emergency, but not to the National Controller. In contrast, during a transition period, equivalent powers may be exercised by National, Regional, and District Recovery Managers. This results in powers being available at the national level during recovery, but not during a state of national emergency.

We recommend amending clause 127 to provide equivalent powers at the local and national levels.

Animal welfare

Clauses 129 and 162 would allow an authorised Controller or a constable to enter premises or a place where a state of emergency is in force if necessary to address unnecessary or unreasonable pain or distress suffered by animals.

Powers relating to animals during a state of emergency

We consider that the entry power in clause 129(4)(a) should make it explicit that, upon entry, reasonable steps may be taken to mitigate animal pain or distress. We recommend amending clause 129(4) to state that an authorised Controller or a constable who enters premises for the reason of mitigating unreasonable or unnecessary pain or distress of an animal may do one or more of the following:

- examine, mark, take a sample from, treat, secure, relocate, disinfect, or destroy an animal
- pass an animal to a suitable person, who can address the animal's needs
- do anything else, in relation to the animal, that is reasonable in the circumstances.

The policy intent is that if the animal is not reclaimed within a reasonable time, it could then be rehomed, sold, or destroyed, as appropriate.

Powers relating to animals during a transition period

We note that the equivalent power during a transition period, as set out in clause 162 as introduced, may not be workable in practice. It would permit entry onto premises to address unreasonable or unnecessary animal pain or distress but would not clearly allow the actions necessary to achieve this outcome once entry has occurred.

We consider that the powers available to an authorised Recovery Manager or a constable during a transition period, and the requirements on them, should be consistent with those available during a state of emergency. This would ensure that animal welfare can be effectively addressed through both the response and recovery phases. We recommend amending clause 162(4) accordingly.

Warrant for entry to obtain information

Clause 137 would allow an office holder to apply to the District Court for a warrant to authorise a constable to enter and search any premises, other than a private dwelling or marae, for the purpose of obtaining information needed to:

- limit the extent of an existing emergency
- prevent a threatened emergency or limit its extent.

Clause 137 also provides that, if a person has refused to provide information requested under clause 170, a District Court Judge may issue a warrant authorising a constable to enter and search premises, other than a private dwelling or marae, if the information is urgently required to prevent or limit the extent of an emergency.

We consider that this is an opportunity to better align the warrant provisions in the bill (which are based on sections 78 to 82 of the CDEM Act) with Part 4 of the Search and Surveillance Act 2012. That Act sets out a comprehensive framework for applying for, issuing, and executing search warrants. While warrants under this bill have a more specific purpose, namely obtaining information to prevent or limit emergencies, some of the procedural safeguards and clarity provided in Part 4 would be appropriate in this context.

We recommend amending clauses 137 to 139 to apply sections 98 (application for search warrant), 131 (identification and notice requirements), and 152 (copies of things seized or produced) of the Search and Surveillance Act as relevant to the bill. Under our proposed clause 137(3A), the District Court Judge could authorise the warrant to be executed on more than 1 occasion during the period in which the warrant is in force if the Judge is satisfied that this is required for the purposes for which the warrant is being issued. Under our proposed clause 139(1)(d)(iaaa), a warrant would enable access to data held in a computer system or other data storage device.

Terminating a transition period

Clause 142 would authorise the Minister to declare a national transition period applying to the whole country or to one or more specified areas or districts following an emergency, whether or not a state of emergency has been declared, if the Minister considers a national transition period is required.

We note that clause 142 does not provide that any other transition period already in force for that area would be terminated. By contrast, section 94A(4)(b) of the CDEM Act provides that the subsequent notification of a national transition period terminates an existing transition period for the same emergency. This approach supports effective coordination of resources and effort across the wider area covered by the later declaration.

We recommend amending clause 153 to provide that, where a national transition period is declared for the whole of New Zealand or for an area in relation to an emergency, any other transition period already in force for the same emergency in that area, district, or ward is terminated.

We also recommend amending clause 153 to provide that, where a local transition period is declared for an area, district, or ward, any other local transition period already in force for the same emergency within that area, district, or ward ceases to have effect.

Consultation requirements for terminating transition period

Clause 153 would allow the Minister to terminate a national transition period, and the Minister or an authorised person to terminate a local transition period.

It could be clearer who the Minister must consult before terminating a local transition period. We think that the consultation requirement should refer to the relevant EMCs and mayors of the local authorities covered by the transition period.

We recommend amending clause 153(3) to require the Minister to consult the EMCs and mayors of all regions or districts to which the local transition period applies.

Part 5 – Information, enforcement, compensation, appeals, and secondary legislation**Official information and meetings**

We see value in making it explicit that the Local Government Official Information and Meetings Act 1987 (LGOIMA) applies to EMCs, Emergency Management Co-ordinating Executive Groups, Controllers, and Recovery Managers. Doing so would provide clarity for those exercising functions under the bill and support transparency and accountability during emergency management activities.

We recommend inserting clause 173A to expressly provide that the Local Government Official Information and Meetings Act applies to EMCs, relevant members of Co-ordinating Executive Groups, and the Controllers and Recovery Managers appointed at the local government level.

Compliance orders

The bill would empower the Director-General to issue compliance orders where requirements under the Act are breached. This is a new power that is not in the CDEM Act. Clause 177 would allow the Director-General to amend or revoke a compliance order at any time other than during the period for appealing the order. During the appeal period, the Director-General may amend or revoke the order only if they receive new information that relates to the order.

We recommend amending clause 177(2) to make it clear that an appeal against part of a compliance order does not prevent the amendment or revocation of other parts of the order that are not subject to appeal.

We consider that the restriction on amending or revoking a compliance order during the appeal period may be too narrow. There may be circumstances where it is appropriate to amend an order based on information that is relevant but not technically new. The current wording could constrain the Director-General's ability to respond flexibly. We recommend amending clause 177(2) to allow the Director-General to amend or revoke the compliance order if the person it is served on agrees to the amendment or revocation.

In addition, we note that it is unclear whether the definition of "appeal period" includes an appeal to the High Court. We recommend amending clause 177(3) so that

the restriction on amending or revoking a compliance order during the appeal period should apply to appeals to both the District Court and the High Court.

Offences

Clause 181(2) provides that no prosecution may be brought before expiry of the time for appealing a direction to obtain an assessment in relation to a structure. Similarly, clause 185(2) prevents prosecution pending appeal of a requirement to give information.

We consider that there may be circumstances where an assessment is required for multiple structures, and an appeal relates to only some aspects of a subsequent prosecution. In such cases, preventing a prosecution from proceeding in relation to matters that are not subject to appeal may be unnecessarily restrictive. We recommend inserting clauses 181(2A) and 185(2A) to clarify that a prosecution may be brought in relation to conduct under a part of the direction that is not appealed against.

Failure to comply with a compliance order

Clause 187 would make it an offence to fail to comply with a compliance order served under clause 174. This is a strict liability offence. We recommend amending clause 187 to provide for a defence of reasonable excuse.

Civil liability for actions during or before an emergency

Clause 202 would provide immunity from civil liability for any person who performs or exercises a function, duty, or power under the bill for acts or omissions arising during a state of emergency or a transition period. Some submitters recommended extending these protections to cover precautionary or preventative actions taken before an emergency is declared, or where a declaration is not made because the situation is managed without one.

We agree that protections should extend to such actions. We consider that this would strike an appropriate balance between encouraging early and proactive emergency management and ensuring that individuals are not exposed to civil liability for unforeseen harm arising from good-faith actions. We recommend amending clause 202 accordingly.

As discussed below, we also recommend amending clauses 197 to 199A to expressly confirm individuals' entitlement to limited compensation from the Crown, an EMC, a territorial authority, or a regional council for loss or damage to personal property, in the circumstances outlined in the proposed changes to clause 202.

Compensation

Definition of compensatory amount

We recommend amending the definition of "compensatory amount" in clause 190 to clarify that it may apply in relation to property other than personal property.

Compensation for loss or damage to personal property

Clause 194 sets out who is liable to pay compensation for loss or damage to personal property arising from emergency management activities. Liability may rest with the Crown, an EMC, or a territorial authority.

We note that clause 194(2)(a)(i) provides for compensation where loss or damage occurs while a person is acting under the authority of the Director-General. We recommend amending clause 194(2)(a) to include persons acting under the direction or authority of the National Controller or the National Recovery Manager.

For the avoidance of doubt, we also recommend amending clause 194(2)(a), (3), and (4) to clarify that liability applies where District or Local Controllers are acting under the direction or control of a Regional Controller.

Interpretation

We recommend inserting clause 196A to guide the interpretation of subsequent provisions.

We recommend extensive redrafting of clauses 197 to 200, which relate to compensation for loss or damage suffered as a result of the exercise of Part 4 powers, in order to provide clearer guidance for the courts in applying these provisions.

Compensation for loss or damage due to exercise of other powers

As introduced, clause 197 would allow a person to claim compensation from the Crown, the responsible EMC, or the responsible territorial authority for uninsured loss or damage arising from the exercise of certain powers. A claim could be made only where the loss or damage does not exceed the replacement value of the property.

We recommend amending clause 197 to expressly confirm that persons could be entitled to compensation for loss or damage to property as a result of preventive or precautionary actions taken outside an emergency declaration where there was an imminent threat of an emergency.

Amount of compensation

As introduced, clause 197(6)(c) provides that compensation for loss or damage to personal property would be capped at \$20,000, less any insurance cover. We consider that this amount should be increased to reflect inflation, and think the provision would benefit from clarification.

We recommend increasing the cap for damage to personal property to \$40,000, and shifting this provision into new clause 198A, which lays out the considerations for the court in determining compensation for personal property. We also recommend clarifying:

- that the cap of \$40,000 is to be applied cumulatively, and not per item
- that the definition of personal property includes property with a value of more than \$40,000

- that where insured property with a replacement value of more than \$40,000 is damaged or lost, compensation can be claimed for any uninsured amount up to the cap of \$40,000.

Parties from whom person may recover compensation

Clause 198 as introduced sets out the parties from whom a person may recover compensation under clause 197. We recommend replacing this provision with new clause 199A to clarify, in detail, the parties whose actions or measures trigger eligibility for compensation. New clause 199A has the same effect as clause 198 but is amended to include:

- the Director-General, their delegate, and persons authorised by certain statutory officers in the list of persons in respect of whose actions the Crown may pay compensation
- persons appointed by an EMC or authorised by certain statutory officers in the list of persons in respect of whose actions an EMC may pay compensation
- a territorial authority and its chief executive or delegate in the list of persons in respect of whose actions a territorial authority may pay compensation
- regional councils in the list of bodies that may be required to pay compensation under this clause.

Considerations for the court

We recommend deleting reference to “on the claimant’s property” from clause 200(2)(a) in the bill as introduced (now restructured as clause 198(a)). This provision relates to situations where a claim is made for compensation under clause 197. Our change would enable a court to consider situations where damage occurs to property owned by person A, but the adverse effect the action was intended to avert was damage to property owned by person B.

Breach of regulation or rule

Clause 210(1)(d) sets the penalty for a breach of a regulation or rule at a fine not exceeding \$500. We consider this penalty too low; the level was set more than 20 years ago, and it does not reflect the expanded range of behaviours covered by regulations and rules made pursuant to the bill. We also consider it best practice to distinguish between penalties for individuals and body corporates. Therefore, we recommend amending clause 210(1)(d) to increase the fine for a breach of a regulation or rule to \$2,000 for an individual and \$10,000 in any other case.

New Part 6 – Amendments to other legislation and repeal

We propose adding a new Part 6 to the bill to include amendments to the Constitution Act 1986 and the Local Government Act 2002. Clauses 217 and 218 of the bill as introduced would become clauses 223 and 224, setting out consequential amendments to other legislation, and repealing the existing CDEM Act.

Amendments to Constitution Act 1986

As noted in relation to clause 111, we recommend amending section 18 of the Constitution Act and inserting new section 18A to provide for changing the meeting place of Parliament if an emergency makes it unsafe or uninhabitable.

Amendments to Local Government Act 2002

The bill as introduced does not expressly link regional emergency management plans with local authorities' long-term plans. While local authorities are already expected to address their emergency management responsibilities through long-term planning, we consider that an explicit statutory link would provide greater clarity about how requirements in regional emergency management plans should be reflected in the long-term plans of individual Emergency Management Committee members.

We also consider that such a link should provide certainty about the scope of consultation. In particular, consultation on long-term plan provisions that implement a regional emergency management plan should not reopen matters that have already been settled through the consultation process for the regional plan itself. We note that the Planning Bill proposes a similar approach in relation to regional spatial plans and long-term plans.

We recommend amending Schedule 10 of the Local Government Act 2002 to require long-term plans to:

- set out the steps the local authority will take to implement or progress requirements imposed on it by the relevant regional emergency management plan
- provide that those steps are to be determined by the local authority in a way it considers appropriate, having regard to competing demands and any other relevant circumstances
- provide that the local authority is required to implement or progress those requirements only to the extent it is reasonably able to do so.

We also recommend amending section 76AA of the Local Government Act 2002 so that public engagement by local authorities on actions required under a regional emergency management plan is restricted to options consistent with that plan.

Other legislation relevant to emergency management

Schedule 2 lists other legislation that is relevant to emergency management. The schedule includes legislation that gives local authorities functions, duties, or powers to manage specific hazards.

Although Schedule 2 is not intended to be exhaustive, we see value in including additional legislation that meets these criteria.

We recommend adding the following legislation to Schedule 2:

- the Land Drainage Act 1908
- the Local Government Official Information and Meetings Act 1987

- the Soil Conservation and Rivers Control Act 1941.

We also recommend amending clause 5 of the bill to clarify that the definition of “relevant legislation” includes, but is not limited to, the legislation specified in Schedule 2.

Other matters considered

We discuss below some matters where we are not recommending amendments, but that we wish to draw attention to.

The importance of regional emergency management plans

We wish to emphasise the importance of regional emergency management plans in the framework proposed by the bill. Like the civil defence emergency management group plans required under the current Act, these plans are intended to be a key instrument for implementing EMCs’ responsibilities and driving action across the “4Rs” (risk reduction, readiness, response, and recovery) at the local government level. The bill seeks to improve the quality of these regional plans, providing for new content requirements, regional planning standards to be issued by the Minister, and increased ministerial oversight.

We hope to see local authorities using their plans to improve how the hazards and risks in their areas are managed, increasing New Zealand’s resilience to emergencies. That is the ultimate goal of this legislation.

Role and funding for marae

We acknowledge the valuable role marae play in the front line of an emergency response. Numerous submitters emphasised people’s reliance on marae in an emergency, and suggested that dedicated resourcing should be provided for this role. One iwi suggested providing for standing arrangements that allow marae immediate access to essential emergency resources, including connectivity, food, generators, fuel, and other critical equipment.

Although the bill does not directly address the issue of resourcing for marae, the policy intent is that marae and other community groups could seek reimbursement from local authorities for costs incurred in an emergency response. Clause 45 provides permanent legislative authority for the reimbursement of certain costs related to an emergency that are incurred by local authorities. People and groups other than local authorities, such as marae, could seek reimbursement via the local authority if appropriate. The principle is that local authorities would have primary responsibility for the financial costs of emergencies in their geographic and functional areas of responsibility, and would be in a position to verify what local activity qualifies for reimbursement.

Role of civil contractors

Several submitters proposed that civil contractors or other professional services should be included in membership of EMCs, since they play a key role in emergency

management. Some also suggested that regional emergency management plans should require consultation with, and commissioning of, civil contractors in line with their core infrastructure functions. We consider that contractors will usually have an important role in emergencies. Clause 91(1)(l) already provides for consideration of civil contractors among the groups that may offer resources, expertise, and other assistance during an emergency.

Editorial independence of broadcasters

Television New Zealand and Radio New Zealand expressed concern that their emergency broadcasting duties as essential infrastructure providers could create a perception that their editorial independence could be overridden by the Minister, Controllers, Recovery Managers, or constables. We gave careful thought to this issue.

We note that the powers in Part 4 are not intended to enable interference with editorial independence or journalistic activity. We also note that the Radio New Zealand Act 1995 and the Television New Zealand Act 2003 already limit ministerial direction in relation to newsgathering and related matters. We gave thought to whether the bill should explicitly reflect this intent, and concluded that it was unnecessary.

This bill's focus is on the essential role that RNZ and TVNZ play as a communications lifeline for people in an emergency. We consider that editorial independence in their news and current affairs activities is adequately safeguarded by existing legislation.

New Zealand First differing view

On the matter of declaring a state of emergency for local areas

New Zealand First strongly supports this Emergency Management Bill, with one exception.

In our view, the legislation should allow for an emergency to be declared for an area smaller than a ward.

There are broadly two reasons for a declaration of an emergency. Firstly, the recognition that an event is of a scale and impact that is too great for the local community and council to cope. It enables additional external resources to be deployed to help. Secondly, it allows for actions to be compelled—for example, for people to be required to evacuate for their own safety.

The first of these reasons is not in question and could be triggered regardless of the boundaries of a declaration. It is our view that the bill should allow for declarations for a locality smaller than a ward, where an emergency situation affects or is likely to affect an area smaller than a ward. We do not agree with officials that this might be harder for affected communities to understand.

Green Party of Aotearoa New Zealand differing view

The Green Party supports this bill, but we have been consistent about the changes needed to push it in a better direction: more explicit integration of climate adaptation

objectives, legislation that enables better resourcing for Iwi and community groups, and stronger inclusion of marginalised communities—such as people with disabilities, rural communities, and Māori in disaster management planning and recovery.

Appendix

Committee process

The Emergency Management Bill (No 2) was referred to this committee on 9 December 2025. We invited the Minister for Emergency Management to provide an oral submission on the bill. He did so on 11 February 2026.

We called for submissions on the bill with a closing date of 15 February 2026. We received and considered submissions from 309 interested groups and individuals. We heard oral evidence from 82 submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bill was provided by the National Emergency Management Agency. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in clauses 75, 76, 77, and 214. The Business Committee gave us permission to consider and recommend amendments to the bill which would turn it into an omnibus bill.

Committee membership

Hon Jan Tinetti (Chairperson and member from 25 March 2026)

Camilla Belich (Chairperson and member until 25 March 2026)

Tim Costley

Mike Davidson (from 11 February 2026)

Andy Foster

Hon Melissa Lee

Hon Dr Shane Reti (from 13 May 2026)

Tom Rutherford (until 13 May 2026)

Lemauga Lydia Sosene

Celia Wade-Brown (until 11 February 2026)

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Mark Mitchell

Emergency Management Bill (No 2)

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Emergency Management Act **(No 2) 2025**.

2 Commencement

- (1) This Act comes into force on the day after Royal assent, with some exceptions. 5
- (2) **Sections 174 to 178** (which relate to compliance orders) come into force 6 months after Royal assent.
- (3) The following provisions come into force 12 months after Royal assent:
 - (a) **section 44** (which relates to the obligation on chief executives of territorial authorities regarding the use and provision of resources): 10
 - (b) **sections 52, 54, 57, 58, and 59(1)(c) to (f)** (which relate to District Controllers and Local Controllers):
 - (c) **sections 61, 63, 66, 67, and 68(1)(c) to (f)** (which relate to District Recovery Managers and Local Recovery Managers):
 - (d) ~~**section 86(2)(a)** (which relates to the obligation on the Director-General when developing a proposal relating to a review of the national emergency management plan to identify and engage with disproportionately affected communities):~~ 15
 - (e) **section 91(1)(k) to (m)** (which relates to certain content of regional emergency management plans). 20
- (4) ~~**Sections 69, and 70, and 83**~~ (which relate to lead agencies) come into force—
 - (a) on a single date set by Order in Council; but
 - (b) if they have not come into force by the second anniversary of Royal assent, they come into force then. 25
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 1

Preliminary provisions

3 Purpose

The purpose of this Act is to promote and improve the management of hazards and to support the social, economic, cultural, and environmental well-being and safety of the public by providing for the following matters: 5

- (a) ~~promoting and improving the sustainable management of hazards:~~
- (b) protecting property:
- (c) encouraging and enabling communities to achieve acceptable levels of risk, including by the following means: 10
 - (i) identifying, assessing, and managing risks:
 - (ii) consulting and communicating about risks:
 - (iii) identifying and implementing cost-effective risk reduction:
 - (iv) monitoring and reviewing those processes:
- (d) planning and preparing for emergencies and for response and recovery in the event of an emergency: 15
- (e) requiring local authorities to co-ordinate, through Emergency Management Committees, planning, programmes, and activities related to emergency management across the stages of reduction, readiness, response, and recovery, and encouraging co-operation and joint action within those Committees: 20
- (f) providing for the integration of national and local emergency management planning and activity through the alignment of local planning with a national emergency management strategy and national emergency management plan: 25
- (g) encouraging the co-ordination of emergency management, planning, and related activities among the wide range of agencies and organisations preventing or managing emergencies under this Act and the relevant legislation listed in **Schedule 2**.

Compare: 2002 No 33 s 3 30

4 Outline of Act

- (1) This Act is divided into ~~5~~ 6 Parts.
- (2) This Part covers the following preliminary matters:
 - (a) the purpose of this Act:
 - (b) definitions of terms used in this Act: 35
 - (c) transitional and savings provisions needed for this Act:
 - (d) the extent to which this Act binds the Crown.

- (3) **Part 2** is about the role-holders in the emergency management system. It has the following subparts:
- (a) **subpart 1** provides for national role-holders, including the Director-General of Emergency Management, the National Controller, and the National Recovery Manager: 5
 - (b) **subpart 2** provides for regional role-holders, including the Emergency Management Committees, Emergency Management Co-ordinating Executive Groups, local authorities, Regional Controllers and Recovery Managers, District Controllers and Recovery Managers, and Local Controllers and Recovery Managers: 10
 - (c) **subpart 3** provides for the role of lead agencies, emergency services, and essential infrastructure providers.
- (4) **Part 3** is about the planning documents required for the emergency management system, including the national emergency management strategy, the national emergency management plan, regional emergency management plans, and essential infrastructure sector response plans. 15
- (5) **Part 4** is about emergency response and recovery. It includes the following subparts:
- (a) **subpart 1** provides for the declaration of states of national and local emergency: 20
 - (b) **subpart 2** provides for the powers that may be exercised during states of national and local emergency:
 - (c) **subpart 3** provides for the declaration of national and local transition periods:
 - (d) **subpart 4** provides for the powers that may be exercised during national and local transition periods. 25
- (6) **Part 5** is about compensation, civil liability, enforcement, appeals, and secondary legislation. It includes the following subparts:
- (a) **subpart 1** enables role-holders to require certain information to be provided for emergency management and sets out restrictions on the use of that information: 30
 - (b) **subpart 2** establishes a regime for compliance orders to require compliance with this Act and related secondary legislation and plans:
 - (c) **subpart 3** provides for offences for failing to comply with certain requirements in this Act: 35
 - (d) **subpart 4** provides for compensation for damage arising from the exercise of powers or the carrying out of actions or measures under this Act:
 - (e) **subpart 5** provides for the service of documents and appeals:
 - (f) **subpart 6** authorises the making of regulations and rules under this Act.

(6A) **Part 6** is about amendments to other legislation and the repeal of the Civil Defence Emergency Management Act 2002.

(7) This section is for explanation only and does not affect the provisions to which it refers.

5 Interpretation 5

In this Act, unless the context otherwise requires,—

administering authority means the administering authority for a multi-member Emergency Management Committee described in **section 37**

aircraft has the same meaning as in section 5 of the Civil Aviation Act 2023

area— 10

(a) means ~~all the districts and regions of the local authorities that are members of one~~ make up a single Emergency Management Committee; and

(b) extends to—

(i) the landward boundary of the territorial authorities of the Emergency Management Committee; and 15

(ii) the seaward boundary of the regional councils or unitary authorities of the Emergency Management Committee

associate member means a member of a multi-member Emergency Management Committee appointed under clause 31 of Schedule 7 of the Local Government Act 2002 who— 20

(a) is not an elected member of a local authority; and

(b) in the opinion of the Committee, has the skills, attributes, or knowledge that will assist the work of the Committee

authorised mayor-elect means a mayor-elect who is authorised under **section 50A** 25

~~**chief executive** means the chief executive of the department~~

Committee's internet site means an internet site maintained by, or on behalf of, an Emergency Management Committee

~~**constable**, in **Part 4**, includes any person acting under the authority of a constable~~ 30

Controller means any of the following:

(a) the National Controller:

(b) a Regional Controller:

(c) a District Controller:

(d) a Local Controller 35

Crown organisation has the same meaning as in section 4 of the Crown Organisations (Criminal Liability) Act 2002

Director-General of Emergency Management or **Director-General** means the chief executive of the department

Director-General's internet site means an internet site maintained by, or on behalf of, the Director-General

~~**disproportionately affected community** means a community that has existing vulnerabilities or specific needs that mean that it is likely to be affected more significantly in the case of an emergency~~ 5

disproportionately affected community means a community that, if an emergency occurs,—

(a) will or is likely to be significantly more affected by the emergency than other communities; and 10

(b) because it is significantly more affected, will or is likely to have increased vulnerabilities or specific needs during or after the emergency

district has the same meaning as in section 5(1) of the Local Government Act 2002 15

~~**District Controller** means a person appointed as a District Controller under **section 52**~~

District Controller—

(a) means a person appointed as a District Controller under **section 52**; and 20

(b) includes a person appointed to act in the role of a District Controller under that section

~~**District Recovery Manager** means a person appointed as a District Recovery Manager under **section 61**~~

District Recovery Manager— 25

(a) means a person appointed as a District Recovery Manager under **section 61**; and

(b) includes a person appointed to act in the role of a District Recovery Manager under that section

emergency has the meaning set out in **section 6(1)** 30

~~**emergency ambulance service** means an organisation that the Minister identifies as an emergency ambulance service by notice in the *Gazette*~~

emergency management—

(a) means the application of knowledge, measures, and practices that— 35

(i) are necessary or desirable for the safety of the public or property; and

(ii) are designed to guard against, prevent, reduce, recover from, or overcome any hazard, harm, or loss that may be associated with any emergency; and

- (b) includes planning, organising, co-ordinating, and implementing those measures, knowledge, and practices

Emergency Management Committee or **Committee** means a Committee continued in accordance with **section 23** or established or re-established under **section 35 or 36**

5

Emergency Management Co-ordinating Executive Group or **Co-ordinating Executive Group** means a Group ~~established~~ appointed and maintained under **section 39**

emergency management plan means—

- (a) a national emergency management plan; or
 (b) a regional emergency management plan

10

emergency services means the following services:

- (a) the New Zealand Police;
 (b) Fire and Emergency New Zealand;
 (c) the emergency ambulance services (as identified by notice in the *Gazette* under **section 72A**);
 (d) providers of health services

15

essential infrastructure has the meaning set out in **section 7(1)**

essential infrastructure provider has the meaning set out in **section 7(1)**

hazard means something that may cause, or contribute substantially to the cause of, an emergency

20

health services means personal health services and public health services within the meaning of those terms in section 4 of the Pae Ora (Healthy Futures) Act 2022

~~**lead agency** means a government agency identified in the national emergency management plan as the lead agency in respect of emergencies caused or contributed to by a particular hazard~~ has the meaning set out in **section 69(1AAA)**

25

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

30

local authority member, in relation to a multi-member Emergency Management Committee, means a local authority that is a member of the Committee

Local Controller means a person appointed as a Local Controller under **section 54**

Local Recovery Manager means a person appointed as a Local Recovery Manager under **section 63**

35

local transition period means a local transition period declared under **section 145**

mayor-elect has the meaning set out in **section 50A(5)**

member, in relation to a multi-member Emergency Management Committee, means—

- (a) a local authority that is a member of the Committee; and
- (b) any associate member appointed to the Committee

5

multi-member Emergency Management Committee has the meaning set out in **section 25(2)**

~~National Controller~~ means the person who is the National Controller in accordance with **section 19**

National Controller—

10

- (a) means the person who is the National Controller in accordance with **section 19**; and
- (b) includes a person who has been appointed to act in the role of the National Controller under **section 19(6A)**

national emergency management plan or **national plan** means a plan made by regulations made under **section 82**

15

national emergency management strategy means a strategy ~~completed~~ made and in effect under **section 77**

~~National Recovery Manager~~ means the person who is the National Recovery Manager under **section 20**

20

National Recovery Manager—

- (a) means the person who is the National Recovery Manager under **section 20**; and
- (b) includes a person who has been appointed to act in the role of the National Recovery Manager under **section 20(6A)**

25

national significance, in relation to an occurrence or a thing, includes, without limitation, any case where the Minister or the Director-General considers that at least 1 of the following applies:

- (a) there is widespread public concern about or interest in the occurrence or thing;
- (b) ~~there~~ the occurrence or thing is likely to ~~be~~ require significant use of resources;
- (c) ~~it~~ the occurrence or thing is likely ~~that~~ to affect the area of more than 1 Emergency Management Committee ~~will be affected~~;
- (d) ~~it~~ the occurrence or thing affects, is likely to affect, or is relevant to New Zealand's international obligations;
- (e) ~~it~~ the occurrence or thing results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment)

30

35

national transition period means a national transition period declared under **section 142**

owner, in relation to a structure, includes a person who owns part of the structure

provider of health services means a provider as defined in section 4 of the Pae Ora (Healthy Futures) Act 2022 who provides services within the meaning of paragraphs (a) and (b) of the definition of services in section 4 of that Act 5

public place—

- (a) means a place that, at any material time, is open to or is being used by the public,— 10
 - (i) whether free or on payment of a charge; and
 - (ii) whether or not an owner or occupier of the place is lawfully entitled to exclude or reject any person; and
- (b) includes, without limitation, an aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward 15

public service agency has the same meaning as in section 5 of the Public Service Act 2020

recovery means the co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term holistic regeneration and enhancement of a community following an emergency 20

recovery activity has the meaning set out in **section 8**

Recovery Manager means any of the following:

- (a) the National Recovery Manager:
- (b) a Regional Recovery Manager: 25
- (c) a District Recovery Manager:
- (d) a Local Recovery Manager

region has the same meaning as in section 5(1) of the Local Government Act 2002

~~**Regional Controller** means a person appointed as a Regional Controller under **section 51 or 53**~~ 30

Regional Controller—

- (a) means a person appointed as a Regional Controller under **section 51 or 53**; and
- (b) includes a person appointed to act in the role of a Regional Recovery Controller under either of those sections 35

regional council has the same meaning as in section 5(1) of the Local Government Act 2002

regional emergency management plan or **regional plan** means a plan prepared and approved under **section 90**

regional emergency management planning standard means a standard issued under **section 100**

~~**Regional Recovery Manager** means a person appointed as a Regional Recovery Manager under **section 60 or 62**~~ 5

Regional Recovery Manager—

(a) means a person appointed as a Regional Recovery Manager under **section 60 or 62**; and

(b) includes a person appointed to act in the role of a Regional Recovery Manager under either of those sections 10

regulations means regulations made under this Act

relevant legislation—

(a) means legislation that may be relevant to emergency management; and

(b) includes, without limitation, the legislation specified in **Schedule 2**, to the extent that it is relevant to emergency management 15

representative, in relation to a local authority,—

(a) means an elected member of a local authority (within the meaning of paragraph (c) of the definition of member in section 5(1) of the Local Government Act 2002); and 20

(b) includes an elected member of a community board established under section 49 of the ~~Local Government Act 2002~~ that Act

risk means the likelihood and consequences of a hazard

road has the same meaning as in section 2(1) of the Land Transport Act 1998

rules means rules made under this Act 25

sector response plan means a plan developed and approved under **section 104**

ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994

state of emergency means— 30

(a) a state of national emergency; or

(b) a state of local emergency

state of local emergency means a state of local emergency declared under **section 113**

state of national emergency means a state of national emergency declared under **section 109** 35

territorial authority has the same meaning as in section 5(1) of the Local Government Act 2002

transition period means—

- (a) a national transition period; or
- (b) a local transition period

unitary authority has the same meaning as in section 5(1) of the Local Government Act 2002

5

unitary authority Emergency Management Committee has the meaning set out in **section 25(4)**

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

ward has the same meaning as in section 5(1) of the Local Electoral Act 2001. 10

6 Meaning of emergency

(1) In this Act, an **emergency** is a situation that—

- (a) is the result of any happening, whether natural or otherwise; and
- (b) causes or may cause either or both of the following:
 - (i) the loss of human life or injury, illness, or distress to people; or 15
 - (ii) a threat, in any way, to the safety of the public or property; and
- (c) requires a significant and co-ordinated response under this Act (for example, because emergency services are unable to adequately address it).

(2) In this section, **happening** includes, without limitation, the following: 20

- (a) an explosion:
- (b) volcanic activity:
- (c) an earthquake or land movement:
- (d) a tsunami or flood:
- (e) a storm, tornado, or cyclone: 25
- (f) a serious fire:
- (g) a leakage or spillage of any dangerous gas or substance:
- (h) technological failure:
- (i) an infestation, a plague, or ~~an epidemic~~ pandemic:
- (ia) a major transport incident: 30
- (j) a failure of, or disruption to, an emergency service or essential infrastructure:
- (k) an actual or imminent attack or warlike act.

7 Meanings of essential infrastructure and essential infrastructure provider

(1) In this Act,— 35

essential infrastructure means the infrastructure components that are necessary to deliver an essential service

essential infrastructure provider means an entity or a member of a class of entities that—

- (a) provides, or is responsible for providing, essential infrastructure; and 5
- (b) is named or described in **Schedule 3**.

(2) In this section,—

essential service means a service that ~~underpins or~~ is necessary for any of the following:

- (a) public order: 10
- (b) public safety:
- (c) public health:
- (d) national security:
- (e) the functioning of the economy or society of the whole or part of New Zealand 15

infrastructure components means assets, information, networks, systems, suppliers, people, and processes.

8 Meaning of recovery activities

(1) In this Act, **recovery activities** means activities carried out under this Act or an emergency management plan to deal with the consequences of an emergency, including, without limitation,— 20

- (a) ~~the actions~~ acts specified in **subsection (2)**;
- (b) the measures specified in **subsection (3)**.

(2) The specified ~~actions~~ acts are the following:

- (a) assessing and ongoing monitoring of the needs of a community affected by the emergency: 25
- (b) co-ordinating and integrating planning, decisions, actions, and resources.

(3) The specified measures are the following:

- (a) measures to support the regeneration, restoration, and enhancement of communities across the built, natural, social, and economic environments: 30
- (b) measures to support the cultural and physical well-being of individuals and their communities:
- (c) measures to support government and non-government organisations and entities working together: 35
- (d) measures to enable community participation, including the participation of iwi and Māori, in recovery planning:

- (e) new measures—
 - (i) to reduce risks from hazards; and
 - (ii) to build resilience.

9 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms. 5

Compare: 2002 No 33 s 4A

10 Act binds the Crown

- (1) This Act binds the Crown.
 - (2) This section is subject to **section 11**. 10
- Compare: 2002 No 33 s 5

11 Enforcement of Act against the Crown

- (1) This Act may be enforced against the Crown only in the manner provided in this section.
 - Compliance orders issued under this Act* 15
- (2) A compliance order served under **section 174** may be issued against an instrument of the Crown, but only if—
 - (a) the instrument is a Crown organisation; and
 - (b) the order is served ~~against~~ on the Crown organisation in its own name.

District Court orders 20
- (3) An order may be made by the District Court against an instrument of the Crown in accordance with **section 178**, but only if—
 - (a) the instrument is a Crown organisation; and
 - (b) the order is ~~served~~ made against the Crown organisation in its own name. 25

Prosecution of offence involving failure to comply with compliance order
- (4) An instrument of the Crown may be prosecuted for an offence against **section 187**, but only if—
 - (a) the instrument is a Crown organisation; and
 - (b) the proceedings are commenced— 30
 - (i) against the Crown organisation in its own name and the proceedings do not cite the Crown as a defendant; and
 - (ii) in accordance with the Crown Organisations (Criminal Liability) Act 2002.

12 Act does not limit other functions, duties, or powers

Unless this Act otherwise provides, this Act does not limit or affect, and does not apply in substitution for, the functions, duties, or powers of any person under any other legislation or rule of law.

Compare: 2002 No 33 s 6

5

13 Precautionary approach

(1) This section applies to a person who performs functions in relation to developing or implementing an emergency management plan under this Act.

(2) The person may adopt a cautious approach to managing risk under an emergency management plan even if there is scientific or technical uncertainty about the nature and extent of the risk.

10

Compare: 2002 No 33 s 7

Part 2**Emergency management system role-holders****Subpart 1—National role-holders**

15

*Director-General of Emergency Management***14 Functions of Director-General of Emergency Management**

The functions of the Director-General of Emergency Management are to—

(a) identify hazards and risks that the Director-General considers may be of national significance:

20

(b) monitor and evaluate the national emergency management strategy:

(c) develop, monitor, and evaluate the national emergency management plan:

(d) develop, in consultation with the relevant persons and organisations that have responsibilities under this Act, any guidelines, codes, or technical standards that may be required for the purposes of this Act:

25

(e) monitor the performance of Emergency Management Committees and persons who have responsibilities under this Act:

(f) promote emergency management that is consistent with the purpose of this Act:

30

(g) keep the Minister informed, and provide advice, about any situation in which there is an imminent threat of an emergency:

(h) during a state of national emergency or a national transition period, direct and control for the purposes of this Act the resources available for emergency management:

35

(i) monitor and enforce compliance with this Act:

- (j) perform any other functions that are conferred or imposed on the Director-General by or under this Act or any other enactment:
- (k) perform any functions that are incidental and related to, or consequential on, the Director-General's functions in **paragraphs (a) to (j)**.

Compare: 2002 No 33 s 8

5

15 Powers of Director-General

- (1) The Director-General has all the powers that are reasonably necessary or expedient to enable the Director-General to perform the functions of the role, including the powers set out in **subsections (2) to (4)**.
- (2) The Director-General may—
 - (a) co-ordinate the use of specified resources (*see subsection (6)*) for the purposes of this Act, including in relation to the following matters:
 - (i) providing transport:
 - (ii) removing endangered persons and casualties from any area affected by an emergency to areas of safety or to hospitals or other medical care providers: 15
 - (iii) providing medical care and attention to casualties:
 - (iv) relieving human distress and suffering:
 - (v) providing accommodation, food, care, and protection for persons:
 - (vi) providing other services necessary to restore community services and provide for the welfare of the public; and 20
 - (b) during a state of national emergency or national transition period, use the specified resources for the purposes of this Act, including—~~in relation to the matters set out in paragraph (a)~~:
 - (i) in relation to the matters set out in **paragraph (a)**; and 25
 - (ii) for the purposes of any state of local emergency or local transition period when a state of national emergency or a national transitional period is in force concurrently for an area, district, or ward.
- (3) The Director-General may,—
 - (a) during a state of national emergency or national transition period, direct the performance or exercise of the functions, duties, and powers of Emergency Management Committees, Regional Controllers, District Controllers, Local Controllers, Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers: 30
 - (b) devise, promote, and carry out, or cause to be carried out, research and investigations into matters relating to emergency management: 35
 - (c) issue or direct the issue of hazard warnings and notifications:

- (d) co-ordinate the planning of emergency management between Emergency Management Committees:
- (e) give advice in relation to, and assist in, the planning, preparation, co-ordination, and carrying out of emergency management.
- (4) The Director-General may issue guidelines, codes, or technical standards to any person or organisation with responsibilities under this Act, including guidelines, codes, or technical standards for— 5
- (a) the establishment and operation of Emergency Management Committees and Emergency Management Co-ordinating Executive Groups:
- (b) the development of regional emergency management plans and operational plans for responding to, and recovery from, specific emergencies: 10
- (c) the development of strategic recovery planning for emergencies:
- (d) the development by the Crown, local authorities, emergency services, and essential infrastructure providers of plans required under this Act:
- (e) the operational role of Controllers, Recovery Managers, and other persons with responsibilities under this Act: 15
- (f) any other matters that the Director-General considers are—
- (i) necessary or desirable; and
- (ii) consistent with the purposes of this Act.
- (5) *See also* **section 170**, which authorises the Director-General to require information. 20
- (6) In this section, **specified resources** means any of the following:
- (a) personnel:
- (b) materials:
- (c) information: 25
- (d) services:
- (e) any other resources made available by public service agencies, Emergency Management Committees, emergency services, the New Zealand Defence Force (as provided for under the Defence Act 1990), and other persons. 30

Compare: 2002 No 33 s 9

16 Director-General must act consistently with national emergency management strategy

In performing or exercising the functions, duties, and powers of the Director-General under this Act, the Director-General must act consistently with the national emergency management strategy made under **section 77**. 35

Compare: 2002 No 33 s 37(2)

*Emergency management powers***17 Statements by Director-General**

(1) The Director-General may, for the purpose of protecting the public, publish statements relating to—

- (a) any emergency; or 5
- (b) the performance or non-performance of any duty imposed on any person by or under this Act.

(2) A statement published under this section is protected by qualified privilege.

Compare: 2002 No 33 s 74

18 Power of Director-General to act on default by others 10

(1) If an Emergency Management Committee or person (other than the Minister) fails to commence or to complete the performance of a function or duty under this Act within the time that the Director-General considers reasonable, the Director-General may commence and complete the performance of the function or duty. 15

(2) For the purposes of this section, the Director-General may employ any officers, employees, contractors, and other persons that may be necessary.

(3) Subject to **subsections (4) to (6)**, if a function or duty is performed by or on behalf of the Director-General under this section, it must be treated for all purposes as having been performed by the Emergency Management Committee or person responsible for performing the function or duty. 20

(4) All expenses incurred by the Director-General under this section must be authorised in accordance with the Public Finance Act 1989.

(5) An expense incurred, together with reasonable costs for its administration,—

- (a) is recoverable as a debt due to the Crown from the Emergency Management Committee or the person responsible for performing the function or duty; or 25

- (b) may be recovered by deduction from any money payable by the Crown to that Emergency Management Committee or the person responsible for performing the function or duty. 30

(6) All money recovered or deducted under **subsection (5)** must be paid into a Crown Bank Account or a Departmental Bank Account in accordance with section 65U of the Public Finance Act 1989.

Compare: 2002 No 33 s 75

National Controller 35**19 Role of National Controller**

(1) The National Controller is—

- (a) the Director-General; or
- (b) if a delegation under **subsection (2)** is in force, the Director-General's delegate.
- (2) The Director-General may, in writing, delegate any ~~function or power~~ or all of the functions and powers of the Director-General referred to in **sections 14(i)** 5
14(h) and 15(2) to any suitably qualified and experienced person for the purpose of dealing with a state of national emergency.
- (3) If no delegation has been made under **subsection (2)**, the Director-General has all the powers conferred on the National Controller by this Act.
- (4) A person to whom functions and powers are delegated under **subsection (2)**, 10
while the delegation is in force, has all the powers conferred on the National Controller by this Act.
- (5) The Director-General may exercise the power to delegate at any time, whether or not a state of national emergency is in force or is imminent.
- (6) **Section 22** applies to an exercise of the power of delegation under **subsec-** 15
tion (2) or by a person appointed under **subsection (6A)**.
- (6A) If a delegation has been made to a person under **subsection (2)**,—
- (a) the Director-General may also appoint 1 or more suitably qualified and experienced persons to act in the role of the delegate in the event that the delegate is absent from duty; and 20
- (b) during the delegate's absence, the person or persons may perform or exercise the functions, duties, or powers of the delegate, including the powers conferred on the National Controller by this Act.
- (7) *See also **section 170***, which authorises the National Controller to require information. 25
Compare: 2002 No 33 s 10

19A Person authorised by National Controller

- (1) The National Controller may authorise a suitably qualified and experienced person to perform or exercise the functions, duties, or powers of the National Controller (including any functions and powers delegated under **section 19(2)** and the powers conferred on the National Controller by this Act). 30
- (2) If a person is authorised under **subsection (1)**, the National Controller remains responsible and accountable under this Act for the performance or exercise of the functions, duties, or powers of the role.

National Recovery Manager 35

20 Role of National Recovery Manager

- (1) The National Recovery Manager is—
- (a) the Director-General; or

- (b) if a delegation under **subsection (2)** is in force, the Director-General's delegate.
- (2) The Director-General may, in writing, delegate any or all of the functions and powers of the Director-General referred to in **sections 14(i) 14(h) and 15(2)** to any suitably qualified and experienced person for the purpose of dealing with a national transition period. 5
- (3) If no delegation has been made under **subsection (2)**, the Director-General has all the powers conferred on the National Recovery Manager by this Act.
- (4) A person to whom functions and powers are delegated under **subsection (2)**, while the delegation is in force, has all the powers conferred on the National Recovery Manager by this Act. 10
- (5) The Director-General may exercise the power of delegation at any time, whether or not a national transition period is in force or is imminent.
- (6) **Section 22** applies to an exercise of the power of delegation under ~~this section~~ **subsection (2)** or by a person appointed under **subsection (6A)**. 15
- (6A) If a delegation has been made to a person under **subsection (2)**,—
- (a) the Director-General may also appoint 1 or more suitably qualified and experienced persons to act in the role of the delegate in the event that the delegate is absent from duty; and
- (b) during the delegate's absence, the person or persons may perform or exercise the functions, duties, or powers of the delegate, including the powers conferred on the National Recovery Manager by this Act. 20
- (7) *See also* **section 170**, which authorises the National Recovery Manager to require information. 25
- Compare: 2002 No 33 ss 11A, 94I

20A Person authorised by National Recovery Manager

- (1) The National Recovery Manager may authorise a suitably qualified and experienced person to perform or exercise the functions, duties, or powers of the National Recovery Manager (including any functions and powers delegated under **section 20(2)** and the powers conferred on the National Recovery Manager by this Act). 30
- (2) If a person is authorised under **subsection (1)**, the National Recovery Manager remains responsible and accountable under this Act for the performance or exercise of the functions, duties, or powers of the role.

Delegation by Director-General 35

21 Delegation of powers of Director-General

- (1) The Director-General may, in writing, either generally or particularly, delegate to any public service employee (within the meaning of section 65 of the Public Service Act 2020) all or any of the functions, duties, and powers that the

Director-General may perform or exercise under this Act, except this power of delegation and the powers under **sections 19(2) and 20(2)**.

- (2) A delegation under this section may be made to a specified employee or to employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices. 5
- (3) **Section 22** applies to an exercise of the power of delegation under this section.
- (4) This section—
- (a) does not limit the Director-General's power to delegate to a National Controller under **section 19(2)** or to a National Recovery Manager under **section 20(2)**; and 10
- (b) ~~if a delegation has been made under **section 19(2) or 20(2)**, must not be used to delegate any or all of the functions and powers of the Director-General that have been delegated to a National Controller under **section 19(2)** or a National Recovery Manager under **section 20(2)** referred to in **sections 14(i) and 15(2)**.~~ 15

Compare: 2002 No 33 s 105(1), (2), (4), (7)

22 Provisions relating to delegation of Director-General's functions

- (1) A person purporting to act under any delegation under **section 19, 20, or 21** is presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary. 20
- (2) A delegation under any of those sections—
- (a) may be revoked in writing at will;
- (b) ~~does not prevent the Director-General from exercising any function, duty, or power;~~ 25
- (c) continues according to its tenor until it is revoked, despite any change in the person holding office as Director-General.
- (2A) If a delegation is in force under **section 19(2) or 20(2)**, the Director-General must not perform any function or exercise any power that has been delegated under that section. 30
- (3) ~~**Subsection (2)(b)** does not apply in relation to functions, duties, and powers delegated to—~~
- (a) ~~a National Controller under **section 19(2)**; or~~
- (b) ~~a National Recovery Manager under **section 20(2)**.~~
- (3) A delegation under **section 21** does not prevent the Director-General from performing or exercising any function, duty, or power. 35
- (4) A delegate may perform or exercise the delegated functions ~~and~~ or powers in the same manner and with the same effect as if they had been conferred

directly and not by delegation, except to the extent that any general or special directions given or conditions attached by the Director-General apply.

- (5) A person to whom functions, duties, and powers are delegated under any of those sections is not, just because of the delegation, to be treated as employed in the service of the Crown for the purposes of— 5

- (a) the Public Service Act 2020; or
(b) the Government Superannuation Fund Act 1956.

Compare: 2002 No 33 ss 11(5), 11B(5), 105(2), (3), (5), (6)

Subpart 2—Regional role-holders

Emergency Management Committees 10

23 Emergency Management Committees

- (1) Civil Defence Emergency Management Groups in existence under the Civil Defence Emergency Management Act 2002 immediately before the commencement of this Act continue in existence as Emergency Management Committees in accordance with **clauses 9(1)(a) and (b) and 11 of Schedule 1**. 15

- (2) Clause 30(5) or (7) of Schedule 7 of the Local Government Act 2002 ~~must not be read as permitting, during a term of local government or as a consequence of a local government election, the discharge or reconstitution of (which provides for the discharge and reconstitution of local authority committees)~~ does not apply to an Emergency Management Committee maintained for the purposes of this Act. 20

Compare: 2002 No 33 s 12

24 Members of Emergency Management Committees

- (1) Each local authority must be a member of an Emergency Management Committee, unless it is a unitary authority that is a unitary authority Emergency Management Committee (*see* **section 25(5)**). 25

- (2) No Committee (other than a Committee to which **subsection (3)** applies) may have more than 1 regional council as a member unless a merger has been approved under **section 35**.

- (3) Unitary authorities that border one another may be members of the same Committee. 30

- (4) If, as a result of a local government reorganisation described in **section 36(1)**,—

- (a) a territorial authority's district is completely within the region of a regional council, the territorial authority must be a member of the Committee of which the regional council is a member: 35

- (b) a territorial authority's district is within the region of more than 1 regional council (*see* **section 36**), the territorial authority must be a

member of ~~one~~ 1 of the Committees of which one of those regional councils is a member.

- (5) Despite section 22 of the Local Government Act 2002, the Minister (within the meaning of section 5(1) of that Act) is not required to be a member of a Committee. 5

Compare: 2002 No 33 ss 13(1)–(3), 14

25 Multi-member and unitary authority Emergency Management Committees

- (1) An Emergency Management Committee is either a multi-member Emergency Management Committee or a unitary authority Emergency Management Committee. 10

- (2) A **multi-member Emergency Management Committee** is an Emergency Management Committee made up of—

(a) a regional council and the territorial authorities within the same region; or 15

(b) a unitary authority together with either or both of the following:

(i) 1 or more other unitary authorities whose districts border the unitary authority:

(ii) a regional council whose region borders that of the unitary authority and the territorial authorities within that region. 20

- (2A) In addition, a multi-member Emergency Management Committee may appoint 1 or more associate members.

- (3) A multi-member Emergency Management Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

- (4) A **unitary authority Emergency Management Committee** is an Emergency Management Committee made up of a single unitary authority. 25

- (5) If a unitary authority is a unitary authority Emergency Management Committee, the unitary authority is the Emergency Management Committee (rather than a member of the Emergency Management Committee) for the purposes of this Act. 30

- (6) A unitary authority Emergency Management Committee must appoint a committee under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002 to perform and exercise its functions, duties, and powers as an Emergency Management Committee under this Act.

- (7) See clause 31 of Schedule 7 of the Local Government Act 2002, under which a unitary authority may appoint persons who are not elected members of a local authority to the committee appointed under clause 30(1)(a) of that schedule. 35

26 Representation on multi-member Emergency Management Committees

Each local authority member of a multi-member Emergency Management Committee must be represented on the Committee by 1 person, being—

- (a) ~~1 person, being~~ the mayor or chairperson of that local authority; or
- (b) an elected person from that local authority who has delegated authority to represent the local authority. 5

Compare: 2002 No 33 s 13(4)

27 Functions of multi-member Emergency Management Committees

(1) The functions of a multi-member Emergency Management Committee are to—

- (a) do the following in relation to hazards and risks within the Committee's area: 10
 - (i) take the lead in identifying and assessing those hazards and risks:
 - (ii) co-ordinate the management of those hazards and risks:
 - (iii) identify and implement cost-effective risk reduction:
 - (iv) assist each local authority member of the Committee to— 15
 - (A) identify and assess those hazards and risks relevant to that member:
 - (B) consult and communicate with the communities within that member's region or district about those hazards and risks:
- (b) ensure that suitably trained and competent personnel, including volunteers, are available and that there is an appropriate organisational structure for those personnel for effective emergency management in its area: 20
- (c) respond to and manage the adverse effects of emergencies in its area:
- (d) in advance of an emergency, plan for recovery activities in its area:
- (e) in the event of an emergency, carry out recovery activities in its area: 25
- (f) when requested, assist other Committees with emergency management in their areas (having regard to the competing demands for emergency management within the Committee's own area and any requests for assistance from other Committees):
- (g) within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act (including the relevant legislation in **Schedule 2**): 30
- (h) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act (including the relevant legislation in **Schedule 2**): 35
- (i) develop, approve, implement, and monitor a regional emergency management plan and regularly review the plan:

- (j) participate in the development of the national emergency management strategy and the national emergency management plan (including any revisions to, or replacements for, those instruments):
 - (k) promote emergency management in its area that is consistent with the purpose of this Act. 5
- (2) A multi-member Emergency Management Committee also has any other functions that are conferred or imposed under this Act or any other enactment.

Compare: 2002 No 33 s 17

28 Functions of unitary authority Emergency Management Committees

- (1) A unitary authority Emergency Management Committee must plan and provide for emergency management within its area. 10
- (2) The functions of the Committee are to—
- (a) do the following in relation to hazards and risks within its area:
 - (i) identify and assess those hazards and risks:
 - (ii) manage those hazards and risks: 15
 - (iii) identify and implement cost-effective risk reduction:
 - (iv) consult and communicate with the communities within ~~that region or district~~ the area about those hazards and risks:
 - (b) ensure that suitably trained and competent personnel, including volunteers, are available and there is an appropriate organisational structure for those personnel for effective emergency management in its area: 20
 - (c) take all steps necessary or desirable to maintain and provide, or to arrange the provision of, or otherwise to make available, material, services, information, and any other resources for effective emergency management: 25
 - (d) respond to and manage the adverse effects of emergencies in its area:
 - (e) in advance of an emergency, plan for recovery activities in its area:
 - (f) in the event of an emergency, carry out recovery activities in its area:
 - (g) when requested, assist other Committees with emergency management in their areas (having regard to the competing demands for emergency management within the Committee's own area and any requests for assistance from other Committees): 30
 - (h) within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act (including the relevant legislation in **Schedule 2**): 35
 - (i) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act (including the relevant legislation in **Schedule 2**):

- (j) develop, approve, implement, and monitor a regional emergency management plan and regularly review the plan:
 - (k) participate in the development of the national emergency management strategy and the national emergency management plan (including any revisions to, or replacements for, those instruments): 5
 - (l) promote emergency management in its area that is consistent with the purpose of this Act.
- (3) A unitary authority Emergency Management Committee also has any other functions that are conferred or imposed on a Committee under this Act or any other enactment. 10

Compare: 2002 No 33 s 17

29 General powers of Emergency Management Committees

- (1) An Emergency Management Committee has all the powers that are reasonably necessary or expedient to enable it to perform its functions and duties, including the power to delegate any of its functions, duties, or powers to local authority members of the Committee, the Regional Controller, the Regional Recovery Manager, or any other persons. 15
- (2) Those powers include, without limitation, the power to—
- (a) recruit and train volunteers for emergency management tasks:
 - (b) conduct emergency management training exercises, practices, and rehearsals: 20
 - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under this Act:
 - (d) provide, maintain, control, and operate warning systems:
 - (e) provide communications, equipment, accommodation, and facilities for the performance and exercise of the Committee's functions, duties, and powers during an emergency: 25
 - (ea) authorise a person to act as an office holder for the purposes of **section 137** (which relates to applications for warrants to obtain information):
 - (eb) in the case of a multi-member Emergency Management Committee, remunerate an associate member of the Committee for the cost of that person's participation in the Committee: 30
 - (f) perform any other function that is necessary to give effect to any emergency management plan.
- (3) *See also **section 170***, which authorises an Emergency Management Committee to require information. 35

Compare: 2002 No 33 s 18

- 30 Powers and duties of local authority members of multi-member Emergency Management Committees**
- Each local authority member of an a multi-member Emergency Management Committee—
- (a) may acquire, hold, and dispose of real or personal property for the use of the Committee; and 5
 - (b) may remunerate its representative for the cost of that person’s participation in the Committee; and
 - (c) must provide to the Committee the information or reports that may be required by the Committee; and 10
 - (d) must pay the costs of administrative and related services in accordance with **section 38**; and
 - (e) must pay the costs, or a share of the costs, of any emergency management activity that the member has agreed to pay; and
 - (f) may carry out any other functions or duties conferred on a member of a Committee under this Act. 15
- Compare: 2002 No 33 s 16
- 30A Certain powers of multi-member Emergency Management Committees not to be exercised by associate members**
- (1) This section applies to a multi-member Emergency Management Committee that includes 1 or more associate members. 20
 - (2) In any vote of the Committee that relates to the exercise of a power set out in **section 125(1)**, the associate members must be treated as non-voting members of the Committee.
- 31 Emergency Management Committees must act consistently with national emergency management strategy** 25
- In performing or exercising its functions, duties, and powers under this Act, an Emergency Management Committee must act consistently with the national emergency management strategy made under **section 77**.
- Compare: 2002 No 33 s 37(1) 30
- 32 Appointment of chairperson and deputy chairperson**
- (1) Each multi-member Emergency Management Committee may appoint ~~one of a chairperson and a deputy chairperson from the representatives of its local authority members to act as chairperson.~~
 - (2) ~~The appointed~~ A person appointed as chairperson or deputy chairperson— 35
 - (a) holds office for the period agreed by the Committee at the time of the appointment; but

- (b) ceases to hold office if that person ceases to be a representative of a local authority member of the Committee.
- (3) ~~See clause 26 of Schedule 7 of the Local Government Act 2002, which applies in relation to chairpersons of unitary authority Emergency Management Committees.~~ 5
- (a) applies in relation to chairpersons and deputy chairpersons of the committees referred to in **section 25(6)**; and
- (b) includes further provisions that apply in relation to chairpersons and deputy chairpersons of multi-member Emergency Management Committees. 10

Compare: 2002 No 33 s 15

33 Standing orders applicable at meetings of multi-member Emergency Management Committees

- (1) At the meetings of a multi-member Emergency Management Committee, the Committee must follow the standing orders that have been adopted under clause 27 of Schedule 7 of the Local Government Act 2002 by the local authority that is the Committee's administering authority. 15
- (2) However, the Committee may adopt other standing orders if three-quarters of the representatives of the local authority members of the Committee present at a meeting of the Committee agree. 20
- (3) The standing orders adopted in accordance with **subsection (2)** must not contravene the provisions of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other enactment.
- (4) ~~See also~~ clause 27 of Schedule 7 of the Local Government Act 2002, which applies in relation to standing orders for the committees referred to in **section 25(6)** unitary authority Emergency Management Committees. 25

Compare: 2002 No 33 s 19

34 Attendance at Emergency Management Committee meetings by audio link or audiovisual link

- (1AAA) This section applies when— 30
- (a) a member of a multi-member Emergency Management Committee attends any meeting of the Committee; and
- (b) in the case of a unitary authority Emergency Management Committee, a member of a committee referred to in **section 25(6)** attends a meeting of that committee. 35
- (1) ~~A representative of a member of an Emergency Management Committee (including a representative of a unitary authority that is a unitary authority Emergency Management Committee) A member referred to in **subsection (1AAA)** may attend any meeting of the Committee by means of audio link or audiovisual link unless lawfully excluded.~~ 40

- (2) The ~~representative member~~ may attend by means of audio link or audiovisual link despite—
- (a) clauses 25A(1) and (4) and 27(5)(a) of Schedule 7 of the Local Government Act 2002; and
 - (b) any limitation or condition on the use of an audio link or audiovisual link, or other contrary provision, that is contained in any standing orders that apply to the meeting (including all of the standing orders that apply under **section 33**). 5
- (3) A ~~representative member~~ who attends a meeting by means of audio link or audiovisual link in accordance with this section must be counted as present for the purposes of clauses 23 and 30A of Schedule 7 of the Local Government Act 2002. 10

35 Mergers of Emergency Management Committees

- (1) The Minister may approve the merger of any 2 or more Emergency Management Committees. 15
- (2) A proposal for a merger under this section must be submitted to the Minister in writing and must include the following information:
- (a) the Emergency Management Committees that will be merged to establish the proposed Committee:
 - (b) the local authorities that will be members of the proposed Committee: 20
 - (c) the apportionment between the local authorities of liability for the provision of financial and other resources for the activities of the proposed Committee before the making of a regional emergency management plan, and the basis for that apportionment:
 - (d) which local authority will be the administering authority. 25

Compare: 2002 No 33 s 21

36 Membership rules in event of local government reorganisations

- (1) This section applies to local authorities affected by a local government reorganisation that—
- (a) creates new regional councils or unitary authorities; or 30
 - (b) redraws boundaries of regions between—
 - (i) 2 or more regional councils or unitary authorities; or
 - (ii) 2 or more of a combination of both regional councils and unitary authorities; or
 - (c) extends the district of a territorial authority into the region of another regional council. 35
- (2) If this section applies,—

- (a) each affected regional council or unitary authority must establish or re-establish, as the case may be, an Emergency Management Committee within 6 months of the effective date of its reorganisation:
- (b) each territorial authority whose district is completely within the region or district of the affected regional council must be a member of the Committee of which that regional council is a member: 5
- (c) each territorial authority whose district is in the region of 2 or more affected regional councils must, after consulting the relevant regional councils, join 1 Committee that has at least 1 of those regional councils as a member: 10
- (d) each territorial authority whose district is extended into the region of another regional council must, after consulting the relevant regional councils, join 1 Committee that has at least 1 of those regional councils as a member.
- (3) A territorial authority's decision to join a particular Committee under **subsection (2)(c) or (d)** is irrevocable, and must be made within 2 months of the establishment of the Committee. 15
- (4) If a territorial authority's decision under **subsection (2)(c) or (d)** is not made before the expiry of the time limit in **subsection (3)**, the Minister must direct the territorial authority to join one of the relevant Committees. 20
- (5) A territorial authority that is subject to a ministerial direction under **subsection (4)** must comply with that direction.

Compare: 2002 No 33 s 22

Administering authorities of multi-member Emergency Management Committees 25

37 Administering authorities

- (1) The administering authority for each multi-member Emergency Management Committee is a regional council or unitary authority that is a member of the Committee.
- (2) If a Committee has both a regional council and a unitary authority as members, the regional council must be the administering authority for that Committee. 30
- (3) **Subsections (4) to (7)** apply to a Committee that has—
- (a) 2 or more regional councils as members; or
- (b) 2 or more unitary authorities as members.
- (4) Within 2 months of the date on which the Committee is established, the local authority members must reach an agreement to appoint one of the regional councils or unitary authorities as the administering authority for that Committee. 35
- (5) If the local authority members fail to reach an agreement, the Minister must—

- (a) appoint one of the regional councils or unitary authorities as the administering authority; or
- (b) direct one, some, or all of the regional councils or unitary authorities to establish their own Committee.
- (6) A regional council or unitary authority that is subject to a ministerial direction under **subsection (5)(b)** must comply with that direction. 5
- (7) The local authority members may change the administering authority for their Committee only if the Minister approves, in writing, an application from those members to change the administering authority for their Committee. 10
- Compare: 2002 No 33 s 23

38 Functions and costs of administering authorities and chief executives of administering authorities

- (1) An administering authority for an Emergency Management Committee and, as appropriate, the chief executive of that authority are responsible for providing administrative and related services that may from time to time be required by the Committee. 15
- (2) The administrative and related services referred to in **subsection (1)** include services required for the purposes of this Act, the Local Government Act 2002, or any other enactment that applies to the conduct of a joint committee under clause 30(1)(b) of Schedule 7 of that Act. 20
- (3) The cost of the administrative and related services must be agreed from time to time by the Committee.
- (4) Unless the local authority members of the Committee agree otherwise, each local authority member of the Committee must pay an equal share of the costs agreed under **subsection (3)**—must be divided equally among the members and each member must pay 1 share of the cost. 25

Compare: 2002 No 33 s 24

Emergency Management Co-ordinating Executive Groups

39 Appointment of Emergency Management Co-ordinating Executive Group

- (1) An Emergency Management Committee must appoint and maintain an Emergency Management Co-ordinating Executive Group. 30
- (2) The membership of each Committee's Co-ordinating Executive Group consists must consist of—
- (a) the chief executive of each member of the Emergency Management Committee or a person acting on the chief executive's behalf; and, or a person acting on behalf of the chief executive, of,— 35
- (i) in the case of a multi-member Emergency Management Committee, each local authority member of the Emergency Management Committee:

- (ii) in the case of a unitary authority Emergency Management Committee, the unitary authority; and
- (b) a senior Police employee who is assigned for the purpose by the Commissioner of Police; and
- (c) a senior employee, volunteer, or contractor of Fire and Emergency New Zealand who is assigned for the purpose by the board of Fire and Emergency New Zealand; and 5
- (d) the chief executive or a senior officer of an emergency ambulance service operating in the area; and
- (e) the chief executive or a senior member of a provider of health ~~and disability~~-services operating in the area; and 10
- (f) ~~1 or more persons with local perspectives of Māori, Māori communities, and their interests and values, including mātauranga Māori (Māori traditional knowledge) and tikanga Māori (Māori protocol and culture), iwi, and hapū in the area; and understanding of—~~ 15
- (i) local perspectives of Māori and Māori communities in the area (including iwi and hapū, but not necessarily representing a particular iwi or hapū); and
- (ii) their interests and values, including mātauranga Māori (Māori traditional knowledge) and tikanga Māori (Māori protocol and culture); and 20
- (g) 1 or more persons with knowledge, experience, or expertise regarding the interests and needs of rural communities in the area; ~~and~~
- (h) ~~any other persons co-opted by the Emergency Management Committee.~~
- (2A) In addition, an Emergency Management Committee may co-opt any other person to be a member of the Co-ordinating Executive Group. 25
- (3) ~~In addition, an~~ An Emergency Management Committee must consider co-opting to the Co-ordinating Executive Group 1 or more persons who, in the opinion of the Committee, have knowledge of the interests of communities related to emergency management in the area that will assist the Co-ordinating Executive Group to fulfil its role under **section 40**. 30

Compare: 2002 No 33 s 20

40 Role of Emergency Management Co-ordinating Executive Group

An Emergency Management Co-ordinating Executive Group is responsible to the Emergency Management Committee for— 35

- (a) providing advice to the Emergency Management Committee and any subgroups or subcommittees of the Committee (including, in the case of a unitary authority Emergency Management Committee, the committee referred to in **section 25(6)**):

- (b) implementing, as appropriate, the decisions of the Emergency Management Committee:
- (c) overseeing the implementation, development, maintenance, monitoring, and evaluation of the regional emergency management plan.

Compare: 2002 No 33 s 20(2)

5

41 Provision of support to certain members of Emergency Management Co-ordinating Executive

An Emergency Management Committee must ensure that each of the following persons in its Emergency Management Co-ordinating Executive Group has the resources, information, and administrative support necessary to enable them to effectively perform their role as a member of the Co-ordinating Executive Group:

10

- (a) a member appointed under **section 39(2)(f)**:
- (b) a member appointed under **section 39(2)(g)**:
- (c) a person co-opted ~~under~~ for the purposes of **section 39(3)**.

15

Local authorities

42 Role of local authority members of multi-member Emergency Management Committees

- (1) A local authority that is a member of a multi-member Emergency Management Committee must plan and provide for emergency management within its region or district. 20
- (2) In carrying out that obligation, the role of each local authority is to—
 - (a) do, in relation to hazards and risks within its region or district, the following:
 - (i) identify and assess those hazards and risks: 25
 - (ii) report to the Committee on the identification and assessment of hazards and risks:
 - (iii) manage those hazards and risks:
 - (iv) identify how to reduce risks and implement cost-effective risk reduction: 30
 - (v) consult and communicate with the communities within that region or district about those hazards and risks:
 - (b) arrange for the provision of suitably trained and competent personnel, including volunteers, and an appropriate organisation structure for those personnel for effective emergency management: 35
 - (c) take all steps necessary or desirable to maintain and provide, or to arrange the provision of, or otherwise to make available, material, ser-

- vices, information, and any other resources for effective emergency management:
- (d) respond to and manage the adverse effects of emergencies in its region or district:
 - (e) in advance of an emergency, plan for recovery activities in its region or district: 5
 - (f) in the event of an emergency, carry out recovery activities in its region or district:
 - (g) when requested, assist other local authorities with emergency management in their regions or districts as appropriate (having regard to the competing emergency management demands within the authority's own region or district and any other requests for assistance from other local authorities): 10
 - (h) within its region or district, promote and raise public awareness of, and compliance with, this Act, and legislative provisions relevant to the purpose of this Act (including the relevant legislation in **Schedule 2**): 15
 - (i) monitor and report to the Committee on compliance within its region or district with this Act and legislative provisions relevant to the purpose of this Act (including the relevant legislation in **Schedule 2**):
 - (j) do, in relation to a regional emergency management plan of the Committee, the following: 20
 - (i) assist with developing and reviewing the plan:
 - (ii) implement the relevant aspects of the plan:
 - (k) participate in developing the national emergency management strategy and the national emergency management plan: 25
 - (l) promote emergency management in its region or district that is consistent with the purpose of this Act.
- (3) A local authority that is a member of a multi-member Emergency Management Committee also has any other functions that are conferred or imposed on a Committee under this Act or any other enactment. 30
- (4) *See section 28* for the functions of a unitary authority that is a unitary authority Emergency Management Committee.
- Compare: 2002 No 33 s 64
- 43 Duty of local authorities to continue to function during and after emergency** 35
- ~~During and after an emergency, a local authority must, to the extent that is reasonably practicable in the circumstances of the emergency, continue to carry out its role under this Act and other legislation.~~

A local authority must ensure that it is able to continue to function, to the fullest possible extent, during and after an emergency, even though this may be at a reduced level.

Compare: 2002 No 33 s 64(2)

- 43A Interaction between emergency management responsibilities and functions, duties, and powers of local authorities under relevant legislation** 5
- Responsibilities may be met through activities under relevant legislation*
- (1) A local authority may meet any of the responsibilities or duties it has under this Act in the course of performing or exercising its functions, duties, or powers under relevant legislation. 10
- (2) A multi-member Emergency Management Committee may meet any of the responsibilities or duties it has under this Act in the course of its local authority members performing or exercising the functions, duties, or powers of those members under relevant legislation.
- Duty to consider meeting responsibilities through activities under relevant legislation* 15
- (3) A local authority must consider, to the extent relevant, whether performing or exercising its functions, duties, or powers under relevant legislation would enable it to meet, or would contribute to it meeting, the responsibilities or duties it has under this Act. 20
- (4) A multi-member Emergency Management Committee must consider, to the extent relevant, whether its local authority members performing or exercising the functions, duties, or powers of those members under relevant legislation would enable the Committee to meet, or would contribute to the Committee meeting, its responsibilities and duties under this Act. 25
- Application to local authorities*
- (5) **Subsections (1) and (3)** apply to the following local authorities:
- (a) a local authority member of a multi-member Emergency Management Committee;
- (b) a unitary authority that is a unitary authority Emergency Management Committee. 30
- 44 Role Power of chief executives of territorial authorities to co-ordinate use of resources**
- (1) **Subsection (2)** applies—
- (a) ~~to each local authority (including a unitary authority), other than a regional council;~~ 35
- (b) ~~when no state of emergency or transition period is in force for the local authority's district.~~

- (1) This section applies to a territorial authority (including a unitary authority) if no state of emergency or transition period is in force for the territorial authority's district.
- (2) The chief executive of a ~~local~~ territorial authority ~~must~~ may co-ordinate the use of the personnel, material, information, and other resources made available for the purposes of this Act. 5
- (3) ~~A~~ The chief executive may delegate the role in **subsection (2)** to any person, regardless of whether they are an employee of the relevant local authority.
- (4) ~~A~~ The chief executive who delegates the role in **subsection (2)** remains responsible and accountable under this Act for the performance of the role. 10

Authority for payment of expenses

45 Costs incurred by local authorities or water organisations in connection with emergency may be reimbursed or paid

- (1) This section applies to costs that—
- (a) are incurred by a local authority or a water organisation— 15
- (i) in connection with an emergency; and
- (ii) in respect of emergency management; and
- (b) meet the criteria for being reimbursed or paid in a Government policy that was in force before the emergency occurred.
- (2) Expenses may be incurred, without further appropriation than this section,— 20
- (a) to reimburse the local authority or the water organisation for those costs; or
- (b) to pay public money to meet those costs.
- (3) In this section, **water organisation** has the same meaning as in section 4 of the Local Government (Water Services) Act 2025. 25

Compare: 2002 No 33 s 115A

Emergency management functions and duties for offshore islands

46 Identification of offshore islands requiring emergency management

- (1) The Minister of Local Government must, by notice ~~in the Gazette~~,—
- (a) identify every offshore island that the Minister of Local Government considers requires emergency management under this Act; and 30
- (b) for each island identified, assign an Emergency Management Committee to have joint responsibility with the Minister of Local Government for the island's emergency management.
- (2) In this section and **section 47**, **offshore island** means a part of New Zealand for which the Minister of Local Government is the territorial authority in accordance with section 22 of the Local Government Act 2002. 35

- (3) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 47 Joint responsibility of Minister of Local Government and Emergency Management Committee for emergency management of offshore islands**
- (1) ~~The~~ For each offshore island identified by notice under **section 46**, the Minister of Local Government and the responsible Emergency Management Committee must together carry out in respect of ~~an~~ the offshore island the functions and duties set out in **subsection (2)**. 5
- (2) The functions and duties are to—
- (a) do, in relation to hazards and risks of the offshore island, the following: 10
- (i) identify and assess those hazards and risks:
- (ii) manage those hazards and risks:
- (iii) identify how to reduce risks and implement cost-effective risk reduction:
- (iv) consult and communicate with the communities within the offshore island about those hazards and risks: 15
- (b) take all steps necessary to maintain and provide, or to arrange the provision of, or to otherwise make available material, services, information, and any other resources for effective emergency management:
- (c) respond to and manage the adverse effects of emergencies ~~in~~ on the offshore island: 20
- (d) in advance of an emergency, plan for recovery activities ~~in~~ on the offshore island:
- (e) in the event of an emergency, carry out recovery activities ~~in~~ on the offshore island: 25
- (f) ~~within~~ on the offshore island, promote and raise public awareness of, and compliance with, this Act, and legislative provisions relevant to the purpose of this Act:
- (g) promote emergency management ~~within~~ on the offshore island that is consistent with the purpose of this Act. 30
- (3) In this section and **section 48**, **responsible Emergency Management Committee** means, in respect of an offshore island identified by notice under **section 46**, the Emergency Management Committee assigned by that notice to have joint responsibility for that offshore island.
- 48 Agreements regarding joint responsibility for offshore islands** 35
- (1) Within a reasonable time after an offshore island is identified by notice under **section 46**, the Minister of Local Government and the responsible Emergency Management Committee must enter into an agreement that sets out how the

functions and duties specified in **section 47(2)** will be performed in relation to that offshore island.

- (2) The parties to an agreement—
 - (a) must review the agreement in full at least once every 5 years; and
 - (b) may at any time review the agreement or part of it. 5
- (3) Following a review under **subsection (2)**, the parties may—
 - (a) amend the agreement; or
 - (b) revoke and replace the agreement; or
 - (c) decide to retain the agreement in its current form.
- (4) The parties must consult iwi and hapū with an interest in the offshore island before— 10
 - (a) entering into an agreement; or
 - (b) taking an action under **subsection (3)** following a review under **subsection (2)(a)**; or
 - (c) taking an action under **subsection (3)** that would alter the agreement following a review under **subsection (2)(b)**. 15
- (5) The parties may agree to make minor or technical amendments to the agreement without consultation under **subsection (4)**.

Persons authorised to make local emergency declarations

- 49 Persons authorised to make local emergency declarations: whole area, multiple districts, or multiple wards from within different districts** 20
- (1) An Emergency Management Committee must appoint—
 - (a) at least 1 person as a person authorised to declare a state of local emergency; and
 - (b) at least 1 person as a person authorised to declare a local transition period. 25
 - (2) An appointed person may be authorised to make a declaration that covers 1 or more of the following:
 - (a) the whole of the Emergency Management Committee’s area:
 - (b) 2 or more districts within the area: 30
 - (c) 2 or more wards within the area if those wards are ~~from~~ within more than 1 district.
 - (3) The Committee must ensure that at least 1 person is appointed to make a declaration in relation to the whole area.
 - (4) An appointed person must be chosen from the representatives of the local authority members of the Committee (or from the representatives of the unitary 35

- authority in the case of a unitary authority Emergency Management Committee).
- (5) The instrument of appointment must state—
- (a) whether the appointed persons have equal status to make an emergency declaration, or whether any of the appointed persons is authorised to act only in the absence of another named person; and
 - (b) any other conditions or limitations.
- (6) If no appointed person is, or is likely to be, able to exercise the power in **subsection (1)(a) or (b)**, any representative of the local authority members of the Committee may exercise the power.
- (7) In **subsection (6)**, **representative** includes a mayor-elect of a local authority who is authorised under **section 50A** to act under **subsection (6)** as if they were the local authority's representative.
- Compare: 2002 No 33 s 25
- 50 Persons authorised to make local emergency declarations: individual districts and wards within districts**
- (1) **Subsection (2)** applies to the mayor of a territorial authority, or an elected member of the territorial authority who is designated to act on behalf of the mayor if the mayor is absent.
- (2) The mayor or designated elected member may declare a state of local emergency or a local transition period that covers either of the following:
- (a) the district of the territorial authority;
 - (b) 1 or more wards within that district.
- (3) If at any time it appears to the Emergency Management Committee of the relevant district that an emergency has occurred or may occur and the power in **subsection (2)** has not been exercised, a representative of a local authority member of the Committee (or a representative of the unitary authority in the case of a unitary authority Emergency Management Committee) for that area or district may exercise the power.
- (4) In this section, **mayor** includes a mayor-elect of a local authority who is authorised under **section 50A** to act under this section as if they were the mayor.
- Compare: 2002 No 33 s 25(5)
- 50A Mayor-elect authorised to make local emergency declarations**
- (1) A mayor-elect of a local authority who makes both of the declarations set out in **subsection (2)** is authorised for the following purposes:
- (a) to act as a representative of the local authority under **section 49(6)**:
 - (b) to act as mayor under **section 50**.
- (2) The required declarations are—

- (a) an oral declaration in the form prescribed in the rules; and
- (b) a written version of the declaration that is attested as provided under **subclause (3)**.
- (3) The written declaration must be signed by the mayor-elect and witnessed by—
- (a) the chief executive of the local authority; or 5
- (b) in the absence of the chief executive, some other officer appointed by the chief executive.
- (4) An authorisation under this section ceases to have effect on the earlier of the following:
- (a) the date that is 21 days after the date the declarations under **subsection (2)** were made: 10
- (b) the date on which the mayor-elect makes and attests the declaration required under clause 14 of Schedule 7 of the Local Government Act 2002 in accordance with clause 21 of that schedule.
- (5) In this Act, **mayor-elect** means a person— 15
- (a) who has come into office as the mayor of a local authority after being declared to be elected in accordance with sections 86 and 115 of the Local Electoral Act 2001; but
- (b) who is yet to make and attest a declaration required under clause 14 of Schedule 7 of the Local Government Act 2002 at the first meeting of the local authority following a triennial election as provided for in clause 21 of that schedule. 20

Appointment of Regional Controllers, District Controllers, and Local Controllers

- 51 Appointment of Regional Controllers for multi-member Emergency Management Committees** 25
- Appointment of Regional Controller and person to act in Regional Controller's role*
- (1) This section provides for the appointment of the Regional Controller, and persons who may act in the role of the Regional Controller when needed, for a multi-member Emergency Management Committee. 30
- (2) A multi-member Emergency Management Committee must appoint—
- (a) a suitably qualified and experienced person to be the Regional Controller for its area; and
- (b) at least 1 suitably qualified and experienced person to act in the role of the Regional Controller for the duration of any vacancy in the office or absence from duty of the Regional Controller. 35

Delegation of authority to remove and replace Regional Controller during emergency

- (3) ~~The~~ At any time, the Committee may delegate the authority under **section 55(4)** to remove and replace the Regional Controller during a state of emergency in the Committee's area with a person appointed under **subsection (2)(b)**. 5
- (4) A delegation under **subsection (3)**—
- (a) must be to 1 or more of the representatives who are authorised under **section 49(1)(a)** to declare a state of emergency for the whole of that Committee's area; and 10
- (b) may impose conditions or limitations on the use of the authority delegated under **paragraph (a)**.

Compare: 2002 No 33 s 26

52 Appointment of District Controllers for multi-member Emergency Management Committees 15

Appointment of District Controller

- (1) This section provides for the appointment of the District Controller, and persons who may act in the role of the District Controller when needed, for each territorial authority that is a member of a multi-member Emergency Management Committee. 20
- (2) If the Emergency Management Committee considers that the chief executive of a territorial authority is a suitably qualified and experienced person to be the District Controller for the territorial authority's district, the Committee may appoint the chief executive as District Controller for the district.
- (3) If the chief executive is not appointed under **subsection (2)**, the chief executive must appoint a suitably qualified and experienced person to be a District Controller for the district. 25

Appointment of person to act in District Controller's role

- (4) The chief executive of each territorial authority ~~that is a member of the Committee~~ must appoint at least 1 suitably qualified and experienced person to act in the role of the District Controller for the district of the territorial authority for the duration of any vacancy in the office or absence from duty of the District Controller. 30

Compare: 2002 No 33 s 27

- 53 Appointment of Regional Controllers for unitary authority Emergency Management Committees**
- Appointment of Regional Controller*
- (1) This section provides for the appointment of the Regional Controller, and persons who may act in the role of the Regional Controller when needed, for a unitary authority Emergency Management Committee. 5
- (2) If the Emergency Management Committee considers that the chief executive of the unitary authority is a suitably qualified and experienced person to be the Regional Controller for the Committee's area, the Committee may appoint the chief executive as the Regional Controller for the area. 10
- (3) If the chief executive is not appointed under **subsection (2)**, the chief executive must appoint a suitably qualified and experienced person to be a Regional Controller for the area.
- Appointment of person to act in Regional Controller's role*
- (4) The chief executive must appoint at least 1 suitably qualified and experienced person to act in the role of the Regional Controller for the area for the duration of any vacancy in the office or absence from duty of the Regional Controller. 15
- Compare: 2002 No 33 s 26
- 54 Appointment of Local Controllers for unitary authority Emergency Management Committees** 20
- (1) This section provides for the appointment of Local Controllers for a unitary authority Emergency Management Committee.
- (2) The chief executive of the unitary authority may appoint 1 or more suitably qualified and experienced persons to be a Local Controller in respect of the district. 25
- Compare: 2002 No 33 s 27
- 55 Provisions applying generally to appointments and removals of Regional Controllers, District Controllers, and Local Controllers**
- (1) ~~Subsections (2) to (5) apply~~ This section applies in respect of an appointment under **sections 51 to 54** of a person as a Regional Controller, a District Controller, or a Local Controller, or to act in the role of a Regional Controller, a District Controller, or a Local Controller. 30
- (2) Any person may be appointed to the position, regardless of whether they are an employee of the relevant territorial authority.
- (3) An appointment— 35
- (a) may be by name or by reference to the holder of an office; and
- (b) may be made at any time, regardless of whether a state of emergency or transition period is in force.

- (4) The Emergency Management Committee, or chief executive, that made the appointment may, at any time, remove from office or replace the person appointed.
- (5) A person acting in the role of a Regional Controller, a District Controller, or a Local Controller may perform or exercise the functions, duties, and powers of that Controller under this Act in respect of the area, district, or region for which the Controller was appointed. 5

Role of Regional Controllers, District Controllers, and Local Controllers

56 Role of Regional Controllers

- (1) ~~Subclause Subsection (2)~~ applies to a Regional Controller for an Emergency Management Committee during a state of emergency in the Committee's area. 10
- (2) The Regional Controller must direct and co-ordinate the use of the personnel, material, information, services, and other resources made available for the Committee's area by government agencies, Emergency Management Committees, and other persons for the purposes of this Act. 15
- (3) At any time, the Regional Controller—
- (a) ~~must perform or exercise any functions, duties, or powers~~ any functions or duties delegated to the Regional Controller by the Committee or conferred on Regional Controllers by this Act or any other enactment; and 20
- (b) ~~may perform any function~~ exercise any power conferred on the Regional Controller by delegation under this Act; and
- (c) may authorise any suitably qualified and experienced person to perform or exercise any function, duty, or power of that Regional Controller, including the power to ~~delegate those powers, functions, and duties~~ authorise another person to perform or exercise that function, duty, or power. 25
- (4) A Regional Controller who authorises a person under ~~subsection (2)~~ **(3)(c)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power. 30
- (5) ~~See also the Director-General's power under section 15(2)(b), which includes using specified resources for the purposes of any state of local emergency when the state of national emergency or national transition period is in force concurrently for the same ward, district, or area.~~ 35

Compare: 2002 No 33 s 28

57 Role of District Controllers

- (1) This section applies to District Controllers appointed under **section 52** in relation to a territorial authority's district.

- (2) During a state of emergency that covers the district for which the District Controller is appointed, the District Controller must direct and co-ordinate the use of the personnel, material, information, and other resources made available for the purposes of this Act.
- (3) At any time, the District Controller— 5
- (a) must perform ~~or exercise any functions, duties, or powers~~ any functions or duties delegated to the District Controller by the Emergency Management Committee or conferred on District Controllers by this Act or any other enactment; and
- (b) may ~~perform any function~~ exercise any power conferred on the District Controller by delegation under this Act; and 10
- (c) may authorise any suitably qualified and experienced person to perform or exercise any function, duty, or power of that District Controller, including the power to ~~delegate those powers, functions, and duties~~ authorise another person to perform or exercise that function, duty, or power. 15
- (3A) A District Controller who authorises a person under **subsection (3)(c)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power. 20
- (4) A District Controller must follow any directions given by the Regional Controller during a state of emergency.
- (5) **Subsection (4)** overrides **subsection (3)(a)**.
- (6) ~~See also the Director-General's power under **section 15(2)(b)**, which includes using specified resources for the purposes of any state of local emergency when the state of national emergency or national transition period is in force concurrently for the same ward, district, or area.~~ 25

Compare: 2002 No 33 s 28

58 Role of Local Controllers

- (1) This section applies to ~~Local Controllers~~ a Local Controller appointed under **section 54** for a unitary authority Emergency Management Committee. 30
- (2) The chief executive of the unitary authority may direct the Local Controller to—
- (a) perform any of the functions and duties of, or delegated to, the Regional Controller of that Committee; and 35
- (b) exercise any of the powers of Controllers in the area for which the Regional Controller is appointed, including, without limitation, the emergency powers in **subpart 2 of Part 4**.
- (3) The Local Controller must follow any directions given by the Regional Controller during a state of emergency. 40

- (4) **Subsection (3)** overrides **subsection (2)**.
- (5) The Local Controller—
- (a) ~~must also perform or exercise any functions, duties, or powers~~ any functions or duties delegated to the Local Controller by the Emergency Management Committee or conferred on Local Controllers by this Act or any other enactment; and 5
- (b) ~~may perform any function~~ exercise any power conferred on the Local Controller by delegation under this Act.
- (6) The Local Controller may authorise any suitably qualified and experienced person to perform or exercise any function, duty, or power of that Local Controller, including the power to ~~delegate those powers, functions, and duties~~ authorise another person to perform or exercise that function, duty, or power. 10
- (7) A Local Controller who authorises a person under **subsection (6)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power. 15
- Compare: 2002 No 33 ss 27, 28

59 Duty of Controllers to exercise powers consistently with national priorities

- (1) This section applies to the following persons:
- (a) a Regional Controller:
- (b) a person authorised by a Regional Controller under **section 56(3)(c)**: 20
- (c) a District Controller:
- (d) a person authorised by a District Controller under **section 57(3)(c)**:
- (e) a Local Controller:
- (f) a person authorised by a Local Controller under **section 58(6)**.
- (2) The person must exercise any power conferred on them by this Act during any state of national emergency or national transition period consistently with the priorities for the use of resources and services that have been determined by the Director-General, National Controller, or National Recovery Manager. 25

Appointment of Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers 30

60 Appointment of Regional Recovery Managers for multi-member Emergency Management Committees

Appointment of Regional Recovery Manager and person to act in Regional Recovery Manager's role

- (1) This section provides for the appointment of the Regional Recovery Manager, and persons who may act in the role of the Regional Recovery Manager when needed, for a multi-member Emergency Management Committee. 35

- (2) A multi-member Emergency Management Committee must appoint—
- (a) a suitably qualified and experienced person to be the Regional Recovery Manager for its area; and
 - (b) at least 1 suitably qualified and experienced person to act in the role of the Regional Recovery Manager for the duration of any vacancy in the office or absence from duty of the Regional Recovery Manager.

Delegation of authority to remove and replace Regional Recovery Manager during emergency

- (3) ~~The~~ At any time, the Committee may delegate the authority under **section 64(4)** to remove and replace the Regional Recovery Manager during a transition period in the Committee's area with a person appointed under **subsection (2)(b)**.
- (4) A delegation under **subsection (4) (3)**—
- (a) must be to 1 or more of the representatives who are authorised under **section 49(1)(b)** to declare a transition period for the whole of that Committee's area; and
 - (b) may impose conditions or limitations on the use of the authority delegated under **paragraph (a) subsection (3)**.

Compare: 2002 No 33 s 29

61 Appointment of District Recovery Managers for multi-member Emergency Management Committees 20

Appointment of District Recovery Manager

- (1) This section provides for the appointment of the District Recovery Manager, and persons who may act in the role of the District Recovery Manager when needed, for each territorial authority that is a member of a multi-member Emergency Management Committee. 25
- (2) If the Emergency Management Committee considers that the chief executive of a territorial authority is a suitably qualified and experienced person to be the District Recovery Manager for the territorial authority's district, the Committee may appoint the chief executive as District Recovery Manager for the district. 30
- (3) If the chief executive is not appointed under **subsection (2)**, the chief executive of the territorial authority must appoint a suitably qualified and experienced person to be a District Recovery Manager for the district.

Appointment of person to act in District Recovery Manager's role

- (4) The chief executive of each territorial authority ~~that is a member of the Committee~~ must appoint at least 1 suitably qualified and experienced person to act in the role of the District Recovery Manager for the district of the territorial authority for the duration of any vacancy in the office or absence from duty of the District Recovery Manager. 35

Compare: 2002 No 33 s 30

40

- 62 Appointment of Regional Recovery Managers for unitary authority
Emergency Management Committees**
- Appointment of Regional Recovery Manager*
- (1) This section provides for the appointment of the Regional Recovery Manager, and persons who may act in the role of the Regional Recovery Manager when needed, for a unitary authority Emergency Management Committee. 5
- (2) If the Emergency Management Committee considers that the chief executive of the unitary authority is a suitably qualified and experienced person to be the Regional Recovery Manager for the Committee's area, the Committee may appoint the chief executive as the Regional Recovery Manager for the area. 10
- (3) If the chief executive is not appointed under **subsection (2)**, the chief executive of the unitary authority must appoint a suitably qualified and experienced person to be a Regional Recovery Manager for the area.
- Appointment of person to act in Regional Recovery Manager's role*
- (4) The chief executive must appoint at least 1 suitably qualified and experienced person to act in the role of the Regional Recovery Manager for the area for the duration of any vacancy in the office or absence from duty of the Regional Recovery Manager. 15
- Compare: 2002 No 33 s 29
- 63 Appointment of Local Recovery Managers for unitary authority
Emergency Management Committees** 20
- (1) This section provides for the appointment of Local Recovery Managers for a unitary authority Emergency Management Committee.
- (2) The chief executive of the unitary authority may appoint 1 or more suitably qualified and experienced persons to be a Local Recovery Manager in respect of the district. 25
- Compare: 2002 No 33 s 30
- 64 Provisions applying generally to appointments and removals of Regional
Recovery Managers, District Recovery Managers, and Local Recovery
Managers** 30
- (1) ~~Subsections (2) to (5) apply~~ This section applies in respect of an appointment under **sections 60 to 63** of a person as a Regional Recovery Manager, a District Recovery Manager, or a Local Recovery Manager, or to act in the role of a Regional Recovery Manager, a District Recovery Manager, or a Local Recovery Manager. 35
- (2) Any person may be appointed to the position, regardless of whether they are an employee of the relevant territorial authority.
- (3) An appointment—
- (a) may be by name or by reference to the holder of an office; and

- (b) may be made at any time, regardless of whether a state of emergency or transition period is in force.
- (4) The Emergency Management Committee, or chief executive, that made the appointment may, at any time, remove from office or replace the person appointed. 5
- (5) A person acting in the role of a Regional Recovery Manager, a District Recovery Manager, or a Local Recovery Manager may perform or exercise the functions, duties, and powers of that Recovery Manager under this Act in respect of the area or district for which the Recovery Manager was appointed.

Role of Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers 10

65 Role of Regional Recovery Managers

- (1) **Subclause (2)** applies to a Regional Recovery Manager for an Emergency Management Committee during a transition period in the Committee's area.
- (2) The Regional Recovery Manager must direct and co-ordinate the use of the personnel, material, information, services, and other resources made available for the Committee's area by government agencies, Emergency Management Committees, and other persons for the purpose of carrying out recovery activities. 15
- (3) At any time, the Regional Recovery Manager— 20
- (a) ~~must perform or exercise any functions, duties, or powers~~ any functions or duties delegated to the Regional Recovery Manager by the Committee or conferred on Regional Recovery Managers by this Act or any other enactment; and
- (b) ~~may perform any function~~ exercise any power conferred on the Regional Recovery Manager by delegation under this Act; and 25
- (c) may authorise any suitably qualified and experienced person to perform or exercise any functions, duties, or powers of that Regional Recovery Manager, except the power to authorise another person to perform or exercise those functions, duties, and powers. 30
- (4) A Regional Recovery Manager who authorises a person under **subsection (3)(c)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power.
- (5) ~~See also the Director-General's power under **section 15(2)(b)**, which includes using specified resources for the purposes of any local transition period when the state of national emergency or national transition period is in force concurrently for the same ward, district, or area.~~ 35

Compare: 2002 No 33 s 30A

66 Role of District Recovery Managers

- (1) This section applies to District Recovery Managers appointed under **section 61** in relation to a territorial authority's district.
- (2) During a transition period that covers the district for which a District Recovery Manager is appointed, the District Recovery Manager must direct and co-ordinate the use of the personnel, material, information, and other resources made available for the purposes of this Act. 5
- (3) At any time, the District Recovery Manager—
- (a) ~~must also perform or exercise any functions, duties, or powers~~ any functions or duties delegated to the District Recovery Manager by the Emergency Management Committee or conferred on the District Recovery Manager by this Act or any other enactment; and 10
- (b) ~~may perform any function~~ exercise any power conferred on the District Recovery Manager by delegation under this Act; and
- (c) may authorise any suitably qualified and experienced person to perform or exercise any function, duty, or power of that District Recovery Manager, except the power to ~~delegate those functions, duties, and powers~~ authorise another person to perform or exercise that function, duty, or power. 15
- (3A) A District Recovery Manager who authorises a person under **subsection (3)(c)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power. 20
- (4) A District Recovery Manager must follow any directions given by the Regional Recovery Manager during a transition period. 25
- (5) **Subsection (4)** overrides **subsection (3)(a)**.
- (6) ~~A District Recovery Manager who authorises a person under **subsection (3)(c)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power.~~ 30
- Compare: 2002 No 33-ss-30; s_30A

67 Role of Local Recovery Managers

- (1) This section applies to a Local Recovery Managers Manager appointed under **section 63** for a unitary authority Emergency Management Committee.
- (2) The chief executive of the unitary authority may ~~direct that person~~ the Local Recovery Manager to— 35
- (a) perform any of the functions and duties of, or delegated to, the Regional Recovery Manager of the Committee; and

- (b) exercise any of the powers of the Regional Recovery Manager in the area for which the Regional Recovery Manager is appointed, including the emergency powers in **subpart 2 of Part 4**.
- (3) The Local Recovery Manager must follow any directions given by the Regional Recovery Manager during a transition period. 5
- (4) **Subsection (3)** overrides **subsection (2)**.
- (5) The Local Recovery Manager—
- (a) must also perform ~~or exercise any functions, duties, or powers~~ any functions or duties delegated to the Local Recovery Manager by the Emergency Management Committee or conferred on the Local Recovery Manager by this Act or any other enactment; and 10
- (b) may ~~perform any function~~ exercise any power conferred on the Local Recovery Manager by delegation under this Act.
- (6) The Local Recovery Manager may authorise any suitably qualified and experienced person to perform or exercise any function, duty, or power of that Local Recovery Manager, except the power to ~~delegate those functions, duties, and powers~~ authorise another person to perform or exercise that function, duty, or power. 15
- (7) A Local Recovery Manager who authorises a person under **subsection (6)** to perform or exercise a function, duty, or power remains responsible and accountable under this Act for the performance or exercise of the function, duty, or power. 20

Compare: 2002 No 33 ss 30, 30A

- 68 Duty of Recovery Managers to exercise powers consistently with national priorities** 25
- (1) This section applies to the following persons:
- (a) a Regional Recovery Manager:
- (b) a person authorised by a Regional Recovery Manager under **section 65(3)(c)**:
- (c) a District Recovery Manager: 30
- (d) a person authorised by a District Recovery Manager under **section 66(3)(c)**:
- (e) a Local Recovery Manager:
- (f) a person authorised by a Local Recovery Manager under **section 67(6)**.
- (2) The person must exercise any power conferred on them by this Act during any state of national emergency or national transition period consistently with the priorities for the use of resources and services that have been determined by the Director-General, National Controller, or National Recovery Manager. 35

Subpart 3—Other parties

*Lead agencies***69 Role of lead agencies—Meaning and role of lead agency**

- (1AAA) In this Act, a **lead agency** is a government agency that is identified in the national emergency management plan as the lead agency in respect of emergencies caused or contributed to by a particular hazard. 5
- (1) ~~In an emergency that has been caused or contributed to by a particular hazard, the lead agency for that emergency has the primary responsibility for managing the response to the emergency.~~
- (1) If a lead agency has been identified in respect of a particular hazard, that agency— 10
- (a) is the lead agency for each emergency that is caused or contributed to by that hazard; and
- (b) has the primary responsibility for managing the response to those emergencies. 15
- (2) The functions of a lead agency are to—
- (a) plan for, and co-ordinate the response to, an emergency caused or contributed to by the hazard; and
- (b) participate in developing the national emergency management plan and regional emergency management plans in relation to responding to the emergencies caused or contributed to by the hazard; and 20
- (c) keep the Director-General informed about any situation in which there is or may be an imminent threat of an emergency that is caused or contributed to by the hazard; and
- (d) perform any function or duty imposed on it under this Act or any other enactment. 25
- (3) If a lead agency for an emergency is the department,—
- (a) **subsection (2)(a)** ~~applies only in relation to or during respect of planning for, or co-ordinating the response to,~~ a state of national emergency; and 30
- (b) **subsection (2)(c)** does not apply.
- (3A) If no lead agency has been identified in respect of an emergency caused or contributed to by a particular hazard, the following persons have the primary responsibility for managing the response for that emergency:
- (a) during an emergency for which a state of national emergency has been declared, the Director-General; 35
- (b) during any other emergency, the relevant Emergency Management Committee for the area in which the emergency has occurred.

- (4) *See* **section 83**, under which lead agencies may be identified in the national emergency management plan.

70 **Transfer of lead agency ~~role~~ obligations**

- (1) During the response to an emergency ~~that has been caused or contributed to by a hazard, a~~, the lead agency for the emergency (agency A) may transfer its ~~obligations as lead agency for that emergency~~ the lead agency obligations set out in **subsection (1A)** to—
- (a) another government agency (**agency B**) with agency B's agreement; or
- (b) to an Emergency Management Committee with that Committee's agreement.
- (1A) The lead agency obligations that are transferred under **subsection (1)** are—
- (a) co-ordinating the response to the emergency; and
- (b) any additional obligations relating to the response to the emergency that are imposed on a lead agency under the national emergency management plan.
- (2) If the lead agency obligations for an emergency are transferred, agency B or the relevant Committee has the primary responsibility for managing the response to the emergency ~~and has the role set out in **section 69** in respect of the hazard (rather than agency A).~~
- (3) ~~When the response to the emergency for which the lead agency obligations were transferred is complete, the role of~~ The lead agency obligations for emergencies caused or contributed to by that hazard revert an emergency revert to the government agency identified as the lead agency for those emergencies under **section 83**.
- (a) when the response to the emergency for which the lead agency obligations were transferred is complete; or
- (b) at an earlier time during the response to the emergency with the agreement of agency A and the agency or Committee to which the lead agency obligations were transferred.

General obligation to undertake emergency management functions and responsibilities 30

71 **Requirement to undertake emergency management functions and responsibilities**

- (1) This section applies to any person who is required ~~by~~ under this Act ~~or regulations, or any emergency management plan,~~ to undertake emergency management or to perform any functions or duties, including, without limitation, the following persons:
- (a) public service agencies:

- (b) Emergency Management Committees:
 - (c) local authorities:
 - (d) emergency services:
 - (e) essential infrastructure providers.
- (2) A person to whom this section applies must take all necessary steps to undertake emergency management or to perform their functions or duties as required. 5
- Compare: 2002 No 33 s 59

Emergency services

72 Duties of emergency services 10

Emergency services must—

- (a) ~~participate in developing the national emergency management strategy and emergency management plans:~~
 - (b) ~~provide the members required under **section 39(2)(b), (c), (d), and (e)**, as applicable, for each Emergency Management Co-ordinating Executive Group.~~ 15
- (1) The emergency services must provide the members required under **section 39(2)(b), (c), (d), and (e)**, as applicable, for each Emergency Management Co-ordinating Executive Group.
- (2) Representatives of each of the emergency services (as set out in **paragraphs (a) to (d)** of the definition of emergency services in **section 5**) must participate in developing the national emergency management strategy and emergency management plans. 20

Compare: 2002 No 33 s 63

72A Identification of emergency ambulance services 25

- (1) The Minister may identify, by notice in the *Gazette*, an organisation as an emergency ambulance service.
- (2) Before doing so, the Minister must consult the organisation.

Essential infrastructure providers

73 Essential infrastructure providers 30

- (1) **Schedule 3** sets out, by name or description, the entities or classes of entities that are essential infrastructure providers.
- (2) *See **section 7** (which sets out the definitions of essential infrastructure, essential infrastructure provider, essential service, and infrastructure components).*

74 Duties of essential infrastructure providers 35

An essential infrastructure provider must—

- (a) ensure that the essential service delivered by its essential infrastructure that it is responsible for providing is able to function to the fullest possible extent, during and after an emergency, even though this may be at a reduced level, ~~during and after an emergency~~:
- (b) develop and maintain a plan to carry out the duty described in **paragraph (a)**: 5
- (c) make available to the Director-General in writing, on request, the plan described in **paragraph (b)**:
- (d) contribute to developing sector response plans if required to do so by the Director-General: 10
- (e) participate in the development of the national emergency management strategy and emergency management plans:
- (f) provide, free of charge, any technical advice to the Director-General or any Emergency Management Committee that is reasonably required by the Director-General or that Committee: 15
- (g) ensure, so far as possible, that any information that is disclosed to the entity for the purposes of this Act is used by the entity, or disclosed to another person, only for the purposes of this Act.

Compare: 2002 No 33 s 60

- 75 Recognition of essential infrastructure providers** 20
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend **Schedule 3** to—
- (a) recognise an entity as an essential infrastructure provider:
- (b) recognise a class of entities as essential infrastructure providers:
- (c) amend the name or description of an entity or a class of entities recognised as essential infrastructure providers: 25
- (d) remove the recognition of an entity or a class of entities.
- (1A) The order must include a statement of the reasons for the recognition of, or amendment to the recognition of, the entity or class of entities.
- (2) In order to make a recommendation under **subsection (1)**, the Minister must,— 30
- (a) in the case of recognising, or amending the recognition of, an entity or a class of entities, be satisfied that the entity or class of entities provides, or is responsible for providing, essential infrastructure; and
- (b) consider— 35
- (i) any potential negative implications, effects, or costs of recognising or removing recognition of the entity or entities, including for the entity or entities; and
- (ii) New Zealand's international obligations (to the extent relevant).

- (3) Before making a recommendation under **subsection (1)**, the Minister must—
- (a) consult the Director-General; and
 - (b) having regard to the nature of the entity or entities that are proposed to be recognised or removed from recognition, take all practicable steps to consult the persons, or the representatives of the persons, that the Minister considers will be substantially affected by the recommendation. 5
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2002 No 33 s 61

76 Minister may exempt essential infrastructure provider 10

- (1) ~~The Minister may, by notice in the *Gazette*, on any conditions that the Minister thinks fit, exempt a particular essential infrastructure provider or class of essential infrastructure providers in whole or in part from the provisions of this Act relating to essential infrastructure.~~
- (2) ~~**Subsection (1)** applies if the Minister is satisfied that the application of the provisions is not appropriate in the case of that entity or class of entities.~~ 15
- (3) ~~The notice must set out the provisions of this Act from which the entity or class of entities is exempt.~~
- (4) ~~A notice under this section that is a class exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).~~ 20
- (5) ~~In this section, **class exemption** means an exemption granted under **subsection (1)** that relates to a class of entities.~~
- (1) The Minister may, on any terms or conditions that the Minister thinks fit, exempt from compliance with the provisions of this Act relating to essential infrastructure— 25
- (a) 1 or more named essential infrastructure providers; or
 - (b) a class of essential infrastructure providers.
- (2) The Minister may grant an exemption only if the Minister is satisfied that—
- (a) the application of the provisions is not appropriate in the case of each named entity or class of entities; and 30
 - (b) the exemption is no broader than is reasonably necessary to address the matters that gave rise to the exemption; and
 - (c) the exemption is consistent with the purpose of this Act.
- (3) The Minister must, in granting an exemption,—
- (a) specify the provisions of this Act from which the entity or class of entities is exempt; and 35
 - (b) record any applicable terms and conditions; and

- (c) publish together with the exemption the Minister's reasons for granting the exemption.
- (4) An exemption granted under **subsection (1)(a)**—
- (a) must be published in the *Gazette*; and
- (b) takes effect on the date specified in the exemption. 5
- (5) An exemption granted under **subsection (1)(b)**—
- (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) takes effect on the date specified in the exemption (which must not be a date earlier than the date on which the exemption is published under the Legislation Act 2019). 10

Compare: 2002 No 33 s 62

Part 3

Emergency management system planning

Subpart 1—National emergency management strategy 15

77 National emergency management strategy

- (1) The Minister must make a national emergency management strategy for 1 or more of the following purposes:
- (a) providing for the Crown's goals in relation to emergency management in New Zealand: 20
- (b) identifying the objectives to be pursued to achieve those goals:
- (c) specifying the measurable targets to be met to achieve those objectives.
- (2) ~~A national emergency management strategy made under this section takes effect 28 days after the strategy is published or on a later date (if any) specified in the strategy.~~ 25
- (2) A national emergency management strategy—
- (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) despite section 26 of that Act, comes into force 28 days after the strategy is published or on a later date (if any) specified in the strategy. 30

Compare: 2002 No 33 s 31

78 Review of national emergency management strategy

- (1) The Minister must commence a review of a national emergency management strategy within 10 years of the date on which the strategy came into force.
- (2) Following a review, the Minister may— 35

- (a) amend or replace the strategy by following the procedure set out in **section 79**; or
- (b) decide not to change the strategy.
- (3) If the Minister decides not to change the strategy, the Minister must publish the reasons for the decisions on ~~an internet site maintained by or on behalf of the Director-General~~ the Director-General's internet site. 5

79 Procedure for ~~amending making, amending, or replacing national emergency management strategy~~

- (1) This section applies ~~before the Minister amends or replaces a~~ if the Minister proposes to make, amend, or replace the national emergency management strategy. 10
- (2) ~~The~~ Before making, amending, or replacing the strategy, the Minister must—
- (a) publicly notify the proposed replacement strategy or the proposed amendments to the strategy by—
- (i) publishing a notice in the *Gazette*; and 15
- (ii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and
- (b) give interested persons a reasonable time, which must be specified in the notice published under **paragraph (a)**, to make submissions on the proposal; and 20
- (~~ba~~) consult representatives of the following groups regarding the proposed replacement strategy or the proposed amendments to the strategy:
- (i) any community that the Director-General considers to be a disproportionately affected community: 25
- (ii) iwi and Māori;
- (iii) rural communities; and
- (c) consult any persons that the Minister considers appropriate.
- (3) The Minister may ~~make the amended or replacement, amend, or replace a~~ national emergency management strategy by signing the new or amended or replacement strategy. 30

Compare: 2002 No 33 ss 32, 36

79A Presentation of national emergency management strategy to House of Representatives

- (1) The national emergency management strategy comes into force under **section 77(2)(b)** unless, within 15 sitting days after the strategy is presented, the House of Representatives resolves not to approve it. 35

- (2) If the House of Representatives resolves not to approve a strategy, the Minister must, within 30 working days after that resolution,—
- (a) make a revised strategy under **section 79**; and
 - (b) present the revised strategy to the House of Representatives.
- (3) The revised strategy takes effect in accordance with **subsection (1)**. 5
Compare: 2002 No 33 s 35

Subpart 2—Emergency management plans: duties relevant to making of national plan and regional plans

- 80 Matters persons must have regard to in development of emergency management plans** 10
- Application*
- (1) This section applies to any person who performs a function in relation to the development of an emergency management plan or an emergency management planning standard under this Act.
- Duty* 15
- (2) The person must have regard to—
- (a) the responsibility of people and communities to provide for their own well-being and the well-being of future generations:
 - (b) the benefits to be derived for people and communities from the management of hazards and risks: 20
 - (c) New Zealand’s international obligations (to the extent relevant).
- Compare: 2002 No 33 s 38
- 81 Minister or Committee must consider alternatives, benefits and costs, and appropriateness before recommending plan or approving provisions**
- Application* 25
- (1) This section applies to the Minister if the Minister intends to recommend the making of regulations providing for a national emergency management plan under **section 82**.
- (2) This section also applies to an Emergency Management Committee if the Committee intends to approve provisions of a regional emergency management plan under **section 90** that impose requirements on a person other than the following: 30
- (a) the Committee:
 - (b) a local authority who is a member of the Committee (or the unitary authority in the case of a unitary authority Emergency Management Committee): 35
 - (c) emergency services (or their employees or agents).

Duty

- (3) The Minister or Committee must, before recommending the making of regulations or approving provisions,—
- (a) have regard to—
- (i) the extent, if any, to which the ~~provisions or regulations~~ or provisions are necessary to achieve the purpose of this Act; and 5
- (ii) other means in addition to or in place of the provisions or regulations that, ~~under this Act or any other legislation,~~ may be used in achieving the purpose of this Act, including providing information, services, or incentives; and 10
- (iii) ~~the reasons for and against recommending or approving the proposed provisions or regulations and the principal alternative means available, or of taking no action if this Act does not require otherwise; and~~
- (b) evaluate the likely benefits and costs of ~~the principal alternative means; and—~~
- (i) making the regulations or approving the provisions; and
- (ii) implementing the principal alternative means available for achieving the intended purpose; and
- (iii) taking no action; and 20
- (c) be satisfied that the provisions or regulations—
- (i) are necessary or desirable to achieve the purpose of this Act; and
- (ii) are the most appropriate means to achieve that purpose, having regard to their efficiency and effectiveness relative to other means. 25
- Compare: 2002 No 33 s 65

Subpart 3—National emergency management plan

82 National emergency management plan

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for a national emergency management plan. 30
- (2) The national plan must state and provide for—
- (a) the hazards and risks to be managed at the national level:
- (b) the emergency management necessary at the national level to manage the hazards and risks:
- (c) the objectives of the plan and the relationship of each objective to the national emergency management strategy: 35
- (d) the co-ordination of emergency management during a state of national emergency or a national transition period:

- (e) the period for which the plan remains in force.
- (2A) In order to provide for the matters in **subsection (2)**, the national plan may impose duties on any person, including those listed in **section 71(1)(a) to (e)**.
- (3) Before recommending the making of a national plan, the Minister must be satisfied that the plan is consistent with the national emergency management strategy. 5
- (4) The national plan may authorise a person to exercise the power in **section 130**.
- (5) An order made under this section— 10
- (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) despite section 26 of that Act, comes into force 28 days after the order is published or on a later date (if any) specified in the order; and
- (c) remains in effect for the period specified in the order, but if the order is not replaced before the close of that period it remains in effect until replaced. 15

Compare: 2002 No 33 ss 39, 42

83 Identification of lead agencies in national emergency management plan

The national emergency management plan may ~~identify a government agency as the lead agency for emergencies caused or contributed to by a particular hazard if the agency is authorised by legislation, or has the expertise, to manage the response to emergencies caused or contributed to by that hazard.~~ 20

- (a) identify a government agency as the lead agency for emergencies caused or contributed to by a particular hazard if the agency is authorised by legislation, or has the expertise, to manage the response to emergencies caused or contributed to by that hazard; and 25
- (b) specify the arrangements identifying the lead agency or agencies in the case of an emergency that has been caused or contributed to by multiple hazards. 30

84 Review of national emergency management plan

- (1) The Minister—
- (a) must review the national emergency management plan in full at least once every 5 years (a **five-yearly review**); and
- (b) may at any time review the plan or part of the plan. 35
- (2) As a result of a review under **subsection (1)**, the Minister may—
- (a) recommend that the plan be amended; or
- (b) recommend that the plan be revoked and replaced; or

- (c) decide to retain the plan in its current form.
- (3) A review undertaken under **subsection (1)(b)** has no effect on the Minister's obligation to undertake a ~~five~~ 5-yearly review.
Compare: 2002 No 33 s 46
- 85 Requirements before recommendation to amend or replace, or decision to retain, national emergency management plan** 5
- (1) Before the Minister makes a decision relating to the review of the national emergency management plan under **section 84**, the Minister must, in accordance with **section 86**, consider and approve a proposal developed by the Director-General under that section. 10
- (2) After the Minister has approved the proposal, the proposal must, in accordance with **section 87**, be publicly notified, made available, and presented to the House of Representatives.
- (2A) The proposal is not required to be in the form of draft regulations.
- (3) In this section and **sections 86 and 87**, proposal— 15
- (a) means—
- (i) the proposed contents of an amended or a replacement version of the national emergency management plan ~~(but is not required to be in the form of draft regulations)~~; or
- (ii) a proposal to retain the plan in its current form; and 20
- (b) may include material incorporated by reference in the plan under **section 216**, together with a translation in English or te reo Māori if that material is not in English or te reo Māori.
- 86 Preparation and approval of proposal relating to review of national emergency management plan** 25
- (1) The Minister must consider and approve a proposal developed by the Director-General in accordance with this section.
- (2) In developing the proposal, the Director-General must—
- (a) identify any ~~communities~~ community that the Director-General considers ~~will or are likely to be~~ to be a disproportionately affected community ~~in an emergency~~ and engage with representatives of those communities who operate at a national level; and 30
- (b) ~~engage with and~~ seek advice on Māori interests and knowledge to inform the development of the proposal by engaging with representatives of appropriate national-level Māori organisations; and 35
- (c) consult persons and agencies who would have roles and responsibilities under any new or amended national emergency management plan that is being proposed.

- (3) When the proposal is submitted to the Minister for consideration, the Minister must—
- (a) consult other relevant Ministers about the proposal; and
 - (b) determine to either—
 - (i) approve the proposal; or 5
 - (ii) refer it back to the Director-General for reconsideration, together with the Minister’s reasons for referring it back.
- (4) On receiving a referral under **subsection (3)(b)(ii)**, the Director-General must reconsider the proposal and, as soon as is reasonably practicable, submit a revised proposal to the Minister for ~~approval~~ consideration. 10

87 Public notification of proposed national emergency management plan

- (1) The Minister must—
- (a) publicly notify the proposal by—
 - (i) publishing a notice in the *Gazette* and on ~~an internet site maintained by or on behalf of the Director-General~~ the Director-General’s internet site; and 15
 - (ii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and
 - (b) make copies of any proposed new national plan, or amendments to the plan, available for inspection at the office of the Director-General, free of charge, for a reasonable period; and 20
 - (c) state where copies of any proposed new national plan, or amendments to the plan, are available for purchase; and
 - (d) make any proposed new national plan, or amendments to the plan, available, ~~free of charge, on an internet site maintained by or on behalf of the Director-General~~ on the Director-General’s internet site or provide a link to another internet site where that material is published ~~(except any parts of the material where making it available in this manner would infringe copyright)~~. 25 30
- (2) The Minister must present the proposal to the House of Representatives at least 90 days before making the recommendation.
- (3) Every notice under this section must include—
- (a) a description of the proposal;
 - (b) a statement that submissions on the proposal may be made in writing to the Minister by any person: 35
 - (c) a closing date for submissions (which must not be earlier than 40 working days after the notification under this section);
 - (d) a statement that every submission should state—

- (i) those aspects of the proposal that the submission supports; and
- (ii) those aspects of the proposal that the submission opposes; and
- (iii) the reasons for the support and opposition identified; and
- (iv) any specific alternatives to the proposal that the person making the submission wishes to recommend: 5
- (e) a list of places where a copy of any proposed new national plan, or amendments to the plan, may be purchased or inspected:
- (f) an address for submissions.
- (4) For the purposes of **subsection (1)(d)**, the Minister may not rely on section 66 of the Copyright Act 1994 as authority to make available on an internet site any material that is proposed to be incorporated by reference. 10

Compare: 2002 No 33 s 41

88 Targeted amendments to national emergency management plan

- (1) A national emergency management plan may be amended by the Governor-General, by Order in Council made on the recommendation of the Minister, without a review of the plan under **section 84** if the Minister is satisfied that the amendment is a targeted amendment. 15
- (2) A **targeted amendment** is an amendment that is limited in scope and impact, and may include, without limitation,—
 - (a) an update to a part of the plan that affects ~~one or some parties~~ any person or persons more than others; or 20
 - (b) an update relating to the identification of new hazards or changes in the risk profiles of existing hazards; or
 - (c) an update to the identification of a lead agency under **section 83**; or
 - (d) ~~the addition of 1 or more obligations for new parties, who were not previously included in the plan, as a result of the identification of new hazards or risks; or~~ 25
 - (e) ~~the addition of 1 or more obligations for existing parties as a result of the identification of new hazards or risks.~~
 - (d) the addition of 1 or more obligations for persons (including persons already included in the plan and persons not included in the plan), as a result of the identification of new hazards or risks. 30
- (3) When ~~making~~ a targeted amendment is made under this section,—
 - (a) **sections 80, 82(3) and (4), 87, and 216** apply with any necessary modifications; and 35
 - (b) **section 86** does not apply; and
 - (c) the Minister must consult any party likely to be affected by any proposed change to the plan.

- (4) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2002 No 33 s 47

89 Minor amendments to national emergency management plan

- (1) A national emergency management plan may be amended by the Governor-General, by Order in Council made on the recommendation of the Minister, without a review of the plan under **section 84** if the Minister is satisfied that the amendment is a minor change. 5
- (2) A **minor change** to a plan is a change that—
- (a) will have no effect on, or is not likely to affect, the rights of any person; and 10
- (b) has no effect, or no more than a minor effect, on the obligations of any person.
- (3) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 15

Compare: 2002 No 33 s 47

Subpart 4—Local and sector plans

Regional emergency management plans

90 Regional emergency management plans

- (1) Each Emergency Management Committee must prepare and approve a regional emergency management plan. 20
- (2) Each Committee must publish its regional plan ~~on an internet site maintained by or on behalf of the Committee~~ the Committee's internet site.
- (3) A regional plan must—
- (a) be consistent with the national emergency management strategy; and 25
- (b) meet the requirements set out in any applicable planning standard issued by the Minister under **section 100**; and
- (c) take account of ~~the~~ any guidelines, codes, or technical standards issued by the Director-General under this Act.
- (4) A regional plan— 30
- (a) takes effect on the date on which the Committee approves the plan at a meeting of the Committee; and
- (b) remains in effect for the period specified in the plan, but if the plan is not replaced before the close of that period it continues in effect until replaced. 35

Compare: 2002 No 33 s 48, 53

91 Content of regional emergency management plan

- (1) Each Emergency Management Committee's regional emergency management plan must state and provide for—
- (a) the local authorities that have united to establish and maintain the Committee or, in the case of a unitary authority Emergency Management Committee, the relevant unitary authority: 5
 - (b) the hazards and risks to be managed by the Committee:
 - (c) the emergency management necessary to manage those hazards and risks:
 - (d) the strategic planning for recovery from those hazards and risks: 10
 - (e) the objectives of the plan and the relationship of each objective to the national emergency management strategy:
 - (f) the area of the Committee:
 - (g) in the case of a multi-member Emergency Management Committee, the apportionment between local authorities of liability for the provision of financial and other resources for the activities of the Committee, and the basis for that apportionment: 15
 - (h) the arrangements for declaring a state of local emergency:
 - (i) the arrangements for declaring a local transition period:
 - (j) the arrangements for co-operation and co-ordination with other Emergency Management Committees: 20
 - (k) the arrangements for the needs of any community in the Committee's area that the Committee considers ~~may be to be~~ a disproportionately affected community ~~in an emergency:~~
 - (l) the arrangements for how offers of assistance with emergency management from individuals and groups will be managed during an emergency: 25
 - (m) the arrangements for managing animals (including pets, working animals, livestock, and wildlife) during an emergency:
 - (n) the period for which the plan remains in force. 30
- (1A) In order to provide for the matters in **subsection (1)**, a regional plan may impose duties on any person, including those listed in **section 71(1)(a) to (e)**.
- (1B) The regional plan may authorise an employee of the Committee for the purposes of **section 126(1)(c)**, which relates to the power to enter contracts on behalf of a Committee. 35
- (2) The regional plan may authorise a person to exercise the power in **section 130** (the power to close roads and public places), and that section applies to the

person authorised as if they were ~~a specified person~~ an authorised Controller or a constable for the purposes of that section.

Compare: 2002 No 33 s 49

92 Incorporation by reference in regional emergency management plans

- (1) An Emergency Management Committee may incorporate by reference written material in the Committee's regional emergency management plan if the Committee considers that ~~it~~ the material is too large or impractical to include ~~the material~~ as part of the plan. 5
- (2) Any material incorporated by reference under this section is to be treated for all purposes as forming part of the plan. 10
- (3) If the material incorporated by reference under this section is amended, the amendment may only be treated as part of the plan if the amendment has been approved under this Act as an amendment to the plan.
- (4) An amendment referred to in **subsection (3)** takes effect on a date specified by the Committee by notice on ~~the publicly available internet site on which the plan has been published~~ Committee's internet site. 15
- (5) All material incorporated by reference under this section must be available on ~~an internet site maintained by or on behalf of the Committee~~ the Committee's internet site. 20

Compare: 2002 No 33 s 51

93 Reviews of regional emergency management plans

- (1) An Emergency Management Committee—
- (a) must review its regional emergency management plan in full at least once every 5 years (a ~~five-yearly~~ 5-yearly review); and
 - (b) must review the plan or part of the plan when directed to do so by the Minister under **section 97**; and
 - (c) may at any time review the plan or part of the plan.
- (2) Following a review under **subsection (1)**, the Committee may decide to—
- (a) amend the plan; or
 - (b) replace the plan; or
 - (c) retain the plan in its current form.
- (3) A decision under **subsection (2)** may be made only at a meeting of the Committee.
- (4) Before the Committee makes a decision under **subsection (2)**, the Committee must—
- (a) carry out the requirements under **section 94** for community engagement in developing a proposal; and

- (b) follow the procedure under **section 95** relating to public notification of a proposal; and
- (c) provide the proposal to the Minister for the Minister's comments and direction in accordance with **section 96**.
- (5) A review of a Committee's regional plan in full undertaken under **subsection (1)(b) or (c)** ~~has no effect on a~~ meets the Committee's obligation to undertake a ~~five~~ 5-yearly review. 5
- (6) In this section and **sections 94 to 96**, **proposal** means—
- (a) the proposed amendments to, or a proposed replacement version of, a Committee's regional plan; or 10
- (b) a proposal to retain the plan in its current form.
- Compare: 2002 No 33 s 56
- 94 ~~Community engagement in~~ Engagement and consultation for developing proposal for regional emergency management plan** 15
- In developing a proposal, the Emergency Management Committee must—
- (a) engage with and involve representatives of any community in the Committee's area that the Committee considers is ~~likely to be a~~ disproportionately affected community ~~in an emergency in the Committee's area~~; and
- (b) engage with and involve representatives of iwi and Māori in the Committee's area; and 20
- (c) consult persons and agencies who would have roles and responsibilities under any new or amended regional emergency management plan that is being proposed. 25
- Compare: 2002 No 33-ss 49(1); s 52
- 95 Public notification for proposal for regional emergency management plan**
- (1) The Emergency Management Committee must—
- (a) give notification of the proposal—
- (i) by public ~~notice notification~~ ~~(within the meaning of section 13 of the Legislation Act 2019)~~; and 30
- (ii) to representatives of iwi and Māori within the Committee's area; and
- (iii) to any other specific person or group that the Committee considers appropriate; and
- (b) specify in each notice given under **paragraph (a)** a period within which persons interested in the proposal may make submissions on the proposal to— 35
- (i) the Committee; or

- (ii) a subgroup of the Committee; and
- (c) ensure that any person who makes written submissions on the proposal within the period specified in the notice is given a reasonable opportunity to be heard by the body to which the submissions are made; and
- (d) make all written submissions on the proposal available to the public unless there is some good reason in law why it should not do so; and 5
- (e) have regard to any comments on a proposal made by iwi and Māori within the Committee's area.
- (2) The period specified under **subsection (1)(b)** must not be less than 1 month.
- 96 Comments and directions from Minister regarding proposal** 10
- (1) After making any changes to update the proposal following consideration of submissions and comments received in accordance with **section 95**, the Committee must send the updated proposal, including a copy of any proposed new regional emergency management plan, or amendments to the plan, to the Minister for the Minister's consideration. 15
- (2) Within 20 working days of the Minister after receiving the proposal, the Minister must provide comments and inform the Committee if the Minister is considering directing that amendments ~~are~~ be made to the proposal.
- (3) If the Minister informs the Committee that the Minister is considering making a direction, the Minister must, as soon as is reasonably practicable after informing the Committee of that possibility, make a decision about whether to make a direction and advise the Committee of— 20
- (a) the direction regarding amendments to the proposal, along with the reasons for directing those amendments; or
- (b) the decision that no direction will be made. 25
- (4) The Minister may require amendments to the proposal only if, in the Minister's view, the plan would otherwise fail to meet the requirements of the Act or the national emergency management plan.
- (5) The Committee—
- (a) must have regard to any comments made by the Minister; and 30
- (b) may not make a decision on the proposal under **section 93(2)** ~~only after receiving the Minister's advice or decision that no direction will be made under **subsection (3)**~~; and until the Minister has—
- (i) advised under **subsection (2) or (3)(b)** that they do not intend to direct that amendments be made; or 35
- (ii) directed that amendments be made to the proposal under **subsection (3)(a)**; and
- (c) must make any amendments to the proposal that the Minister directs.

- 97 Minister may direct Emergency Management Committee to review regional emergency management plan**
- (1) The Minister may direct that an Emergency Management Committee review its regional emergency management plan, or 1 or more parts of the plan, under **section 93**. 5
- (2) When making a direction, the Minister must provide the reasons for directing the review.
- 98 Targeted amendments to regional emergency management plan**
- (1) An Emergency Management Committee may amend its regional emergency management plan without a review of the plan under **section 93** if it is satisfied that the amendment is a targeted amendment. 10
- (2) A **targeted amendment** is an amendment that is limited in scope and impact, and may include, without limitation,—
- (a) an update to a part of the plan that affects ~~one or some parties~~ any person or persons more than others; or 15
- (b) an update relating to the identification of new hazards or changes in the risk profiles of existing hazards; or
- (c) ~~the addition of 1 or more obligations for new parties that were not previously included in the plan as a result of the identification of new hazards or risks; or~~ 20
- (d) ~~the addition of 1 or more obligations for existing parties as a result of the identification of new hazards or risks.~~
- (d) the addition of 1 or more obligations for persons (including persons already included in the plan and persons not included in the plan) as a result of the identification of new hazards or risks. 25
- (3) The Committee may approve targeted amendments to a plan only after undertaking consultation in accordance with section 82 of the Local Government Act 2002.
- (4) ~~**Section 92** applies in relation to an amendment made under this section.~~ 30
Compare: 2002 No 33 s 57
- 99 Minor amendments to regional emergency management plan**
- (1) An Emergency Management Committee may amend its regional emergency management plan without a review of the plan under **section 93** if it is satisfied that the amendment is a minor change.
- (2) A **minor change** to a plan is a change that— 35
- (a) will have no effect on, or is not likely to affect, the rights of any person; and

- (b) has no effect, or no more than a minor effect, on the obligations of any person.

Compare: 2002 No 33 s 57

Regional emergency management planning standards

- 100 Regional emergency management planning standards** 5
- (1) The Minister may issue regional emergency management planning standards, prepared in accordance with **section 101**, that prescribe requirements or provide for other matters relating to any aspect of the structure, format, or content of regional emergency management plans for all or any of the following purposes: 10
- (a) to assist in achieving the purpose of this Act:
- (b) to address any matter that the Minister considers requires consistency across multiple Emergency Management Committees:
- (c) to assist in meeting the requirements for regional emergency management plans under **section ~~74~~ 91**: 15
- (d) to ensure the alignment of regional emergency management plans with the national emergency management plan.
- (2) A regional emergency management planning standard may apply to the emergency management plan of ~~1 or more Emergency Management Committees~~ all Emergency Management Committees, a particular Committee, or a class of Committees. 20
- (3) A regional emergency management planning standard issued under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 101 Preparation of regional emergency management planning standards** 25
- (1) In preparing or amending an regional emergency management planning standard, the Minister must have regard to—
- (a) whether it is desirable to have national consistency in relation to an aspect of regional emergency management plans; and
- (b) whether the regional emergency management planning standard should allow for local variation and, if so, to what extent; and 30
- (c) whether it is appropriate for the regional emergency management planning standard to apply to ~~a specified~~ 1 or more Emergency Management ~~Committee or several Committees rather than Committees~~ or all Emergency Management Committees; and 35
- (d) any requirement in other legislation that is relevant to the ~~purpose of the Act~~ planning standard that is being prepared or amended.

- (2) Before issuing a regional emergency management planning standard, the Minister must—
- (a) consult the Director-General; and
 - (b) prepare a draft of the standard; and
 - (c) give public notice of the draft; and 5
 - (d) establish a process that the Minister considers gives the public, local authorities, and Emergency Management Committees adequate time and opportunity to make a submission on the draft.

102 Amendments to regional emergency management planning standards

- (1) This section applies if the Minister issues ~~under **section 100**~~ amendments to regional emergency management planning standards under **section 100**. 10
- (2) The Minister does not need to follow the process referred to in **section 101** if the Minister is recommending the making of an amendment for one of the following reasons:
- (a) to align with a New Zealand Standard within the meaning of section 4 of the Standards and Accreditation Act 2015: 15
 - (b) to fulfil New Zealand's obligations under any international convention, protocol, or agreement to which New Zealand is a party:
 - (c) ~~to extend the time frame for the implementation of any part of a national environmental standard:~~ 20
 - (d) to remove provisions in a regional emergency management planning standard that are no longer required as a consequence of changes to legislation:
 - (e) to make changes that are no more than minor in effect, to correct errors, or to make similar technical alterations. 25
- (3) The Minister must,—
- (a) before recommending an amendment for a reason specified in **subsection (2)**, consider whether it is more appropriate to follow the process referred to in **section 101** to make the amendment; and
 - (b) as soon as is reasonably practicable after making an amendment, publish their reasons for the amendment ~~on an internet site maintained by or on behalf of the Director-General to which the public has free access~~ the Director-General's internet site. 30

103 Withdrawal of regional emergency management planning standards

- (1) The Minister may withdraw all or part of a regional emergency management planning standard ~~and give public notice of the withdrawal, including the reasons for the withdrawal~~. 35

- (2) The Minister must give public notice of a withdrawal, including the reasons for a withdrawal.

Essential infrastructure sector response plans

104 Director-General may develop sector response plans ~~for~~ with essential infrastructure providers 5

- (1) This section applies if the Director-General is satisfied that it would be desirable for essential infrastructure providers from 1 or more classes of essential infrastructure providers to co-ordinate on the timely restoration of essential infrastructure in the event that an emergency causes a disruption of national significance to their provision of that essential infrastructure. 10
- (2) The Director-General may—
- (a) develop and approve a sector response plan that addresses the response to, and recovery from, the potential disruptions to that class or those classes of essential infrastructure providers in ~~providing the provision of~~ their essential infrastructure in the event of an emergency; and 15
- (b) require the relevant essential infrastructure providers to contribute to the development of the sector response plan.
- (3) Before approving the sector response plan, the Director-General must consult— the following persons:
- (a) the essential infrastructure providers affected by the plan (or persons that the Director-General considers represent a class of essential infrastructure providers affected); ~~and~~ 20
- (b) relevant government agencies and local authorities; ~~and;~~
- (c) any other person ~~(or their representative)~~ who would have roles or responsibilities or duties under the plan or persons that the Director-General considers represent the classes of persons who would have those roles or responsibilities. 25

105 Content of sector response plans

- (1) A sector response plan may address—
- (a) the roles and responsibilities of the essential infrastructure providers to which it applies, Emergency Management Committees, the Director-General, and other agencies; and 30
- (b) default information sharing and co-ordination arrangements for the essential infrastructure providers; and
- (c) any other matters that may be necessary to deal with a major disruption to essential infrastructure. 35
- (2) A sector response plan does not ~~place~~ have the effect of imposing duties or mandatory requirements or duties on any person.

106 Changes to sector response plan

- (1) The Director-General may amend, replace, or revoke a sector response plan at any time.
- (2) Before approving a replacement ~~or an amended~~ sector response plan, the Director-General must consult ~~essential infrastructure providers or other persons with responsibilities or duties under the plan~~ the persons set out in **section 104(3)**. 5
- (2A) Before approving an amended sector response plan, the Director-General must consult the persons set out in **section 104(3)**, but only to the extent that the Director-General considers the proposed amendments are relevant to those persons. 10
- (3) **Subsection (2)** does not apply in the case of minor amendments to the plan.

Part 4**Emergency response and recovery: states of emergency and transition periods** 15**107 Interpretation of this Part**

In this Part, unless the context otherwise requires,—

~~**Director-General** includes any person acting under the authority of the Director-General~~

~~**District Controller** includes any person acting under the authority of a District Controller~~ 20

~~**District Recovery Manager** includes any person acting under the authority of a District Recovery Manager~~

~~**Emergency Management Committee or Committee** includes any person acting under the authority of the Committee~~ 25

~~**Local Controller** includes any person acting under the authority of a Local Controller~~

~~**Local Recovery Manager** includes any person acting under the authority of a Local Recovery Manager~~

~~**National Controller** includes any person acting under the authority of the National Controller~~ 30

~~**National Recovery Manager** includes any person acting under the authority of the National Recovery Manager~~

~~**Regional Controller** includes any person acting under the authority of a Regional Controller~~ 35

~~**Regional Recovery Manager** includes any person acting under the authority of a Regional Recovery Manager.~~

Subpart 1—Declaring states of emergency

*Interpretation***108 Interpretation of this subpart**

In this subpart, unless the context otherwise requires, **authorised person** means a person authorised or otherwise empowered, under **section 49, or 50, or 50A**, to declare a state of local emergency. 5

*Declaring state of national emergency***109 Minister may declare state of national emergency**

- (1) This section applies if the Minister considers that—
- (a) an emergency has occurred or may occur; and 10
 - (b) the emergency is, or is likely to be, of such extent, magnitude, or severity that the emergency management necessary or desirable in respect of it is, or is likely to be, beyond the resources of the Emergency Management Committees whose areas may be affected by the emergency. 15
- (2) The Minister may declare a state of national emergency that applies to—
- (a) the whole of New Zealand; or
 - (b) 1 or more areas or districts.
- (3) The Minister must inform the House of Representatives as soon as practicable if the Minister has made a declaration under **subsection (2)**. 20
- Compare: 2002 No 33 s 66(1)–(2)

110 Extending location to which state of national emergency applies

- (1) This section applies if the Minister has declared a state of national emergency that applies to ~~an area or a district~~ 1 or more areas or districts (the **affected location**) but not to the whole of New Zealand. 25
- (2) The Minister may declare that the state of national emergency is extended to apply applies to 1 or more further areas or districts, whether or not any of those further areas or districts overlaps or is contiguous with the affected location.
- (3) The Minister may make a declaration under **subsection (2)** only if the Minister considers that the criteria in **section 109(1)** apply to each of the further areas or districts. 30
- (4) The Minister must inform the House of Representatives as soon as practicable if the Minister makes a declaration under **subsection (2)**.
- Compare: 2002 No 33 s 71

110A House of Representatives to meet if adjourned when state of national emergency declared

- (1) This section applies if—
- (a) the Minister declares a state of national emergency; and
 - (b) the House of Representatives is adjourned until a date more than 7 days after the day on which the declaration is made. 5
- (2) The Speaker of the House of Representatives must, as soon as practicable,—
- (a) determine a day and time at which the House of Representatives must meet (the **meeting time**); and
 - (b) notify all members of the meeting time. 10
- (3) The meeting time must be no later than 7 days after the day on which the declaration is made.
- (4) The Clerk of the House of Representatives must publish the meeting time by notice in the *Gazette*.
- (5) In this section, **member** and **Speaker** have the meanings given in section 5 of the Parliament Act 2025. 15

Compare: 2002 No 33 s 67

111 ~~When Parliament must meet if Parliament to meet if dissolved, prorogued, or expired~~ when state of national emergency declared

If Parliament dissolved, expired, or prorogued 20

- (1) **Subsection (2)** This section applies if—
- (a) the Minister declares a state of national emergency; and
 - (b) Parliament—
 - (i) has been dissolved or prorogued or has expired; and
 - (ii) has not been summoned to meet within 7 days after the day on which the declaration is made. 25
- (2) The Governor-General must, by Proclamation, summon Parliament to meet at a time that is no later than 7 days after—
- (a) the day on which the Minister declares a state of national emergency; or
 - (b) the day on which the writ is returned, if the Minister declares a state of national emergency— 30
 - (i) after Parliament has been dissolved or has expired; and
 - (ii) before the return of the writ under the Electoral Act 1993 for the election of members of Parliament.
- (3) Parliament must meet and sit on the day appointed. 35
- (4) See sections 18 and **18A** of the Constitution Act 1986.

If House of Representatives adjourned

- (5) **Subsection (6)** applies if—
- (a) the Minister declares a state of national emergency; and
 - (b) the House of Representatives is adjourned until a date more than 7 days after the day on which the declaration is made. 5
- (6) The Speaker of the House of Representatives must, as soon as practicable, by notice in the *Gazette*, appoint a day and time for the House of Representatives to meet, which must be no later than 7 days after the day on which the declaration is made.
- (7) The House of Representatives must meet and sit in accordance with the notice. 10
- Compare: 2002 No 33 s 67

*Exercise of powers in sections 113, 114, 117, and 119***112 When authorised persons may exercise certain powers in this subpart**

An authorised person may exercise the powers conferred on them by **sections 113, 114, 117, and 119** only in respect of an area, district, or ward for which the person is authorised to declare a state of local emergency. 15

Compare: 2002 No 33 ss 68(1), 71(2), 72(1)

*Declaring state of local emergency***113 Authorised person or Minister may declare state of local emergency**

Authorised person may declare state of local emergency 20

- (1) **Subsection (2)** applies if an authorised person considers that an emergency has occurred or may occur in an area.
- (2) The authorised person may declare a state of local emergency for—
- (a) that area; or
 - (b) 1 or more districts or wards within that area. 25
- (3) Before making a declaration under **subsection (2)**, an authorised person who is authorised under **section 49** to declare a state of local emergency must, if practicable, ~~consult the mayor of any affected local authority.~~
- (a) consult the mayor of any affected local authority; and
 - (b) in the case that the authorised person is an authorised mayor-elect, also consult the chief executive of any affected local authority. 30
- (4) The fact that ~~a an authorised person purporting to be authorised under **section 49 or 50**~~ declares a state of local emergency is, in the absence of proof to the contrary, conclusive evidence that the person is authorised to do so.

Minister may declare state of local emergency if authorised person has not done so

- (5) **Subsection (6)** applies if—
- (a) the Minister considers that an emergency has occurred or may occur in the area of any Emergency Management Committee; and 5
 - (b) a state of local emergency has not been declared under **subsection (2)** in respect of that area.
- (6) The Minister may declare a state of local emergency for—
- (a) that area; or
 - (b) 1 or more districts or wards within that area. 10
- Compare: 2002 No 33 s 68

114 Declaring state of local emergency for unaffected location to assist affected location

- (1) **Subsection (2)** applies if—
- (a) a state of local emergency is in force for a location (the **affected location**); and 15
 - (b) the Minister or an authorised person considers that the resources of another location that is not affected by an emergency (the **unaffected location**) are needed to assist the affected location.
- (2) The Minister or an authorised person may declare a further state of local emergency for the unaffected location. 20

Compare: 2002 No 33 s 68(3)

115 State of local emergency may be concurrent with national emergency declarations

- (1) **Sections 113 and 114** apply whether or not— 25
- (a) a state of national emergency is declared under **section 109** in respect of another emergency; or
 - (b) a national transition period is declared under **section 142** in respect of another emergency.
- (2) However, if a state of national emergency or a national transition period is in force, **section 59** applies. 30
- (3) A state of local emergency remains in force if a state of national emergency or a national transition period is subsequently declared in respect of another emergency, even if both emergencies affect the same location.

Commencement, duration, extension, and termination 35

116 When state of emergency starts and expires

- (1) A state of emergency—

- (a) starts at the time and on the date that the state of emergency is declared; and
- (b) expires at the time and on the date that is 7 days after the state of emergency starts.
- (2) Nothing in this section prevents— 5
- (a) the extension of the duration of a state of emergency under **section 117**; or
- (b) the termination of a state of emergency under **section 119**.
- Compare: 2002 No 33 s 70
- 117 Extending duration of state of emergency** 10
- Extending duration of state of national emergency*
- (1) The Minister may declare that the duration of a state of national emergency is extended if—
- (a) the Minister considers that— 15
- (i) the criterion specified in **section 109(1)(b)** continues to be met; and
- (ii) the extension is required; and
- (b) the state of national emergency has not yet ended.
- (2) The Minister must inform the House of Representatives as soon as practicable if the Minister has made a declaration under **subsection (1)**. 20
- Extending duration of state of local emergency*
- (3) The Minister or an authorised person may declare that the duration of a state of local emergency is extended if—
- (a) the Minister or authorised person considers that the extension is required; and 25
- (b) the state of local emergency has not yet ended.
- Extension may apply to smaller location*
- (4) The following persons may, in declaring an extension to the duration of a state of emergency, apply that extended state of emergency to a smaller location than the location to which it previously applied: 30
- (a) in the case of a state of national emergency, the Minister:

- (b) in the case of a state of local emergency, the Minister or an authorised person.

Example

A state of local emergency originally applied to 1 area. If its duration is extended, the state of local emergency may be applied to 1 district in that area but not to the other districts in that area.

Compare: 2002 No 33 s 71

118 Further provisions relating to extending state of emergency

When extension starts and expires

- (1) An extension of the duration of a state of emergency starts— 10
- (a) immediately before the state of emergency would have ended under **section 116(1)(b)**; or
- (b) if the state of emergency was previously extended under **section 117**, immediately before that extension would have ended under **subsection (2)**. 15
- (2) An extension of the duration of a state of emergency expires at the time and on the date that is 7 days after the extension to the state of emergency starts.

Multiple extensions allowed

- (3) The duration of a state of emergency may be extended any number of times.

Termination not affected

- (4) Nothing in this section or in **section 117** prevents the termination of a state of emergency under **section 119**.

Compare: 2002 No 33 s 71(3), (4), (5)

119 Terminating state of emergency

Terminating state of national emergency

- (1) ~~The Minister may declare that a state of national emergency is terminated.~~ 25
- (1) A state of national emergency is terminated if the Minister—
- (a) declares that the state of national emergency is terminated; or
- (b) declares a state of national emergency under **section 109(2)** for the same emergency that applies to— 30
- (i) the whole of New Zealand; or
- (ii) the area or district to which an existing national emergency applies.

Terminating state of local emergency

- (2) ~~The Minister or an authorised person may declare that the state of local emergency is terminated.~~ 35
- (2) A state of local emergency is terminated if—

- (a) the Minister or an authorised person declares that the state of local emergency is terminated; or
- (b) the Minister declares a state of national emergency under **section 109(2)** for the same emergency that applies to—
 - (i) the whole of New Zealand; or 5
 - (ii) the area, district, or ward to which the state of local emergency applies; or
- (c) an authorised person or the Minister declares another state of local emergency under **section 113** for the same emergency that applies to the area, district, or ward to which the first state of local emergency applies. 10

Effect of termination

- (3) A declaration made under this section ends the state of emergency when made.
- (4) In addition, a state of local emergency ends in the following circumstances:
 - (a) if an authorised person declares a local transition period under **section 145(2)**, to the extent specified in accordance with **section 145(6)** (if applicable): 15
 - (b) if the Minister declares a local transition period under **section 146(2)**, to the extent specified in accordance with **section 146(4)** (if applicable).

Compare: 2002 No 33 s 72 20

120 Form and publication of declarations of states of emergency, extensions, and terminations

- (1) A declaration under this subpart must—
 - (a) specify the time and date on which it is made; and
 - (b) specify the areas, districts, or wards to which it applies; and 25
 - (c) otherwise be in the form and manner prescribed in the rules.
- (2) The declaration may include any additional information that the person making the declaration considers relevant.
- (3) A person who makes a declaration under this subpart must—
 - (a) immediately notify the public of the declaration by any means of communication that are reasonably practicable in the circumstances; and 30
 - (b) as soon as is reasonably practicable, publish the declaration—
 - (i) in the *Gazette*; and
 - (ii) on an internet site maintained by or on behalf of—
 - (A) ~~the Director-General~~ Director-General's internet site, if the 35
 - Minister made the declaration; or

- (B) the responsible ~~Emergency Management Committee~~ Committee's internet site, if an authorised person made the declaration.

Compare: 2002 No 33 s 73

Subpart 2—Powers applying during states of emergency 5

Interpretation

121 Interpretation of this subpart

In this subpart, unless the context otherwise requires,—

applicable emergency means the emergency ~~in respect of~~ for which a state of emergency has been declared at the time at which, and in respect of which, the power is exercised 10

~~**authorised Controller** means any one of the following persons:~~

- ~~(a) a Regional Controller;~~
- ~~(b) a District Controller~~

authorised Controller means any one of the following persons: 15

- (a) the National Controller or a person authorised by them under **section 19A**:
- (b) a Regional Controller or a person authorised by them under **section 56**:
- (c) a District Controller or a person authorised by them under **section 57**:
- (d) a Local Controller under direction 20

constable, in sections 128 to 136, means a constable or a person authorised by them under **section 166A**

Local Controller under direction means a Local Controller to whom both of the following apply:

- (a) the Local Controller has been directed, under **section 58(2)**, to perform a function or duty, or exercise a power, of a Regional Controller in respect of which the Regional Controller is an authorised Controller; and 25
- (b) the terms of the direction permit the Local Controller to perform the function or duty, or exercise the power, in the circumstances

property means any of the following: 30

- (a) land:
- (b) a building:
- (c) an animal:
- (d) a vehicle, a ship, or an aircraft:
- (e) earth-moving equipment or construction materials or equipment: 35
- (f) furniture, bedding, food, or water:

- (g) medicines or medical supplies;
 - (h) any other apparatus, implement, equipment, materials, or supplies.
- specified person** means any one of the following persons:

- (a) ~~the National Controller;~~
- (b) ~~a Regional Controller;~~ 5
- (c) ~~a District Controller;~~
- (d) ~~a constable.~~

Powers exercised by Minister

122 Minister's emergency power of direction

Minister may direct Director-General or Committee or person 10

- (1) **Subsection (2)** applies if—
 - (a) a state of emergency is in force, or the Minister considers that an imminent threat of an emergency exists; and
 - (b) the Minister considers that, having regard to all the circumstances, it is expedient to exercise the power in **subsection (2)**. 15
- (2) The Minister may direct a person or a body specified in **subsection (3)** to perform or exercise, or to cease to perform or exercise, any of the functions, duties, or powers conferred on that person or body under this Act.
- (3) The persons and bodies the Minister may direct are as follows:
 - (a) the Director-General: 20
 - (b) an Emergency Management Committee;
 - (c) any other person.

Minister may direct responsible person authorised to exercise powers under Building Act 2004

- (4) **Subsection (5)** applies if— 25
 - (a) a location is subject to both—
 - (i) a state of emergency; and
 - (ii) a designation under subpart 6B of Part 2 of the Building Act 2004; and
 - (b) a person who may exercise powers under this Act in relation to the state of emergency is also the responsible person under that subpart (*see section 133BK of the Building Act 2004*). 30
- (5) The Minister may direct that responsible person—
 - (a) to exercise any of the powers conferred on the person under that subpart; or 35
 - (b) to cease to exercise any of those powers.

Minister may direct performance to satisfaction of Director-General

- (6) **Subsection (7)** applies if, under **subsection (2) or (5)**, the Minister directs an Emergency Management Committee or a person (other than the Director-General) to perform or exercise any function, duty, or power.
- (7) The Minister may direct that the function, duty, or power must be performed or exercised under the control, and to the satisfaction, of the Director-General. 5
- Compare: 2002 No 33 s 84

*Application and exercise of powers in sections 125 to 135***123 Application of sections 125 to 135**

The powers in **sections 125 to 135** apply if a state of ~~national or local~~ emergency is in force ~~in or within~~ an area. 10

Compare: 2002 No 33 s 94G

124 ~~When authorised Controllers or specified persons may exercise powers~~

~~An authorised Controller or a specified person may exercise the powers conferred on them by **sections 127 to 135** only in respect of a location for which the person is responsible.~~ 15

124 Limitations on exercise of powers in sections 127 to 135*When National Controller may exercise powers in sections 127 to 135*

- (1) The National Controller or a person authorised by them under **section 19A** may exercise the powers conferred on them by **sections 127 to 135** only during a state of national emergency. 20

Where other Controllers may exercise powers in sections 127 to 135

- (2) Any other authorised Controller may exercise the powers conferred on them by **sections 127 to 135** only in respect of an area or district for which the authorised Controller is appointed as a Controller. 25

*Powers exercised by Emergency Management Committees***125 Emergency powers of Emergency Management Committees**

- (1) An Emergency Management Committee or a person to whom the Committee has delegated 1 or more of its functions, duties, or powers under **section 29** may— 30

Rescue and relief

- (a) provide for the rescue of endangered persons and their removal to areas of safety:
- (b) set up first aid posts, and provide for first aid to be given to casualties and for casualties to be moved to hospitals or to other places of treatment or safety: 35

- (c) provide for the relief of human distress, including emergency food, clothing, and shelter:
- (d) undertake emergency measures for the disposal of dead persons ~~or animals~~ if it is satisfied that the measures are urgently necessary in the interests of public health: 5
- (da) undertake emergency measures for the disposal of dead animals if it is satisfied that the measures are urgently necessary in the interests of public health:
- Transport, equipment, and facilities*
- (e) prohibit or regulate land, air, and water traffic within the area to the extent necessary to conduct emergency management: 10
- (f) provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by this section:
- Public information*
- (g) provide information and advice to the public: 15
- Contractual arrangements*
- (h) enter into contracts, including employment contracts, with any person for the purpose of carrying out emergency management.
- (2) An Emergency Management Committee or a person to whom the Committee has delegated 1 or more of its functions, duties, or powers under **section 29** must act consistently with any directions given by the Minister or the Director-General. 20
- Compare: 2002 No 33 s 85
- 126 Power to enter contracts on behalf of Emergency Management Committee**
- (1) The following persons may enter into a contract on behalf of an Emergency Management Committee for any of the purposes of this Act: 25
- (a) the chairperson of the Committee:
- (b) the deputy chairperson of the Committee:
- (c) an employee of the Committee, or an employee of a local authority member of the Committee, who is authorised, in the Committee's regional emergency management plan, to enter into contracts for a specified purpose of this Act: 30
- (d) ~~an authorised~~ the Regional Controller appointed by the Committee.
- (2) A person who exercises the power conferred under this section must report the full circumstances of its exercise to the Emergency Management Committee— 35
- (a) at its next ordinary meeting; or
- (b) if that is not practicable, at the following ordinary meeting.

- (3) This section applies despite anything in the Public Bodies Contracts Act 1959.
Compare: 2002 No 33 s 94

Powers exercised by authorised Controllers

127 Emergency powers of authorised Controllers

- (1) An authorised Controller may— 5
- (a) carry out or require to be carried out all or any of the following:
- (i) works, including (without limitation) works on land, water, and infrastructure:
- (ii) clearing of roads and other public places:
- (iii) ~~removing, disposing of, securing, removal, disposal, or securing~~ of, or otherwise making safe, dangerous structures and materials including structures and materials on private land: 10
- (b) provide for the conservation and supply of food, water, fuel, and other essential supplies.
- (2) *See also* **section 170**, which authorises an authorised Controller to require information. 15

Powers exercised by ~~specified persons and others~~ authorised Controllers and constables

128 Power to evacuate premises and places

- (1) ~~A specified person may take an action specified in **subsection (2)** if, in the opinion of a Controller or a constable, the action is necessary to preserve human life.~~ 20
- (2) ~~The actions a specified person may take are as follows:~~
- (a) ~~directing the evacuation of persons or vehicles from any premises or place, including a public place:~~ 25
- (b) ~~directing the exclusion of persons or vehicles from any premises or place, including a public place.~~
- (1) An authorised Controller or a constable may direct—
- (a) the evacuation of persons or vehicles from any premises or place, including a public place: 30
- (b) the exclusion of persons or vehicles from any premises or place, including a public place.
- (2) However, an authorised Controller or a constable may take an action authorised in **subsection (1)** only if the action is, in the opinion of one of the following persons, necessary to preserve human life: 35
- (a) the National Controller:

- (b) a Regional Controller:
- (c) a District Controller:
- (d) a Local Controller under direction:
- (e) a constable.

Compare: 2002 No 33 s 86

5

129 Power to enter premises and places

Power

- (1) ~~A specified person~~ An authorised Controller or a constable may take the action specified in **subsection (2)** if the ~~specified person~~ authorised Controller or constable believes on reasonable grounds that the action is necessary to do 1 or more of the following: 10
- (a) preserve human life, prevent injury to people, or rescue and remove injured or endangered people:
 - (b) permit or facilitate carrying out an urgent measure for the relief of suffering or distress of people: 15
 - (c) mitigate unreasonable or unnecessary pain or distress of an animal.
- (2) The ~~specified person~~ authorised Controller or constable may enter on or into, and if necessary break into, 1 or more of the following:
- (a) premises, other than a marae:
 - (b) a place, including a public place: 20
 - (c) a marae, but only for a reason specified in **subsection (1)(a) or (b)**.
- Additional requirements relating to subsection (1)(c)*
- (3) The ~~specified person~~ authorised Controller or constable must not exercise the power authorised in **subsection (2)** for the reason specified in **subsection (1)(c)** unless— 25
- (a) the ~~specified person~~ authorised Controller or constable has first made efforts that are reasonable in the circumstances to contact—
 - (i) the owner of the place or premises; or
 - (ii) if the owner is not the occupier of the place or premises, the occupier of the place or premises; and 30
 - (b) the ~~specified person~~ authorised Controller or constable has been unable to contact the owner or, if applicable, the occupier of the place or premises.
- (4) ~~A specified person~~ An authorised Controller or a constable who enters on or into premises or a place under this section for the reason specified in **subsection (1)(c)**— 35
- (a) may, for that purpose, ~~examine, mark, seize, take a sample from, secure, disinfect, or destroy an animal:~~ do 1 or more of the following:

- (i) examine, mark, take a sample from, treat, secure, relocate, disinfect, or destroy an animal:
- (ii) pass an animal to a suitable person, who can address the animal's needs:
- (iii) do anything else, in relation to an animal, that is reasonable in the circumstances; and 5
- (b) must make efforts that are reasonable in the circumstances to—
- (i) leave the premises or place secured; and
- (ii) contact the owner or, if applicable, occupier of the place or premises to inform them of the action the ~~specified person~~ authorised Controller or constable has taken. 10
- (5) In this section, **marae** has the same meaning as in section 2(1) of the Animal Welfare Act 1999.
- Compare: 2002 No 33 s 87
- 130 Power to close roads and public places** 15
- (1) The action specified in **subsection (3)** may be taken by ~~either any~~ any of the following persons:
- (a) ~~a specified person:~~
- (a) an authorised Controller:
- (aa) a constable: 20
- (b) a person authorised by a relevant emergency management plan to exercise the power in this section.
- (2) The person may take the action authorised in **subsection (3)** if the person believes on reasonable grounds that the action is necessary to do 1 or more of the following: 25
- (a) limit or reduce the extent of the applicable emergency:
- (b) prevent potentially negative effects of the applicable emergency.
- (3) The person may prohibit or restrict the following from accessing a road or public place:
- (a) persons, including 1 or more classes or groups of persons: 30
- (b) vehicles, including 1 or more classes or groups of vehicles.
- (4) A prohibition or restriction under **subsection (3)** may be total or partial.
- Compare: 2002 No 33 s 88
- 131 Power to remove obstructing vehicles**
- (1) ~~A specified person~~ An authorised Controller or a constable may— 35
- (a) remove an aircraft, ship, train, or vehicle from a place if it is impeding emergency management; and

- (b) if reasonably necessary for that purpose, use force or break into the aircraft, ship, train, or vehicle.
- (2) ~~The specified person authorised Controller or constable may take the action authorised in **subsection (1)** if the specified person authorised Controller or constable believes on reasonable grounds that the action is necessary to do either or both of the following:~~ 5
- (a) limit or reduce the extent of the applicable emergency:
- (b) prevent potentially negative effects of the applicable emergency.
- Compare: 2002 No 33 s 89
- 132 Power to requisition property** 10
- Power to requisition property*
- (1) ~~A specified person may take the action authorised in **subsection (2)** if, in the opinion of a primary specified person, the action is necessary to preserve human life.~~
- (2) ~~The specified person may requisition property by directing the responsible owner to immediately place the property under the control and direction of—~~ 15
- (a) the specified person; or
- (b) if the requisition is made at the request of another specified person, that other specified person.
- (3) ~~However, if the responsible owner of property that may be requisitioned under this section cannot be immediately found, the specified person may requisition the property and—~~ 20
- (a) assume immediately the control and direction of the requisitioned property; or
- (b) if the requisition is made at the request of another specified person, immediately place the property under the control and direction of that other specified person. 25
- (1) An authorised Controller or a constable may requisition property by—
- (a) directing the responsible owner to immediately place the property under the control and direction of the authorised Controller or constable; or 30
- (b) if the responsible owner of the property cannot immediately be found, assuming immediately the control and direction of the requisitioned property; or
- (c) if the requisition is made at the request of another authorised Controller or constable, placing the property under the control and direction of that other authorised Controller or constable. 35
- (2) However, an authorised Controller or a constable may take an action authorised in **subsection (1)** only if the action is, in the opinion of one of the following persons, necessary to preserve human life:

- (a) the National Controller:
- (b) a Regional Controller:
- (c) a District Controller:
- (d) a Local Controller under direction:
- (e) a constable. 5
- ~~Specified person~~ *Authorised Controller or constable must provide responsible owner with written statement about requisitioned property*
- (4) ~~A specified person~~ An authorised Controller or a constable who requisitions property under **subsection (2) or (3)** must give the responsible owner a written statement specifying— 10
- (a) the property that is requisitioned; and
- (b) the person under whose control and direction the property is to be placed.
- (5) A statement given under **subsection (4)** that relates to property requisitioned when the responsible owner of the property cannot immediately be found ~~under subsection (3)~~ must be given to the responsible owner as soon as is reasonably practicable in the circumstances. 15
- ~~Owner must assist specified person~~ *authorised Controller or constable with use of property*
- (6) The responsible owner must provide the ~~specified person~~ authorised Controller or constable with any assistance that the ~~specified person~~ authorised Controller or constable may reasonably require for the effective and safe use of that property, ~~both including~~— 20
- (a) immediately before it is requisitioned; and
- (b) after it is requisitioned. 25
- (7) In this section,— **responsible owner** means—
- (a) a person who owns, in whole or in part, property that is—
- (i) to be requisitioned under this section; or
- (ii) requisitioned under this section; or
- (b) a person who is in control of property immediately before it is requisitioned under this section. 30
- ~~primary specified person~~—
- (a) means a specified person; but
- (b) does not include a person acting under the authority of a specified person
- ~~responsible owner~~ means— 35
- (a) a person who owns, in whole or in part, property that is—
- (i) to be requisitioned under this section; or

- (ii) requisitioned under this section; or
- (b) ~~a person who is in control of property immediately before it is requisitioned under this section.~~
- Compare: 2002 No 33 s 90
- 133 Power to examine, seize, destroy, and undertake other activities in relation to property and things** 5
- (1) ~~A specified person~~ An authorised Controller or constable may examine, mark, seize, take a sample from, secure, disinfect, or destroy 1 or more of the following:
- (a) any property: 10
- (b) an animal:
- (c) any other thing.
- (2) ~~The person authorised Controller or constable~~ may take the action authorised in **subsection (1)** if the ~~person authorised Controller or constable~~ believes on reasonable grounds that the action is necessary to do 1 or more of the following: 15
- (a) limit or reduce the extent of the applicable emergency:
- (b) prevent potentially negative effects of the applicable emergency.
- Compare: 2002 No 33 s 92
- 134 Power to direct or request person to cease activity or take action** 20
- ~~A specified person~~ An authorised Controller or a constable may—
- (a) direct a person to cease an activity that may cause, or substantially contribute to the consequences of, ~~an~~ the applicable emergency:
- (b) request a person, verbally or in writing, to take an action to prevent or limit or reduce the consequences of the applicable emergency. 25
- Compare: 2002 No 33 s 91(1); 1996 No 30 s 137(1)(d), (e)
- 135 Power to direct owner of structure to obtain assessment**
- Direction*
- (1) ~~A specified person~~ An authorised Controller or constable may direct—
- (a) the owner of a structure (or the owner's agent) to obtain an assessment of the effect on the structure of the applicable emergency and any related subsequent events: 30
- (b) the owners of structures of a particular class or type (or the owners' agents) to obtain assessments of the effect on structures of the class or type they own of the applicable emergency and any related subsequent events. 35

- (2) The ~~specified person~~ authorised Controller or constable may take the action authorised by this section only if they are satisfied that the structure or class or type of structure may, in the circumstances, pose a risk—
- (a) of injury to people; or
 - (b) to the safety of human life or of property (other than the structure itself). 5
- (3) A direction must—
- (a) state the purpose of the assessment and specify the assessment that is required; and
 - (b) specify a reasonable time within which the assessment must be completed and given to the person who gave the direction. 10
- (4) The ~~specified person~~ authorised Controller or constable must give notice of the direction in accordance with **section 136**.
- What owner must do*
- (5) An owner (or owner's agent) who is given a direction must—
- (a) obtain the assessment, which must be conducted in accordance with the direction and at the owner's expense; and 15
 - (b) give a copy of the assessment to the person who gave the direction as soon as is reasonably practicable and within the time specified in the direction.
- Owner may appeal against direction* 20
- (6) The owner or the owner's agent may appeal to the District Court against the direction under **section 207(1)(a)** on the grounds that the direction is unreasonable.
- Compare: 2002 No 33 s 91; 1996 No 30 s 137(1)(d), (e)
- Notice requirements under section 135* 25
- 136 Notice requirements for direction given under section 135**
- Requirements for direction given under section 135(1)(a) or (b)*
- (1) ~~A specified person~~ An authorised Controller or constable who gives a direction under **section 135(1)(a) or (b)**—
- (a) must use endeavours that are reasonable in the circumstances to notify the following persons of the direction in accordance with **section 206**: 30
 - (i) each owner (or ~~each~~ owner's agent) and each occupier of each structure to which the direction applies:
 - (ii) each owner (or ~~each~~ owner's agent) and each occupier of ~~an~~ any adjacent structure or adjoining land; and 35
 - (b) must attach a copy of the notice to a prominent place on, or adjacent to, each structure to which the direction applies.

Further requirements for direction given under section 135(1)(b)

- (2) ~~A person~~ An authorised Controller or constable who gives a direction under **section 135(1)(b)** must ~~also give public notice of the direction that is reasonable in the circumstances.~~
- (a) give notice of the direction to the public that is reasonable in the circumstances; and 5
- (b) publish notice of the direction in the *Gazette* as soon as practicable.
- What notice must contain*
- (3) A notice given under ~~subsection (1) or (2)~~ this section must— 10
- (a) state the reasons for giving the direction; and
- (b) describe the matter to which the direction applies; and
- (c) specify a reasonable time within which the assessment must be completed; and
- (d) if applicable, state where further information may be viewed.
- (4) ~~A notice given under subsection (2) must be published in the *Gazette* as soon as practicable.~~ 15
- Compare: 2002 No 33 s 91A

*Warrant for entry to obtain information***137 Warrant for entry to obtain information**

- (1) This section applies if— 20
- (a) a state of emergency is in force; or
- (b) an office holder considers that an imminent threat of an emergency exists.
- (2) An office holder may apply ~~to the District Court~~ for a warrant authorising a constable to enter and search ~~any 1 or more~~ 1 or more premises, other than a private dwelling or marae, for the purpose of obtaining information required to— 25
- (a) limit the extent of an existing emergency; or
- (b) prevent a threatened emergency or limit its extent.
- (2A) The application must be made to a District Court Judge in the manner provided for in section 98(1) to (4) of the Search and Surveillance Act 2012, but with the following modifications: 30
- (a) each reference to the **issuing officer** is to be read as a reference to a District Court Judge; and
- (b) each reference to the **applicant** is to be read as a reference to the office holder. 35
- (3) A District Court Judge may issue the warrant to the office holder only if satisfied by the office holder—

- (a) that—
- (i) a state of emergency is in force; or
 - (ii) an imminent threat of an emergency exists; and
- (b) that the information is urgently required to—
- (i) limit the extent of the existing emergency; or 5
 - (ii) prevent the threatened emergency or limit its extent; and
- (c) that the person in possession of the information has refused to provide the information.
- (3A) The District Court Judge may authorise the warrant to be executed on more than 1 occasion during the period in which the warrant is in force if the Judge is satisfied that this is required for the purposes for which the warrant is being issued. 10
- (4) A warrant may be issued under this section—
- (a) even if a requirement to give the information referred to in **subsection (3)** has been imposed at an earlier time under **section 170**; and 15
 - (b) whether or not proceedings in relation to an appeal or the prosecution of an offence in respect of that requirement have been completed.
- (5) In this section, **office holder** means any one of the following persons:
- (a) the Director-General;
 - (b) ~~the National Controller;~~ 20
 - (c) an authorised Controller;
 - (d) a person authorised by an Emergency Management Committee under **section 29(2)(ea)** to act as an office holder under this section.

Compare: 2002 No 33 s 78

- 138 Form and content of warrant** 25
- A warrant issued under **section 137**—
- (a) must be in the form prescribed in regulations; and
 - (b) must state the period, not exceeding 10 days, for which it is valid; and
 - (ba) must, if the warrant may be executed on more than 1 occasion, state the number of times that the warrant may be executed; and 30
 - (c) must state the address or description of ~~the each~~ premises that may be entered and searched; and
 - (ca) must specify the information that may be searched for and seized; and
 - (d) must be directed to a constable by name, or to a class of constables stated in the warrant, or generally to every constable; and 35

- (e) is subject to any special conditions that the District Court Judge may state in the warrant.

Compare: 2002 No 33 s 79

139 Powers conferred by warrant

- (1) A warrant issued under **section 137** authorises the constable executing the warrant— 5
- (a) to enter and search the premises stated in the warrant ~~at any time during the currency of the warrant; and~~—
- (i) at any time during the currency of the warrant; and
- (ii) only once during the currency of the warrant, unless execution on more than 1 occasion has been authorised; and 10
- (b) to use any assistants that may be reasonable in the circumstances for the purpose of the entry and search; and
- (c) to use any force that is reasonable in the circumstances for the purpose of effecting entry and for breaking open anything in or on the place searched; and 15
- (d) to search for and seize the information referred to in **section 137** and, for that purpose,—
- (iaaa) to access any document or data held in a computer system or other data storage device; and 20
- (i) to take copies of any document or data, or extracts from any document or data; and
- (ii) to require any person who has a document or data in their possession or under their control to reproduce, or to assist the person executing the warrant to reproduce, in usable form, any information recorded or stored in the document or data. 25
- (2) A District Court Judge may issue a warrant subject to 1 or more conditions, which may be in addition to, or in place of, the authorisation in **subsection (1)**.
- (3) Each person called on to assist any constable executing a warrant issued under **section 137** has the powers described in **subsection (1)(a), (c), and (d)**. 30
- (4) Nothing in this section authorises the seizure of information that—
- (a) concerns the medical condition or history of any person; or
- (b) is protected by legal professional privilege.
- (5) In this section, **computer system** has the meaning set out in section 3(1) of the Search and Surveillance Act 2012. 35

Compare: 2002 No 33 s 80, 82(2)

139A Exercise of powers conferred by warrant

Section 131 of the Search and Surveillance Act 2012 applies to the exercise of powers conferred by a warrant issued under **section 137**, but with the following modifications:

- (a) each reference to a **person exercising a search power** is to be read as a reference to a constable executing the warrant; and 5
- (b) each reference to a **place** is to be read as a reference to the premises stated in the warrant.

140 Disposal of information seized under warrant

- (1) If a constable seizes any information or document under **section 139**, the constable must— 10
 - (a) ~~give it to one of the following persons: the Director-General, a Controller, or a person authorised by an Emergency Management Committee; or~~
 - (i) the Director-General or a person to whom the Director-General has delegated 1 or more of the Director-General's functions, duties, or powers under **section 21**: 15
 - (ii) an authorised Controller:
 - (iii) a person to whom an Emergency Management Committee has delegated 1 or more of its functions, duties, or powers under **section 29**; or 20
 - (b) if it is no longer required for the purpose for which it was seized, return it to the person from whom it was seized.
- (2) A person to whom a constable gives any information or document under **sub-section (1)(a)** must return it to the person from whom it was seized when the information is no longer required for the purpose for which it was seized. 25
- (3) This section is subject to section 152 of the Search and Surveillance Act 2012.

Compare: 2002 No 33 s 81

Subpart 3—Declaring transition periods*Interpretation***141 Interpretation of this subpart** 30

In this subpart, unless the context otherwise requires, **authorised person** means a person authorised or otherwise empowered, under **section 49, or 50, or 50A**, to declare a local transition period.

*Declaring national transition period***142 Minister may declare national transition period** 35

- (1) This section applies if,—

- (a) in respect of an area,—
- (i) a state of emergency has been declared and is in force; or
 - (ii) an emergency arises but no state of emergency has been declared for that area in respect of that emergency; and
- (b) the Minister considers that a national transition period is required. 5
- (2) The Minister may declare a national transition period that applies to—
- (a) the whole of New Zealand; or
 - (b) 1 or more areas or districts.
- (3) Before declaring a national transition period, the Minister must—
- (a) be satisfied that enabling the use of the powers in **sections 156 to 165** is— 10
 - (i) in the public interest; and
 - (ii) necessary or desirable to ensure a timely and effective recovery; and
 - (b) have regard to the following matters: 15
 - (i) the areas or districts affected by the emergency;
 - (ii) whether the focus of activities in an area or a district is moving from response to recovery, including whether a state of emergency is about to expire or be terminated;
 - (iii) the capacity of any Emergency Management Committee and any local authority in an area or a district affected by the emergency to carry out recovery activities. 20
- (4) If the Minister declares a national transition period, the Minister must advise the House of Representatives as soon as practicable. 25
- Compare: 2002 No 33 s 94A

143 Extending location to which national transition period applies

- (1) This section applies if the Minister has declared a national transition period that applies to an area or a district (the **affected location**) but not to the whole of New Zealand.
- (2) The Minister may declare that the national transition period is extended to apply ~~applies~~ to 1 or more further areas or districts, whether or not any of those further areas or districts overlaps or is contiguous with the affected location. 30
- (3) The Minister may make a declaration under **subsection (2)** only if the Minister considers that the criteria in **section 142(1)** apply to each of the further areas or districts. 35
- (4) The Minister must inform the House of Representatives as soon as practicable if the Minister makes a declaration under **subsection (2)**.

Compare: 2002 No 33 s 71

*Exercise of powers in sections 145, 147, 151, and 153***144 When authorised persons may exercise certain powers in this subpart**

An authorised person may exercise the powers conferred on them by **sections 145, 147, 151, and 153** only in respect of an area, district, or ward for which the person is authorised to declare a local transition period.

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Compare: 2002 No 33 ss 94B(1), 94D(2), 94E(2)

*Declaring local transition period***145 Authorised person may declare local transition period**

Declaration by authorised person: state of emergency declared

- (1) **Subsection (2)** applies if— 10
- (a) a state of emergency has been declared for an area; and
 - (b) an authorised person considers that a local transition period is required for that area or for 1 or more districts or wards within that area.

- (2) The authorised person may declare a local transition period ~~for that~~ applies to— 15
- (a) that area; or
 - (b) 1 or more districts or wards within that area.

Declaration by authorised person: no state of emergency declared

- (3) **Subsection (4)** applies if— 20
- (a) an emergency arises but no state of emergency has been declared in an area in respect of that emergency; and
 - (b) an authorised person considers that a local transition period is required for that area or for 1 or more districts or wards within that area.
- (4) The authorised person may, with the approval of the Minister, declare a local transition period for— 25
- (a) that area; or
 - (b) 1 or more districts or wards within that area.

Authorised person must specify status of existing state of emergency

- (5) **Subsection (6)** applies if, in respect of an area,— 30
- (a) a state of emergency has been declared; and
 - (b) the authorised person declares a local transition period under **subsection (2)(b) or (4)(b)** for 1 or more districts or wards within the area.
- (6) The authorised person must, in the declaration, specify, in respect of the remaining districts or wards in the area, whether the state of emergency— 35
- (a) remains in force; or
 - (b) is terminated.

Proof of authority to declare local transition period

- (7) The fact that a person purporting to be authorised under **section 49 or 50** declares a local transition period is, in the absence of proof to the contrary, conclusive evidence that the person is authorised to do so.

Compare: 2002 No 33 s 94B(1)–(3), (2), (9), (10)

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146 Minister may declare local transition period if authorised person has not done so

Declaration by Minister

- (1) **Subsection (2)** applies if,—

(a) in respect of an area,—

10

- (i) a state of emergency has been declared; or
(ii) an emergency arises but no state of emergency has been declared for that area in respect of that emergency; and

(b) in respect of the whole or part of the area,—

- (i) a local transition period has not been declared under **section 145(2) or (4)**; and
(ii) the Minister considers that a local transition period is required.

15

- (2) The Minister may declare a local transition period for—

(a) that area; or

(b) 1 or more districts or wards within that area.

20

Minister must specify status of existing state of emergency

- (3) **Subsection (4)** applies if, in respect of an area,—

(a) a state of emergency has been declared; and

(b) the Minister declares a local transition period under **subsection (2)(b)** for 1 or more districts or wards within the area.

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- (4) The Minister must, in the declaration, specify, in respect of the remaining districts or wards within the area, whether the state of emergency—

(a) remains in force; or

(b) is terminated.

Compare: 2002 No 33 s 94B(1)–(3), (9), (10)

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147 Declaring local transition period for unaffected location to assist affected location

- (1) **Subsection (2)** applies if—

(a) a local transition period is in force for a district or ward within the area of an Emergency Management Committee (the **affected location**); and

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- (b) the Minister or an authorised person considers that the resources of another district or ward in that area that is not affected by an emergency (the **unaffected location**) are needed to assist the affected location.
- (2) The Minister or the authorised person may declare a further local transition period for the unaffected location. 5
- Compare: 2002 No 33 s 94B(9)*
- 148 Matters Minister or authorised person must consider when declaring or extending local transition period**
- Requirements applying to Minister and authorised person*
- (1) **Subsections (3) and (4)** apply if the Minister or an authorised person is considering, in accordance with **section 145(1)(b) or (3)(b), 146(1)(b)(ii), or 151(1)(b)(i)**, whether to declare or extend a local transition period under any of those sections. 10
- (2) **Subsection (3)** applies if the Minister or an authorised person is considering, in accordance with **section 147(1)(b)**, whether to declare a local transition period under that section. 15
- (3) The Minister or the authorised person must not declare or extend a local transition period unless satisfied that enabling the use of the powers in **sections 156 to 165** is—
- (a) in the public interest; and 20
- (b) necessary or desirable to ensure a timely and effective recovery.
- (4) In deciding whether to declare or extend a local transition period, the Minister or the authorised person must have regard to—
- (a) the areas, districts, or wards affected by the emergency; and
- (b) whether the focus of activities in an area, district, or ward is moving from response to recovery, including whether a state of emergency is about to expire or be terminated. 25
- Requirements—Requirement applying only to Minister*
- (5) ~~**Subsections (6) and (7)**~~ apply ~~**Subsection (6)**~~ applies if the Minister is considering, in accordance with **section 146(1)(b)(ii) or 151(1)(b)(i)**, whether to declare or extend a local transition period under either of those sections. 30
- (6) The Minister must, in a manner the Minister considers appropriate, consult the following bodies and persons:
- (a) all Emergency Management Committees affected by the emergency: 35
- (b) the mayor of any affected local authority.
- (7) However, ~~**subsection (5) (6)**~~ does not apply if, in the opinion of the Minister,—

- (a) it is impracticable in the circumstances to apply the requirements of that subsection; or
- (b) the urgency of the situation requires the declaration to be given immediately.

Compare: 2002 No 33 s 94B(4)–(7), (5), (7)

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149 Local transition period may be concurrent with national emergency declarations

- (1) **Sections 145 to 147** apply whether or not—
 - (a) a state of national emergency is declared under **section 109**; or
 - (b) a national transition period is declared under **section 142**. 10
- (2) However, if a state of national emergency or a national transition period is declared concurrently with a local transition period, **section 59** applies.
- (3) A local transition period remains in force if a state of national emergency or a national transition period is subsequently declared in respect of another emergency, even if both emergencies affect the same location. 15

Commencement, duration, extension, and termination

150 When transition period starts and expires

When transition period starts

- (1) A transition period for an area or a district or ward within an area in respect of which a state of emergency has been declared starts— 20
 - (a) on the expiry of the state of emergency under **section 116(1)(b) or 118(2)**, if the transition period is declared to come into force on the expiry of the state of emergency; or
 - (b) on the termination of the state of emergency under **section 119**.
- (2) In any other case, a transition period comes into force at the time and on the date the transition period is declared. 25

When transition period expires

- (3) A national transition period expires at the time and on the date that is 90 days after the national transition period comes into force, unless earlier extended or terminated. 30
- (4) A local transition period expires at the time and on the date that is 28 days after the local transition period comes into force, unless earlier extended or terminated.

Compare: 2002 No 33 s 94C

151 Extending duration of transition period 35

Extending duration of national transition period

- (1) **Subsection (2)** applies if—

- (a) a national transition period has been declared and is in force; and
- (b) the Minister—
- (i) considers that an extension to the duration of the national transition period is required; and
- (ii) is satisfied that extending the use of the powers in **sections 156 to 165** is— 5
- (A) in the public interest; and
- (B) necessary or desirable to ensure a timely and effective recovery; and
- (iii) has had regard to the following matters: 10
- (A) the areas or districts affected by the emergency:
- (B) the capacity of any Emergency Management Committee and any local authority in an area or a district affected by the emergency to carry out recovery activities.
- (2) The Minister may declare that the duration of the national transition period is extended. 15
- (3) The Minister must inform the House of Representatives as soon as practicable if the Minister has made a declaration under **subsection (2)**.
- Extending duration of local transition period*
- (4) The Minister or an authorised person may declare that the duration of a local transition period is extended if— 20
- (a) the Minister or authorised person considers that the extension is required; and
- (b) the local transition period has not yet ended.
- Extension may apply to smaller location* 25
- (5) The following persons may, in declaring an extension to the duration of a transition period, apply that extended transition period to a smaller location than the location to which it previously applied:
- (a) in the case of a national transition period, the Minister:
- (b) in the case of a local transition period, the Minister or an authorised person. 30
-
- Example**
- A local transition period originally applied to 1 area. If its duration is extended, the local transition period may be applied to 1 district in that area but not to the other districts in that area. 35
-
- (6) See **section 148** for matters that the Minister or the authorised person must consider when extending a local transition period.

Compare: 2002 No 33 s 94D(1)–(4), (8)

152 Further provisions relating to extending transition period*When extension starts and expires*

- (1) ~~An extension of the duration of a transition period—~~
- (a) ~~starts immediately before the transition period would otherwise expire under **section 150(3) or (4) or paragraph (b)**, as applicable; and~~ 5
- (b) ~~expires,—~~
- (i) ~~in the case of a national transition period, at the time and on the date that is 90 days after the extension comes into force, unless terminated earlier; or~~
- (ii) ~~in the case of a local transition period, at the time and on the date that is 28 days after the extension comes into force, unless terminated earlier.~~ 10

- (1) An extension of the duration of a transition period starts immediately before the transition period would otherwise expire under **section 150(3) or (4) or subsection (1A)**, as applicable. 15

- (1A) An extension of the duration of a transition period expires,—
- (a) in the case of a national transition period, at the time and on the date that is 90 days after the extension comes into force, unless terminated earlier;
or
- (b) in the case of a local transition period, at the time and on the date that is 28 days after the extension comes into force, unless terminated earlier. 20

Multiple extensions allowed

- (2) The duration of a transition period may be extended any number of times.
- Notification if local transition period extended third or further time*
- (3) If a local transition period is extended a third or further time,— 25
- (a) the person who extends the period (unless the person is the Minister) must notify the Minister of the extension; and
- (b) the person who extends the period must notify the public of the extension in accordance with **section 154**; and
- (c) the Minister must inform the House of Representatives of the extension as soon as practicable. 30

Compare: 2002 No 33 s 94D(6), (7), (9)

153 Terminating transition period*Terminating national transition period*

- (1) ~~The Minister may declare that a national transition period is terminated.~~ 35
- (1) A national transition period is terminated if the Minister—
- (a) declares that the national transition period is terminated; or

- (b) declares a national transition period under **section 142(2)** for the same emergency that applies to—
- (i) the whole of New Zealand; or
 - (ii) the area or district to which an existing national transition period applies. 5
- Terminating local transition period*
- (2) ~~The Minister or an authorised person may declare that the local transition period is terminated.~~
- (2) A local transition period is terminated if—
- (a) the Minister or an authorised person declares that the local transition period is terminated; or 10
 - (b) the Minister declares a national transition period under **section 142(2)** for the same emergency that applies to—
 - (i) the whole of New Zealand; or
 - (ii) the area, district, or ward to which the local transition period applies; or 15
 - (c) an authorised person or the Minister declares another local transition period under **section 145 or 146** for the same emergency that applies to the area, district, or ward to which the first local transition period applies. 20
- (3) Before making a declaration under **subsection (2)(a)**, the Minister must, in a manner the Minister considers appropriate, consult the following bodies and persons:
- (a) ~~all an Emergency Management Committees affected by the emergency Committee, if the local transition period is in force in, or within, the Committee's area:~~ 25
 - (b) the mayor of any affected a local authority, if the local transition period is in force in, or within, the local authority's region or district.
- (4) However, **subsection (3)** does not apply if, in the opinion of the Minister,—
- (a) it is impracticable in the circumstances to apply the requirements of that subsection; or 30
 - (b) the urgency of the situation requires the termination to be declared immediately.
- Effect of termination*
- (5) A declaration terminating a transition period ends the transition period when made. 35

Compare: 2002 No 33 s 94E

154 Form and publication of declarations of transition periods, extensions, and terminations

- (1) This section applies to the following declarations:
- (a) a declaration of a transition period:
 - (b) a declaration of the extension of the duration of a transition period: 5
 - (c) a declaration of the termination of a transition period.
- (2) The declaration must—
- (a) specify the time and date on which the declaration is given; and
 - (b) specify the areas, districts, or wards to which it applies; and
 - (c) otherwise be in the form and manner prescribed in the rules. 10
- (3) The declaration may include any additional information that the person making the declaration considers relevant.
- (4) A person who makes a declaration must do both of the following:
- (a) as soon as is reasonably practicable, notify the public of the declaration by publishing it on an internet site to which the public has free access: 15
 - (b) ensure that the declaration is published in the *Gazette* as soon as is reasonably practicable.

Compare: 2002 No 33 s-ss 94E(5), (6), 94F

Subpart 4—Powers applying during transition periods*Interpretation* 20**155 Interpretation of this subpart**

In this subpart, unless the context otherwise requires,—

applicable emergency means the emergency ~~in respect of~~ for which a transition period has been declared at the time at which, and in respect of which, the power is exercised 25

~~**authorised Recovery Manager** means any one of the following persons:~~

- ~~(a) the National Recovery Manager;~~
- ~~(b) a Regional Recovery Manager;~~
- ~~(c) a District Recovery Manager~~

authorised Recovery Manager means any one of the following persons: 30

- (a) the National Recovery Manager or a person authorised by them under **section 20A**:
- (b) a Regional Recovery Manager or a person authorised by them under **section 65**:
- (c) a District Recovery Manager or a person authorised by them under **section 66**: 35

(d) a Local Recovery Manager under direction constable, in sections 161 to 166, means a constable or a person authorised by them under section 166A

Local Recovery Manager under direction means a Local Recovery Manager to whom both of the following apply:

(a) the Local Recovery Manager has been directed, under section 67(2), to perform a function or duty, or exercise a power, of a Regional Recovery Manager in respect of which the Regional Recovery Manager is an authorised Recovery Manager; and

(b) the terms of the direction permit the Local Recovery Manager to perform the function or duty, or exercise the power, in the circumstances

property means any of the following:

(a) land:

(b) a building:

(c) an animal:

(d) a vehicle, a ship, or an aircraft:

(e) earth-moving equipment or construction materials or equipment:

(f) furniture, bedding, food, or water:

(g) medicines or medical supplies:

(h) any other apparatus, implement, equipment, materials, or supplies.

Powers exercised by Minister

156 Minister's transition period power of direction

Minister may direct Director-General or Committee or person

(1) **Subsection (2)** applies if—

(a) a transition period is in force; and

(b) the Minister considers that, having regard to all the circumstances, it is expedient to exercise the power in **subsection (2)**.

(2) The Minister may direct a person or a body specified in **subsection (3)** to perform or exercise, or to cease to perform or exercise, any of the functions, duties, or powers conferred on that person or body under this Act.

(3) The persons and bodies the Minister may direct are as follows:

(a) the Director-General:

(b) an Emergency Management Committee:

(c) any other person.

Minister may direct responsible person authorised to exercise powers under Building Act 2004

- (4) **Subsection (5)** applies if—
- (a) a location is subject to both—
 - (i) a transition period; and 5
 - (ii) a designation under subpart 6B of Part 2 of the Building Act 2004; and
 - (b) a person who may exercise powers under this Act in relation to the transition period is also the responsible person under that subpart (*see* section 133BK of the Building Act 2004). 10
- (5) The Minister may direct that responsible person—
- (a) to exercise any of the powers conferred on the person under that subpart; or
 - (b) to cease to exercise any of those powers.

Minister may direct performance to satisfaction of Director-General 15

- (6) **Subsection (7)** applies if, under **subsection (2) or (5)**, the Minister directs an Emergency Management Committee or a person (other than the Director-General) to perform or exercise any function, duty, or power.
- (7) The Minister may direct that the function, duty, or power must be performed or exercised under the control, and to the satisfaction, of the Director-General. 20

Compare: 2002 No 33 s 94J

Application and exercise of powers in sections 160 to 165

157 Application of sections 160 to 165

The powers in **sections 160 to 165** apply if a national or local transition period is in force in or within an area. 25

Compare: 2002 No 33 s 94G

158 ~~When Recovery Managers may exercise powers~~

- (1) ~~A Recovery Manager may exercise the powers conferred on an authorised Recovery Manager by **sections 160 to 165** if the exercise of the powers—~~
- ~~(a) is in respect of those areas for which the Recovery Manager is responsible; and 30~~
 - ~~(b) is, in the opinion of the Recovery Manager,—~~
 - ~~(i) in the public interest; and~~
 - ~~(ii) necessary or desirable to ensure a timely and effective recovery; and 35~~
 - ~~(iii) proportionate in the circumstances.~~

- (2) However, **subsection (1)(b)** does not apply if, in the opinion of the Recovery Manager, the exercise of the powers in **section 161(2)** is necessary to preserve human life.

158 Limitations on exercise of powers in sections 160 to 165

When and where authorised Recovery Managers and constables may exercise powers 5

- (1) An authorised Recovery Manager or a constable may exercise the powers conferred on them by **sections 160 to 165**—
- (a) if the exercise of the powers is, in the opinion of the authorised Recovery Manager or constable,— 10
- (i) in the public interest; and
- (ii) necessary or desirable to ensure a timely and effective recovery; and
- (iii) proportionate in the circumstances; and
- (b) in the case of the National Recovery Manager or a person authorised by them under this Act, only during a national transition period; and 15
- (c) in the case of any other authorised Recovery Manager, only in respect of the area or district for which the authorised Recovery Manager is appointed as a Recovery Manager.
- (2) However, **subsection (1)(a)** does not apply if, in the opinion of one of the persons specified in **section 161(2)(a) to (e)**, the exercise of the powers in **section 161(1)** is necessary to preserve human life. 20

How this section applies to sections 160 to 165

- (3) The requirements in this section are in addition to the requirements (if any) set out in **sections 160 to 165** that apply to the exercise of the particular power. 25

Compare: 2002 No 33 s 94G

159 When constables may exercise powers

- (1) A constable may exercise the powers conferred on them by **sections 160 to 165** if the exercise of the powers is, in the opinion of the constable,—
- (a) in the public interest; and 30
- (b) necessary or desirable to ensure a timely and effective recovery; and
- (c) proportionate in the circumstances.
- (2) However, **subsection (1)** does not apply if, in the opinion of the constable, the exercise of the powers in **section 161(2)** is necessary to preserve human life. 35

*Powers exercised by authorised Recovery Managers***160 Transition period powers of authorised Recovery Managers**

- (1) An authorised Recovery Manager may—
- (a) carry out or require to be carried out all or any of the following:
 - (i) works, including (without limitation) works on land, water, and infrastructure: 5
 - (ii) clearing of roads and other public places:
 - (iii) ~~removing, disposing of, securing, removal, disposal, or securing of, or otherwise making safe, dangerous structures and materials, including structures and materials on private land:~~ 10
 - (b) ~~examine and mark~~ examine, mark, or take a sample from 1 or more of the following:
 - (i) any property:
 - (ii) an animal:
 - (iii) any other thing: 15
 - (c) provide for the conservation and supply of food, water, fuel, and other essential supplies:
 - (d) provide information and advice to the public.
- (2) *See section 170*, which authorises an authorised Recovery Manager to require information. 20
- Compare: 2002 No 33 s 94H

*Powers exercised by authorised Recovery Managers or constables***161 Power to evacuate premises and places**

- (1) ~~An authorised Recovery Manager or a constable may take an action specified in **subsection (2)** if, in their opinion, the action is necessary to preserve human life.~~ 25
- (2) ~~The actions an authorised Recovery Manager or a constable may take are as follows:~~
- (a) ~~directing the evacuation of persons or vehicles from any premises or place, including a public place:~~ 30
 - (b) ~~directing the exclusion of persons or vehicles from any premises or place, including a public place.~~
- (3) **Subsection (1)** overrides **sections 158(1)(b) and 159(1)**.
- (1) An authorised Recovery Manager or a constable may direct—
- (a) the evacuation of persons or vehicles from any premises or place, including a public place: 35

- (b) the exclusion of persons or vehicles from any premises or place, including a public place.
- (2) However, an authorised Recovery Manager or a constable may take an action authorised in **subsection (1)** only if the action is, in the opinion of one of the following persons, necessary to preserve human life: 5
- (a) the National Recovery Manager:
- (b) a Regional Recovery Manager:
- (c) a District Recovery Manager:
- (d) a Local Recovery Manager under direction:
- (e) a constable. 10

Compare: 2002 No 33 s 94K

162 Power to enter premises and places

Power

- (1) An authorised Recovery Manager or a constable may take the action specified in **subsection (2)** if the authorised Recovery Manager or constable believes on reasonable grounds that the action is necessary to do 1 or more of the following: 15
- (a) preserve human life, prevent injury to people, or rescue and remove injured or endangered people:
- (b) permit or facilitate carrying out an urgent measure for the relief of suffering or distress of people: 20
- (c) mitigate unreasonable or unnecessary pain or distress of an animal.
- (2) The authorised Recovery Manager or constable may enter on or into, and if necessary break into, 1 or more of the following: 25
- (a) premises, other than a marae:
- (b) a place, including a public place:
- (c) a marae, but only for a reason specified in **subsection (1)(a) or (b).**
- Additional requirements relating to subsection (1)(c)*
- (3) The authorised Recovery Manager or constable must not exercise the power in **subsection (2)** for the reason specified in **subsection (1)(c)** unless— 30
- (a) the authorised Recovery Manager or constable has first made efforts that are reasonable in the circumstances to contact—
- (i) the owner of the place or premises; or
- (ii) if the owner is not the occupier of the place or premises, the occupier of the place or premises; and 35
- (b) the authorised Recovery Manager or constable has been unable to contact the owner or, if applicable, occupier of the place or premises.

- (4) An authorised Recovery Manager or constable who enters on or into premises or a place under this section for the reason specified in **subsection (1)(c)** must ~~make efforts that are reasonable in the circumstances to—~~
- (a) ~~leave the premises or place secured; and~~
 - (b) ~~contact the owner or, if applicable, occupier of the place or premises to inform them of the action the authorised Recovery Manager or constable has taken.~~ 5
 - (a) may, for that purpose, do 1 or more of the following:
 - (i) examine, mark, take a sample from, treat, secure, relocate, disinfect, or destroy an animal: 10
 - (ii) pass the animal to a suitable person, who can address the animal’s needs:
 - (iii) do anything else, in relation to an animal, that is reasonable in the circumstances; and
 - (b) must make efforts that are reasonable in the circumstances to— 15
 - (i) leave the premises or place secured; and
 - (ii) contact the owner or, if applicable, occupier of the place or premises to inform them of the action the authorised Recovery Manager or constable has taken.
- (5) In this section, **marae** has the same meaning as in section 2(1) of the Animal Welfare Act 1999. 20
Compare: 2002 No 33 s 94L

163 Power to close roads and public places

- (1) An authorised Recovery Manager or a constable may take the action specified in **subsection (2)** if the authorised Recovery Manager or constable believes on reasonable grounds that the action is necessary to do 1 or more of the following: 25
- (a) limit or reduce the extent of the applicable emergency;
 - (b) prevent potentially negative effects of the applicable emergency.
- (2) The authorised Recovery Manager or constable may prohibit or restrict the following from accessing a road or public place: 30
- (a) persons, including 1 or more classes or groups of persons;
 - (b) vehicles, including 1 or more classes or groups of vehicles.
- (3) A prohibition or restriction under **subsection (2)** may be total or partial. 35
Compare: 2002 No 33 s 94M

164 Power to direct or request person to cease activity or take action

An authorised Recovery Manager or a constable may—

- (a) direct a person to cease an activity that may—
 - (i) cause, or substantially contribute to the consequences of, ~~the applicable an~~ emergency; or
 - (ii) prevent, or substantially hinder, recovery from the applicable emergency: 5
- (b) request a person, verbally or in writing, to take an action to prevent or limit or reduce the consequences of the applicable emergency.

Compare: ~~1996 No 30 s 137(1)(d), (e); 2002 No 33 s-94 94N(1); 1996 No 30 s 137(1)(d), (e)~~

165 Power to direct owner of structure to obtain assessment

Direction

- (1) An authorised Recovery Manager or a constable may direct— 10
 - (a) the owner of a structure (or the owner’s agent) to obtain an assessment of the effect of the applicable emergency (and any related subsequent events) on the structure:
 - (b) the owners of structures of a particular class or type (or the owners’ agents) to obtain assessments of the effect on structures of the class or type they own of the applicable emergency and any related subsequent events. 15
 - (2) The authorised Recovery Manager or constable may take the action authorised by this section only if they are satisfied that the structure or class or type of structure may, in the circumstances, pose a risk— 20
 - (a) of injury to people; or
 - (b) to the safety of human life or of property (other than the structure itself).
 - (3) A direction must—
 - (a) state the purpose of the assessment and specify the assessment that is required; and 25
 - (b) specify a reasonable time within which the assessment must be completed and given to the person who gave the direction.
 - (4) The authorised Recovery Manager or constable must give notice of the direction in accordance with **section 166**. 30
- What owner must do*
- (5) An owner (or owner’s agent) who is given a direction must—
 - (a) obtain the assessment, which must be conducted in accordance with the direction and at the owner’s expense; and
 - (b) give a copy of the assessment to the person who gave the direction as soon as is reasonably practicable and within the time specified in the direction. 35

Owner may appeal against direction

- (6) The owner (or the owner's agent) may appeal to the District Court against the direction under **section 207(1)(a)** on the grounds that the direction is unreasonable.

Compare: 2002 No 33 s 94N

5

*Notice requirements under section 165***166 Notice requirements under section 165**

- (1) An authorised Recovery Manager or a constable who gives a direction under **section 165(1)(a) or (b)**—
- (a) must use endeavours that are reasonable in the circumstances to notify the following persons of the direction in accordance with **section 206**: 10
- (i) each owner (or ~~each~~ owner's agent) and each occupier of each structure to which the direction applies;
- (ii) each owner (or ~~each~~ owner's agent) and each occupier of ~~an~~ any adjacent structure or adjoining land of the direction; and 15
- (b) must attach a copy of the notice to a prominent place on, or adjacent to, each structure to which the direction applies.
- (2) A person giving a direction under **section 165(1)(b)** must also give public notice of the direction that is reasonable in the circumstances.
- (3) A notice given under **subsection (1) or (2)** must— 20
- (a) state the reasons for giving the direction; and
- (b) describe the matter to which the direction applies; and
- (c) specify a reasonable time within which the assessment must be completed; and
- (d) if applicable, state where further information may be viewed. 25
- (4) A notice given under **subsection (2)** must be published in the *Gazette* as soon as practicable.

Compare: 2002 No 33 s 94NA

Subpart 5—Provisions applying to this Part

Constables may authorise others to perform or exercise constable's functions, duties, or powers 30

166A Constable may authorise person to perform or exercise certain functions, duties, or powers under this Part

- (1) This section applies to a constable who is authorised to perform or exercise a function, duty, or power under 1 or more of the following sections: 35

- (a) **sections 128 to 136** (which relate to functions, duties, and powers that apply in a state of emergency):
- (b) **sections 161 to 166** (which relate to functions, duties, and powers that apply in a transition period).
- (2) The constable may authorise another person to perform or exercise that function, duty, or power. 5
- (3) However, the constable may not authorise another person to perform the constable's function under **section 128(2), 132(2), or 161(2)** of forming an opinion about whether an action is necessary to preserve human life.
- (4) **Subsection (3)** overrides **subsection (2)**. 10
- (5) If a person is authorised under **subsection (2)**, the constable remains responsible and accountable under this Act for the performance or exercise of the constable's functions, duties, and powers.

Proof of identity

- 167 Person exercising emergency powers to provide proof of identity** 15
- (1) A person exercising a specified power conferred on them ~~by this Part~~ must—
- (a) have with them evidence of their identity; and
- (b) if requested to do so,—
- (i) produce that evidence; and
- (ii) produce evidence of, or give a general explanation of, the authority under which the person is acting and any power the person is exercising. 20
- (2) In this section, **specified power** means any power conferred by each of the following sections:
- (a) in **subpart 2, sections 128 to 135:** 25
- (b) in **subpart 4, sections 160 to 165.**

Compare: 2002 No 33 ss 93, 94O

Reporting requirements

- 168 Reporting requirements at expiry of state of emergency or transition period** 30
- (1) The reporting requirements set out in **subpart 1 of Part 1 of Schedule 4** apply following the expiry or termination of a state of national emergency.
- (2) The reporting requirements set out in **subpart 2 of Part 1 of Schedule 4** apply following the expiry or termination of a state of local emergency.
- (3) The reporting requirements set out in **subpart 1 of Part 2 of Schedule 4** apply following the expiry or termination of a national transition period. 35

- (4) The reporting requirements set out in **subpart 2 of Part 2 of Schedule 4** apply following the expiry or termination of a local transition period.

Application of Resource Management Act 1991

169 Restricted application of Resource Management Act 1991

- (1) This section applies if a state of emergency or transition period is declared under this Act. 5
- (2) The Resource Management Act 1991 applies to emergency works as provided for in section 330B of that Act.

Compare: 2002 No 33 s 111

Part 5

10

Information, enforcement, compensation, appeals, and secondary legislation

Subpart 1—~~Power to require information~~ Information

Information for emergency management

170 Power to require information

15

- (1) This section applies,—
- (a) at all times, to—
- (i) the Director-General or a person to whom the Director-General has delegated 1 or more of the Director-General's functions, duties, or powers under **section 21** acting under the authority of the Director-General; and 20
- (ii) an Emergency Management Committee or a person to whom the Committee has delegated 1 or more of its functions, duties, or powers under **section 29** acting under the authority of a Committee; and 25
- (b) during a state of emergency, to the following persons:
- (i) the National Controller:
- (ii) a Regional Controller:
- (iii) a District Controller; ~~and;~~
- (iv) a Local Controller who— 30
- (A) has been directed, under **section 58(2)**, to exercise a Regional Controller's power to require information under this section; and
- (B) is permitted, under the terms of the direction, to exercise the power in the circumstances; and 35

- (c) during a transition period, to the following persons:
- (i) the National Recovery Manager:
 - (ii) a Regional Recovery Manager:
 - (iii) a District Recovery Manager;
 - (iv) a Local Recovery Manager who— 5
 - (A) has been directed, under **section 67(2)**, to exercise a Regional Recovery Manager’s power to require information under this section; and
 - (B) is permitted, under the terms of the direction, to exercise the power in the circumstances. 10
- (2) A person to whom or a Committee to which this section applies (~~a designated person or Committee recipient~~) may, by notice in writing, require any person ~~to give them or it~~ provide the recipient with information that is,—
- (a) ~~in the opinion of the designated person or Committee requiring the information recipient, reasonably necessary for them or it~~ the recipient to obtain in order to carry out emergency management; and 15
 - (b) in the possession of the person who is asked to ~~give~~ provide the information; and
 - (c) capable of being provided without unreasonable difficulty or expense.
- Person may appeal against requirement to give information* 20
- (3) The person may appeal to the District Court ~~against the requirement to provide information~~ under **section 207(1)(b)** on the grounds that the requirement is unreasonable.
- Compare: 2002 No 33 ss 76, 82(1), 94I
- 171 How information is to be provided** 25
- (1) This section applies if a person is required by ~~a designated person or Committee recipient~~ to provide information under **section 170**.
- (2) The information must be given—
- (a) in the form specified by the ~~designated person or Committee recipient~~; and 30
 - (b) within the reasonable time specified by the ~~designated person or Committee recipient~~; and
 - (c) free of charge.
- Compare: 2002 No 33 ss 76(3), 94I
- Restrictions on disclosure and use of information* 35
- 172 Medical and legally privileged information not to be disclosed**
- (1AAA) This section applies to the following requirements:

- (a) a requirement for an essential infrastructure provider to provide information or advice, or to contribute to a strategy or plan, under **section 74**:
- (b) a requirement to provide information under **section 170**.
- (1) ~~No requirement to give information under **section 170** requires any~~ Those requirements do not require a person to ~~give provide~~— 5
- (a) information concerning the medical condition or history of any person; or
- (b) information that is protected by legal professional privilege.
- Compare: 2002 No 33 s 82
- 173 Restrictions on disclosure and use of information** 10
- Application*
- (1) This section applies to a person who receives information obtained as a result of any of the following:
- (a) ~~a duty for an essential infrastructure provider to provide advice under **section 74(f)**:~~ 15
- (a) a requirement for an essential infrastructure provider to provide information or advice, or to contribute to a strategy or plan, under **section 74**:
- (b) a direction to obtain an assessment in relation to a structure under **section 135(1) or 165(1)**:
- (c) the execution of a warrant issued under **section 137**: 20
- (d) a requirement to give information under **section 170**.
- (2) This section applies whether or not the person who receives information is the person who required the information, issued the direction, or executed the warrant under the applicable section.
- Information must be disclosed or used only for purposes of this Act* 25
- (3) The person may disclose or use that information only for the purposes of this Act.
- (4) However,—
- (a) the person may disclose to a responsible person information that—
- (i) is relevant to the exercise of powers under subpart 6B of Part 2 of the Building Act 2004 in an area for which a state of emergency or transition period has been declared; and 30
- (ii) is to be used in connection with the exercise of those powers in that area; and
- (b) the person must not use ~~advice provided~~ information that an essential infrastructure provider provides when performing an obligation under **section 74(f)** to enforce obligations under this Act, regulations, or rules, other than the obligation obligations in **section 74(f)** itself. 35

Interpretation

- (5) In this section, **responsible person** has the same meaning as in section 133BB(1) of the Building Act 2004.

Compare: 2002 No 33 s 83

Official information and meetings

5

173A Application of Local Government Official Information and Meetings Act 1987

- (1) Every Emergency Management Committee is a committee of its local authorities (or in the case of a unitary authority Emergency Management Committee, is a local authority) under the Local Government Official Information and Meetings Act 1987. 10
- (2) The following persons are statutory officers under the Local Government Official Information and Meetings Act 1987:
- (a) the chief executive of a local authority, and any other employee of a local authority, who is a member of an Emergency Management Co-ordinating Executive Group: 15
- (b) Regional Controllers, District Controllers, and Local Controllers:
- (c) Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers.
- (3) A meeting of an Emergency Management Co-ordinating Executive Group for the purposes of this Act is not a meeting of a local authority under Part 7 of the Local Government Official Information and Meetings Act 1987. 20

Subpart 2—Compliance orders

174 Power to serve compliance order

- (1) The Director-General may serve on a person (A) a compliance order that does 25
1 or more of the following:
- (a) requires A to do something that the Director-General believes, on reasonable grounds, will ensure compliance by A, or on behalf of A, with a legislative requirement:
- (b) requires A to stop anything being done by A, or on behalf of A, that the 30
Director-General believes, on reasonable grounds, contravenes or is likely to contravene a legislative requirement:
- (c) prohibits A from starting anything to be done by A, or on behalf of A, that the Director-General believes, on reasonable grounds, contravenes 35
or is likely to contravene a legislative requirement.
- (2) A compliance order may be made subject to any conditions that are reasonable in the circumstances.

- (3) In this section, **legislative requirement** means a requirement—
- (a) that is imposed under any of the following:
 - (i) this Act;
 - (ii) regulations;
 - (iii) rules: 5
 - (iv) the national emergency management plan;
 - (v) regional emergency management planning standards; and
 - (b) that has been in force for at least 6 months before the compliance order to which it relates is served.
- 175 Compliance with compliance order** 10
- (1) A person on whom a compliance order is served must—
- (a) comply with the order within the period specified in the order; and
 - (b) unless the order directs otherwise, pay all the costs and expenses of complying with it.
- Person may appeal against compliance order* 15
- (2) The person may appeal to the District Court against the whole or any part of a compliance order under **section 207(1)(c)** on the grounds that the compliance order, or the part of it being appealed against, is unreasonable.
- 176 Form and content of compliance order**
- A compliance order must state— 20
- (a) the name of the person to whom it relates; and
 - (b) the reasons for the order; and
 - (c) the action required to be taken, stopped, or not taken; and
 - (d) if applicable, the period within which the action must be taken or stopped, being a reasonable period within which to take the action required or to stop the action; and 25
 - (e) the right of appeal under **section 207(1)(c)**.
- 177 Director-General may amend or revoke compliance order**
- (1) The Director-General may amend or revoke a compliance order.
- (2) However, during the appeal period for a compliance order, the Director-General may amend or revoke the compliance order only if ~~the Director-General receives new information that relates to the compliance order.~~ 30
- (a) the Director-General receives new information that relates to the compliance order; or
 - (b) the person on whom the compliance order is served consents to the amendment or revocation; or 35

- (c) an appeal is brought against part of the compliance order only and the amendment or revocation does not materially affect that part of the compliance order.
- (3) In this section, **appeal period** means, in relation to a compliance order,—
- (a) the period during which the person on whom the compliance order is served has a right to appeal to the District Court under **section 207(1)(c)** against the compliance order; and 5
- (b) if the person appeals to the District Court against the whole or part of the compliance order, ~~the period during which the compliance order is the subject of that appeal,~~— 10
- (i) the period during which the compliance order is the subject of that appeal; and
- (ii) after that appeal is determined, the period during which a person has a right to appeal to the High Court under **section 209(1)** against the District Court’s decision; and 15
- (c) if a person appeals to the High Court against the District Court’s decision in relation to the compliance order, the period during which the compliance order is the subject of that appeal.
- 178 Civil proceedings relating to non-compliance with compliance order**
- (1) On application by the Director-General, the District Court may make an order— 20
- (a) compelling a person to comply with a compliance order; or
- (b) restraining a person from contravening a compliance order.
- (2) The District Court may make an order—
- (a) under **subsection (1)(a)** if it is satisfied that the person has refused or failed to comply with a compliance order: 25
- (b) under **subsection (1)(b)** if it is satisfied that the person has contravened, is contravening, or is likely to contravene a compliance order.
- (3) The District Court may make an order under this section—
- (a) whether or not proceedings have been brought for an offence against this Act in connection with any matter in relation to which the compliance order was issued; and 30
- (b) whether or not the compliance period for the compliance order has expired.
- (4) In this section, **compliance period** means, in relation to a compliance order, the period specified in the order within which the person on whom the order is served must comply with the order. 35

Subpart 3—Offences

179 Offence involving failure to comply with requirement in emergency management plan

- (1) A person commits an offence if the person intentionally fails or refuses to comply with a requirement in an emergency management plan. 5
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$50,000:
- (b) in any other case, to a fine not exceeding \$150,000. 10
- Compare: 2002 No 33-s~~s~~ 95, 104

180 Offence involving failure to comply with direction to evacuate premises or place

- (1) A person commits an offence if the person intentionally fails to comply with a direction given to them under **section 128 or 161**. 15
- (2) It is a defence to any proceedings for an offence against this section if the court is satisfied that the authorised Controller, authorised Recovery Manager, or constable did not have reasonable grounds for believing that in all the circumstances of the case the requirement was necessary to preserve human life. 20
- (3) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$10,000:
- (b) in any other case, to a fine not exceeding \$100,000. 25
- (4) In this section, **authorised Controller** and **authorised Recovery Manager** have the meanings given in **sections 121 and 155**.
- Compare: 2002 No 33-s~~s~~ 99, 104

181 Offence involving withholding assessment or giving false or misleading information in assessment 30

- (1) A person commits an offence if the person, when directed under **section 135(1) or 165(1)** to obtain an assessment,—
- (a) intentionally fails or refuses to obtain the assessment within the time specified in the direction; or
- (b) intentionally fails or refuses to provide the assessment to the person who gave the direction within the time specified in the direction; or 35
- (c) knowingly provides in the assessment false or misleading information to the person who gave the direction.

- (2) No prosecution may be brought under this section—
- (a) before the time for appeal against a direction to obtain an assessment in relation to a structure has expired under **section 207(2)(a)**; and
 - (b) if a person appeals under **section 207(1)(a) or 209(1)**, until the determination of the appeal. 5
- (2A) However, **subsection (2)(b)** does not apply to the extent that—
- (a) the appeal relates to a part of the direction only; and
 - (b) the prosecution relates to conduct in respect of a part of the direction that is not appealed against.
- (3) **Subsection (2)(b)** applies despite anything to the contrary in section 25 of the Criminal Procedure Act 2011. 10
- (4) A person who commits an offence against **subsection (1)(a) or (b)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000; 15
 - (b) in any other case, to a fine not exceeding \$50,000.
- (5) A person who commits an offence against **subsection (1)(c)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$20,000; 20
 - (b) in any other case, to a fine not exceeding \$60,000.

Compare: 2002 No 33-s~~ss~~ 96,104

182 Offence involving failure to comply with prohibition or restriction on access to road or public place

- (1) A person commits an offence if the person intentionally fails to comply with any prohibition or restriction imposed under **section 130 or 163**. 25
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$10,000; 30
 - (b) in any other case, to a fine not exceeding \$100,000.

Compare: 2002 No 33-s~~ss~~ 100,104

183 Offence involving requisitioning

- (1) A person commits an offence if the person—
- (a) intentionally fails to comply with any direction given to them under **section 132(2)**; or 35
 - (b) intentionally fails to provide assistance under **section 132(6)**.

- (2) It is a defence in any proceedings for an offence against **subsection (1)(a)** if the court is satisfied that the ~~specified person~~ authorised Controller or constable who gave the direction requisitioning property did not have reasonable grounds for believing that in all the circumstances of the case the direction was necessary to preserve human life. 5
- (3) It is a defence in any proceedings for an offence against **subsection (1)(b)** if the court is satisfied that the person had reasonable grounds for not providing assistance.
- (4) A person who commits an offence against **subsection (1)** is liable on conviction,— 10
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$10,000:
- (b) in any other case, to a fine not exceeding \$100,000.
- (4) In this section, authorised Controller has the meaning given in **section 121**. 15
Compare: 2002 No 33-s ss 101, 104
- 184 Offence involving failure to comply with direction**
- (1) A person commits an offence if the person intentionally fails to comply with a direction given under **section 134(a) or 164(a)**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 20
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$50,000:
- (b) in any other case, to a fine not exceeding \$150,000.
Compare: 2002 No 33-s ss 102, 104
- 185 Offence involving withholding information or giving false or misleading information** 25
- (1) A person commits an offence if the person, when required under **section 170** to provide information,—
- (a) intentionally fails or refuses to supply the information within the period specified in the request; or 30
- (b) knowingly gives false or misleading information.
- (2) No prosecution may be brought under this section—
- (a) before the time for appeal against the requirement to give information has expired under **section 207(2)(a)**; and
- (b) if a person appeals under **section 207(1)(b) or 209(1)**, until the determination of the appeal. 35
- (2A) However, **subsection (2)(b)** does not apply to the extent that—

- (a) the appeal relates to a part of the requirement to give information only; and
- (b) the prosecution relates to conduct in respect of a part of the requirement that is not appealed against.
- (3) **Subsection (2)(b)** applies despite anything to the contrary in section 25 of the Criminal Procedure Act 2011. 5
- (4) A person who commits an offence against **subsection (1)(a)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000: 10
- (b) in any other case, to a fine not exceeding \$50,000.
- (5) A person who commits an offence against **subsection (1)(b)** ~~that relates to a requirement under **section 170**~~ is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$30,000: 15
- (b) in any other case, to a fine not exceeding \$100,000.

Compare: 2002 No 33-s ss 96, 104

186 Offence involving disclosure or use of information

- (1) A person who intentionally discloses or uses information in breach of **section 74(g) or 173** commits an offence. 20
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$50,000:
- (b) in any other case, to a fine not exceeding \$150,000. 25

Compare: 2002 No 33-s ss 97, 104

187 Offence involving failure to comply with compliance order

- (1) A person commits an offence if the person, without reasonable excuse, fails to comply with a compliance order served under **section 174**.
- (2) A person who commits an offence against this section is liable on conviction,— 30
- (a) in the case of an individual, to a fine not exceeding \$75,000:
- (b) in any other case, to a fine not exceeding \$300,000.

188 Offence involving obstruction

- (1) A person commits an offence if the person, during a state of emergency or transition period, threatens, or intentionally obstructs or hinders, a person in that person's performance or exercise of a function, duty, or power under this Act. 35

- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$50,000:
- (b) in any other case, to a fine not exceeding \$150,000. 5
- Compare: 2002 No 33-~~s~~ ss 98, 104
- 189 Offence involving personation**
- (1) A person commits an offence if the person by words, conduct, or demeanour intentionally personates or falsely represents themselves to be any of the following persons: 10
- (a) the Director-General:
- (b) a Controller:
- (c) a Recovery Manager:
- (d) a member of an Emergency Management Committee:
- (e) a person acting under the authority of a person specified in any of **paragraphs (a) to (d)**: 15
- (f) a person authorised or employed to perform or exercise a function, duty, or power under this Act or an emergency management plan.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 20
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$50,000:
- (b) in any other case, to a fine not exceeding \$150,000.
- Compare: 2002 No 33-~~s~~ ss 103, 104
- Subpart 4—Compensation, civil liability, and other protections** 25
- 190 Interpretation of this subpart**
- In this subpart, **compensatory amount** means, in relation to a person's ~~personal~~ property, either or, if applicable, both of the following:
- (a) the monetary amount that a person has recovered or reasonably expects to recover under a contract of insurance for loss of, or damage to, the relevant ~~personal~~ property: 30
- (b) the monetary amount that a person has received or reasonably expects to receive as a result of damages, compensation, or an ex gratia payment for loss of, or damage to, the relevant ~~personal~~ property.

*Compensation for persons whose property is requisitioned***191 Compensation for persons whose property is requisitioned during state of emergency***Application*

- (1) This section applies if, as a result of an exercise of a power under **section 132**, requisitioned property has come under the control and direction of 1 or more of the following (**emergency management control**): 5
- (a) a Controller:
 - (b) an Emergency Management Committee or a person ~~authorised by a Committee~~ to whom the Committee has delegated 1 or more of its functions, duties, or powers under **section 29**: 10
 - (c) a constable or a person authorised by them under this Act.

Entitlement to compensation

- (2) On the application of any person with an interest in the requisitioned property, reasonable compensation is payable to that person for either or both of the following, if applicable: 15
- (a) if the requisitioned property has been used while under emergency management control, the value of the use of the property less any compensatory amount that the person receives or reasonably expects to receive:
 - (b) if the requisitioned property has suffered any loss or damage while under emergency management control, the reduction in the value of the property less any compensatory amount that the person receives or reasonably expects to receive. 20

Compare: 2002 No 33 s 107(1)–(5)

192 Who is liable to pay compensation to persons whose property is requisitioned 25

- (1) This section sets out who is liable to pay compensation due under **section 191**.

When compensation is payable by the Crown

- (2) The compensation is payable by the Crown, out of money appropriated by Parliament for the purpose, if the requisitioned property has come under the control and direction of either of the following: 30
- (a) the National Controller or a person authorised by them under this Act;
 - (b) a constable or a person authorised by them under this Act.

When compensation is payable by Emergency Management Committee 35

- (3) The compensation is payable by ~~the responsible~~ an Emergency Management Committee if the requisitioned property has come under the control and direction of any of the following:

- (a) the Committee:
- (b) ~~a Regional Controller appointed by—~~
 - (i) ~~the Committee, if it is a multi-member Emergency Management Committee; or~~
 - (ii) ~~the chief executive of the relevant unitary authority if the Committee is a unitary authority Emergency Management Committee:~~ 5
- (b) the Regional Controller for the Committee's area:
- (c) a Local Controller for the Committee.

When compensation is payable by territorial authority

- (4) The compensation is payable by ~~the responsible a~~ territorial authority if the requisitioned property has come under the control and direction of a District Controller for the territorial authority. 10

Compare: 2002 No 33 s 107(2), (4)

Compensation for loss or damage to personal property

193 Compensation for loss or damage to personal property while performing emergency management 15

Application

- (1) This section applies to the following persons if that person suffers loss of, or damage to, personal property as a result of the person performing or exercising a function, duty, or power during a state of emergency or transition period: 20
 - (a) a person who carries out emergency management under the direction of the Director-General, an Emergency Management Committee, a Controller, or a Recovery Manager:
 - (b) a member of an Emergency Management Committee.
- (2) This section also applies to any other person or class of persons that the Minister determines should be eligible to apply for compensation under this section, provided that both of the following criteria are met: 25
 - (a) the person or class of persons has suffered loss of, or damage to, personal property:
 - (b) that loss or damage is a result of the person or class of persons carrying out emergency management during a state of emergency or transition period. 30
- (3) However, this section does not apply if the person is eligible to apply for compensation under **section 191.**

Entitlement to compensation 35

- (4) On the application of a person to whom this section applies, compensation is payable to that person that is equal to either of the following:

- (a) if the personal property has been lost, the value of the property less any compensatory amount that the person receives or reasonably expects to receive:
- (b) if the personal property has been damaged, the reduction in the value of the property less any compensatory amount that the person receives or reasonably expects to receive. 5

Minister must notify class determination

- (5) If the Minister determines, under **subsection (2)**, that this section applies to a class of persons, the Minister must, by notice in the *Gazette*, notify that determination as soon as practicable. 10

This section does not limit entitlement under Social Security Act 2018

- (6) Nothing in this section limits or affects the entitlement of any person to any benefit under the Social Security Act 2018.
- (7) **Subsection (6)** applies despite anything to the contrary in that Act. 15

Compare: 2002 No 33 s 108

194 Who is liable to pay compensation for loss or damage to personal property while performing emergency management

- (1) This section sets out who is liable to pay compensation due under **section 193**.

When compensation is payable by the Crown 20

- (2) The compensation is payable by the Crown, out of money appropriated by Parliament for the purpose, if the person entitled to the payment—

- (a) was, at the time of the loss or damage, carrying out emergency management under the direction or control of any of the following:
- (i) the Director-General or a person to whom the Director-General had delegated 1 or more of the Director-General's functions, duties, or powers under **section 21** acting under the authority of the Director-General: 25
- (ii) the National Controller or a person authorised by them under **section 19A**: 30
- (iii) the National Recovery Manager or a person authorised by them under **section 20A**; or
- (b) is a person or a member of a class of persons to whom the Minister has determined **section 193** applies.

When compensation is payable by Emergency Management Committee 35

- (3) The compensation is payable ~~by the responsible~~ an Emergency Management Committee if the person entitled to the payment was, at the time of the loss or damage, carrying out emergency management under the direction or control of any of the following:

- (a) the Committee:
- (b) ~~a Regional Controller appointed by—~~
- (i) ~~the Committee, if it is a multi-member Emergency Management Committee; or~~
- (ii) ~~the chief executive of the relevant unitary authority if the Committee is a unitary authority Emergency Management Committee:~~ 5
- (b) the Regional Controller or Regional Recovery Manager for the Committee's area:
- (e) ~~a Regional Recovery Manager appointed by—~~
- (i) ~~the Committee, if it is a multi-member Emergency Management Committee; or~~ 10
- (ii) ~~the chief executive of the relevant unitary authority if the Committee is a unitary authority Emergency Management Committee:~~
- (d) a Local Controller or Local Recovery Manager for the Committee.:
- (e) ~~a Local Recovery Manager.~~ 15
- When compensation is payable by territorial authority*
- (4) The compensation is payable by ~~the responsible~~ a territorial authority if the person entitled to the payment was, at the time of the loss or damage, carrying out emergency management under the direction or control of either of the following: a District Controller or District Recovery Manager for the territorial authority. 20
- (a) ~~a District Controller:~~
- (b) ~~a District Recovery Manager.~~
- Compare: 2002 No 33 s 108(5)

Provisions applying to sections 191 to 194 25

195 When compensation is payable by more than 1 party

- (1) This section applies if compensation is payable under **section 192 or 194** by more than 1 of the following parties:
- (a) the Crown:
- (b) ~~the responsible~~ an Emergency Management Committee: 30
- (c) ~~the responsible~~ a territorial authority.
- (2) Unless those parties agree otherwise, the compensation payable must be divided equally among the parties and each party must pay 1 share of the cost.

196 Court may hear dispute about compensation under section 191 or 193

A dispute relating to 1 or more of the following matters that arises in relation to **section 191 or 193** may be determined by a court of competent jurisdiction: 35

- (a) the entitlement of a person to compensation under the applicable section:
- (b) the amount of compensation payable:
- (c) the liability of the Crown, an Emergency Management Committee, or a territorial authority to pay compensation.

Compare: 2002 No 33 ss 107(6), 108(6)

5

Compensation for loss or damage due to exercise of other powers

196A Interpretation of sections 197 to 199A

In sections 197 to 199A,—

personal property does not include livestock or other animals

property means—

10

- (a) real property; and
- (b) livestock; and
- (c) personal property

relevant person means any one of the following persons:

- (a) the Director-General or a person to whom the Director-General has delegated 1 or more of the Director-General's functions, duties, or powers under **section 21**: 15
- (b) an Emergency Management Committee or a person to whom the Committee has delegated 1 or more of its functions, duties, or powers under **section 29**: 20
- (c) a Controller or a person authorised by them under this Act:
- (d) a Recovery Manager or a person authorised by them under this Act:
- (e) a constable or a person authorised by them under this Act:
- (f) a local authority:
- (g) a chief executive of a territorial authority or a person to whom the chief executive has delegated the chief executive's role under **section 44**. 25

197 Compensation for loss or damage due to exercise of other powers during emergency declarations

Application

- (1) This section applies to a person— 30
 - (a) who has suffered loss or damage to property as a result of an action or a measure described in **subsection (3)**; and
 - (b) for whom the benefit, or the likely benefit, of the action or measure is disproportionately less than the loss or damage.
- (2) However, this section does not apply if the person is eligible to apply for compensation under **section 191 or 193**. 35

- (3) The actions or measures are actions or measures taken—
- (a) in the exercise of a power under ~~sections 128 to 135 or 161 to 165~~ by 1 or more of the following persons:
- (i) a Controller;
- (ii) a Recovery Manager; 5
- (iii) a constable; and
- (b) in good faith by the person exercising the power in the course of performing or exercising their functions, duties, or powers during, or in connection with, a state of emergency or transition period.
- Person may recover compensation* 10
- (4) A person to whom this section applies may recover compensation from the Crown or from the responsible Emergency Management Committee or territorial authority in accordance with this section and **sections 198 and 199**.
- (5) A claim to recover compensation under **subsection (4)**—
- (a) may be brought only for direct loss or damage suffered in relation to property; and 15
- (b) may be brought only in respect of uninsured loss or damage that does not exceed the replacement value of that property; and
- (c) must not be brought by a provider of insurance in relation to any person who has insured against the loss or damage. 20
- Interpretation*
- (6) In this section and **sections 199 and 200**, **property** means—
- (a) real property; and
- (b) livestock; and
- (c) personal property, excluding livestock and other animals, not exceeding \$20,000 in value less any insurance cover for that personal property. 25
- Compare: 2002 No 33 s 109

197 Compensation for loss or damage due to exercise of other powers during emergency declarations or if threat of an emergency is imminent

Application of this section 30

- (1) This section applies to a person—
- (a) who has suffered loss of, or damage to, property as a result of an action or a measure specified in **subsection (3)**; and
- (b) for whom the benefit, or the likely benefit, of the action or measure is disproportionately less than the loss or damage. 35
- (2) However, this section does not apply if the person is eligible to apply for compensation under **section 191 or 193** in relation to the same loss or damage.

- (3) The actions or measures are actions or measures taken—
- (a) in the exercise in good faith of a power under **sections 128 to 135 or 161 to 165** by 1 or more of the following persons:
- (i) a Controller or a person authorised by them under this Act:
- (ii) a Recovery Manager or a person authorised by them under this Act: 5
- (iii) a constable or a person authorised by them under **section 166A**;
or
- (b) in performing or exercising in good faith the relevant person’s functions, duties, or powers under this Act, if the relevant person (*see **section 196A***)— 10
- (i) considers that an imminent threat of an emergency exists; and
- (ii) intends the actions or measures taken to be precautionary or preventive in nature to lessen the impact of an emergency.
- Person may apply to court for compensation* 15
- (4) A person to whom this section applies may apply to a court for an order for compensation for loss or damage to the person’s property.
- (5) An application under **subsection (4)**—
- (a) may be brought only for direct loss or damage suffered in relation to property; and 20
- (b) may be brought only in respect of uninsured loss or damage that does not exceed the replacement value of that property; and
- (c) must not be brought by a provider of insurance in relation to any person who has insured against the loss or damage.
- (6) In determining an application brought under **subsection (4)**, the court must apply the following sections: 25
- (a) **section 198** (in relation to the court’s consideration of an action or a measure described in **subsection (3)** of this section):
- (b) **section 198A** (in relation to determining compensation for loss of, or damage to, personal property): 30
- (c) **section 199** (in relation to determining compensation for loss of, or damage to, any other property).
- (7) If the court orders the payment of compensation under this section, it must do so in accordance with **section 199A**.
- Compare: 2002 No 33 s 109(1), (6), (10)* 35
- 198 Parties from whom person may recover compensation under section 197**
- (1) This section applies to a person to whom **section 197** applies.

Person may recover compensation from the Crown

(2) ~~The person may recover compensation from the Crown, out of money appropriated by Parliament for the purpose, if the action or measure was taken by any of the following:~~

- (a) ~~the National Controller:~~ 5
- (b) ~~the National Recovery Manager:~~
- (c) ~~a constable.~~

Person may recover compensation from Emergency Management Committee

(3) ~~The person may recover compensation from the responsible Emergency Management Committee if the action or measure was taken by any of the following:~~ 10

- (a) ~~the Committee:~~
- (b) ~~a Regional Controller appointed by—~~
 - (i) ~~the Committee, if it is a multi-member Emergency Management Committee; or~~ 15
 - (ii) ~~the chief executive of the relevant unitary authority if the Committee is a unitary authority Emergency Management Committee:~~
- (c) ~~a Regional Recovery Manager appointed by—~~
 - (i) ~~the Committee, if it is a multi-member Emergency Management Committee; or~~ 20
 - (ii) ~~the chief executive of the relevant unitary authority if the Committee is a unitary authority Emergency Management Committee:~~
- (d) ~~a Local Controller:~~
- (e) ~~a Local Recovery Manager.~~

Person may recover compensation from territorial authority 25

(4) ~~The person may recover compensation from the responsible territorial authority if the action or measure was taken by either of the following:~~

- (a) ~~a District Controller:~~
- (b) ~~a District Recovery Manager.~~

198 Matters court must take into account in considering action or measure 30

The court, in determining an application for an order under **section 197(4)**, must take into account the following matters in respect of an action or a measure described in **section 197(3)**:

- (a) the likelihood that the adverse effect that the action or measure was intended to avert would have occurred if the action or measure had not been taken: 35

(b) the extent of the loss or damage caused by the action or measure taken.

Compare: 2002 No 33 s 109(5)

198A Matters court must take into account in determining compensation: personal property

- (1) The court must determine the payment of compensation for loss of, or damage to, the applicant's personal property in accordance with this section. 5
Compensation payable only in respect of certain classes of personal property
- (2) Compensation may be paid only in respect of the following classes of personal property:
- (a) personal property that is not insured: 10
- (b) personal property that is insured for an amount that is less than \$40,000:
- (c) personal property that is insured for an amount that is \$40,000 or more, to the extent that the personal property is insured for an amount that is less than the replacement value of the personal property.
- Limit on total liability for personal property* 15
- (3) Liability for the loss of, or damage to, personal property resulting from an action or measure must not exceed \$40,000 for an application.

Examples

If an application is in respect of uninsured personal property that has a replacement value of more than \$40,000, the applicant is able to claim compensation of up to \$40,000. 20

If an application is in respect of personal property that has a replacement value of more than \$40,000 but is insured for \$20,000, the applicant is able to claim compensation of up to \$20,000.

If an application is in respect of personal property that has a replacement value of \$100,000 but is insured for \$50,000, the applicant is able to claim compensation of up to \$40,000. 25

- (4) If an applicant has made more than 1 application under **section 197(4)** in relation to the same action or measure, the compensation determined must be reduced to reflect any compensation awarded in relation to personal property in a previous application. 30

Compare: 2002 No 33 s 109(4), (7)

199 ~~Principles for payment of compensation recovered under section 197~~ Matters court must take into account in determining compensation: other property 35

- (1) ~~Compensation recovered as a result of a claim brought under **section 197(4)** must be paid in accordance with this section.~~

- (1) The court must determine the payment of compensation for loss of, or damage to, any property of the applicant to which **section 198A** does not apply in accordance with this section.
Liability must not exceed replacement value
- (2) ~~Liability for the loss or damage to property must not exceed the replacement value.~~ 5
- (2) Liability for the loss of, or damage to, property must not exceed the replacement value of the property.
Compensation for insured property
- (3) In the case of insured property, liability is covered— 10
- (a) by a contract of insurance that covers the property regardless of how it describes loss or damage; and
- (b) with respect to any loss or damage exceeding the cover of that contract of insurance, in the following manner:
- (i) by the Crown if the action or measure that caused the loss or damage was taken by a person specified in **section 198(2) 199A(1):** 15
- (ii) by the local authority members of the responsible Emergency Management Committee or Committees if the action or measure that caused the loss or damage was taken by a person specified in **section 198(3) 199A(2):** 20
- (iii) ~~by the responsible a~~ territorial authority if the action or measure that caused the loss or damage was taken by a person specified in **section 198(4) 199A(3):** 25
- (iv) by a regional council if the action or measure that caused the loss or damage was taken by the regional council itself.
- Compensation for uninsured property*
- (4) In the case of uninsured property, liability is covered in the manner specified in **subsection (3)(b)(i) to (iii).**
- Compensation if emergency is natural hazard*
- (5) Despite this section, if an emergency or anticipated emergency is a natural hazard— 30
- (a) within the meaning of section 5(1) of the Natural Hazards Insurance Act 2023, the loss or damage is to be treated as natural hazard damage for the purposes of that Act; ~~and or~~
- (b) within the meaning given to that term in a policy or contract of insurance, the loss or damage is to be treated as natural hazard damage for the purposes of that policy or contract of insurance. 35

The Crown, Emergency Management Committee, or territorial authority may make ex gratia payment

- (6) ~~Nothing in this section or **section 197 or 198** prevents the Crown, an Emergency Management Committee, or a territorial authority from making an ex gratia payment it considers justifiable on the basis of hardship or fairness.~~ 5

Compare: 2002 No 33 s 109(4), (7)-(9), (8)

199A Parties from whom person may recover compensation under section 197

Court may order payment of compensation by the Crown

- (1) The court may order the payment of compensation by the Crown, out of money appropriated by Parliament for the purpose, if the action or measure to which an application relates was taken by 1 or more of the following: 10

(a) the National Controller or a person authorised by them under **section 19A**:

(b) the National Recovery Manager or a person authorised by them under **section 20A**: 15

(c) the Director-General or a person to whom the Director-General had delegated 1 or more of the Director-General's functions, duties, or powers under **section 21**:

(d) a constable or a person authorised by them under this Act.

Court may order payment of compensation by Emergency Management Committee 20

- (2) The court may order the payment of compensation by an Emergency Management Committee if the action or measure to which an application relates was taken by 1 or more of the following:

(a) the Committee or a person to whom the Committee had delegated 1 or more of its functions, duties, or powers under **section 29**: 25

(b) the Regional Controller or Regional Recovery Manager for the Committee's area or a person authorised by the Regional Controller or Regional Recovery Manager under **section 56 or 65** (as applicable):

(c) a Local Controller or Local Recovery Manager for the Committee or a person authorised by the Local Controller or Local Recovery Manager under this Act. 30

Court may order payment of compensation by territorial authority

- (3) The court may order the payment of compensation by a territorial authority if the action or measure to which an application relates was taken by 1 or more of the following: 35

(a) the territorial authority itself:

(b) the chief executive of the territorial authority or a person to whom the chief executive had delegated the chief executive's power under **section 44**:

(c) a District Controller or District Recovery Manager or a person authorised by a District Controller or District Recovery Manager under **section 57 or 66**. 5

Court may order payment of compensation by regional council

(4) The court may order the payment of compensation by a regional council if the action or measure to which an application relates was taken by the regional council itself. 10

Compare: 2002 No 33 s 109(2)-(3B)

199B Crown, Emergency Management Committee, or territorial authority may make ex gratia payment

Nothing in **sections 197 to 199A** prevents the Crown, an Emergency Management Committee, or a territorial authority from making an ex gratia payment it considers justifiable on the basis of hardship or fairness. 15

Compare: 2002 No 33 s 109(9)

~~200 Considerations for court if claim brought under section 197~~

(1) ~~This section applies if a person brings a claim against the Crown, an Emergency Management Committee, or a territorial authority to recover compensation under **section 197**.~~ 20

(2) ~~The court, in determining the application of **sections 197 to 199**, must, in respect of an action or a measure described in **section 197(3)**, take into account the following matters:~~

(a) ~~the likelihood that the adverse effect on the claimant's property that the action or measure was intended to avert would have occurred if the action or measure had not been taken;~~ 25

(b) ~~the extent of the loss or damage caused by the action or measure taken.~~

Compare: 2002 No 33 s 109(5), (6)

Recovery of costs by Emergency Management Committee 30

201 Emergency Management Committee may recover certain costs from other Committee

(1) This section applies if an Emergency Management Committee (**Committee A**) agrees, under **section 27(1)(f) or 28(2)(g)**, to undertake emergency management at the request of another Emergency Management Committee (**Committee B**). 35

(2) Committee A may recover as a debt due to it from Committee B all actual and reasonable costs and expenses incurred for that emergency management.

(2A) **Subsection (2)** does not apply to compensation Committee A is ordered to pay in relation to an application for compensation under **section 197**.

(3) ~~However, both The~~ Committees may agree to override this section.

Compare: 2002 No 33 s 113

Civil liability

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202 **Protection from liability in civil proceedings for act or omission**

Protection for person performing or exercising functions, duties, and powers under this Act

(1) **Subsection (2)** applies to the following persons:

(a) the Crown: 10

(b) an Emergency Management Committee or a person to whom the Committee has delegated 1 or more of its functions, duties, or powers under **section 29**:

(c) a member of an Emergency Management Committee:

(d) an officer or employee of the Crown or an Emergency Management Committee: 15

(e) any other person with functions, duties, or powers under this Act.

(2) ~~The person is protected from liability in civil proceedings for any act that the person does or omits to do—~~

(a) ~~in performing or exercising the person's functions, duties, or powers under this Act; and~~ 20

(b) ~~directly or indirectly in relation to a state of emergency or transition period.~~

(2) The person is protected from liability in civil proceedings for any act that the person does or omits to do in performing or exercising in good faith the person's functions, duties, or powers under this Act, if— 25

(a) the person does or omits to do the thing directly or indirectly in relation to a state of emergency or transition period; or

(b) the person—

(i) considers that an imminent threat of an emergency exists; and 30

(ii) intends the actions or measures taken to be precautionary or preventive in nature to lessen the impact of an emergency.

Protection for person acting under direction of person performing or exercising functions, duties, and powers under this Act

(3) **Subsection (4)** applies to a person (B) acting under the direction of a person (C) who is performing or exercising a function, duty, or power under this Act. 35

- (4) B is protected from liability in civil proceedings for any act that B does or omits to do—
- (a) while acting under the direction of C; and
 - (b) directly or indirectly in relation to a state of emergency or transition period.

5

Compare: 2002 No 33 s 110

203 Protection from liability in civil proceedings for issue of, or failure to issue, warning

- (1) This section applies to a person who issues or fails to issue a warning in respect of a hazard in accordance with this Act (whether or not in connection with a state of emergency or transition period), including a person ~~or an entity authorised to act on behalf of~~ to whom the Director-General or an Emergency Management Committee has delegated 1 or more of its functions, duties, or powers under **section 21 or 29** (as applicable).

10

- (2) The person is protected from liability in civil proceedings relating to loss or damage that is due, directly or indirectly, to the issue of, or failure to issue, the warning.

15

204 Limits on protections in sections 202 and 203

- (1) **Sections 202 and 203** do not apply to an act or omission of a person that constitutes bad faith or gross negligence.
- (2) **Section 202** is subject to **sections 191 to 200**.

20

Compare: 2002 No 33 s 110(3)

Employment rights not affected

205 Absence on duty not to affect employment rights

- (1) This section applies to a person who, during a state of emergency or transition period, is absent from the person's usual employment for either of the following reasons:

25

- (a) the Director-General, a Controller, or a Recovery Manager requires the person to carry out or exercise emergency management functions, duties, or powers:

30

- (b) the person is a member of an organisation that the Director-General, a Controller, or a Recovery Manager requires to carry out or exercise emergency management functions, duties, or powers.

- (2) ~~The person is not liable to dismissal from that employment solely because of the absence.~~

35

- (2) The person's usual employer must not do any of the following because of the absence:

- (a) dismiss the person:

- (b) threaten the person with dismissal:
- (c) do any other act that affects either or both of the following to the person's disadvantage:
- (i) the person's employment:
- (ii) 1 or more of the conditions of the person's employment. 5
- (3) **Subsection (2)** applies whether or not the person's usual employer has consented to that absence.
- (4) This section does not impose on the person's usual employer any obligation to pay the person remuneration in respect of a period of absence from employment while carrying out or exercising emergency management functions, duties, or powers. 10
- Compare: 2002 No 33 s 112

Subpart 5—Service of documents and appeals

Service of documents

- 206 Service of documents** 15
- How document must be served*
- (1) If a document is to be served on a person for the purposes of this Act, it must be given in writing to the person—
- (a) by delivering it personally to the person (other than a Minister of the Crown) or by an agent (such as a courier); or 20
- (b) by sending it by post addressed to the person at the person's usual or last known place of residence or business; or
- (c) by sending it by email to the person at an email address that is used by the person.
- What is treated as service* 25
- (2) If a document is to be served on a body (whether incorporated or not) for the purposes of this Act, service on an officer of the body, or on the registered office of the body, in accordance with **subsection (1)** must be treated as service on the body.
- (3) If a document is to be served on an Emergency Management Committee for the purposes of this Act, service on the chairperson of the Committee or the administering authority of the Committee in accordance with **subsection (1)** must be treated as service on the Committee. 30
- (4) If a document is to be served on a partnership for the purposes of this Act, service on any one of the partners in accordance with **subsection (1)** must be treated as service on the partnership. 35

Service by post

- (5) In the absence of proof to the contrary, a document sent to a person in accordance with **subsection (1)(b)** must be treated as having been received by the person when it would have been delivered in the ordinary course of the post.
- (6) In proving the delivery, it is sufficient to prove that the letter was properly addressed and posted. 5

Service by email

- (7) In the absence of proof to the contrary, a document sent to a person in accordance with **subsection (1)(c)** must be treated as having been given or provided to the person on the next working day after the date on which it is emailed. 10
- (8) In proving that the notice was emailed, it is sufficient to prove that it was properly addressed and sent to the email address.

Compare: 2002 No 33 s 114

Appeals

- 207 Appeals** 15
- (1) ~~A person may appeal to the District Court against any of the following on the grounds that it is unreasonable. This section applies if a person appeals to the District Court against any of the following:~~
- (a) a direction to obtain an assessment in relation to a structure under **section 135(1) or 165(1)**: 20
- (b) a requirement to give information under **section 170**:
- (c) the whole or any part of a compliance order served under **section 174**.
- (2) An appeal under—
- (a) **subsection (1)(a) or (b)** must be brought within 10 working days after the day on which the direction or requirement first comes to the person's notice: 25
- (b) **subsection (1)(c)** must be brought within 20 working days after the day on which the compliance order is served on the person.
- (3) The court must inquire into the direction, requirement, or compliance order and may— 30
- (a) confirm or vary the direction, requirement, or compliance order; or
- (b) set aside the direction or requirement, or cancel the compliance order; or
- (c) set aside the direction or requirement and substitute another direction or requirement that the court considers appropriate; or
- (d) cancel the compliance order and substitute another compliance order that the court considers appropriate; or 35

- (e) refer the direction, requirement, or compliance order back to the decision-maker with the court's opinion, together with any directions as to how the matter should be dealt with.
- (4) Any relief granted to a person appealing under **subsection (1)(a)** must be limited to the reasonable costs associated with obtaining the assessment under **section 135 or 165**. 5
- Compare: 2002 No 33-s ss 77, 91(6)–(8), 94N(6)–(8)

208 Effect of bringing appeal

Appeal against requirement to give information

- (1) An appeal under **section 207(1)(b)** against a requirement to give information operates as a stay of the requirement. 10
- (2) See **section 177(2)** for limitations on the Director-General's power to amend or revoke a compliance order that is the subject of an appeal.

Appeal against compliance order

- (3) An appeal under **section 207(1)(c)** against a compliance order does not operate as a stay of the compliance order unless the court orders otherwise. 15
- Compare: 2002 No 33 s 77(4)

209 Appeal to High Court on question of law

- (1) A person may appeal to the High Court against a decision by the District Court that determines an appeal under **section 207(1)**. 20
- (2) The appeal may be brought only on a question of law.
- (3) An appeal must be made by giving notice of appeal within—
- (a) 20 working days after the date on which notice of the decision is communicated to the appellant; or
- (b) any further time that the High Court may allow. 25

Subpart 6—Secondary legislation

Regulations

210 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes: 30
- (a) prescribing the form of distinguishing warrants, badges, or other insignia for emergency management personnel, and regulating the use and wearing of those warrants, badges, or other insignia:
- (b) prohibiting or regulating any activity or class of activities that may impede or adversely affect measures taken for the purpose of implementing an emergency management plan: 35

- (c) prescribing matters that an essential infrastructure provider, or a class of essential infrastructure providers, must address in a plan developed in accordance with **section 74(b)**;
- (d) prescribing fines ~~not exceeding \$500~~ for the breach of any regulation or rule; not exceeding— 5
- (i) \$2,000 for an individual; or
- (ii) \$10,000 in any other case;
- (e) specifying how access to restricted areas is to be managed;
- (f) providing for anything that this Act says may or must be provided for by regulations: 10
- (g) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Before recommending the making of regulations under this section, the Minister must—
- (a) consult persons and organisations as the Minister thinks appropriate; and 15
- (b) in the case of regulations made under **subsection (1)(c)**, have regard to obligations placed on an essential infrastructure provider, under other legislation, that require continuity of service.
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 20

Compare: 2002 No 33 s 115

211 Minister must consider alternatives, benefits and costs, and appropriateness before recommending making of regulations

Application

- (1) This section applies to the Minister if the Minister intends to recommend the making of regulations under **section 210** that impose requirements on a person other than the following person or bodies: 25
- (a) the Minister;
- (b) the Director-General;
- (c) 1 or more Emergency Management Committees (or their employees or agents). 30

Duty

- (2) The Minister must, before recommending the making of regulations,—
- (a) have regard to—
- (i) the extent, if any, to which the regulations are necessary to achieve the purpose of this Act; and 35
- (ii) other means in addition to or in place of the regulations that, ~~under this Act or any other legislation,~~ may be used for the pur-

- pose of this Act, including providing information, services, or incentives; and
- (iii) ~~the reasons for and against—~~
- (A) ~~proposing, recommending, or adopting the regulations, including the principal alternative means available; or~~ 5
- (B) ~~taking no action if this Act does not require otherwise; and~~
- (b) evaluate the likely benefits and costs of ~~the principal alternative means available; and—~~
- (i) making the regulations; and
- (ii) implementing the principal alternative means available for achieving the intended purpose; and 10
- (iii) taking no action (unless this Act requires otherwise); and
- (c) be satisfied that the regulations—
- (i) are necessary or desirable to achieve the purpose of this Act; and
- (ii) are the most appropriate means to achieve that purpose, having regard to their efficiency and effectiveness relative to other means. 15

Compare: 2002 No 33 s 65

Rules

212 Minister's power to make rules

- (1) The Minister may make rules for all or any of the following purposes: 20
- (a) prescribing forms for the purposes of this Act, regulations, or rules:
- (b) prescribing technical and data standards, performance standards, operating practices, procedures, and systems, organisational arrangements, training and training requirements, and qualifications for the purposes of this Act: 25
- (c) prescribing reporting requirements for the purposes of this Act that are additional to the reporting requirements in this Act:
- (d) prescribing the form of identification passes for emergency management purposes and regulating their use:
- (e) prescribing the level of competence or standard to be met by persons carrying out specified emergency management functions: 30
- (f) prescribing matters relating to providing, maintaining, controlling, and operating warning systems:
- (g) providing for identifying and promoting emergency management services: 35
- (h) providing for anything that this Act says may or must be provided for by rules:

- (i) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Rules made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 213 Procedure for making rules** 5
- (1) Before making a rule under ~~this section~~ **section 212**, the Minister must—
- (a) give public notice of the Minister’s intention to make the rule and a statement specifying the objective of the rule; and
- (b) give interested persons reasonable time (as specified in the notice) to make submissions on the proposed rule; and 10
- ~~(ba) consult the Director-General; and~~
- (c) consult other persons and groups as the Minister thinks fit; and
- (d) have regard to the following matters:
- (i) the purpose of this Act;
- (ii) the costs of implementing measures for which the rule is being proposed; 15
- (iii) any other matters that the Minister considers appropriate in the circumstances.
- (2) The Minister may make a minor change to a rule without meeting the requirements in **subsection (1)**. 20
- (3) In this section, **minor change**, in relation to a rule, means a change that the Minister is satisfied will have—
- (a) no effect, or no likely effect, on the rights of any person; and
- (b) no effect, or no more than a minor effect, on the obligations of any person. 25
- 214 Director-General may grant exemptions from compliance with rules**
- (1) The Director-General may, if the Director-General thinks it appropriate and on any terms or conditions that the Director-General thinks fit, exempt from compliance with 1 or more ~~specified~~ requirements of a rule made under **section 212**— 30
- (a) 1 or more named persons specified by the Director-General; and
- (b) a class of persons, organisations, or other things.
- (2) However, the Director-General must not grant an exemption from a requirement of a rule if the relevant rule provides that no exemptions from the requirement may be granted. 35
- (3) The exemption may apply for any period that is less than 3 years.

- (4) The breach of a term or condition of an exemption granted under **subsection (1)** is a breach of the provision to which the exemption relates (unless the terms of the exemption provide otherwise).
- (5) The Director-General must notify the number and nature of exemptions granted under **subsection (1)(a)** in the *Gazette* at intervals not longer than 3 months. 5
- (5A) The Director-General must, in granting an exemption under **subsection (1)(b)**,—
- (a) specify in the exemption the requirements of the rules from which the class or persons, organisations, or other things is exempt; and
- (b) record in the exemption any applicable terms and conditions; and 10
- (c) publish together with the exemption the Director-General's reasons for granting the class exemption.
- (6) ~~A class~~ An exemption under **subsection (1)(b)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- ~~(7) In this section and **section 215**, **class exemption** means an exemption granted under **subsection (1)** that relates to—~~ 15
- ~~(a) more than 1 person specified by the Director-General; or~~
- ~~(b) a class of persons, organisations, or other things.~~
- 215 Procedure for granting exemption**
- (1) Before granting an exemption, the Director-General must be satisfied that— 20
- (a) the exemption is no broader than is reasonably necessary to address the matters that gave rise to the proposed exemption; and
- (b) the exemption is consistent with the purpose of this Act.
- (2) An exemption—
- (a) takes effect on the date specified in the exemption (which, ~~for a class exemption~~ an exemption under **section 214(1)(b)**, must not be a date earlier than the date on which the class exemption is published under the Legislation Act 2019); and 25
- (b) expires on the earlier of the following to occur unless it is sooner replaced or revoked: 30
- (i) an expiry date specified in the exemption:
- (ii) the close of the day that is 3 years after the date on which the exemption took effect.
- (3) ~~The Director-General may—~~
- ~~(a) grant the exemption on any terms and conditions that the Director-General thinks fit; and~~ 35
- ~~(b) amend or revoke an exemption; and~~
- ~~(c) replace an exemption before or when it expires.~~

*Incorporation of material by reference in secondary legislation***216 Incorporation by reference in secondary legislation**

- (1) This section applies if section 64 of the Legislation Act 2019 is relied on to incorporate material by reference in secondary legislation made under this Act.
- (2) If this section applies, sections 63 to 66 and Schedule 2 of the Legislation Act 2019 apply with the following modifications: 5
- (a) clause 1 of that schedule does not apply;
- (b) the rest of that schedule applies as if references to the chief executive were references to the Director-General.

Compare: 2002 No 33 s 40

10

Subpart 7—Repeal and amendments**217 ~~Repeal of Civil Defence Emergency Management Act 2002~~**

~~The Civil Defence Emergency Management Act 2002 (2002 No 33) is repealed.~~

Compare: 2002 No 33 s 116

15

218 Amendments to other legislation

~~Amend the legislation specified in **Schedule 5** as set out in that schedule.~~

Compare: 2002 No 33 s 117

Part 6**Amendments to other legislation and repeal**

20

Subpart 1—Amendments to Constitution Act 1986**217 Amendments to Constitution Act 1986**

This subpart amends the Constitution Act 1986.

218 Section 18 amended (Summoning, proroguing, and dissolution of Parliament)

25

Repeal section 18(1A).

219 New section 18A inserted (Changing place of meeting of Parliament)

After section 18, insert:

18A Changing place of meeting of Parliament if appointed place is unsafe or uninhabitable*Governor-General may change place of meeting of Parliament*

- (1) The Governor-General may, by Proclamation, change the place of meeting of Parliament appointed in the Proclamation summoning Parliament if that place is unsafe or uninhabitable. 5

Speaker may change place of meeting of Parliament

- (2) The Speaker may, by notice in writing, change the place of meeting of Parliament set out in the Proclamation summoning Parliament.

- (3) The Speaker may do so only if— 10

(a) the place of meeting of Parliament appointed in the Proclamation is unsafe or uninhabitable; and

(b) a state of national emergency has been declared under **section 109(2)** of the Emergency Management Act (**No 2**) 2025; and

(c) the Prime Minister has agreed to the proposed change to the place of meeting of Parliament. 15

- (4) The notice—

(a) takes effect at the time at which it is signed by the Speaker; and

(b) ceases to have effect 14 days after the date on which the state of national emergency is declared; and 20

(c) may be amended or withdrawn by the Governor-General by Proclamation.

- (5) The Clerk of the House of Representatives must, as soon as practicable,—

(a) notify all members of Parliament of the notice; and

(b) communicate the notice to the public; and 25

(c) publish the notice in the *Gazette*.

- (6) The powers of the Speaker under this section may be exercised by the Speaker within the meaning of that term under section 5 of the Parliament Act 2025.

Subpart 2—Amendments to Local Government Act 2002**220 Amendments to Local Government Act 2002** 30

This subpart amends the Local Government Act 2002.

221 Section 76AA amended (Significance and engagement policy)

After section 76AA(8), insert:

Emergency management

- (9) Despite what may be set out in a policy adopted under this section, public engagement on requirements imposed on the local authority in a regional emer- 35

gency management plan under the Emergency Management Act (No 2) 2025 must be limited to options for dealing with those matters in a way that is consistent with the regional emergency management plan.

222 Schedule 10 amended

In Schedule 10, after clause 17A, insert:

5

17B Implementation of regional emergency management plan

(1) A long-term plan must set out steps to implement or progress the requirements imposed on the local authority in the relevant regional emergency management plan.

(2) The steps must provide for the local authority to implement or progress the requirements in a way that the local authority considers appropriate, having regard to competing demands and any other relevant circumstances.

10

(3) The steps must provide for the local authority to implement or progress the requirements only to the extent that the local authority is reasonably able to do so—

15

(a) in the period covered by the long-term plan; and

(b) consistently with the local authority's role, functions, duties, and powers under this Act and any other legislation.

(4) In this clause,—

Emergency Management Committee has the meaning set out in **section 5** of the Emergency Management Act (No 2) 2025

20

relevant regional emergency management plan means the regional emergency management plan prepared and approved under **section 90** of the Emergency Management Act (No 2) 2025 by the Emergency Management Committee—

25

(a) of which the local authority is a member under that Act; or

(b) that is the local authority if the local authority is a unitary authority Emergency Management Committee under that Act.

Subpart 3—Minor and consequential amendments to other legislation

223 Minor and consequential amendments

30

Amend the legislation specified in **Schedule 5** as set out in that schedule.

Compare: 2002 No 33 s 117

Subpart 4—Repeal

224 Civil Defence Emergency Management Act 2002 repealed

The Civil Defence Emergency Management Act 2002 (2002 No 33) is repealed.

Compare: 2002 No 33 s 116

5

Schedule 1

Transitional, savings, and related provisions

s 9

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Part 1

Provisions relating to this Act as enacted

General transitional provisions

1	Interpretation	
	In this schedule, unless the context otherwise requires,—	5
	2002 Act means the Civil Defence Emergency Management Act 2002	
	corresponding Emergency Management Committee , in relation to a Civil Defence Emergency Management Group, means the Emergency Management Committee that the Group is continued as under clause 9(1)(a)	
	emergency declaration includes—	10
	(a) a state of emergency declared under the 2002 Act:	
	(b) a transition period for which notice was given under the 2002 Act	
	matter includes any action undertaken, any decision taken, any notice or direction given, any delegation made, any proceedings commenced, any application or claim for compensation made, any agreement entered into, or any requirement imposed.	15
2	Matters initiated under Civil Defence Emergency Management Act 2002	
(1)	This clause applies to any matter initiated under the 2002 Act before the commencement of this clause.	
(2)	If this clause applies, the provisions of the 2002 Act in force immediately before the commencement of this clause continue to apply to the matter as if they had not been repealed by this Act.	20
(3)	However, a matter initiated under a provision of the 2002 Act may be amended under a corresponding provision in this Act (if any) as if the matter had been initiated under the corresponding provision.	25

3 References to Civil Defence Emergency Management Act 2002

A reference in an enactment or a document to the 2002 Act, or to 1 or more of its provisions, must be interpreted as a reference to this Act, or to the corresponding provision of this Act, to the extent necessary to reflect sensibly the intent of the enactment or document.

5

Emergency management officers

4 Officers under 2002 Act continued under this Act

- (1) The officers appointed under the 2002 Act and holding the appointments immediately before the commencement of this clause continue in the appointments as follows: 10
- (a) a National Controller delegated the functions and powers of the Director under section 10 of the 2002 Act is to be treated as the National Controller who has been delegated those functions and powers under **section 19(2)** of this Act: 15
- (b) a National Recovery Manager delegated the functions and powers of the Director under section 11A of the 2002 Act is to be treated as the National Recovery Manager who has been delegated those functions and powers under **section 20(2)** of this Act: 15
- (c) a person appointed as the chairperson of a Civil Defence Emergency Management Group under section 15 of the 2002 Act is to be treated as having been appointed as the chairperson of the corresponding Emergency Management Committee,— 20
- (i) if the corresponding Committee is a multi-member Emergency Management Committee, under **section 32** of this Act: 25
- (ii) if the corresponding Committee is a unitary authority Emergency Management Committee, under clause 26 of Schedule 7 of the Local Government Act 2002: 25
- (d) a person appointed under section 25 of the 2002 Act as a person authorised to declare a state of local emergency or to give notice of a local transition period for a Civil Defence Emergency Management Group's area is to be treated as having been appointed under **section 49** or authorised by **section 50** of this Act in respect of the corresponding Emergency Management Committee with the same capacity to make the emergency declaration and with the same conditions or limitations (if any) that applied to the appointment under the 2002 Act: 30
- (e) a person appointed by a Civil Defence Emergency Management Group under section 26(1) of the 2002 Act as the Group Controller for the Group's area is to be treated as having been appointed under **section 51(2)(a) or 53(2) or (3)** of this Act (whichever is applicable) as the 35

- Regional Controller for the corresponding Emergency Management Committee's area:
- (f) a person appointed by a Civil Defence Emergency Management Group under section 26(2) of the 2002 Act as a person who may perform the functions and duties and exercise the powers of the Group Controller for the duration of any vacancy in the office or absence from duty of the Group Controller is to be treated as having been appointed under **section 51(2)(b) or 53(4)** of this Act (whichever is applicable) to perform the functions and duties and exercise the powers of the Regional Controller for the corresponding Emergency Management Committee's area for the duration of any vacancy in the office or absence from duty of the Regional Controller: 5
- (g) a person appointed by a Civil Defence Emergency Management Group under section 29(1) of the 2002 Act as the Group Recovery Manager for the Group's area is to be treated as having been appointed under **section 60(2)(a) or 62(2) or (3)** of this Act (whichever is applicable) as the Regional Recovery Manager for the corresponding Emergency Management Committee: 10
- (h) a person appointed by a Civil Defence Emergency Management Group under section 29(2) of the 2002 Act as a person who may perform the functions and duties and exercise the powers of the Group Recovery Manager for the Group's area for the duration of any vacancy in the office or absence from duty of the Group Recovery Manager is to be treated as having been appointed under **section 60(2)(b) or 62(4)** of this Act (whichever is applicable) to perform the functions and duties and exercise the powers of the Regional Recovery Manager for the corresponding Emergency Management Committee's area for the duration of any vacancy in the office or absence from duty of the Regional Recovery Manager. 20
- (2) From the commencement of this clause, certain continued officers become known by new titles as follows: 30
- (a) a Group Controller becomes known as a Regional Controller:
- (b) a Group Recovery Manager becomes known as a Regional Recovery Manager.
- 5 Transitional arrangements for Local Controllers and Local Recovery Managers: appointments** 35
- Provisions of 2002 Act regarding appointments continue to apply*
- (1) The following sections of the 2002 Act continue to apply as if this Act had not been enacted:
- (a) section 27 (which relates to the appointment of Local Controllers): 40

- (b) section 30 (which relates to the appointment of Local Recovery Managers).
- (2) In applying those sections, references in a section to one of the following terms must be read as follows:
- (a) a reference to a Civil Defence Emergency Management Group must be treated as a reference to the Group's corresponding Emergency Management Committee: 5
- (b) a reference to the Group's Group Controller must be treated as a reference to the corresponding Emergency Management Committee's Regional Controller (or the person treated as having been appointed as the Committee's Regional Controller under **clause 4(1)(e)**): 10
- (c) a reference to the Group's Group Recovery Manager must be treated as a reference to the corresponding Emergency Management Committee's Regional Recovery Manager (or the person treated as having been appointed as the Committee's Regional Recovery Manager under **clause 4(1)(g)**). 15
- Existing appointments continue*
- (3) **Subclause (4)** applies to a person who, immediately before the commencement of this clause, was a Local Controller appointed by a Civil Defence Emergency Management Group and directed to carry out or exercise specified functions, duties, or powers under section 27 of the 2002 Act. 20
- (4) The person's appointment as a Local Controller—
- (a) continues as if the person had been appointed by the Group's corresponding Emergency Management Committee under this clause; and
- (b) is subject to the ~~same~~ direction that was in force immediately prior to the commencement of this clause under section 27 of the 2002 Act regarding the functions, duties, or powers that must be carried out or exercised. 25
- (5) **Subclause (6)** applies to a person who, immediately before the commencement of this clause, was a Local Recovery Manager appointed by a Civil Defence Emergency Management Group and directed to carry out or exercise specified functions, duties, or powers under section 30 of the 2002 Act. 30
- (6) The person's appointment as a Local Recovery Manager—
- (a) continues as if the person had been appointed by the Group's corresponding Emergency Management Committee under this clause; and
- (b) is subject to the ~~same~~ direction that was in force immediately prior to the commencement of this clause under section 30 of the 2002 Act regarding the functions, duties, or powers that must be carried out or exercised. 35
- This clause repealed after 12 months*
- (7) ~~This clause is repealed on the date that is 12 months after Royal assent.~~

Parts of clause repealed, or cease to apply, after 12 months

- (7) On the date that is 12 months after Royal assent,—
- (a) subclauses (1) and (2) are repealed; and
- (b) subclauses (3) to (6) cease to apply to a person whose continued appointment as a Local Controller or Local Recovery Manager is treated as having been made by an Emergency Management Committee that is a multi-member Emergency Management Committee. 5
- 6 Definitions include Local Controllers and Local Recovery Managers appointed, or whose appointment is continued, under clause 5**
- (1) The definition of Local Controller in **section 5** of this Act must be read as including a Local Controller appointed, or whose appointment is continued, in accordance with **clause 5**. 10
- (2) The definition of Local Recovery Manager in **section 5** of this Act must be read as including a Local Recovery Manager appointed, or whose appointment is continued, in accordance with **clause 5**. 15
- 7 Transitional arrangements for Local Controllers: role**
- Provisions of 2002 Act and this Act applying to Local Controller*
- (1) This clause applies to a person (a **Local Controller**)—~~who is appointed as a Local Controller, or whose appointment as a Local Controller is continued, in accordance with **clause 5**.~~ 20
- (a) who is appointed as a Local Controller under **clause 5**; or
- (b) whose appointment as a Local Controller is continued by the operation of **clause 5**.
- (2) Section 28(3) of the 2002 Act (which relates to the power to authorise a suitably qualified and experienced person to perform or exercise any functions, duties, and powers of the Local Controller) applies to the Local Controller as if this Act had not been enacted. 25
- (3) **Section 59(2)** of this Act applies to—
- (a) a Local Controller; and
- (b) a person authorised under section 28(3) of the 2002 Act to perform any function or duty or exercise any power of a Local Controller. 30
- This clause repealed after 12 months*
- (4) This clause is repealed on the date that is 12 months after Royal assent.
- 8 Transitional arrangements for Local Recovery Managers: role**
- Provisions of 2002 Act and this Act applying to Local Recovery Manager* 35
- (1) This clause applies to a person (a **Local Recovery Manager**)—
- (a) who is appointed as a Local Recovery Manager under **clause 5**; or

- (b) whose appointment as a Local Recovery Manager is continued by the operation of **clause 5**.
- (2) Section 30A(3) and (4) of the 2002 Act (which relates to the power to authorise a suitably qualified and experienced person to perform or exercise any functions, duties, and powers of the Local Recovery Manager) applies to the Local Recovery Manager as if this Act had not been enacted. 5
- (3) **Section 68(2)** of this Act applies to—
- (a) a Local Recovery Manager; and
- (b) a person authorised under section 30A(3) of the 2002 Act to perform any function or duty or exercise any power of a Local Recovery Manager. 10
- This clause repealed after 12 months*
- (4) This clause is repealed on the date that is 12 months after Royal assent.

Emergency management bodies

9 Bodies and their members under 2002 Act continued under this Act

- (1) The entities established under the 2002 Act and in existence immediately before the commencement of this clause, and the members of those bodies at that time, continue in existence as follows: 15
- (a) every Civil Defence Emergency Management Group established in accordance with section 12 of the 2002 Act continues in existence as if it were an Emergency Management Committee continued in existence in accordance with **section 23(1)** of this Act with responsibility for the same area that the Group had responsibility for immediately before the commencement of this clause: 20
- (b) the members of a Civil Defence Emergency Management Group with more than 1 member under section 13 of the 2002 Act immediately before the commencement of this Act are to be treated as being the members of the corresponding multi-member Emergency Management Committee under **sections 24 and 25** of this Act: 25
- (c) a Civil Defence Emergency Management Co-ordinating Executive Group established and maintained by a Civil Defence Emergency Management Group under section 20 of the 2002 Act continues in existence as if it were the Emergency Management Co-ordinating Executive Group appointed and maintained by the corresponding Emergency Management Committee under **section 39(1)** of this Act: 30
- (d) an administering authority established for a Civil Defence Emergency Management Group under section 23 of the 2002 Act continues in existence as if it were the administering authority for the corresponding Emergency Management Committee appointed or established in accordance with **section 37** of this Act. 35

- (2) From the commencement of this clause, certain continued entities become known by new titles as follows:
- (a) a Civil Defence Emergency Management Group becomes known as an Emergency Management Committee:
- (b) a Civil Defence Emergency Management Co-ordinating Executive Group becomes known as an Emergency Management Co-ordinating Executive Group. 5
- 10 Membership of Civil Defence Emergency Management Co-ordinating Executive Groups to continue for 12 months**
- (1) **Subclause (2)** applies in relation to a Civil Defence Emergency Management Co-ordinating Executive Group that is treated as an Emergency Management Co-ordinating Executive Group under **clause 9(1)(c)**. 10
- (2) The membership of the Civil Defence Emergency Management Co-ordinating Executive Group (which consists of the persons described under section 20(1) and (1A) of the 2002 Act) are to be treated as the members of the Emergency Management Co-ordinating Executive Group for the purposes of **section 39** of this Act. 15
- (3) After 12 months after Royal assent to this Act, the membership of each Emergency Management Co-ordinating Executive Group must consist of the persons set out in **section 39(2)** of this Act and ~~co-opted under for the purpose of section 39(3) of this Act~~ (if any). 20
- Subclauses (1) and (2) repealed after 12 months*
- (4) **Subclauses (1) and (2)** are repealed on the date that is 12 months after Royal assent.
- 11 Form of Civil Defence Emergency Management Group to continue** 25
- (1) Every Civil Defence Emergency Management Group established under section 12(1)(a) of the 2002 Act by the uniting of a regional council and the territorial authorities within the council's region continues as an Emergency Management Committee for the purposes of this Act as a joint ~~standing~~ committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. 30
- (2) Every Civil Defence Emergency Management Group established under section 12(1)(b) of the 2002 Act by a single unitary authority continues as ~~an Emergency Management Committee for the purposes of this Act~~ a committee appointed by the relevant unitary authority Emergency Management Committee in accordance with section 25(6) of this Act under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002. 35
- (3) Every Civil Defence Emergency Management Group established under section 12(1)(c) of the 2002 Act by a unitary authority uniting with 1 or more other unitary authorities or a regional council continues as an Emergency Manage-

ment Committee for the purposes of this Act as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

Compare: 2002 No 33 s 12(1)

Documents

- 12 Documents under 2002 Act continued under this Act** 5
- (1) The documents established under the 2002 Act and in effect immediately before the commencement of this clause continue in effect as follows:
- (a) any guideline, code, or technical standard issued by the Director under section 9(3) of the 2002 Act continues in effect as if it were a guideline, code, or technical standard issued by the Director-General of Emergency Management under **section 15(4)** of this Act: 10
 - (b) a statement published by the Director of Civil Defence Emergency Management under section 74 of the 2002 Act continues in effect as if it were a statement published by the Director-General of Emergency Management under **section 17** of this Act: 15
 - (c) the national civil defence emergency management strategy completed by the Minister under section 31 of the 2002 Act continues in effect as if it were a national emergency management strategy made under **section 77(1)** of this Act:
 - (d) the national civil defence emergency management plan made by Order in Council under section 39 of the 2002 Act continues in effect as if— 20
 - (i) it were a national emergency management plan made under **section 82** of this Act; and
 - (ii) it met all of the requirements for national emergency management plans under **sections 82 to 89 Part 3** of this Act: 25
 - (e) every civil defence emergency management group plan prepared and approved by a Civil Defence Emergency Management Group under section 48 of the 2002 Act continues in effect as if—
 - (i) it were a regional emergency management plan prepared and approved by the corresponding Emergency Management Committee under **section 90** of this Act; and 30
 - (ii) it met all of the requirements for regional emergency management plans under **sections 80, 81, and 92 to 98 Part 3** of this Act.
- (2) From the commencement of this clause, certain continued documents become known by new titles as follows: 35
- (a) the national civil defence emergency management strategy becomes known as the national emergency management strategy:
 - (b) the national civil defence emergency management plan becomes known as the national emergency management plan:

- (c) a civil defence emergency management group plan becomes known as a regional emergency management plan.
- 13 2002 Act to continue to apply if review of national civil defence emergency management plan is in progress** 5
- (1) This clause applies if, before the commencement of this clause,—
- (a) the Minister has publicly notified ~~a proposed plan under~~, in accordance with section 41(1)(d) of the 2002 Act, a proposal to review the national civil defence emergency management plan under section 46 of the 2002 Act; and
- (b) the review has not been completed. 10
- (2) After the commencement of this clause, sections 39 to 41 and 45 of the 2002 Act continue to have effect for the purpose of the completion of the review as if they had not been repealed.
- 14 Initial review of national emergency management plan under this Act** 15
- The Minister must, no later than the date that is 2 years after the commencement of this clause,—
- (a) initiate a review of the national emergency management plan in full under **section 84(1)(a)**; and
- (b) after completing the procedural requirements set out in **sections 85 to 87**, make a decision under **section 84(2)** as a result of the review; and 20
- (c) if applicable, make a recommendation to the Governor-General for the making of regulations under **section 82** providing for a national emergency management plan.
- 15 2002 Act to continue to apply if review of civil defence emergency management group plan is in progress** 25
- (1) This clause applies if, before the commencement of this clause,—
- (a) a Civil Defence Emergency Management Group has given public notice under section 52(1) of the 2002 Act of a proposal to review the Group's civil defence emergency management group plan under section 56 of the 2002 Act; and 30
- (b) the review has not been completed.
- (2) After the commencement of this clause, sections 49, 51, 52, 55, and 56 of the 2002 Act continue to have effect for the purposes of the completion of the review as if they had not been repealed.

*Emergency declarations and powers***16 Emergency declarations remain in force**

The states of emergency and transition periods in force immediately before the commencement of this clause are continued as follows:

- (a) a state of national emergency declared under section 66 of the 2002 Act is continued as if it were a state of national emergency declared under **section 109** of this Act: 5
- (b) a state of local emergency declared under section 68 or 69 of the 2002 Act is continued as if it were a state of local emergency declared under **section 113** of this Act: 10
- (c) a national transition period for which notice has been given under section 94A of the 2002 Act is continued as if it were a national transition period declared under **section 142** of this Act:
- (d) a local transition period for which notice has been given under section 94B of the 2002 Act is continued as if it were a local transition period declared under **section 145** of this Act. 15

*Warrants***17 Warrants continue**

- (1) This clause applies in relation to a warrant for entry and search of premises under section 78 of the 2002 Act. 20
- (2) An application for a warrant that was made but not finally determined before the commencement of this clause may proceed as if it were an application for a warrant under **section 137** of this Act.
- (3) A warrant that has been issued has effect as if it were a warrant issued under **section 137** of this Act. 25

*References in documents to personnel and entities***18 References in documents to civil defence emergency management personnel and entities**

Unless the context otherwise requires, in any ~~Order in Council~~ secondary legislation, agreement, deed, instrument, application, notice, direction, contract, lease, or other document in force at the commencement of this Act,— 30

- (a) every reference to the Director of Civil Defence Emergency Management is a reference to the Director-General of Emergency Management under this Act:
- (b) every reference to a Civil Defence Emergency Management Group for a particular area is a reference to the Emergency Management Committee under this Act for the same area: 35

- (c) every reference to a Civil Defence Emergency Management Co-ordinating Executive Group of a particular Civil Defence Emergency Management Group is a reference to the Emergency Management Co-ordinating Executive Group under this Act of the corresponding Emergency Management Committee: 5
- (d) every reference to an administering authority of a particular Civil Defence Emergency Management Group is a reference to the administering authority of the corresponding Emergency Management Committee under this Act:
- (e) every reference to the National Controller is a reference to the National Controller under this Act: 10
- (f) every reference to a Group Controller is a reference to a Regional Controller under this Act:
- (g) every reference to a Local Controller is a reference to a Local Controller under this Act: 15
- (h) every reference to the National Recovery Manager is a reference to the National Recovery Manager under this Act:
- (i) every reference to a Group Recovery Manager is a reference to an Regional Recovery Manager under this Act:
- (j) every reference to a Local Recovery Manager is a reference to a Local Recovery Manager under this Act: 20
- (ja) every reference to a lifeline utility is a reference to an essential infrastructure provider under this Act:
- (k) every reference to a state of national emergency is a reference to a state of national emergency under this Act: 25
- (l) every reference to a state of local emergency is a reference to a state of local emergency under this Act:
- (m) every reference to a national transition period is a reference to a national transition period under this Act:
- (n) every reference to a local transition period is a reference to a local transition period under this Act. 30

Civil Defence Emergency Management Regulations 2003 continued

- 19** **Civil Defence Emergency Management Regulations 2003 continued**
- (1) The Civil Defence Emergency Management Regulations 2003 (the 2003 regulations) made under the 2002 Act continue in force, with any necessary modifications. 35
- (2) Regulations 4 and 5, Schedule 1, and form 1 of Schedule 2 of the 2003 Regulations—

- (a) must be treated as if they had been made under **section 210** of this Act; and
- (b) may be amended or revoked as if they had been made under that section.
- (3) Regulations 6 and 7 and forms 2 to 19 of Schedule 2 of the 2003 Regulations—
- (a) must be treated as if they had been made under **section 212** of this Act; and 5
- (b) may be amended or revoked as if they had been made under that section.

Pre-commencement public notice and consultation for rules

- 20** **Pre-commencement public notice and consultation treated as public notice and consultation for purpose of section 213** 10
- (1) Public notice given by the Minister before the commencement of this clause about proposed rules to be made under **section 212** is treated as public notice given for the purpose of **section 213(1)(a)**.
- (2) Consultation carried out by the Minister before the commencement of this clause about proposed rules to be made under **section 212** is treated as consultation for the purpose of **section 213(1)(b) to (c)**. 15

Schedule 2
Legislation relevant to emergency management

	s 5
Biosecurity Act 1993	
Building Act 2004	5
Climate Change Response Act 2002	
Fire and Emergency New Zealand Act 2017	
Hazardous Substances and New Organisms Act 1996	
Health Act 1956	
Health and Safety at Work Act 2015	10
<u>Land Drainage Act 1908</u>	
Local Government Act 1974	
Local Government Act 2002	
<u>Local Government Official Information and Meetings Act 1987</u>	
Maritime Transport Act 1994	15
Resource Management Act 1991	
<u>Soil Conservation and Rivers Control Act 1941</u>	

Schedule 3

Essential infrastructure providers

s 7

Communication services

- Emergency broadcasting services* 5
- 1 Radio New Zealand Limited
- 2 Television New Zealand Limited
- Public telecommunications services*
- 3 An entity that provides a public telecommunications network (within the meaning of section 5 of the Telecommunications Act 2001). 10

Energy-related services

- Electricity services*
- 4 An entity that generates electricity for distribution through a network, or transmits or distributes electricity through a network.
- Gas services* 15
- 5 An entity that produces, supplies, ~~or distributes manufactured gas or natural gas~~ distributes, or transmits gas (as defined in section 2(1) of the Gas Act 1992), (regardless of whether it is supplied or distributed through a network or in bottles containing more than 20 kg of gas).
- Petroleum services* 20
- 6 An entity that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery.

Transport-related services

- Aviation services* 25
- 7 The company (as defined in section 2 of the Auckland Airport Act 1987) that operates Auckland International Airport.
- 8 The company (as defined in section 2 of the Wellington Airport Act 1990) that operates Wellington International Airport.
- 9 The company that operates Christchurch International Airport. 30
- 10 The airport authority (as defined in section 2(1) of the Airport Authorities Act 1966, whether or not it is also an airport company as defined in that section, or an airport operator as defined in section 5 of the Civil Aviation Act 2023) that operates the primary airport at Kerikeri, Blenheim, Dunedin, Gisborne, Hamil-

ton, Hokitika, Invercargill, Napier, Nelson, New Plymouth, Palmerston North, Queenstown, Rotorua, Tauranga, ~~Wanganui, Whanganui~~, Westport, Whakatane, or Whangarei.

Maritime services

- 11 The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Chalmers, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei. 5
- 12 The Grey District Council, acting as the Greymouth harbour authority and owner and operator of the Port of Greymouth. 10

Rail services

- 13 An entity that provides land transport by means of rail activity.

Roading services

- 14 The New Zealand Transport Agency and any local authority that provides a road network (including State highways). 15

Water services

- ~~15 An entity that supplies or distributes water to the inhabitants of a city, district, or other place.~~
- ~~16 An entity that provides a stormwater network or that disposes of stormwater.~~
- ~~17 An entity that provides a wastewater or sewerage network or that disposes of sewage.~~ 20
- 15 An entity that is a water service provider responsible for water services infrastructure (as those terms are defined in section 4 of the Local Government (Water Services) Act 2025).

Schedule 4
Reporting requirements for states of emergency and transition periods

s 168

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Part 2

Reporting on transition periods

Subpart 1—Reporting on national transition period

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Part 1

5

Reporting on states of emergency

Subpart 1—Reporting on state of national emergency

1	National Controller must produce report following state of national emergency	
	<u>(1AAA) This clause applies if—</u>	10
	(a) <u>a state of national emergency expires under section 116 of this Act; or</u>	
	(b) <u>the Minister declares under section 119(1)(a) of this Act that the state of national emergency is terminated.</u>	

- (1AAB) The National Controller must produce a written report that sets out the information specified in **subclause (1)** in respect of—
- (a) the state of national emergency that expired under **section 116** of this Act or was terminated under **section 119(1)(a)** of this Act; and
 - (b) if applicable, any earlier state of emergency that was terminated in accordance with **section 119(1)(b) or (2)(b) or (c)** of this Act and has not yet been reported on under this Part. 5
- (1) ~~Following the expiry or termination of a state of national emergency, the National Controller must produce a written report that sets out the following information: The information is—~~ 10
- (a) the dates on which the state of national emergency commenced and expired or was terminated;
 - (b) the emergency to which the state of national emergency related;
 - (c) if any powers under **subpart 2 of Part 4 of this Act** were exercised by a Controller during that state of national emergency,— 15
 - (i) which powers were exercised; and
 - (ii) the reason that each power was exercised;
 - (d) if the duration of the state of national emergency was extended 1 or more times, any other information— 20
 - (i) prescribed by rules for that purpose; or
 - (ii) that the Director-General requires the National Controller to report.
- (2) Before finalising the report, the National Controller must consult any other Controller, or person who was authorised to exercise 1 or more powers of a Controller, who exercised powers during the state of national emergency. 25
- (3) Unless **subclause (4)** applies,—
- (a) the National Controller must give the finalised report to the Director-General no later than 14 days after the date on which the state of national emergency expired or was terminated; and
 - (b) the Director-General must then give the report to the Minister. 30
- (4) If the National Controller for a state of national emergency is the Director-General, the National Controller must give the report to the Minister no later than 14 days after the date on which the state of national emergency expired or was terminated.
- 2 Report must be presented and published** 35
- As soon as practicable after receiving the report under **clause 1**,—
- (a) the Minister must present the report to the House of Representatives; and

- (b) the Director-General must publish the report on ~~an~~ the Director-General's internet site maintained by or on behalf of the Director-General.

Subpart 2—Reporting on state of local emergency

3 Regional Controller must produce report following state of local emergency 5

(1AAA) This clause applies if—

- (a) a state of local emergency for an area, district, or ward expires under **section 116** of this Act; or
- (b) the Minister or an authorised person declares under **section 119(2)(a)** of this Act that the state of local emergency is terminated. 10

(1AAB) The Regional Controller for the Emergency Management Committee for the area, district, or ward must produce a written report that sets out the information specified in **subclause (1)** in respect of—

- (a) the state of local emergency that expired under **section 116** of this Act or was terminated under **section 119(2)(a)** of this Act; and 15
- (b) if applicable, any earlier state of local emergency that was terminated in accordance with **section 119(1)(b) or (2)(b) or (c)** of this Act and has not yet been reported on under this Part.

~~(1) Following the expiry or termination of a state of local emergency, the Regional Controller must produce a written report that sets out the following information: The information is—~~ 20

- (a) the dates on which the state of local emergency commenced and expired or was terminated;
- (b) the emergency to which the state of local emergency related;
- (c) if any powers under **subpart 2 of Part 4** of this Act were exercised by a Controller during that state of local emergency,— 25
- (i) which powers were exercised; and
- (ii) the reason that each power was exercised;
- (d) if the duration of the state of local emergency was extended 1 or more times, any other information— 30
- (i) prescribed by rules for that purpose; or
- (ii) that the Director-General requires the Regional Controller to report.

~~(2) Before finalising the report, the Regional Controller must consult any other Recovery Manager Controller, or person who was authorised to exercise 1 or more powers of a Recovery Manager Controller, who exercised powers during the state of local emergency.~~ 35

- (3) The Regional Controller must give the finalised report to the Director-General and the relevant Emergency Management Committee no later than 14 days after the date on which the state of local emergency expired or was terminated.
- (4) The Director-General may then give the report to the Minister.

4 Report must be presented and published

5

As soon as practicable after receiving the report under **clause 3**,—

- (a) the Minister must present the report to the House of Representatives; and
- (b) the Emergency Management Committee must publish the report on ~~an~~ the Committee's internet site ~~maintained by or on behalf of the Committee.~~

10

Part 2

Reporting on transition periods

Subpart 1—Reporting on national transition period

5 National Recovery Manager must produce report following national transition period

15

(1AAA) This clause applies if—

- (a) a national transition period expires under **section 150(3)** of this Act; or
- (b) the Minister declares under **section 153(1)(a)** of this Act that the national transition period is terminated.

(1AAB) The National Recovery Manager must produce a written report that sets out the information specified in **subclause (1)** in respect of—

20

- (a) the national transition period that expired under **section 150(3)** of this Act or was terminated under **section 153(1)(a)** of this Act; and
- (b) if applicable, any earlier transition period that was terminated in accordance with **section 153(1)(b) or (2)(b) or (c)** of this Act and has not yet been reported on under this Part.

25

~~(1) Following the expiry or termination of a national transition period, the National Recovery Manager must produce a written report that sets out the following information: The information is—~~

- (a) the dates on which the national transition period commenced and expired or was terminated:
- (b) the emergency to which the national transition period related:
- (c) if any powers under **subpart 4 of Part 4** of this Act were exercised by a Recovery Manager during that national transition period,—

30

- (i) which powers were exercised; and
- (ii) the reason that each power was exercised:

35

- (d) if the duration of the national transition period was extended 1 or more times, any other information—
- (i) prescribed by rules for that purpose; or
 - (ii) that the Director-General requires the National Recovery Manager to report. 5
- (2) Before finalising the report, the National Recovery Manager must consult any other Recovery Manager, or person who was authorised to exercise 1 or more powers of a Recovery Manager, who exercised powers during the national transition period.
- (3) Unless **subclause (4)** applies,— 10
- (a) the National Recovery Manager must give the finalised report to the Director-General no later than 14 days after the date on which the national transition period expired or was terminated; and
 - (b) the Director-General must then give the report to the Minister.
- (4) If the National Recovery Manager for a national transition period is the Director-General, the National Recovery Manager must give the report to the Minister no later than 14 days after the date on which the national transition period expired or was terminated. 15
- Compare: 2002 No 33 s 94P(1)–(6)
- 6 Presentation of final report on national transition period** 20
- As soon as practicable after receiving the report under **clause 5**,—
- (a) the Minister must present the report to the House of Representatives; and
 - (b) the Director-General must publish the report on ~~an~~ the Director-General's internet site maintained by or on behalf of the Director-General.
- Compare: 2002 No 33 s 94P(7)–(9) 25
- Subpart 2—Reporting on local transition period
- 7 Regional Recovery Manager must produce report following local transition period**
- (1AAA) This clause applies if—
- (a) a local transition period for an area, district, or ward expires under **section 150(4)** of this Act; or 30
 - (b) the Minister or an authorised person declares under **section 153(2)(a)** of this Act that the local transition period is terminated.
- (1AAB) The Regional Recovery Manager for the Emergency Management Committee for the area, district, or ward must produce a written report that sets out the information specified in **subclause (1)** in respect of— 35
- (a) the local transition period that expired under **section 150(4)** of this Act or was terminated under **section 153(2)(a)** of this Act; and

- (b) if applicable, any earlier local transition period that was terminated in accordance with **section 153(2)(b) or (c)** of this Act and has not yet been reported on under this Part.
- (1) ~~Following the expiry or termination of a local transition period, the Regional Recovery Manager must produce a written report that sets out the following information: The information is—~~ 5
- (a) the dates on which the local transition period commenced and expired or was terminated:
- (b) the emergency to which the local transition period related:
- (c) if any powers under **subpart 4 of Part 4** of this Act were exercised by a Recovery Manager during that local transition period,— 10
- (i) which powers were exercised; and
- (ii) the reason that each power was exercised:
- (d) if the duration of the local transition period was extended 1 or more times, any other information— 15
- (i) prescribed by rules for that purpose; or
- (ii) that the Director-General requires the Regional Recovery Manager to report.
- (2) Before finalising the report, the Regional Recovery Manager must consult any other Recovery Manager, or person who was authorised to exercise 1 or more powers of a Recovery Manager, who exercised powers during the local transition period. 20
- (3) The Regional Recovery Manager—
- (a) must give the finalised report to the Director-General and the relevant Emergency Management Committee no later than 14 days after the date on which the local transition period expired or was terminated; and 25
- (b) may give the report to the Minister as soon as practicable after the date on which the local transition period expired or was terminated.

8 Report must be presented and published

As soon as practicable after receiving the report under **clause 7**,— 30

- (a) the Minister must present the report to the House of Representatives; and
- (b) the Emergency Management Committee must publish the report on ~~an~~ the Committee's internet site ~~maintained by or on behalf of the Committee.~~

Schedule 5

Consequential amendments to other legislation

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Part 1

Consequential amendments to Acts

5

Arms Act 1983 (1983 No 44)

In section 74(1)(ea), replace “an emergency being declared under the Civil Defence Emergency Management Act 2002” with “a state of emergency being declared under the Emergency Management Act **(No 2) 2025**”.

Biosecurity Act 1993 (1993 No 95)

10

Replace section 87(1)(b) with:

- (b) an Emergency Management Committee established under the Emergency Management Act **(No 2) 2025**:

Replace section 87(2)(b) with:

- (b) for the purposes of **subsection (1)(b)** to (g), a situation described in **section 6(1)(a) and (b)** of the Emergency Management Act **(No 2) 2025**.

15

Replace section 98(1)(b) with:

- (b) an Emergency Management Committee established under the Emergency Management Act **(No 2) 2025**:

20

Replace section 98(2)(b) with:

- (b) for the purposes of **subsection (1)(b)** to (g), a situation described in **section 6(1)(a) and (b)** of the Emergency Management Act **(No 2) 2025**.

Building Act 2004 (2004 No 72)

25

In section 15(1)(na), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 133AE(1)(a), replace “the Civil Defence Emergency Management Act 2002” with “**section 6(1)(a) and (b)** of the Emergency Management Act **(No 2) 2025**”.

30

Replace section 133AE(2)(a) and (b) with:

- (a) any national emergency management plan made under **section 82** of the Emergency Management Act **(No 2) 2025**; and
- (b) the regional emergency management plan prepared and approved under **section 90** of the Emergency Management Act **(No 2) 2025** that covers the district in which the building is situated.

35

Building Act 2004 (2004 No 72)—continued

In section 133BB(1), insert in their appropriate alphabetical order:

EM Act means the Emergency Management Act (**No 2**) **2025**
essential infrastructure provider has the same meaning as in **section 5** of the EM Act

In section 133BB(1), repeal the definition of **CDEM Act**. 5

In section 133BB(1), definition of **critical infrastructure**, paragraph (b), replace “a lifeline utility” with “an essential infrastructure provider”.

In section 133BB(1), definition of **emergency**, replace “section 4 of the CDEM Act” with “**section 6(1)** of the EM Act”.

In section 133BB(1), repeal the definition of **lifeline utility**. 10

In section 133BB(1), replace the definition of **relevant CDEM decision-maker** with:

relevant EM decision-maker, in relation to an area that is a designated area or is proposed to be a designated area,—

- (a) means—
 - (i) the Minister responsible for administration of the EM Act; or 15
 - (ii) a person who is appointed or otherwise authorised under **section 49 or 50** of that Act to declare a state of local emergency or local transition period (as the case may be) for the area; and
- (b) in sections 133BG and 133BH, also includes a person who, at the relevant time, is the successor in office of a person referred to in **paragraph (a)(ii)** 20

In section 133BB(1), definition of **state of emergency**, replace “section 4 of the CDEM Act” with “**section 5** of the EM Act **2025**”.

In section 133BB(1), definition of **transition period**, replace “section 4 of the CDEM Act” with “**section 5** of the EM Act **2025**”. 25

In section 133BC(1), replace “CDEM Act, a relevant CDEM decision-maker” with “EM Act, a relevant EM decision-maker”.

In section 133BG(2)(a) and (4), replace “CDEM” with “EM”.

In section 133BH(1)(a)(i) and (ii), (d)(ii) and (iii), and (f)(ii) and (iii), replace “CDEM” with “EM”. 30

Replace section 133BK with:

133BK EM Act officers as responsible persons

- (1) This section sets out who may exercise powers under sections 133BQ to 133BX and 133BZA for the purposes of section 133BJ(3).
- (2) The powers may be exercised as follows: 35

Building Act 2004 (2004 No 72)—continued

- (a) the power under section 133BQ (post-event assessments) may be exercised,—
- (i) during a state of emergency, by ~~a Controller~~ the National Controller, a Regional Controller, or a District Controller (or a person acting under the Controller’s authority): 5
- (ii) during a transition period, by ~~a Recovery Manager~~ the National Recovery Manager, a Regional Recovery Manager, or a District Recovery Manager (or a person acting under the Recovery Manager’s authority):
- (b) the power under section 133BR (evacuation) may be exercised,— 10
- (i) during a state of emergency, by ~~a Controller~~ the National Controller, a Regional Controller, a District Controller, or a constable (or a person acting under that person’s authority):
- (ii) during a transition period, by ~~a Recovery Manager~~ the National Recovery Manager, a Regional Recovery Manager, a District Recovery Manager, or a constable (or a person acting under that person’s authority): 15
- (c) the power under section 133BS (measures to keep people at safe distance and protect building) or 133BT (notices and signs on buildings) may be exercised,— 20
- (i) during a state of emergency, by ~~a Controller~~ the National Controller, a Regional Controller, or a District Controller (or a person acting under the Controller’s authority):
- (ii) during a transition period, by ~~a Recovery Manager~~ the National Recovery Manager, a Regional Recovery Manager, or a District Recovery Manager (or a person acting under the Recovery Manager’s authority): 25
- (d) the power under section 133BU (owner directed to give information) or 133BZA(3)(a) (bring forward due date for provision of assessment or information) may be exercised,— 30
- (i) during a state of emergency, by the Director-General or an Emergency Management Committee (or a person acting under the authority of the Director-General or Committee):
- (ii) during a transition period, by the Director-General or an Emergency Management Committee (or a person acting under the authority of the Director-General or Committee): 35
- (e) the power under section 133BV (urgent works to remove or reduce risks), 133BW (works to remove or reduce other risks), 133BX (works for long-term use or occupation of building), or 133BZA(3)(b) (bring forward deadline for completing seismic work) may be exercised,— 40

Building Act 2004 (2004 No 72)—*continued*

- (i) during a state of emergency, by a Regional Controller or ~~Local~~ District Controller (or a person acting under the authority of a Regional Controller or ~~Local~~ District Controller):
- (ii) during a transition period, by a ~~Recovery Manager~~ the National Recovery Manager, a Regional Recovery Manager, or a District Recovery Manager (or a person acting under the Recovery Manager’s authority). 5
- (3) For the purposes of **subsection (2)**,—
- (a) a responsible person who is a Regional Controller ~~or a Regional Recovery Manager~~ must comply with **section 59** of the EM Act: 10
- (b) a responsible person who is a ~~Local~~ District Controller must comply with **sections 57(4) and 59** of that Act:
- (c) a responsible person who is a Regional Recovery Manager must comply with **section 68** of the EM Act:
- (d) a responsible person who is a ~~Local~~ District Recovery Manager must comply with **sections 66(4) and 68** of that Act. 15
- (4) In this section,— Director-General, District Controller, District Recovery Manager, Emergency Management Committee, National Controller, National Recovery Manager, Regional Controller, and Regional Recovery Manager have the meanings given to them in **section 5** of the EM Act. 20
- ~~Controller, Director-General, Emergency Management Committee, Recovery Manager, Regional Controller, and Regional Recovery Manager~~ have the meanings given to them in **section 5** of the EM Act
- ~~Local Controller~~ means a person appointed under **section 52** of the EM Act
- ~~Local Recovery Manager~~ means a person appointed under **section 61** of the EM Act. 25

In the heading to section 133BL, replace “CDEM” with “EM”.

In section 133BL(1) and (2), replace “CDEM” with “EM”.

In the heading to section 133BM, replace “CDEM” with “EM”.

In section 133BM(1)(b)(i) and (ii), (2), and (3), replace “CDEM” with “EM”. 30

In section 133BM(4), replace “**equivalent CDEM Act notice** means a notice, direction, or other requirement under the CDEM Act” with “**equivalent EM Act notice** means a notice, direction, or other requirement under the EM Act”.

In section 133BZ(1), replace “Part 4, 5, 5A, or 5B of the CDEM Act” with “**Part 4** of the EM Act”. 35

Burial and Cremation Act 1964 (1964 No 75)

In section 46(1), replace “section 85(1)(g) of the Civil Defence Emergency Management Act 2002” with “**section 125(1)(d)** of the Emergency Management Act (**No 2) 2025**”.

Climate Change Response Act 2002 (2002 No 40)

5

~~In section 5ZW(8)(g), replace “lifeline utilities listed in Schedule 1 of the Civil Defence Emergency Management Act 2002” with “essential infrastructure providers, as defined in **section 5** of the Emergency Management Act **2025**”.~~

Replace section 5ZW(8)(g) with:

- (g) essential infrastructure providers, as defined in **section 7(1)** of the Emergency Management Act (**No 2) 2025**: 10

Corrections Act 2004 (2004 No 50)

In section 179C, definition of **state of emergency affecting a prison or prisoners**, paragraph (a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act (**No 2) 2025**”.

15

Replace section 191(1)(a) with:

- (a) a state of emergency is in force under the Emergency Management Act (**No 2) 2025** or there is an emergency (within the meaning of **section 5** of that Act); and

Replace section 192 with:

20

192 Direction not to be inconsistent with applicable emergency management plan

No direction may be given under section 191 that is inconsistent with the provisions of any applicable emergency management plan (within the meaning of **section 5** of the Emergency Management Act (**No 2) 2025**) that is in force at the time the direction is given.

25

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

After section 6(1)(f), insert:

- (g) an offence against **section 187** of the Emergency Management Act (**No 2) 2025**.

30

In section 7(a), after “Building Act 2004,”, insert “the Emergency Management Act (**No 2) 2025**.”.

Crown Research Institutes Act 1992 (1992 No 47)

In section 43(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act (**No 2) 2025**”.

35

Customs and Excise Act 2018 (2018 No 4)

In section 165(4)(a) replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”.

Defence Act 1990 (1990 No 28)

In section 39(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 5

In section 40(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 42(a)(ii), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 10

Dog Control Act 1996 (1996 No 13)

In section 2, definition of **specified agency**, paragraph (b), replace “Director of Civil Defence Emergency Management” with “Director-General of Emergency Management”.

In section 2, definition of **working dog**, replace paragraph (a)(ivc) with: 15

(ivc) certified for use by the Director-General of Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Emergency Management Act **(No 2) 2025**; or

Education and Training Act 2020 (2020 No 38) 20

In section 653(1)(a), replace “section 66 or 68 of the Civil Defence Emergency Management Act 2002” with “**section 109 or 113** of the Emergency Management Act **(No 2) 2025**”.

In section 653(1)(b), replace “notified under section 94A of the Civil Defence Emergency Management Act 2002” with “declared under **section 142-or, 145, or 146** of the Emergency Management Act **(No 2) 2025**”. 25

In section 655(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Fire and Emergency New Zealand Act 2017 (2017 No 17)

In section 6, definition of **emergency**, replace paragraph (c) with: 30

(c) a state of emergency declared under the Emergency Management Act **(No 2) 2025**; and

In section 21(1)(a)(iv), replace “civil defence emergency management groups” with “Emergency Management Committees (within the meaning of **section 5** of the Emergency Management Act **(No 2) 2025**)”. 35

In section 48(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Hazardous Substances and New Organisms Act 1996 (1996 No 30)

In section 46(1)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 136(1)(b)(i) and (4)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

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Health Act 1956 (1956 No 65)

In section 70(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 71(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

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Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)

In section 5(2)(f), replace “national or local emergency being declared, or notice of a national or local transition period being given, under the Civil Defence Emergency Management Act 2002” with “state of national or local emergency or a national or local transition period being declared, under the Emergency Management Act **(No 2) 2025**”.

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In section 13(1)(g), replace “national or local emergency or a national or local transition period (under the Civil Defence Emergency Management Act 2002)” with “state of national or local emergency or a national or local transition period (under the Emergency Management Act **(No 2) 2025**)”.

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In section 60(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 60(2), replace “~~section 72, or the transition period is terminated under section 94E, of the Civil Defence Emergency Management Act 2002~~” with “**section 119**, or the transition period is terminated under **section 153**, of the Emergency Management Act **2025**”.

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Replace section 60(2) with:

(2) Unless otherwise expressly provided for, this subpart applies instead of subpart 2 if an emergency authority is sought and granted within 12 months, or any further time as is reasonably necessary, after the state of emergency or transition period ends or is terminated under **Part 4** of the Emergency Management Act **(No 2) 2025**.

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In section 61(1), replace “has been declared or a transition period has been notified”, with “or a transition period has been declared”.

Land Transport Act 1998 (1998 No 110)

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In section 79P(2)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Layout Designs Act 1994 (1994 No 116)

In section 20(1)(b), replace “section 66 of the Civil Defence Emergency Management Act 2002” with “**section 109** of the Emergency Management Act **(No 2) 2025**”.

Legislation Act 2019 (2019 No 58)

In Schedule 3, repeal the item relating to the Civil Defence Emergency Management Act 2002 5

Limitation Act 2010 (2010 No 110)

In section 46, definition of **incapacitated**, paragraph (c), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 10

Local Authorities (Members’ Interests) Act 1968 (1968 No 147)

In section 3(3)(d)(vii), replace “declared, or a transition period for which notice is given, under the Civil Defence Emergency Management Act 2002” with “or transition period declared under the Emergency Management Act **(No 2) 2025**”.

Local Government Act 2002 (2002 No 84) 15

In section 48J(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 256, definition of **problem**, paragraph (a)(iii), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **(No 2) 2025**”. 20

In Schedule 3, replace clause 43(1)(f) and (g) with:

- (f) if an area is included in the district of another territorial authority, provisions that the regional emergency management plan for the district in which the area is included applies to the area so included and is the only operative local emergency management plan to apply in that area: 25
- (g) if a new district or region is constituted, provisions that every regional emergency management plan that is in force in respect of any area included in that district or region continues in force until a new plan is prepared and approved for the district under the Emergency Management Act **(No 2) 2025**: 30

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 15(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Local Government (Water Services) Act 2025 (2025 No 42)

In section 177(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 35

Local Government (Water Services) Act 2025 (2025 No 42)—continued

In section 217(2)(c) and (4), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 63, definition of **emergency activity**, paragraph (c)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 5

Maritime Security Act 2004 (2004 No 16)

In section 80(3)(a), replace “under Part 5 of the Civil Defence Emergency Management Act 2002” with “under **subpart 2 of Part 4** of the Emergency Management Act **(No 2) 2025**”. 10

In section 80(3)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Maritime Transport Act 1994 (1994 No 104)

In section 100(5)(c), replace “under Part 5 of the Civil Defence Emergency Management Act 2002” with “under **subpart 2 of Part 4** of the Emergency Management Act **(No 2) 2025**”. 15

In section 100(5)(d), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 254(3)(a), replace “under Part 5 of the Civil Defence Emergency Management Act 2002” with “under **subpart 2 of Part 4** of the Emergency Management Act **(No 2) 2025**”. 20

In section 254(3)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 312(1)(a), replace “under Part 5 of the Civil Defence Emergency Management Act 2002” with “under **subpart 2 of Part 4** of the Emergency Management Act **(No 2) 2025**”. 25

In section 312(1)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Marlborough Agricultural and Pastoral Association Empowering Act 1974 (1974 No 5) (P) 30

In section 7(1), replace “civil defence emergency under the Civil Defence Act 1962” with “emergency being declared under the Emergency Management Act **(No 2) 2025**”.

National Animal Identification and Tracing Act 2012 (2012 No 2)

In section 34(1), replace “relevant agency” with “relevant decision-maker”. 35

National Animal Identification and Tracing Act 2012 (2012 No 2)—*continued*

In section 34(2)(a)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 34(6), replace “**relevant agency** means the agency that makes the declaration under Part 4 of the Civil Defence Emergency Management Act 2002” with “**relevant decision-maker** means the decision-maker that makes the declaration under **Part 4** of the Emergency Management Act **(No 2) 2025**”.

In section 40(2), definition of **emergency services**, replace paragraph (a) with:

- (a) emergency services within the meaning of **section 5** of the Emergency Management Act **(No 2) 2025**; and

Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (2019 No 19) 10

In section 12(3)(b)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Ngāti Rangī Claims Settlement Act 2019 (2019 No 40)

In section 109(4), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In Schedule 5, replace clause 3 with:

3 Act to which section 109(4) refers

Section 109(4) applies to the Emergency Management Act **(No 2) 2025** in relation to the function of the Manawatu-Wanganui Emergency Management Committee to develop, approve, or review a regional emergency management plan.

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 3, repeal the item relating to Civil Defence Emergency Management Groups.

In Schedule 1, Part 3, insert in its appropriate alphabetical order:

Emergency Management Committees maintained or established under the Emergency Management Act **(No 2) 2025**

Patents Act 2013 (2013 No 68)

Replace section 185(1)(b) with:

- (b) to assist in the exercise of powers and the implementation of emergency management during a state of emergency declared under the Emergency Management Act **(No 2) 2025**.

Petroleum Demand Restraint Act 1981 (1981 No 12)

Replace section 26(c) with:

- (c) the Emergency Management Act **(No 2) 2025**; or

Public Finance Act 1989 (1989 No 44)

In section 25(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Public Safety (Public Protection Orders) Act 2014 (2014 No 68)

In the heading to section 75, replace “civil defence emergency” with “emergency”. 5

In section 75(1), replace “a civil defence emergency” with “an emergency”.

In section 75(5), replace “civil defence emergency” with “emergency”.

In section 75(5)(a), replace “a lifeline utility” with “essential infrastructure provider (as defined in **section 5** of the Emergency Management Act **(No 2) 2025**)”.

Radiation Safety Act 2016 (2016 No 6) 10

In section 54(1)(b) and (8), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

In section 55(1)(b) and ~~(5)(b)~~, replace “is not in force under the Civil Defence Emergency Management Act 2002” with “related to the radiation danger is not in force under the Emergency Management Act **(No 2) 2025**”. 15

In section 55(5)(b), replace “is declared under the Civil Defence Emergency Management Act 2002” with “related to the radiation danger is declared under the Emergency Management Act **(No 2) 2025**”.

In section 57(2)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 20

In section 57(2)(b), replace “the Director of Civil Defence Emergency Management or a Controller (within the meaning of the Civil Defence Emergency Management Act 2002)” with “the Director-General of Emergency Management or a Controller (within the meaning of the Emergency Management Act **(No 2) 2025**)”.

Resource Management Act 1991 (1991 No 69) 25

In section 330(1), replace “lifeline utility” with “essential infrastructure provider” in each place.

Replace section 330(5) with:

(5) In this section and section 330A, **essential infrastructure provider** means an essential infrastructure provider within the meaning of **section 7(1)** of the Emergency Management Act **(No 2) 2025** other than an essential infrastructure provider that is a network utility operator to which subsection (1)(c) applies. 30

In section 330A(1) and (2), replace “lifeline utility” with “essential infrastructure provider”. 35

In the heading to section 330B, replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

Resource Management Act 1991 (1991 No 69)—*continued*

In section 330B(1), replace “declared, or transition period notified, under the Civil Defence Emergency Management Act 2002” with “or transition period declared under the Emergency Management Act **(No 2) 2025**”.

Replace section 331AA(6)(a) with:

- (a) may apply only to an area where, under the Emergency Management Act **(No 2) 2025**, a state of national or local emergency or a local or national transition period has been declared; and 5

Tax Administration Act 1994 (1994 No 166)

In section 3(1), definition of **emergency event**, paragraph (a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”. 10

In section 6J(1)(a)(ii), replace “section 66 of the Civil Defence Emergency Management Act 2002” with “**section 109** of the Emergency Management Act **(No 2) 2025**”.

In section 91AAS(1), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”. 15

In section 183ABA(4)(a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”. 20

Telecommunications Act 2001 (2001 No 103)

In section 239(2)(c), replace “Director of Civil Defence Emergency Management” with “Director-General of Emergency Management”.

Trade (Anti-dumping and Countervailing Duties) Act 1988 (1988 No 158)

In section 3(1), definition of **emergency**, replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”. 25

Urban Development Act 2020 (2020 No 42)

In section 9, definition of **nationally significant infrastructure**, replace paragraph (i) with: 30

- (i) the port companies recognised as essential infrastructure providers under **Schedule 3** of the Emergency Management Act **(No 2) 2025**

Volunteers Employment Protection Act 1973 (1973 No 25)

In section 14A(a)(ii), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 35

Waste Minimisation Act 2008 (2008 No 89)

In section 5(1), definition of **emergency**, replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”.

In section 38A(3)(a)(iii), replace “national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002” with “national emergency management plan made under **section 82** of the Emergency Management Act **(No 2) 2025**”. 5

Water Services Act 2021 (2021 No 36)

In section 25(8), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 10

In section 34(4), replace “state of emergency declaration or transition period under the Civil Defence Emergency Management Act 2002 is in effect” with “declaration of state of emergency or transition period under the Emergency Management Act **(No 2) 2025 is in force**”. 15

In section 59(3)(b), replace “lifeline utilities” with “essential infrastructure providers”.

Replace section 59(8) with:

(8) In this section, **essential infrastructure provider** has the meaning set out in **section 7(1)** of the Emergency Management Act **(No 2) 2025**. 20

In section 61(2), replace “an emergency is declared under the Civil Defence Emergency Management Act 2002” with “a state of emergency is declared under the Emergency Management Act **(No 2) 2025**”.

Replace section 61(2)(a) with:

- (a) in the case of ~~a—~~an emergency declared under the Emergency Management Act ~~2025~~, the Controller (within the meaning of **section 5** of that Act); ~~or~~ 25
- (i) state of national emergency declared under the Emergency Management Act **(No 2) 2025**, the National Controller (within the meaning of **section 5** of that Act); and 30
- (ii) state of local emergency declared under that Act, the Regional Controller or District Controller (within the meaning of those terms **section 5** of that Act); or

Wellington Town Belt Act 2016 (2016 No 1)

In section 16(3)(c), replace “Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **(No 2) 2025**”. 35

Part 2

Consequential amendments to secondary legislation

Building (Dam Safety) Regulations 2022 (SL 2022/133)

In regulation 3(1), definition of **critical or major infrastructure**, paragraph (a), replace “lifeline utility within the meaning of section 4 of the Civil Defence Emergency Management Act 2002” with “essential infrastructure provider within the meaning of **section 7(1)** of the Emergency Management Act **(No 2) 2025**”. 5

In regulation 3(1), definition of **critical or major infrastructure**, paragraph (b), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **(No 2) 2025**”. 10

Replace regulation 17(1)(b)(ii) and (iii) with:

- (ii) an Emergency Management Committee (within the meaning of **section 5** of the Emergency Management Act **(No 2) 2025**);
- (iii) emergency services (within the meaning of **section 5** of the Emergency Management Act **(No 2) 2025**); and 15

Civil Defence Emergency Management Regulations 2003 (SR 2003/89)

In Schedule 2, form 1, replace the paragraph (a) following “This warrant authorises you, within 10 days from its date of issue,—” with:

- (a) to enter and search the premises stated above at any time by day or night on [state the number of occasions on which the warrant may be executed] occasion/s during the currency of the warrant; and 20

In Schedule 2, form 1, paragraph (d), replace “information” with “[state the information that may be searched for and seized]”.

District Court Rules 2014 (LI 2014/179)

Replace rule 2.4A(1)(a)(i) with: 25

- (i) a state of emergency or transition period is declared under the Emergency Management Act **(No 2) 2025**; or

Education (Early Childhood Services) Regulations 2008 (SR 2008/204)

In regulation 39A(7), definition of **state of emergency**, replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”. 30

Family Court Rules 2002 (SR 2002/261)

In rule 8(1), definition of **emergency**, paragraph (a), replace “declared under section 66(1) or 68(1) of the Civil Defence Emergency Management Act 2002” with “as defined in **section 5 section 109 or 113** of the Emergency Management Act **(No 2) 2025**”. 35

Gas Governance (Critical Contingency Management) Regulations 2008 (SR 2008/426)

In regulation 5, revoke the definition of **civil defence emergency**.

In regulation 5, insert in its appropriate alphabetical order:

state of emergency means a state of national emergency or a state of local emergency declared under the Emergency Management Act (**No 2**) 2025, or any equivalent state declared under any subsequent replacement legislation 5

In regulation 5, replace the definition of **director of civil defence emergency management** with:

Director-General of Emergency Management has the same meaning as in **section 5** of the Emergency Management Act (**No 2**) 2025, and includes any person appointed to an equivalent or a replacement role under any subsequent replacement legislation 10

Replace regulation 14 with:

14 Emergency Management Act (No 2) 2025 15

A person is not required to comply with these regulations if that compliance prevents that person from complying with the requirements of the Emergency Management Act (**No 2**) 2025.

In regulation 34(3), replace “a civil defence” with “an”.

In regulation 36(b), replace “director of civil defence emergency management” with “Director-General of Emergency Management” 20

In regulation 51(1)(b), replace “director of civil defence emergency management” with “Director-General of Emergency Management”.

Replace regulation 53(1)(e)(ii) with:

- (ii) if there is a state of emergency, the restoration of gas supply to consumers in accordance with guidelines issued by the Director-General of Emergency Management under **section 15(4)** of the Emergency Management Act (**No 2**) 2025 relating to the national emergency management plan, or any equivalent or replacement document under any subsequent replacement legislation; and 25 30

In regulation 59(1) and (2), replace “director of civil defence emergency management” with “Director-General of Emergency Management”.

In regulation 62(1)(b), replace “director of civil defence emergency management” with “Director-General of Emergency Management”.

High Court Rules 2016 (LI 2016/225) 35

Replace rule 3.3B(1)(a)(i) with:

- (i) a state of emergency or transition period is declared under the Emergency Management Act (**No 2**) 2025; or

Land Transport (Road User) Rule 2004 (SR 2004/427)

In clause 1.6, ~~replace~~ ~~revoke~~ the definition of **civil defence emergency vehicle**, with:

~~**civil defence emergency vehicle** means a vehicle operated under the instructions of a person who is a Controller under **section 19, 51, or 53** of the Emergency Management Act **2025** in an emergency, as defined in **section 6(1)** of that Act~~

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In clause 1.6, insert in its appropriate alphabetical order:

emergency management vehicle means a vehicle operated under the instructions of a National Controller or Regional Controller within the meaning of those terms in **section 5** of the Emergency Management Act **(No 2) 2025** in an emergency as defined in **section 6(1)** of that Act

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In clause 1.6, definition of **emergency vehicle**, paragraph (d), replace “a civil defence emergency” with “an emergency management”.

~~Local Government Elected Members (2025/26) Determination 2025 (SL 2025/140)~~

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~~In Schedule 2, Part 2, item relating to Chatham Islands Council, replace “Councillor/Civil Defence Emergency Group (7)” with “Councillor/Emergency Management Committee (7)”.~~

New Zealand Distinguished Service Decoration Regulations 2007 (SR 2007/147)

In regulation 4, definition of **operation**, paragraph (b), replace “civil defence” with “emergency management”.

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Oranga Tamariki (Residential Care) Regulations 1996 (SR 1996/354)

In regulation 33(2)(d), replace “civil defence” with “emergency management”.

Overseas Investment Regulations 2005 (SR 2005/220)

In regulation 3C(2), replace “lifeline utility listed in clauses 2 to 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002” with “essential infrastructure provider named or described in **Schedule 3** of the Emergency Management Act **(No 2) 2025**”.

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Radiocommunications Regulations 2001 (SR 2001/240)

In regulation 44(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **(No 2) 2025**”.

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Road User Charges (Applications for Exemption for Certain Classes of Light RUC Vehicles) Regulations 2013 (SR 2013/107)

~~In regulation 6(1)(e)(iii), replace “section 91 of the Civil Defence Emergency Management Act 2002” with “**section 134** of the Emergency Management Act **2025**”.~~

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Replace regulation 6(1)(c)(iii) with:

Road User Charges (Applications for Exemption for Certain Classes of Light RUC Vehicles) Regulations 2013 (SR 2013/107)—continued

(iii) travel to comply with any direction or request given under **section 134** of the Emergency Management Act **(No 2) 2025**:

Social Security Regulations 2018 (LI 2018/202)

In regulation 67(1C)(a), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 4** of the Emergency Management Act **(No 2) 2025**”. 5

In regulation 189(c), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 4** of the Emergency Management Act **(No 2) 2025**”.

In Schedule 8, clause 61(2)(e), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 4** of the Emergency Management Act **(No 2) 2025**”.

Legislative history

9 December 2025

Introduction (Bill 236–1), first reading and referral to
Governance and Administration Committee