

# Emergency Management Bill (No 2)

Government Bill

## Explanatory note

### General policy statement

#### Overview

The Emergency Management Bill (No 2) replaces the Civil Defence Emergency Management Act 2002 (the **CDEM Act**). It retains New Zealand’s existing philosophy for emergency management, which is based on—

- consideration of all hazards (things that could cause, or substantially contribute to the cause of, an emergency)—including those caused by natural processes, human activity, or a combination of both;
- taking an end-to-end risk management approach—managing the risk from hazards to an acceptable level requires action across the “4 Rs” of risk reduction, readiness, response, and recovery;
- all parts of society playing a role—risks should be managed by those who are best placed to manage them, at the lowest appropriate level.

This Bill builds on the legislative framework established by the CDEM Act. Its changes seek to—

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

## Background

The Minister for Emergency Management established a Government Inquiry into the Response to the North Island Severe Weather Events (the **Inquiry**) in 2023. The Inquiry found that New Zealand's emergency management system was not fit-for-purpose as it lacks the capacity or capability to deal with significant emergencies that affect multiple regions at once.

The Inquiry and past reviews have also highlighted that New Zealand has not achieved the whole-of-society approach to emergency management that Parliament envisaged when the CDEM Act was passed in 2002.

The Inquiry's report is available at <https://www.dia.govt.nz/Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events>

The Government considered the Inquiry's recommendations and released its vision to strengthen disaster resilience and emergency management in October 2024. The Government's response to the Inquiry is available at <https://www.dpmc.govt.nz/publications/strengthening-disaster-resilience-and-emergency-management>

The Bill implements the parts of the Government's response that require legislation and addresses a range of other issues identified with the CDEM Act.

## Stronger recognition for communities and iwi Māori

### *Recognition that some communities face greater risk*

Emergencies disproportionately affect some population groups because they have existing vulnerabilities or specific needs, or live in places that are more exposed to hazards. These populations may include rural communities, culturally and linguistically diverse communities, seniors, disabled people, children, and those experiencing socio-economic deprivation or isolation.

The Bill requires the Director-General of Emergency Management and Emergency Management Committees to identify communities that may be disproportionately affected by emergencies and engage with representatives of those communities during the development of emergency management plans.

### *Strengthening role of iwi Māori*

Iwi and other groups that represent Māori have unique knowledge, skills, and resources to contribute across the 4 Rs. For example, iwi Māori have an understanding of hazards and risks that is grounded in centuries of local knowledge, and use their capacity, networks, and resources to care for displaced people. The Bill formally recognises the roles iwi Māori play in emergency management by—

- requiring Emergency Management Committees to appoint 1 or more Co-ordinating Executive Group members with knowledge of the interests and values of local Māori communities:

- requiring Emergency Management Committees to engage with and involve representatives of iwi and Māori in the development of regional emergency management plans:
- requiring the Director-General to engage with and seek advice from representatives of iwi and Māori in the development of the national emergency management plan.

#### *Strengthening role of community*

Many people and community groups wish to contribute their skills, information, and other resources during and after an emergency. Of note, rural communities have strong local networks, people, and equipment to support relief efforts. The Bill seeks to ensure that these contributions are accommodated by requiring Emergency Management Committees to—

- appoint 1 or more Co-ordinating Executive Group members with knowledge, experience, or expertise in the interests and needs of rural communities in the Group's area:
- consider appointing 1 or more Co-ordinating Executive Group members who have connections with communities relevant to emergency management:
- use their regional emergency management plans to address how offers of assistance from people and communities will be managed in an emergency.

### **Clearer responsibilities at national, regional, and local levels**

#### *Changes to roles at national level*

The Bill makes the following changes to national level roles:

- The chief executive of the administering department becomes the Director-General of Emergency Management. This change reflects the establishment of the National Emergency Management Agency as an autonomous departmental agency with its own chief executive. The Director-General will continue to delegate their emergency management response and recovery functions and powers to the National Controller and National Recovery Manager as appropriate.
- To provide for greater situational awareness, the Director-General is given a new role to advise and inform the Minister about situations that have the potential to become an emergency (as defined in this Bill).
- The Bill formalises and clarifies the concept of “lead agencies”, being central government agencies responsible for planning and co-ordinating the response to emergencies arising from specific hazards. This change seeks to reduce ambiguity about who is ultimately in charge during an emergency.

#### *Changes to roles at local government level*

Local authorities play key roles in the emergency management system, both as individual organisations and as Emergency Management Committees (formed by the

local authorities in each region). The Bill places more emphasis on local authorities' roles within their own geographic and functional areas of responsibility by—

- creating distinct roles for Emergency Management Committees and their local authority members, with specific arrangements applying to offshore islands (where the Minister of Local Government is the territorial authority);
- making mayors primarily responsible for declaring states of local emergency and transition periods within their own districts;
- creating a line of accountability between territorial authority chief executives and District and Local Controllers and District and Local Recovery Managers, and giving these chief executives an explicit mandate (which can then be delegated) to co-ordinate resources made available for the purposes of the Act.

#### *Targeted amendments to statutory planning documents*

The national emergency management plan and regional emergency management plans set out key responsibilities. To enable these responsibilities to be kept up to date more easily, the Bill provides for targeted amendments to be made without a full review process.

### **Mechanisms to lift minimum standards and enforce compliance**

#### *Emergency management rules*

The Bill provides for a greater level of national direction by empowering the Minister to make rules prescribing technical, operational, procedural, or operational matters. Rules are intended to create a more flexible regulatory framework and replace some matters that can currently be prescribed through regulations made by Order in Council.

#### *Stronger national direction for regional emergency management plans*

Regional emergency management plans are key instruments for implementing Emergency Management Committees' responsibilities and driving action across the 4 Rs at the local government level. The Bill seeks to improve the quality of these plans by empowering the Minister to—

- create standards that set mandatory requirements for the structure, format, or content of regional emergency management plans;
- direct an Emergency Management Committee to commence a full or partial review of its plan;
- require amendments to a proposed regional emergency management plan if, in the Minister's view, the plan would otherwise fail to meet the requirements of the Act or the national emergency management plan.

The Bill also introduces a new requirement for regional emergency management plans to set out how animals will be managed during an emergency.

*Mechanisms to ensure compliance*

The Bill empowers the Director-General of Emergency Management to issue compliance orders to address the contravention of requirements under the Bill (when enacted). Compliance orders are intended to provide an escalating framework for intervention when statutory responsibilities are not being met.

The Bill also increases the maximum penalties for prosecutable offences (which are carried forward from the CDEM Act) to align with the penalties for similar types of offending in other comparable legislation.

**New arrangements for infrastructure that provides essential services**

Essential infrastructure providers (referred to as lifeline utilities in the CDEM Act) are entities whose infrastructure provides services that support basic human needs and underpin the normal functioning of society. The Bill introduces a principles-based approach to recognising new essential infrastructure providers and creates new requirements to—

- address any matters prescribed through regulations in their plans for functioning during and after an emergency;
- contribute to the development of sector response plans initiated by the Director-General of Emergency Management.

The Bill also clarifies that technical advice required from an essential infrastructure provider cannot be used for enforcement purposes.

**Changes to declarations, powers, and protections***Declaration processes*

To ensure that local authorities have appropriate access to powers in a concurrent emergency, the Bill enables states of national and local emergency or transition periods to be in force over the same geographic area at the same time, where necessary to deal with different emergency events.

The Bill modernises the process to declare a state of emergency or transition period by enabling statutory forms to be completed with electronic signatures.

*Changes to emergency response and recovery powers*

The CDEM Act's state of emergency and transition period powers have been carried over to the Bill, with several changes as follows:

- The Bill creates a new power to enter premises where necessary to take urgent measures to mitigate unnecessary pain or suffering to an animal.
- Regional Controllers are given direct access to certain state of emergency powers, consistent with those that may be exercised by Regional Recovery Managers during a transition period. These powers currently sit with Civil Defence Emergency Management Groups but are normally delegated to Controllers in practice.

- The Bill clarifies that when a road or public place is closed during a state of emergency or transition period, access may still be granted to any class or group of persons.

#### *Limitation of civil liability*

Early warnings can save lives and reduce the risk to property in an emergency. To address existing barriers to issuing timely warnings, the Bill introduces a new protection from civil liability for loss or damage that is due (directly or indirectly) to the issue of, or failure to issue, a warning.

The Bill also makes it more explicit that protection from civil liability covers any person acting under the direction of a person performing functions, duties, or powers under the Act (where the loss or damage is due directly or indirectly to a state of emergency or transition period).

#### *Increased oversight for use of powers*

The powers available during a state of emergency or transition period may limit normal freedoms where this is justified to deal with the significant consequences of an emergency. The Bill increases oversight of the use of these powers by requiring Controllers to provide a written report to the Director-General of Emergency Management following the termination of a state of emergency. A similar reporting requirement already exists for transition periods.

If the report relates to a state of national emergency, the Director-General must provide a copy of the report to the Minister, and the Minister must present it to the House of Representatives as soon as practicable.

### **Departmental disclosure statement**

The National Emergency Management Agency is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=236>

### **Regulatory impact statement**

The National Emergency Management Agency produced a regulatory impact statement on 15 July 2025 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.civildefence.govt.nz/assets/Uploads/documents/proactive-release/pr-eco-25-sub-0117-em-legislative-reform.pdf>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. It provides that the Bill comes into force on the day after Royal assent. The exceptions to this are—

- provisions relating to compliance orders (*clauses 174 to 178*), which come into force 6 months after Royal assent:
- the provision relating to the obligation on chief executives of territorial authorities regarding the use and provision of resources (*clause 44*), which comes into force 12 months after Royal assent:
- provisions relating to District and Local Controllers and District and Local Recovery Managers (*clauses 52, 54, 57, 58, 59(1)(c) and (d), 61, 63, 66, 67, and 68(1)(c) and (d)*), which come into force 12 months after Royal assent:
- the provision relating to the Director-General's engagement with disproportionately affected communities during the development of a proposal for the national emergency management plan (*clause 86(2)(a)*), which comes into force 12 months after Royal assent:
- the provision relating to including certain content in regional emergency management plans relating to disproportionately affected communities, offers of assistance, and managing animals (*clause 91(1)(k) to (m)*), which comes into force 12 months after Royal assent:
- provisions relating to the identification and role of government agencies as lead agencies in the national emergency management plan (*clauses 69, 70, and 83*), which come into force on a day set by Order in Council (or by the second anniversary of Royal assent). The reason the Bill allows for these clauses to commence by Order in Council is to enable their commencement to align with the timing of regulations providing for the national emergency management plan, which may identify government agencies as lead agencies. This means that the obligations on and functions for lead agencies will apply only once lead agencies have been formally identified in the national emergency management plan. Without the delay in commencement, references to lead agencies in the Bill may create confusion because of the use of the same term in pre-existing emergency management instruments.

## Part 1

### Preliminary provisions

*Clause 3* states that the purpose of the Bill is to support the social, economic, cultural, and environmental well-being and safety of the public, including by—

- promoting and improving the sustainable management of hazards; and
- providing for the protection of property and for planning and preparation for emergencies and for response and recovery in the event of an emergency; and

- encouraging and enabling communities to achieve acceptable levels of risk; and
- encouraging the co-ordination of emergency management, planning, and related activities among agencies and organisations involved in preventing or managing emergencies under this Bill and certain other legislation that is identified as relevant legislation and listed in *Schedule 2*.

*Clause 4* outlines each of the Bill's 5 Parts.

*Clauses 5 to 8* define terms used in the Bill. Key terms include emergency, emergency management, essential infrastructure, essential infrastructure provider, hazard, national significance, and recovery activity.

*Clause 9* provides for the transitional, savings, and related provisions in *Schedule 1*.

*Clause 10* provides for the Bill, if enacted, to bind the Crown.

*Clause 11* provides that the Bill may be enforced against the Crown as follows:

- a compliance order may be issued under the Bill against a Crown organisation;
- the District Court may make an order against a Crown organisation relating to the enforcement of a compliance order;
- the criminal offence under clause 187 may be enforced against the Crown.

*Clause 12* states that, unless the Bill provides otherwise, the Bill—

- does not limit or affect any person's functions, duties, or powers under any other legislation or rule of law; and
- does not apply in substitution for such functions, duties, or powers.

*Clause 13* provides that a person exercising functions in relation to an emergency management plan may take a precautionary approach to risk despite uncertainty about the extent of that risk.

## Part 2

### Emergency management system role-holders

#### Subpart 1—National role-holders

##### *Director-General of Emergency Management*

*Clause 14* lists the functions of the Director-General of Emergency Management (the **Director-General**).

*Clause 15* sets out the powers of the Director-General, including powers to co-ordinate the use of resources during a state of national emergency or a national transition period and to issue guidelines, codes, and technical standards to persons with responsibilities under the Bill.

*Clause 16* provides that the Director-General must act consistently with the national emergency management strategy made under *clause 77*.

### *Emergency management powers*

*Clause 17* enables the Director-General to publish statements for the purpose of protecting the public that relate to an emergency or a duty imposed on any person under the Bill.

*Clause 18* enables the Director-General to perform a function or duty under the Bill that an Emergency Management Committee or person fails to perform within a time period that the Director-General considers reasonable.

### *National Controller*

*Clause 19* provides for the role of National Controller, which may be held by the Director-General or a delegate of the Director-General. The National Controller has certain powers for the purpose of dealing with a state of national emergency.

### *National Recovery Manager*

*Clause 20* provides for the role of National Recovery Manager, which may be held by the Director-General or a delegate of the Director-General. The National Recovery Manager has certain powers for the purpose of dealing with a national transition period.

### *Delegation by Director-General*

*Clause 21* enables the Director-General to delegate functions, duties, and powers.

*Clause 22* applies when the Director-General delegates powers to a National Controller or National Recovery Manager, or to another person under *clause 21*, and provides details about how those delegations operate.

## Subpart 2—Regional role-holders

### *Emergency Management Committees*

*Clause 23* relates to Emergency Management Committees. Existing Civil Defence Emergency Management Groups under the Civil Defence Emergency Management Act 2002 are continued by the Bill as Emergency Management Committees under *Schedule 1*. Under *clause 24*, each local authority is required to be a member of an Emergency Management Committee. The clause then provides rules to guide how local authorities can organise themselves into Emergency Management Committees in the event of a local government reorganisation.

*Clause 25* provides that an Emergency Management Committee is either a multi-member Emergency Management Committee, made up of multiple local authorities in the same region or adjacent regions, or a unitary authority Emergency Management Committee, made up of a single unitary authority.

*Clause 26* requires that, in a multi-member Emergency Management Committee, each local authority member is represented by 1 person on the Committee.

*Clause 27* lists the functions of a multi-member Emergency Management Committee.

*Clause 28* lists the functions of a unitary authority Emergency Management Committee.

*Clause 29* sets out the general powers of Emergency Management Committees, including providing that they have all the powers necessary or expedient to perform their functions.

*Clause 30* sets out the powers that local authorities that are members of an Emergency Management Committee have in order to carry out that role.

*Clause 31* provides that an Emergency Management Committee must act consistently with the national emergency management strategy made under *clause 77*.

*Clauses 32 to 34* provide for administrative matters in the operation of Emergency Management Committees relating to the appointment of a chairperson, standing orders applicable at meetings, and members' attendance at Committee meetings by audio and audiovisual link.

*Clause 35* enables the Minister to approve the merger of multiple Emergency Management Committees into a single Committee.

*Clause 36* sets out rules for the reorganisation of Emergency Management Committee membership in the event of a local government reorganisation that creates new authorities or alters relevant boundaries, districts, or regions.

#### *Administering authorities of multi-member Emergency Management Committees*

*Clause 37* provides for a local authority to be appointed as the administering authority in each Emergency Management Committee, which, under *clause 38*, is responsible for the provision of administrative and related services agreed on by that Committee.

#### *Emergency Management Co-ordinating Executive Groups*

*Clause 39* requires each Emergency Management Committee to appoint and maintain an Emergency Management Co-ordinating Executive Group and sets out the members that must be included in each group. Under *clause 40*, each group has the role of providing advice to its Committee, implementing the Committee's decisions, and carrying out functions relating to the Committee's regional emergency management plan.

*Clause 41* requires an Emergency Management Committee to provide any necessary resources, information, and administrative support to the members of the Emergency Management Co-ordinating Executive Group that are appointed to provide for the interests and values of local Māori communities and of local rural communities.

#### *Local authorities*

*Clause 42* lists the functions of a local authority that is a member of a multi-member Emergency Management Committee in planning and providing emergency management within that authority's region or district.

*Clause 43* provides that a local authority must, to the extent it is able in the circumstances, continue to carry out its required role during and after an emergency.

*Clause 44* provides that, during any period where no state of emergency or transition period is in force for a local authority's district, it is the chief executive of that local authority who is responsible for co-ordinating the use and provision of resources for the purposes of emergency management. The chief executive may delegate this role to any other person, but remains responsible and accountable for the role as carried out by the delegated person.

#### *Authority for payment of expenses*

*Clause 45* provides for the reimbursement of certain costs related to emergency management in an emergency that are incurred by a local authority or a water organisation.

#### *Emergency management functions and duties for offshore islands*

*Clause 46* requires the Minister of Local Government to, by notice, identify any offshore island that requires emergency management under the Bill and to assign a responsible Emergency Management Committee for the island. Under *clause 47*, the Minister and responsible Committee must together carry out functions and duties relating to the emergency management of the island. *Clause 48* requires the Minister and responsible Committee to enter into an agreement on how these functions and duties will be performed, and provides for the review of those agreements.

#### *Persons authorised to make local emergency declarations*

*Clause 49* provides for the appointment, by an Emergency Management Committee, of persons who are authorised to declare a state of local emergency or a local transition period for the area that the Committee is responsible for or for parts of that area.

*Clause 50* provides that a territorial authority's mayor or a designated elected member is authorised to declare a state of local emergency or a local transition period for a district or wards within the territorial authority's district.

#### *Appointment of Regional Controllers, District Controllers, and Local Controllers*

*Clauses 51 to 55* relate to the appointment and removal of Regional, District, and Local Controllers for each Emergency Management Committee, as well as persons to act as their substitutes in the role if needed. *Clause 51* provides for multi-member Committees to appoint a person as Regional Controller. *Clause 52* provides for multi-member Emergency Management Committees to appoint a District Controller, who may be the chief executive of a territorial authority that is a member of the Committee or another suitably qualified and experienced person. *Clauses 53 and 54* provide similarly to *clauses 51 and 52* but in relation to the appointment of Regional Controllers and Local Controllers respectively for a unitary authority Emergency Manage-

ment Committee. *Clause 55* sets out requirements that apply in the case of any of the appointments under *clauses 51 to 54*.

*Role of Regional Controllers, District Controllers, and Local Controllers*

*Clause 56* provides for the role of Regional Controller, including providing that during a state of emergency the Regional Controller is responsible for directing and co-ordinating the use of resources made available for the purposes of the Bill.

*Clause 57* provides for the role of District Controllers appointed for multi-member Emergency Management Committees. During a state of emergency in their district, District Controllers are responsible for co-ordinating the use of resources made available for the purposes of the Bill. Under *clause 58*, Local Controllers appointed for unitary authority Emergency Management Committees do not have that responsibility during states of emergency, but have several functions, duties, and powers set out in the clause.

*Clause 59* provides that the Regional Controllers, District Controllers, and Local Controllers and their substitutes must exercise their powers during a state of national emergency or national transition period consistently with the priorities for the use of resources and services determined by the Director-General, National Controller, or National Recovery Manager.

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

*Clauses 60 to 64* relate to the appointment and removal of Regional, District, and Local Recovery Managers for each Emergency Management Committee, as well as persons to act as their substitutes in the role if needed. *Clause 60* provides for multi-member Committees to appoint a person as Regional Recovery Manager. *Clause 61* provides for multi-member Committees to appoint a District Recovery Manager, who may be the chief executive of a territorial authority that is a member of the Committee or another suitably qualified and experience person. *Clauses 62 and 63* provide similarly to *clauses 60 and 61* but in relation to the appointment of Regional Recovery Managers and Local Recovery Managers respectively for unitary authority Emergency Management Committees. *Clause 64* sets out requirements that apply in the case of any of the appointments under *clauses 60 to 63*.

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

*Clause 65* provides for the role of Regional Recovery Manager, including providing that, during a transition period, the Regional Recovery Manager is responsible for directing and co-ordinating the use of resources made available for the purposes of the Bill.

*Clause 66* provides for the role of District Recovery Managers appointed for multi-member Emergency Management Committees. During a transition period in their district, District Recovery Managers are responsible for co-ordinating the use of

resources made available for the purposes of the Bill. Under *clause 67*, Local Recovery Managers appointed for unitary authority Emergency Management Committees do not have that responsibility during states of emergency, but have several functions, duties, and powers set out in the clause.

*Clause 68* provides that Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers and their substitutes must exercise their powers during a state of national emergency or national transition period consistently with the priorities for the use of resources and services determined by the Director-General, National Controller, or National Recovery Manager.

### Subpart 3—Other parties

#### *Lead agencies*

*Clause 69* provides for the role of a government agency that is identified as a lead agency in the national emergency management plan under *clause 83* in respect of emergencies caused or contributed to by a particular hazard. The lead agency has the primary responsibility for managing the response to such an emergency. Under *clause 70*, the lead agency responsibilities can be transferred from a government agency to another government agency or to an Emergency Management Committee with the agreement of the agency or Committee to which the responsibilities are to be transferred.

#### *General obligation to undertake emergency management functions and responsibilities*

*Clause 71* requires any person with emergency management functions or responsibilities to take all necessary steps to undertake or perform them.

#### *Emergency services*

*Clause 72* sets out the duties for emergency services, which include participating in developing the national emergency management strategy and emergency management plans and providing members required for Emergency Management Co-ordinating Executive Groups.

#### *Essential infrastructure providers*

*Clause 73 and Schedule 3* provide for entities, or classes of entities, to be listed as essential infrastructure providers. Essential infrastructure providers are required, under *section 74*, to ensure that their essential infrastructure is able to function to the fullest possible extent as well as to carry out other duties set out in that clause.

*Clause 75* empowers the Governor-General to insert, remove, or amend an essential infrastructure provider listed in *Schedule 3*.

*Clause 76* enables the Minister to, by notice in the *Gazette*, exempt an entity, or a class of entities, listed in *Schedule 3* from any conditions set for essential infrastructure.

## **Part 3**

### **Emergency management system planning**

#### Subpart 1—National emergency management strategy

*Clause 77* provides that the Minister must make a national emergency management strategy, which must include goals, objectives, and measurable targets related to emergency management.

*Clause 78* provides that the Minister must review a national emergency management strategy within 10 years of it taking effect. Upon review, the Minister may decide to replace or amend the strategy or retain it as is.

*Clause 79* sets out the procedure for the Minister to amend or replace the national emergency management strategy, including requirements for publication and consultation before the new or revised strategy may be made.

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

*Clause 80* lists matters that must be considered by any person performing a function that relates to the development of a national emergency management plan (made under *clause 82*) or a regional emergency management plan (approved under *clause 90*).

*Clause 81* applies when the Minister or an Emergency Management Committee is recommending or approving provisions of an emergency management plan and requires them to evaluate the proposed changes on the basis of a number of considerations before making a change.

#### Subpart 3—National emergency management plan

*Clause 82* empowers the Governor-General to make, on the recommendation of the Minister, regulations providing for a national emergency management plan.

*Clause 83* provides that a national emergency management plan may identify government agencies as lead agencies in respect of emergencies caused or contributed to by a particular hazard.

*Clause 84* requires the Minister to review the national emergency management plan in full at least once every 5 years and may also review any part of the plan at any time.

*Clause 85* provides that requirements apply under *clauses 86 and 87* when a national emergency management plan is being reviewed under *clause 84* before the regulations can be made under *clause 82* to effect the recommended changes. Under *clause 86*, the Director-General must engage with communities likely to be disproportionately affected by an emergency, and with Māori interests and knowledge, in the development of a proposal to amend, replace, or leave the national plan unchanged. The Minister must then consider whether to approve the proposal submitted by the Director-General. Under *clause 87*, the Minister must publicly notify that proposal.

*Clauses 88 and 89* enable targeted and minor amendments to be made to the national emergency management plan that do not require a review of the plan under *clause 84*.

#### Subpart 4—Local and sector plans

##### *Regional emergency management plans*

*Clause 90* requires each Emergency Management Committee to prepare and approve a regional emergency management plan.

*Clause 91* sets out the requirements for the content of regional emergency management plans. These include—

- the hazards and risks to be managed by the Committee and the emergency management and strategic planning needed to manage and recover from those hazards and risks; and
- the objectives of the plan; and
- the apportionment of liability between local authorities; and
- the arrangements for making emergency declarations and for co-operating with other Emergency Management Committees; and
- the arrangements for the needs of communities that may be disproportionately affected in an emergency; and
- the arrangements for how offers of assistance with emergency management are to be managed during an emergency; and
- the arrangements for managing animals during an emergency.

*Clause 92* enables an Emergency Management Committee to incorporate material into the Committee's regional emergency management plan by reference.

*Clause 93* requires an Emergency Management Committee to review its regional emergency management plan in full at least once every 5 years and when directed to by the Minister, as well as enabling it to review any part of the plan at any time. This clause requires that the procedures set out in *clauses 94 to 96* must be carried out before the Committee can make a decision on a proposal following a review. Under *clause 94* the Committee is required to engage with certain community representatives in the developing a proposal. The Committee must publicly notify a proposal under *clause 95* and must seek comments and direction on the proposal from the Minister under *clause 96*.

*Clauses 97 and 98* enable an Emergency Management Committee to make targeted or minor amendments to its regional emergency management plan without a review of the plan under *clause 93*.

##### *Regional emergency management planning standards*

*Clauses 100 to 103* relate to regional emergency management planning standards (a **planning standard**) and provide for the following:

- *clause 100* empowers the Minister to issue planning standards, which may apply to the plan or 1 or more Emergency Management Committees:
- *clause 101* lists the matters that the Minister must consider and the consultation and publication requirements when preparing a draft planning standard or amending an existing planning standard:
- *clause 102* sets out the requirements when the Minister issues amendments to planning standings:
- *clause 103* enables the Minister to withdraw, by notice, all or part of a draft planning standard.

#### *Essential infrastructure sector response plans*

*Clauses 104 to 106* relate to sector response plans and provide for the following:

- *clause 104* enables the Director-General to develop and approve a sector response plan that provides for co-ordination between 1 or more classes of essential infrastructure providers in consultation with those providers and other relevant agencies and persons:
- *clause 105* lists matters that may be included in a sector response plan, and provides that a plan may not place mandatory requirements or duties on any person:
- *clause 106* allows the Director-General to amend, replace, or revoke a sector response plan, with consultation requirements for replacing or making major amendments to a plan.

## **Part 4**

### **Emergency response and recovery: states of emergency and transition periods**

#### *Interpretation of Part 4*

*Clause 107* defines key terms used in *Part 4*. Emergency Management Committees and each of the following office-holders are defined to include a person acting under the authority of the Committee or relevant office-holder: the Director-General, a District Controller, a District Recovery Manager, a Local Controller, a Local Recovery Manager, the National Controller, the National Recovery Manager, a Regional Controller, and a Regional Recovery Manager.

#### **Subpart 1—Declaring states of emergency**

##### *Interpretation*

*Clause 108* defines authorised person, a key term used in *subpart 1*, to mean a person authorised or otherwise empowered, under *clause 49 or 50*, to declare a state of local emergency.

### *Declaring state of national emergency*

*Clauses 109 to 111* relate to declaring a state of national emergency and provide as follows:

- *clause 109* authorises the Minister to declare a state of national emergency over the whole or parts of New Zealand before or after an emergency if the emergency management required is beyond the resources of the relevant Emergency Management Committees:
- *clause 110* authorises the Minister to extend the location to which a state of national emergency applies if the existing state of national emergency applies to only part (rather than the whole) of New Zealand:
- *clause 111* requires Parliament to meet no later than 7 days after the Minister has declared a state of national emergency.

### *Declaring state of local emergency*

*Clause 112* limits the exercise of the powers in *clauses 113, 114, 117, and 119* by specifying that an authorised person may exercise those powers only in respect of an area, district, or ward for which they are authorised to declare a state of local emergency.

*Clauses 113 to 115* relate to declaring a state of local emergency and provide as follows:

- *clause 113* authorises an authorised person or, if an authorised person has not done so, the Minister to declare a state of local emergency:
- *clause 114* provides that an authorised person or the Minister may declare a state of local emergency for another unaffected location that the authorised person or Minister considers has resources required to assist the affected location:
- *clause 115* provides that a state of local emergency may be declared or remain in force while a state of national emergency or national transition period is in force in respect of another emergency, even if both emergencies affect the same location.

### *Commencement, duration, extension, and termination*

*Clauses 116 to 120* relate to the commencement, duration, extension, and termination of states of both national and local emergency and provide as follows:

- *clause 116* provides that a state of emergency starts when the state of emergency is declared and expires 7 days after it starts:
- *clause 117* provides for the extension of the duration of a state of national emergency by the Minister and the extension of a state of local emergency by an authorised person or the Minister:
- *clause 118* provides that an extension under *clause 117*—
  - must be declared before the state of national or local emergency expires:

- expires 7 days after it starts, unless a further extension is declared:
- may apply to a smaller location than the location to which it previously applied:
- *clause 119* provides that the Minister or an authorised person may declare that a state of emergency has been terminated. Alternatively, a state of local emergency expires if an authorised person or the Minister declares a local transition period under *clause 145 or 146*:
- *clause 120* sets out the form and publication requirements for a declaration of a state of emergency. A person who makes a declaration must immediately notify the public by any reasonably practicable means of communication and publish the declaration as soon as is reasonably practicable.

## Subpart 2—Powers applying during states of emergency

### *Interpretation*

*Clause 121* defines key terms used in *subpart 2*. Key terms defined include—

- authorised Controller, which means a Regional Controller or a District Controller:
- specified person, which means the National Controller, a Regional Controller, a District Controller, or a constable.

### *Powers exercised by Minister*

*Clause 122* authorises the Minister to direct the Director-General, an Emergency Management Committee, or a person to perform or exercise any of the functions, duties, or powers conferred on that person or body under the Bill if a state of emergency is in force or an imminent threat of emergency exists. The Minister may direct the Emergency Management Committee or the person to perform or exercise that function, duty, or power under the control, and to the satisfaction, of the Director-General.

*Clause 122* also authorises the Minister to direct a responsible person under *new section 133BK* of the Building Act 2004 to exercise any of their powers under subpart 6B of Part 2 of that Act.

### *Powers exercised by Emergency Management Committees*

*Clause 125* lists the powers of an Emergency Management Committee in a state of emergency. Those powers relate to rescue and relief, transport, equipment, and facilities, public information, and contractual arrangements and are subject to the requirement to act consistently with any directions of the Minister or the Director-General.

*Clause 126* enables certain persons associated with an Emergency Management Committee to enter into a contract on behalf of the Committee for the purposes of this Bill, despite anything in the Public Bodies Contracts Act 1959.

### *Powers exercised by authorised Controllers*

*Clause 127* lists the powers of an authorised Controller in a state of emergency, including carrying out works, clearing roads, removing or securing dangerous structures, and providing for the conservation and supply of food, fuel, and other essential resources.

### *Powers exercised by specified persons and others*

*Clauses 128 to 135* authorise a specified person to exercise the following powers in an area in respect of which a state of emergency is in force:

- evacuate or exclude persons or vehicles from any premises or place, including any public place (*clause 128*):
- enter on or into a premises or place if necessary for reasons relating to preserving human life and relieving suffering of people or unnecessary or unreasonable pain or distress of animals (*clause 129*):
- prohibit or restrict public access to a road or public place (*clause 130*). This power may also be exercised by a person authorised by a relevant emergency management plan to exercise this power:
- remove or break into an aircraft, ship, train, or vehicle if it is impeding emergency management (*clause 131*):
- requisition property by assuming the control and direction of that property (*clause 132*). Property is defined in *clause 121*:
- take actions relating to property, animals, or other things, including examining, seizing, or destroying that property, animal, or thing (*clause 133*):
- direct a person to stop an activity or request a person to take an action related to the emergency (*clause 134*):
- direct the owner of a structure, or the owners of a class of structures, to obtain an assessment of the effect of the emergency on that structure or class of structure (*clause 135* and *see clause 136* for notice requirements for a direction under *clause 135*).

*Clauses 128 to 135* provide that those powers are subject to limitations that, in broad terms, require the powers to be exercised for the purposes of limiting, reducing, or preventing the effects of the emergency.

### *Warrant for entry to obtain information*

*Clauses 137 to 140* provide for the District Court to issue a warrant authorising a constable to enter and search any premises to obtain certain information and provide as follows:

- *clause 137* provides that, if a person in possession of information requested under this Bill (*see clause 170*) has refused to provide it, a District Court Judge may issue a warrant authorising a constable to enter and search any premises,

other than a private dwelling or marae, to obtain the information if it is urgently required to prevent or limit the extent of an emergency:

- *clause 138* prescribes the form and content requirements of such a warrant, including that it may state any special conditions:
- *clause 139* sets out the powers that the constable who is executing such a warrant is authorised to exercise:
- *clause 140* provides that any information or document seized by a constable under *clause 139* must be given to the Director-General, a Controller, or a person authorised by an Emergency Management Committee and, when it is no longer required, must be returned to the person from whom it was seized.

### Subpart 3—Declaring transition periods

#### *Interpretation*

*Clause 141* defines authorised person, a key term used in *subpart 1*, to mean a person authorised or otherwise empowered, under *clause 49 or 50*, to declare a local transition period.

#### *Declaring national transition period*

*Clauses 142 and 143* relate to declaring a national transition period and provide as follows:

- *clause 142* authorises the Minister to declare a national transition period that applies to the whole country or to 1 or more areas or districts after an emergency, whether or not a state of emergency has been declared, if the Minister considers that a national transition period is required:
- *clause 143* authorises the Minister to extend the location to which a national transition period applies if the existing national transition period applies to only part (rather than the whole) of New Zealand.

#### *Declaring local transition period*

*Clause 144* limits the exercise of the powers in *clauses 145, 147, 151, and 153* by specifying that an authorised person may exercise those powers only in respect of an area, district, or ward for which they are authorised to declare a local transition period.

*Clauses 145 to 149* relate to declaring a local transition period and provide as follows:

- *clause 145* authorises an authorised person to declare a local transition period after an emergency if a state of emergency has been declared. If no state of emergency has been declared, an authorised person may declare a local transition period with the Minister's approval:
- *clause 146* authorises the Minister, if an authorised person has not already done so, to declare a local transition period relating to an emergency, whether or not a state of emergency has been declared:

- *clause 147* authorises the Minister or an authorised person to declare a further local transition period for another, unaffected location that the Minister or authorised person considers has resources required to assist the affected location:
- *clause 148* sets out matters an authorised person or the Minister must consider when deciding whether to declare or extend a national or local transition period. These requirements relate to—
  - the public interest:
  - ensuring a timely and effective recovery:
  - whether the focus of activities in the affected area is moving from response to recovery:
- *clause 148* also requires the Minister to consult relevant Emergency Management Committees and the mayor of any affected local authority:
- *clause 149* provides that a local transition period may be declared or remain in force while a state of national emergency or national transition period is in force in respect of another emergency, even if both emergencies affect the same location.

#### *Commencement, duration, extension, and termination*

*Clauses 150 to 154* relate to the commencement, duration, extension, and termination of both national and local transition periods and provide as follows:

- *clause 150* provides for the commencement and duration of transition periods. Unless earlier terminated or extended, national transition periods are in force for 90 days and local transition periods are in force for 28 days. National and local transition periods commence—
  - on the expiry of the state of emergency under *clause 116*, if the transition period is declared to come into force on the expiry of the state of emergency; or
  - on the termination of the state of emergency under *clause 119*; or
  - at the time and on the date that the transition period is declared:
- *clause 151* provides that a transition period may be extended before an existing transition period expires and, if necessary, can be made to apply to a smaller location as part of the time extension. This clause provides that—
  - the Minister may extend a national transition period:
  - the Minister or an authorised person may extend a local transition period:
- *clause 152* provides for the commencement and duration of an extension, which is similar to the commencement and duration of the original declaration (*see clause 150*). A transition period may be extended more than once but the House of Representatives must be informed of a third or further extension:

- *clause 153* provides for the Minister to terminate a national transition period and for the Minister or an authorised person to terminate a local transition period:
- *clause 154* prescribes the content and publication requirements for declarations of transition periods and of extensions and terminations to transition periods.

#### Subpart 4—Powers applying during transition periods

##### *Interpretation*

*Clause 155* defines key terms used in *subpart 4*. Key terms defined include authorised Recovery Manager, which means the National Recovery Manager, a Regional Recovery Manager, or a District Recovery Manager.

##### *Powers exercised under this subpart*

*Subpart 4* sets out the powers that may be exercised during a national or local transition period. Those powers may be exercised by the following people:

- the Minister (*clause 156*):
- authorised Recovery Managers (*clauses 160 to 165*), provided that the requirements in *clause 158* are met:
- constables (*clauses 161 to 165*), provided that the requirements in *clause 159* are met.

*Clause 157* provides that the powers in *clauses 160 to 165* apply if a state of national or local emergency is in force in an area.

##### *Powers exercised by Minister*

*Clause 156* authorises the Minister to direct the Director-General, an Emergency Management Committee, or a person to perform or exercise any of the functions, duties, or powers conferred on that person or body under the Bill. The Minister may direct the Emergency Management Committee or the person to perform or exercise that function, duty, or power under the control, and to the satisfaction, of the Director-General.

*Clause 156* also authorises the Minister to direct a responsible person under *new section 133BK* of the Building Act 2004 to exercise any of their powers under subpart 6B of Part 2 of that Act.

##### *Powers exercised by authorised Recovery Managers*

*Clause 160* lists the powers of a Recovery Manager in a transition period, including carrying out works, clearing roads, removing or securing dangerous structures, and providing for the supply of food, fuel, and other essential resources.

*Powers exercised by authorised Recovery Managers and constables*

*Clauses 161 to 165* authorise an authorised Recovery Manager or a constable to exercise the following powers:

- evacuate or exclude any persons or vehicles from any premises or place, including any public place (*clause 161*);
- enter on or into, or break into, any premises or place if necessary for reasons relating to preserving human life and relieving suffering of people or unnecessary or unreasonable pain or distress of animals (*clause 162*);
- prohibit or restrict public access to a road or public place (*clause 163*);
- direct a person to stop an activity or request a person to take an action related to the emergency (*clause 164*);
- direct the owner of a structure, or the owners of a class of structures, to obtain an assessment of the effect of the emergency on that structure or class of structure (*clause 165*, and *see clause 166* for notice requirements for a direction under *clause 165*).

**Subpart 5—Provisions applying to this Part**

*Subpart 5* contains clauses that relate to *Part 4* as a whole and provides as follows:

- *clause 167* requires a person who is exercising a power under *Part 4* to be prepared to produce evidence of their identity and the authority under which they are acting;
- *clause 168* applies the content, consultation, presentation, and publication requirements specified in *Schedule 4* to the written reports that must be produced following the termination or expiry of—
  - a state of national or local emergency (*see Part 1 of Schedule 4*);
  - a national or local transition period (*see Part 2 of Schedule 4*);
- *clause 169* provides that, if a state of emergency or transition period is declared, the Resource Management Act 1991 applies to emergency works as provided for in section 330B of that Act.

**Part 5**

**Information, enforcement, compensation, appeals, and secondary legislation**

**Subpart 1—Power to require information**

*Clauses 170 to 173* relate to powers under the Bill to require the provision of information relating to emergency management.

*Clause 170* authorises the following people to require any person to give them information relating to emergency management at the following times:

- at all times, the Director-General and an Emergency Management Committee (or a person acting under their authority):
- during a state of emergency, the National Controller, a Regional Controller, and a District Controller:
- during a transition period, the National Recovery Manager, a Regional Recovery Manager, and a District Recovery Manager.

*Clause 170* requires that the information requested must be,—

- in the opinion of the person or Committee requiring the information, reasonably necessary for them to obtain in order to exercise emergency management; and
- in the possession of the person who is asked to give the information; and
- capable of being provided without unreasonable difficulty or expense.

*Clause 171* provides that information that is required to be given to the Director-General, an Emergency Management Committee, or a Recovery Manager must be given in a form and at a time specified by the person requesting the information.

*Clause 172* provides that a requirement to give information under *clause 170* does not include information concerning a person's medical history or information protected by legal professional privilege.

*Clause 173* provides that a person who receives information obtained under *clauses 74(f), 135(1), 137, 165(1), or 170* may use or disclose that information only for the purposes of this Bill, with the following 2 exceptions:

- the person may disclose the information to a responsible person under the Building Act 2004 in connection with the exercise of powers under subpart 6B of Part 2 of that Act:
- information obtained under *clause 74(f)* must not be used for the purpose of enforcing obligations under this Bill or regulations.

### Subpart 2—Compliance orders

*Clauses 174 to 178* relate to compliance orders, which the Director-General may serve on any person to ensure compliance with the Bill and requirements in related legislation. Compliance orders—

- may require a person to do something or stop doing something, or prohibit them from starting something (*clause 174*):
- must be complied with within the period specified in the order, at the expense of the person to whom it is issued (*clause 175*):
- have specified form and content requirements, including that they must state the right of appeal under *clause 207* (*clause 176*):
- may be varied or revoked by the Director-General at any time other than during the period for appealing the compliance order, when the Director-General may

amend or revoke the order only if they receive new information that relates to the order (*clause 177*):

- may be enforced by an order of the District Court, on application by the Director-General, if the court is satisfied that a person has refused to comply with or has contravened a compliance order (*clause 178*).

### Subpart 3—Offences

*Clauses 179 to clause 189* provide for offences and associated penalties. The Bill makes it an offence for a person to—

- intentionally fail or refuse to comply with a requirement in an emergency management plan (*clause 179*):
- intentionally fail to comply with a direction to evacuate a premises or place given under *clause 128 or 161* (*clause 180*):
- intentionally fail or refuse to obtain or provide an assessment of a structure required under *clause 135(1) or 165(1)* within the required time (*clause 181(1)(a) and (b)*):
- knowingly provide false or misleading information in an assessment of a structure required under *clause 135(1) or 165(1)* (*clause 181(1)(c)*):
- intentionally fail to comply with a prohibition or restriction imposed under *clause 130 or 163* on access to a road or public place (*clause 182*):
- intentionally fail to comply with a direction given under *clause 132(2)* involving requisitioning or to provide assistance with respect to requisitioned property under *clause 132(6)* (*clause 183*):
- intentionally fail to comply with a direction to stop or take an action given under *clause 134(a) or 164(a)* (*clause 184*):
- intentionally fail or refuse to supply information or knowingly give false or misleading information when required to provide information under *clause 170* (*clause 185*):
- intentionally disclose or use information in breach of *clause 74(g) or 173* (*clause 186*):
- fail to comply with a compliance order served under *clause 174* (*clause 187*):
- threaten or intentionally obstruct or hinder a person's performance of a function or duty under this Bill during a state of emergency or transition period (*clause 188*):
- intentionally personate or falsely represent themselves to be a specified person who has functions and duties under this Bill (*clause 189*).

### Subpart 4—Compensation, civil liability, and other protections

*Clause 190* defines compensatory amount, a term used in *subpart 4 of Part 5*, to mean the monetary amount a person has received or may reasonably be expected to receive

as a result of a contract of insurance or damages, compensation, or an ex gratia payment for loss of, or damage to, personal property.

*Clauses 191 to 200* provide for the payment of compensation, in certain circumstances, to people who have suffered loss or damage to property arising out of actions taken during a state of emergency or transition period. Those clauses apply as follows:

- a person whose property has been requisitioned under the Bill and suffers loss or damage may apply for compensation under *clause 191*;
- a person who suffers loss or damage to their personal property as a result of that person performing a function or duty arising from a state of emergency or transition period may apply for compensation under *clause 193*, provided that they are not eligible to apply for compensation under *clause 191*;
- a person who suffers loss or damage to their property as a result of an exercise of the powers under *clauses 128 to 135 or 161 to 165* may make a claim to the court for compensation under *clause 197*, provided that they are not eligible to apply for compensation under *clause 191 or 193*.

#### *Compensation for persons whose property is requisitioned*

*Clause 191* provides that compensation is payable to a person whose property has been requisitioned under the Bill (*see clause 132*). The compensation available is the value of the use of, or loss or damage to, the property less any compensatory amount (*see clause 190* for the definition of compensatory amount).

*Clause 192* specifies who is liable to pay compensation under *clause 191*: the Crown, the responsible Emergency Management Committee, or the responsible territorial authority.

#### *Compensation for loss or damage to personal property*

*Clause 193* provides that compensation is payable to the following persons for loss or damage to their personal property as a result of the person performing a function or duty arising from a state of emergency or transition period:

- a person who carries out emergency management under the direction of the Director-General, an Emergency Management Committee, a Controller, or a Recovery Manager;
- a member of an Emergency Management Committee;
- a person or class of person to whom the Minister determines *clause 193* applies.

The compensation available under *clause 193* is the value of the lost or damaged personal property less any compensatory amount (*see clause 190* for the definition of compensatory amount). *Clause 193* does not apply if a person is eligible to apply for compensation under *clause 191*.

*Clause 194* specifies who is liable to pay compensation under *clause 193*: the Crown, the responsible Emergency Management Committee, or the responsible territorial authority.

#### *Provisions applying to sections 191 to 194*

*Clause 195* provides that, when compensation is payable by more than 1 party, the cost must be divided equally among the parties (unless the parties agree otherwise).

*Clause 196* provides that a court may hear disputes arising under *clause 191 or 193* that relate to entitlement to compensation, the amount of compensation payable, or the liability of parties to pay compensation.

#### *Compensation for loss or damage due to exercise of other powers*

*Clauses 197 and 198* provide that the person may make a claim to the court for compensation from the Crown, the responsible Emergency Management Committee, or the responsible territorial authority. A claim may be brought only in respect of uninsured loss or damage that does not exceed the replacement value of that property.

*Clause 199* provides that compensation recovered as a result of a claim brought under *clause 197* must be paid in accordance with certain principles.

*Clause 200* sets out the matters that the court must take into account when determining the application of *clauses 197 to 199*.

#### *Civil liability*

*Clauses 202 to 204* provide that a person who performs or exercises a function, duty, or power under the Bill is protected from civil liability for—

- an act or omission in performing or exercising those functions, duties, or powers in relation to a state of emergency or transition period, subject to the provisions for compensation in *clauses 191 to 200*;
- loss or damage that is due directly or indirectly to the person issuing a warning, or failing to issue a warning, about a hazard in accordance with the Bill.

*Clause 202* also provides an equivalent protection for a person acting under the direction of a person who performs or exercises a function, duty, or power under the Bill.

#### *Employment rights not affected*

*Clause 205* provides that a person is not liable for dismissal for absence from their usual employment if the absence was due to the person being required to carry out emergency management duties during a state of emergency or transition period.

#### *Recovery of costs by Emergency Management Committee*

*Clause 201* allows for an Emergency Management Committee to recover emergency management costs and expenses from another Emergency Management Committee for which it has agreed to undertake emergency management.

## Subpart 5—Service of documents and appeals

### *Service of documents*

*Clause 206* sets out the requirements for serving documents under this Bill.

### *Appeals*

*Clauses 207 to 209* set out matters relating to appeal rights under the Bill. Those clauses provide as follows:

- *clause 207* provides that a person may appeal to the District Court on the grounds that any of the following were unreasonable:
  - a direction to obtain an assessment in relation to a structure:
  - a compliance order:
  - a requirement to give information:
- *clause 207* also specifies the time limit within which a person must bring an appeal and sets out the court's powers on appeal:
- *clause 208* provides that bringing an appeal against a requirement to provide information operates as a stay of that requirement, but bringing an appeal against a compliance order does not have that effect unless the court orders otherwise:
- *clause 209* provides that a decision made by the District Court under *clause 207(1)* may be appealed to the High Court but only on a question of law.

## Subpart 6—Secondary legislation

### *Regulations*

*Clauses 210 and 211* relate to the making of secondary legislation in the form of regulations and provide as follows:

- *clause 210* authorises the making of regulations on the recommendation of the Minister, given after consultation with appropriate persons and organisations. Regulations may be made under the Bill for a range of purposes, including the following:
  - prescribing the form, use, and wearing of distinguishing warrants and badges for emergency management personnel:
  - prohibiting or regulating an activity that may impede measures taken as part of an emergency management plan:
  - specifying the management of access to restricted areas:
- *clause 211* specifies matters to which the Minister must have regard before recommending the making of regulations under *clause 210* that impose requirements on a person other than the Minister, the Director-General, or an Emergency Management Committee.

### *Rules*

*Clauses 212 to 215* relate to the making of secondary legislation in the form of rules and provide as follows:

- *clause 212* authorises the Minister to make rules for specified purposes, including for prescribing forms, technical and data standards, and reporting requirements:
- *clause 213* specifies things that the Minister must do and matters to which the Minister must have regard before making rules under *clause 212*. The Minister must—
  - comply with specified procedural requirements relating to public notice, submissions, and consultation; and
  - have regard to the purposes of the Bill and the costs of implementing the rules:
- *clause 214* authorises the Director-General to exempt specified persons or classes of persons from compliance with requirements in a rule made under *clause 212*, unless the rule prohibits such exemptions:
- *clause 215* provides that the Director-General may grant an exemption under *clause 214* on any terms that the Director-General thinks fit, provided that the Director-General is satisfied that the exemption is not unnecessarily broad and is consistent with the purposes of the Bill.

#### *Incorporation of material by reference in secondary legislation*

*Clause 216* provides for the application of the Legislation Act 2019 to the incorporation of material by reference in secondary legislation made under this Bill.

### Subpart 7—Repeal and amendments

*Clause 217* repeals the Civil Defence Emergency Management Act 2002.

*Clause 218* makes amendments to other legislation that are consequential on the changes made in the Bill. The amendments are set out in *Schedule 5* of the Bill.



*Hon Mark Mitchell*

## **Emergency Management Bill (No 2)**

Government Bill

### **Contents**

	Page
1 Title	12
2 Commencement	12
<b>Part 1</b>	
<b>Preliminary provisions</b>	
3 Purpose	13
4 Outline of Act	13
5 Interpretation	15
6 Meaning of emergency	19
7 Meanings of essential infrastructure and essential infrastructure provider	20
8 Meaning of recovery activities	20
9 Transitional, savings, and related provisions	21
10 Act binds the Crown	21
11 Enforcement of Act against the Crown	21
12 Act does not limit other functions, duties, or powers	22
13 Precautionary approach	22
<b>Part 2</b>	
<b>Emergency management system role-holders</b>	
Subpart 1—National role-holders	
<i>Director-General of Emergency Management</i>	
14 Functions of Director-General of Emergency Management	22
15 Powers of Director-General	23
16 Director-General must act consistently with national emergency management strategy	25

**Emergency Management Bill (No 2)**

---

<i>Emergency management powers</i>		
17	Statements by Director-General	25
18	Power of Director-General to act on default by others	25
<i>National Controller</i>		
19	Role of National Controller	26
<i>National Recovery Manager</i>		
20	Role of National Recovery Manager	26
<i>Delegation by Director-General</i>		
21	Delegation of powers of Director-General	27
22	Provisions relating to delegation of Director-General's functions	27
Subpart 2—Regional role-holders		
<i>Emergency Management Committees</i>		
23	Emergency Management Committees	28
24	Members of Emergency Management Committees	28
25	Multi-member and unitary authority Emergency Management Committees	29
26	Representation on multi-member Emergency Management Committees	30
27	Functions of multi-member Emergency Management Committees	30
28	Functions of unitary authority Emergency Management Committees	31
29	General powers of Emergency Management Committees	32
30	Powers and duties of members of Emergency Management Committees	32
31	Emergency Management Committees must act consistently with national emergency management strategy	33
32	Appointment of chairperson	33
33	Standing orders applicable at meetings of multi-member Emergency Management Committees	33
34	Attendance at Emergency Management Committee meetings by audio link or audiovisual link	34
35	Mergers of Emergency Management Committees	34
36	Membership rules in event of local government reorganisations	34
<i>Administering authorities of multi-member Emergency Management Committees</i>		
37	Administering authorities	35
38	Functions and costs of administering authorities and chief executives of administering authorities	36

## Emergency Management Bill (No 2)

---

	<i>Emergency Management Co-ordinating Executive Groups</i>	
39	Appointment of Emergency Management Co-ordinating Executive Group	36
40	Role of Emergency Management Co-ordinating Executive Group	37
41	Provision of support to certain members of Emergency Management Co-ordinating Executive	38
	<i>Local authorities</i>	
42	Role of local authority members of multi-member Emergency Management Committees	38
43	Duty of local authorities to continue to function during and after emergency	39
44	Role of chief executives of territorial authorities to co-ordinate use of resources	39
	<i>Authority for payment of expenses</i>	
45	Costs incurred by local authorities or water organisations in connection with emergency may be reimbursed or paid	40
	<i>Emergency management functions and duties for offshore islands</i>	
46	Identification of offshore islands requiring emergency management	40
47	Joint responsibility of Minister of Local Government and Emergency Management Committee for emergency management of offshore islands	41
48	Agreements regarding joint responsibility for offshore islands	41
	<i>Persons authorised to make local emergency declarations</i>	
49	Persons authorised to make local emergency declarations: whole area, multiple districts, or multiple wards from within different districts	42
50	Persons authorised to make local emergency declarations: individual districts and wards within districts	43
	<i>Appointment of Regional Controllers, District Controllers, and Local Controllers</i>	
51	Appointment of Regional Controllers for multi-member Emergency Management Committees	43
52	Appointment of District Controllers for multi-member Emergency Management Committees	44
53	Appointment of Regional Controllers for unitary authority Emergency Management Committees	44
54	Appointment of Local Controllers for unitary authority Emergency Management Committees	45
55	Provisions applying generally to appointments and removals of Regional Controllers, District Controllers, and Local Controllers	45

**Emergency Management Bill (No 2)**

---

*Role of Regional Controllers, District Controllers, and Local  
Controllers*

56	Role of Regional Controllers	45
57	Role of District Controllers	46
58	Role of Local Controllers	47
59	Duty of Controllers to exercise powers consistently with national priorities	47

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

60	Appointment of Regional Recovery Managers for multi-member Emergency Management Committees	48
61	Appointment of District Recovery Managers for multi-member Emergency Management Committees	48
62	Appointment of Regional Recovery Managers for unitary authority Emergency Management Committees	49
63	Appointment of Local Recovery Managers for unitary authority Emergency Management Committees	49
64	Provisions applying generally to appointments of Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers	49

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

65	Role of Regional Recovery Managers	50
66	Role of District Recovery Managers	51
67	Role of Local Recovery Managers	51
68	Duty of Recovery Managers to exercise powers consistently with national priorities	52

Subpart 3—Other parties

*Lead agencies*

69	Role of lead agencies	52
70	Transfer of lead agency role	53

*General obligation to undertake emergency management functions  
and responsibilities*

71	Requirement to undertake emergency management functions and responsibilities	53
----	--	----

*Emergency services*

72	Duties of emergency services	54
----	------------------------------	----

*Essential infrastructure providers*

73	Essential infrastructure providers	54
74	Duties of essential infrastructure providers	54

**Emergency Management Bill (No 2)**

---

75	Recognition of essential infrastructure providers	55
76	Minister may exempt essential infrastructure provider	55

**Part 3**

**Emergency management system planning**

Subpart 1—National emergency management strategy

77	National emergency management strategy	56
78	Review of national emergency management strategy	56
79	Procedure for amending or replacing national emergency management strategy	57

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	57
81	Minister or Committee must consider alternatives, benefits and costs, and appropriateness before recommending plan or approving provisions	58

Subpart 3—National emergency management plan

82	National emergency management plan	59
83	Identification of lead agencies in national emergency management plan	59
84	Review of national emergency management plan	59
85	Requirements before recommendation to amend or replace, or decision to retain, national emergency management plan	60
86	Preparation and approval of proposal relating to review of national emergency management plan	60
87	Public notification of proposed national emergency management plan	61
88	Targeted amendments to national emergency management plan	62
89	Minor amendments to national emergency management plan	63

Subpart 4—Local and sector plans

*Regional emergency management plans*

90	Regional emergency management plans	63
91	Content of regional emergency management plan	64
92	Incorporation by reference in regional emergency management plans	64
93	Reviews of regional emergency management plans	65
94	Community engagement in developing proposal for regional emergency management plan	66
95	Public notification for proposal for regional emergency management plan	66
96	Comments and directions from Minister regarding proposal	66

**Emergency Management Bill (No 2)**

---

97	Minister may direct Emergency Management Committee to review regional emergency management plan	67
98	Targeted amendments to regional emergency management plan	67
99	Minor amendments to regional emergency management plan	68
	<i>Regional emergency management planning standards</i>	
100	Regional emergency management planning standards	68
101	Preparation of regional emergency management planning standards	69
102	Amendments to regional emergency management planning standards	69
103	Withdrawal of regional emergency management planning standards	70
	<i>Essential infrastructure sector response plans</i>	
104	Director-General may develop sector response plans for essential infrastructure providers	70
105	Content of sector response plans	70
106	Changes to sector response plan	71
	<b>Part 4</b>	
	<b>Emergency response and recovery: states of emergency and transition periods</b>	
107	Interpretation of this Part	71
	Subpart 1—Declaring states of emergency	
	<i>Interpretation</i>	
108	Interpretation of this subpart	72
	<i>Declaring state of national emergency</i>	
109	Minister may declare state of national emergency	72
110	Extending location to which state of national emergency applies	72
111	When Parliament must meet if state of national emergency declared	73
	<i>Exercise of powers in sections 113, 114, 117, and 119</i>	
112	When authorised persons may exercise certain powers in this subpart	73
	<i>Declaring state of local emergency</i>	
113	Authorised person or Minister may declare state of local emergency	74
114	Declaring state of local emergency for unaffected location to assist affected location	74
115	State of local emergency may be concurrent with national emergency declarations	75
	<i>Commencement, duration, extension, and termination</i>	
116	When state of emergency starts and expires	75

**Emergency Management Bill (No 2)**

---

117	Extending duration of state of emergency	75
118	Further provisions relating to extending state of emergency	76
119	Terminating state of emergency	76
120	Form and publication of declarations of states of emergency, extensions, and terminations	77
	Subpart 2—Powers applying during states of emergency	
	<i>Interpretation</i>	
121	Interpretation of this subpart	77
	<i>Powers exercised by Minister</i>	
122	Minister’s emergency power of direction	78
	<i>Application and exercise of powers in sections 125 to 135</i>	
123	Application of sections 125 to 135	79
124	When authorised Controllers or specified persons may exercise powers	79
	<i>Powers exercised by Emergency Management Committees</i>	
125	Emergency powers of Emergency Management Committees	79
126	Power to enter contracts on behalf of Emergency Management Committee	80
	<i>Powers exercised by authorised Controllers</i>	
127	Emergency powers of authorised Controllers	81
	<i>Powers exercised by specified persons and others</i>	
128	Power to evacuate premises and places	81
129	Power to enter premises and places	81
130	Power to close roads and public places	82
131	Power to remove obstructing vehicles	83
132	Power to requisition property	83
133	Power to examine, seize, destroy and undertake other activities in relation to property and things	84
134	Power to direct or request person to cease activity or take action	85
135	Power to direct owner of structure to obtain assessment	85
	<i>Notice requirements under section 135</i>	
136	Notice requirements under section 135	86
	<i>Warrant for entry to obtain information</i>	
137	Warrant for entry to obtain information	86
138	Form and content of warrant	87
139	Powers conferred by warrant	88
140	Disposal of information seized under warrant	88

**Emergency Management Bill (No 2)**

---

Subpart 3—Declaring transition periods

*Interpretation*

141	Interpretation of this subpart	89
-----	--------------------------------	----

*Declaring national transition period*

142	Minister may declare national transition period	89
143	Extending location to which national transition period applies	90

*Exercise of powers in sections 145, 147, 151, and 153*

144	When authorised persons may exercise certain powers in this subpart	90
-----	---	----

*Declaring local transition period*

145	Authorised person may declare local transition period	90
146	Minister may declare local transition period if authorised person has not done so	91
147	Declaring local transition period for unaffected location to assist affected location	92
148	Matters Minister or authorised person must consider when declaring or extending local transition period	92
149	Local transition period may be concurrent with national emergency declarations	93

*Commencement, duration, extension, and termination*

150	When transition period starts and expires	93
151	Extending duration of transition period	94
152	Further provisions relating to extending transition period	95
153	Terminating transition period	96
154	Form and publication of declarations of transition periods, extensions, and terminations	96

Subpart 4—Powers applying during transition periods

*Interpretation*

155	Interpretation of this subpart	97
-----	--------------------------------	----

*Powers exercised by Minister*

156	Minister's transition period power of direction	97
-----	---	----

*Application and exercise of powers in sections 160 to 165*

157	Application of sections 160 to 165	98
158	When Recovery Managers may exercise powers	98
159	When constables may exercise powers	99

*Powers exercised by authorised Recovery Managers*

160	Transition period powers of authorised Recovery Managers	99
-----	--	----

**Emergency Management Bill (No 2)**

---

	<i>Powers exercised by authorised Recovery Managers or constables</i>	
161	Power to evacuate premises and places	100
162	Power to enter premises and places	100
163	Power to close roads and public places	101
164	Power to direct or request person to cease activity or take action	101
165	Power to direct owner of structure to obtain assessment	102
	<i>Notice requirements under section 165</i>	
166	Notice requirements under section 165	102
	Subpart 5—Provisions applying to this Part	
	<i>Proof of identity</i>	
167	Person exercising emergency powers to provide proof of identity	103
	<i>Reporting requirements</i>	
168	Reporting requirements at expiry of state of emergency or transition period	103
	<i>Application of Resource Management Act 1991</i>	
169	Restricted application of Resource Management Act 1991	104
	<b>Part 5</b>	
	<b>Information, enforcement, compensation, appeals, and secondary legislation</b>	
	Subpart 1—Power to require information	
	<i>Information for emergency management</i>	
170	Power to require information	104
171	How information is to be provided	105
	<i>Restrictions on disclosure and use of information</i>	
172	Medical and legally privileged information not to be disclosed	105
173	Restrictions on disclosure and use of information	105
	Subpart 2—Compliance orders	
174	Power to serve compliance order	106
175	Compliance with compliance order	107
176	Form and content of compliance order	107
177	Director-General may amend or revoke compliance order	107
178	Civil proceedings relating to non-compliance with compliance order	108
	Subpart 3—Offences	
179	Offence involving failure to comply with requirement in emergency management plan	108
180	Offence involving failure to comply with direction to evacuate premises or place	108

**Emergency Management Bill (No 2)**

---

181	Offence involving withholding assessment or giving false or misleading information in assessment	109
182	Offence involving failure to comply with prohibition or restriction on access to road or public place	110
183	Offence involving requisitioning	110
184	Offence involving failure to comply with direction	110
185	Offence involving withholding information or giving false or misleading information	111
186	Offence involving disclosure or use of information	111
187	Offence involving failure to comply with compliance order	111
188	Offence involving obstruction	112
189	Offence involving personation	112
	Subpart 4—Compensation, civil liability, and other protections	
190	Interpretation of this subpart	112
	<i>Compensation for persons whose property is requisitioned</i>	
191	Compensation for persons whose property is requisitioned during state of emergency	113
192	Who is liable to pay compensation to persons whose property is requisitioned	113
	<i>Compensation for loss or damage to personal property</i>	
193	Compensation for loss or damage to personal property while performing emergency management	114
194	Who is liable to pay compensation for loss or damage to personal property while performing emergency management	115
	<i>Provisions applying to sections 191 to 194</i>	
195	When compensation is payable by more than 1 party	116
196	Court may hear dispute about compensation under section 191 or 193	116
	<i>Compensation for loss or damage due to exercise of other powers</i>	
197	Compensation for loss or damage due to exercise of other powers during emergency declarations	117
198	Parties from whom person may recover compensation under section 197	118
199	Principles for payment of compensation recovered under section 197	118
200	Considerations for court if claim brought under section 197	120
	<i>Recovery of costs by Emergency Management Committee</i>	
201	Emergency Management Committee may recover certain costs from other Committee	120

**Emergency Management Bill (No 2)**

---

	<i>Civil liability</i>	
202	Protection from liability in civil proceedings for act or omission	120
203	Protection from liability in civil proceedings for issue of, or failure to issue, warning	121
204	Limits on protections in sections 202 and 203	121
	<i>Employment rights not affected</i>	
205	Absence on duty not to affect employment rights	121
	Subpart 5—Service of documents and appeals	
	<i>Service of documents</i>	
206	Service of documents	122
	<i>Appeals</i>	
207	Appeals	123
208	Effect of bringing appeal	124
209	Appeal to High Court on question of law	124
	Subpart 6—Secondary legislation	
	<i>Regulations</i>	
210	Regulations	124
211	Minister must consider alternatives, benefits and costs, and appropriateness before recommending making of regulations	125
	<i>Rules</i>	
212	Minister’s power to make rules	126
213	Procedure for making rules	126
214	Director-General may grant exemptions from compliance with rules	127
215	Procedure for granting exemption	128
	<i>Incorporation of material by reference in secondary legislation</i>	
216	Incorporation by reference in secondary legislation	128
	Subpart 7—Repeal and amendments	
217	Repeal of Civil Defence Emergency Management Act 2002	128
218	Amendments to other legislation	129
	<b>Schedule 1</b>	130
	<b>Transitional, savings, and related provisions</b>	
	<b>Schedule 2</b>	142
	<b>Legislation relevant to emergency management</b>	
	<b>Schedule 3</b>	143
	<b>Essential infrastructure providers</b>	

<b>Schedule 4</b>	145
<b>Reporting requirements for states of emergency and transition periods</b>	
<b>Schedule 5</b>	150
<b>Consequential amendments to other legislation</b>	

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Emergency Management Act **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, 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.
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 25

## Part 1

### Preliminary provisions

#### 3 Purpose

The purpose of this Act is 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 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.

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

## 5 Interpretation

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** 5

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

**area**—

(a) means all the districts and regions of the local authorities that are members of one Emergency Management Committee; and 10

(b) extends to—

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

(ii) the seaward boundary of the regional councils or unitary authorities of the Emergency Management Committee 15

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

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

**Controller** means any of the following:

(a) the National Controller: 20

(b) a Regional Controller:

(c) a District Controller:

(d) a Local Controller

**Crown organisation** has the same meaning as in section 4 of the Crown Organisations (Criminal Liability) Act 2002 25

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

**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 30

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

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

**District Recovery Manager** means a person appointed as a District Recovery Manager under **section 61** 35

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

**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—
  - (i) are necessary or desirable for the safety of the public or property; 5  
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 10  
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**

**Emergency Management Co-ordinating Executive Group** or **Co-ordinating Executive Group** means a Group established under **section 39** 15

**emergency management plan** means—

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

**emergency services** means the following services: 20

- (a) the New Zealand Police;
- (b) Fire and Emergency New Zealand;
- (c) emergency ambulance services;
- (d) providers of health services

**essential infrastructure** has the meaning set out in **section 7(1)** 25

**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

**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 30

**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

**local authority** has the same meaning as in section 5(1) of the Local Government Act 2002 35

**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**
- local transition period** means a local transition period declared under **section 145**
- multi-member Emergency Management Committee** has the meaning set out in **section 25(2)** 5
- National Controller** means the person who is the National Controller in accordance with **section 19**
- national emergency management plan** or **national plan** means a plan made by regulations made under **section 82** 10
- national emergency management strategy** means a strategy completed under **section 77**
- National Recovery Manager** means the person who is the National Recovery Manager under **section 20**
- 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: 15
- (a) there is widespread public concern or interest:
  - (b) there is likely to be significant use of resources:
  - (c) it is likely that the area of more than 1 Emergency Management Committee will be affected: 20
  - (d) it affects, is likely to affect, or is relevant to New Zealand’s international obligations:
  - (e) it results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment) 25
- 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 30
- public place**—
- (a) means a place that, at any material time, is open to or is being used by the public,— 35
    - (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

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

**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

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

**Recovery Manager** means any of the following: 10

- (a) the National Recovery Manager:
- (b) a Regional Recovery Manager:
- (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 15

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

**regional council** has the same meaning as in section 5(1) of the Local Government Act 2002 20

**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** 25

**regulations** means regulations made under this Act

**relevant legislation**—

- (a) means legislation that may be relevant to emergency management; and
- (b) includes the legislation specified in **Schedule 2**, to the extent that it is relevant to emergency management 30

**representative**—

- (a) means an elected member of a local authority; and
- (b) includes an elected member of a community board established under section 49 of the Local Government Act 2002 35

**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

- 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— 5
- (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** 10
- 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 15
  - (b) a local transition period
- unitary authority** has the same meaning as in section 5(1) of the Local Government Act 2002
- unitary authority Emergency Management Committee** has the meaning set out in **section 25(4)** 20
- 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.
- 6 Meaning of emergency**
- (1) In this Act, an **emergency** is a situation that— 25
    - (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
      - (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). 30
  - (2) In this section, **happening** includes, without limitation, the following:
    - (a) an explosion:
    - (b) volcanic activity: 35
    - (c) an earthquake or land movement:
    - (d) a tsunami or flood:

- (e) a storm, tornado, or cyclone:
- (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: 5
- (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,— 10

**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 15
- (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: 20
- (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 25

**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,— 30

- (a) the actions specified in **subsection (2)**:
- (b) the measures specified in **subsection (3)**.

- (2) The specified actions are the following:

- (a) assessing and ongoing monitoring of the needs of a community affected by the emergency: 35

- (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: 5
- (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:
- (d) measures to enable community participation in recovery planning: 10
- (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. 15
- 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**. 20
- 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* 25
- (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 the Crown organisation in its own name.
- District Court orders* 30
- (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 against the Crown organisation in its own name.

*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—
    - (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.

5

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

10

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

**13 Precautionary approach**

15

- (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.

20

Compare: 2002 No 33 s 7

**Part 2****Emergency management system role-holders****Subpart 1—National role-holders***Director-General of Emergency Management*

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**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:
- (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:

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- (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:
- (g) keep the Minister informed, and provide advice, about any situation in which there is an imminent threat of an emergency: 5
- (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:
- (i) monitor and enforce compliance with this Act: 10
- (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)**. 15
- Compare: 2002 No 33 s 8 15
- 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— 20
- (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: 25
- (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 30
- (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)**.
- (3) The Director-General may,— 35
- (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:
- (b) devise, promote, and carry out, or cause to be carried out, research and investigations into matters relating to emergency management:
  - (c) issue or direct the issue of warnings and notifications: 5
  - (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— 10
- (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: 15
  - (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: 20
  - (f) any other matters that the Director-General considers are—
    - (i) necessary; and
    - (ii) consistent with the purposes of this Act.
- (5) See **section 170**, which authorises the Director-General to require information. 25
- (6) In this section, **specified resources** means any of the following:
- (a) personnel:
  - (b) materials:
  - (c) information: 30
  - (d) services:
  - (e) any other resources made available by public service agencies, Emergency Management Committees, emergency services, the New Zealand Defence Force (as provided under the Defence Act 1990), and other persons. 35

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**.

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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—

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- (a) any emergency; or
- (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

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

(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.

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(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.

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(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,—

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- (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
- (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.

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- (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*

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#### **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. 10
- (2) The Director-General may, in writing, delegate any function or power of the Director-General referred to in **sections 14(i) and 15(2)** to any 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. 15
- (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 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. 20
- (6) **Section 22** applies to an exercise of the power of delegation under **subsection (2)**.
- (7) *See section 170*, which authorises the National Controller to require information. 25
- Compare: 2002 No 33 s 10

### *National Recovery Manager*

#### **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. 30
- (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) and 15(2)** to any person for the purpose of dealing with a national transition period.
- (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. 35

- (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.
- (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. 5
- (6) **Section 22** applies to an exercise of the power of delegation under this section.
- (7) *See section 170*, which authorises the National Recovery Manager to require information. 10  
Compare: 2002 No 33 ss 11A, 94I

### *Delegation by Director-General*

#### **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. 15
- (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. 20
- (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 25
- (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 referred to in **sections 14(i) and 15(2)**. 30
- 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.
- (2) A delegation under any of those sections— 35
- (a) may be revoked in writing at will:
- (b) does not prevent the Director-General from exercising any function, duty, or power:

- (c) continues according to its tenor until it is revoked, despite any change in the person holding office as Director-General.
- (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 5
- (b) a National Recovery Manager under **section 20(2)**.
- (4) A delegate may perform or exercise the delegated functions and 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. 10
- (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—
- (a) the Public Service Act 2020; or
- (b) the Government Superannuation Fund Act 1956. 15
- Compare: 2002 No 33 ss 11(5), 11B(5), 105(3), (5), (6)

## Subpart 2—Regional role-holders

### *Emergency Management Committees*

#### **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**. 20
- (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 an Emergency Management Committee maintained for the purposes of this Act. 25

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)*). 30
- (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**. 35
- (3) Unitary authorities that border one another may be members of the same Committee.

- (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: 5
  - (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 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. 10
- Compare: 2002 No 33 ss 13(1)–(3), 14
- 25 Multi-member and unitary authority Emergency Management Committees** 15
- (1) An Emergency Management Committee is either a multi-member Emergency Management Committee or a unitary authority Emergency Management Committee.
  - (2) A **multi-member Emergency Management Committee** is made up of—
    - (a) a regional council and the territorial authorities within the same region; 20  
or
    - (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. 25
  - (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 made up of a single unitary authority. 30
  - (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.
  - (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. 35

**26 Representation on multi-member Emergency Management Committees**

Each member of a multi-member Emergency Management Committee must be represented on the Committee by—

- (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 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 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

## 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, including the power to delegate any of its functions or powers to 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:
  - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under this Act: 20
  - (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 and powers during an emergency: 25
  - (f) perform any other function that is necessary to give effect to any emergency management plan.
- (3) *See section 170*, which authorises an Emergency Management Committee to require information. 30  
Compare: 2002 No 33 s 18

## 30 Powers and duties of members of Emergency Management Committees

Each member of an Emergency Management Committee—

- (a) may acquire, hold, and dispose of real or personal property for the use of the Committee; and
- (b) may remunerate its representative for the cost of that person’s participation in the Committee; and 35
- (c) must provide to the Committee the information or reports that may be required by the Committee; and

- (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. 5

Compare: 2002 No 33 s 16

### **31 Emergency Management Committees must act consistently with national emergency management strategy**

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**. 10

Compare: 2002 No 33 s 37(1)

### **32 Appointment of chairperson**

- (1) Each multi-member Emergency Management Committee may appoint one of the representatives of its members to act as chairperson. 15
- (2) The appointed chairperson—
  - (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 member of the Committee. 20
- (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. 25

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. 30
- (2) However, the Committee may adopt other standing orders if three-quarters of the representatives of the members of the Committee present at a meeting of the Committee agree.
- (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. 35

- (4) *See* clause 27 of Schedule 7 of the Local Government Act 2002, which applies in relation to standing orders for unitary authority Emergency Management Committees.  
Compare: 2002 No 33 s 19
- 34 Attendance at Emergency Management Committee meetings by audio link or audiovisual link** 5
- (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) may attend any meeting of the Committee by means of audio link or audiovisual link unless lawfully excluded. 10
- (2) The representative 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**). 15
- (3) A representative 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. 20
- 35 Mergers of Emergency Management Committees**
- (1) The Minister may approve the merger of any 2 or more Emergency Management Committees.
- (2) A proposal for a merger under this section must be submitted to the Minister in writing and must include the following information: 25
- (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:
- (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: 30
- (d) which local authority will be the administering authority. 35
- 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
- (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 5
- (c) extends the district of a territorial authority into the region of another regional council.
- (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: 10
- (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:
- (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: 15
- (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. 20
- (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. 25
- (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.
- (5) A territorial authority that is subject to a ministerial direction under **subsection (4)** must comply with that direction. 30

Compare: 2002 No 33 s 22

*Administering authorities of multi-member Emergency Management Committees*

**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. 35
- (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.

- (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 members must reach an agreement to appoint one of the regional councils or unitary authorities as the administering authority for that Committee. 5
- (5) If the 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. 10
- (6) A regional council or unitary authority that is subject to a ministerial direction under **subsection (5)(b)** must comply with that direction.
- (7) The 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. 15

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. 20
- (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. 25
- (3) The cost of the administrative and related services must be agreed from time to time by the Committee.
- (4) Unless the members of the Committee agree otherwise, the costs agreed under **subsection (3)** must be divided equally among the members and each member must pay 1 share of the cost. 30

Compare: 2002 No 33 s 24

#### *Emergency Management Co-ordinating Executive Groups*

- ### **39 Appointment of Emergency Management Co-ordinating Executive Group** 35
- (1) An Emergency Management Committee must appoint and maintain an Emergency Management Co-ordinating Executive Group.

- (2) The membership of each Committee's Co-ordinating Executive Group consists of—
- (a) the chief executive of each member of the Emergency Management Committee or a person acting on the chief executive's behalf; and
  - (b) a senior Police employee who is assigned for the purpose by the Commissioner of Police; and 5
  - (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
  - (d) the chief executive or a senior officer of an ambulance service operating in the area; and 10
  - (e) the chief executive or a senior member of a provider of health and disability services operating in the area; and
  - (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 15
  - (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. 20
- (3) In addition, 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**. 25

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—

- (a) providing advice to the Emergency Management Committee and any subgroups or subcommittees of the Committee: 30
- (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. 35

Compare: 2002 No 33 s 20(2)

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

An Emergency Management Committee must ensure that each of the following person 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: 5

- (a) a member appointed under **section 39(2)(f)**:
- (b) a member appointed under **section 39(2)(g)**.
- (c) a person co-opted under **section 39(3)**. 10

#### *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. 15
- (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: 20
    - (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: 25
    - (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: 30
  - (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:
  - (d) respond to and manage the adverse effects of emergencies in its region or district: 35
  - (e) in advance of an emergency, plan for recovery activities in its region or district:

- (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): 5
- (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**): 10
- (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: 15
- (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:
- (l) promote emergency management in its region or district that is consistent with the purpose of this Act. 20
- (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.
- (4) *See section 28* for the functions of a unitary authority that is a unitary authority Emergency Management Committee. 25  
Compare: 2002 No 33 s 64
- 43 Duty of local authorities to continue to function during and after emergency**
- 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. 30  
Compare: 2002 No 33 s 64(2)
- 44 Role of chief executives of territorial authorities to co-ordinate use of resources** 35
- (1) **Subsection (2)** applies—
- (a) to each local authority (including a unitary authority), other than a regional council:

- (b) when no state of emergency or transition period is in force for the local authority's district.
- (2) The chief executive of a local authority must co-ordinate the use of the personnel, material, information, and other resources made available for the purposes of this Act. 5
- (3) A 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 chief executive who delegates the role in **subsection (2)** remains responsible and accountable under this Act for the performance of the role.

*Authority for payment of expenses* 10

**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—
- (i) in connection with an emergency; and 15
- (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,—
- (a) to reimburse the local authority or the water organisation for those costs; 20
- 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.

Compare: 2002 No 33 s 115A 25

*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 Minister of Local Government and the responsible Emergency Management Committee must together carry out in respect of an 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:
- (i) identify and assess those hazards and risks: 10
- (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 the offshore island: 20
- (d) in advance of an emergency, plan for recovery activities in the offshore island:
- (e) in the event of an emergency, carry out recovery activities in the offshore island:
- (f) within the offshore island, promote and raise public awareness of, and compliance with, this Act, and legislative provisions relevant to the purpose of this Act: 25
- (g) promote emergency management within the offshore island that is consistent with the purpose of this Act.
- (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. 30
- 48 Agreements regarding joint responsibility for offshore islands**
- (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. 35

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- (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.
- (3) Following a review under **subsection (2)**, the parties may—
- (a) amend the agreement; or 5
  - (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—
- (a) entering into an agreement; or 10
  - (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)**.
- (5) The parties may agree to make minor or technical amendments to the agreement without consultation under **subsection (4)**. 15

*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**
- (1) An Emergency Management Committee must appoint— 20
- (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.
- (2) An appointed person may be authorised to make a declaration that covers 1 or more of the following: 25
- (a) the whole of the Emergency Management Committee’s area:
  - (b) 2 or more districts within the area:
  - (c) 2 or more wards within the area if those wards are from within more than 1 district. 30
- (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 members of the Committee (or from the representatives of the unitary authority in the case of a unitary authority Emergency Management Committee). 35
- (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 members of the Committee may exercise the power. 5
- Compare: 2002 No 33 s 25
- 50 Persons authorised to make local emergency declarations: individual districts and wards within districts** 10
- (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: 15
- (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 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. 20
- Appointment of Regional Controllers, District Controllers, and Local Controllers* 25
- 51 Appointment of Regional Controllers for multi-member Emergency Management Committees**
- (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
- (3) 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)**.

- (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
- (b) may impose conditions or limitations on the use of the authority delegated under **paragraph (a)**. 5

Compare: 2002 No 33 s 26

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

- (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. 10
- (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. 15
- (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. 20
- (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. 25

Compare: 2002 No 33 s 27

## **53 Appointment of Regional Controllers for unitary authority Emergency Management Committees**

- (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. 30
- (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. 35
- (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.

- (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.  
Compare: 2002 No 33 s 26
- 54 Appointment of Local Controllers for unitary authority Emergency Management Committees** 5
- (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. 10  
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 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. 15
- (2) Any person may be appointed to the position, regardless of whether they are an employee of the relevant territorial authority. 20
- (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. 25
- (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. 30
- Role of Regional Controllers, District Controllers, and Local Controllers*
- 56 Role of Regional Controllers**
- (1) **Subclause (2)** applies to a Regional Controller for an Emergency Management Committee during a state of emergency in the Committee's area. 35
- (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.

- (3) At any time, the Regional Controller—
- (a) must perform or exercise any functions, duties, or powers delegated to the Regional Controller by the Committee or conferred on Regional Controllers by this Act or any other enactment; and 5
  - (b) may perform any function 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. 10
- (4) A Regional Controller who authorises a person under **subsection (2)(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. 15
- (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.
- Compare: 2002 No 33 s 28 20

## 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 co-ordinate the use of the personnel, material, information, and other resources made available for the purposes of this Act. 25
- (3) At any time, the District Controller—
- (a) must perform or exercise any functions, duties, or powers delegated to the District Controller by the Emergency Management Committee or conferred on District Controllers by this Act or any other enactment; and 30
  - (b) may perform any function conferred on the District 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 District Controller, including the power to delegate those powers, functions, and duties. 35
- (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.

Compare: 2002 No 33 s 28

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## **58 Role of Local Controllers**

- (1) This section applies to Local Controllers appointed under **section 54** for a unitary authority Emergency Management Committee.

- (2) The chief executive of the unitary authority may direct the Local Controller to—

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- (a) perform any of the functions and duties of, or delegated to, the Regional Controller of that Committee; and
- (b) exercise 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**.

15

- (3) The Local Controller must follow any directions given by the Regional Controller during a state of emergency.

- (4) **Subsection (3)** overrides **subsection (2)**.

- (5) The Local Controller—

- (a) must also perform or exercise any functions, duties, or powers delegated to the Local Controller by the Emergency Management Committee or conferred on Local Controllers by this Act or any other enactment; and
- (b) may perform any function conferred on the Local Controller by delegation under this Act.

20

- (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.

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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:

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- (a) a Regional Controller;
- (b) a person authorised by a Regional Controller under **section 56(3)**;
- (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)**.

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- (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.

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

- 60 Appointment of Regional Recovery Managers for multi-member  
Emergency Management Committees** 5
- (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.
- (2) A multi-member Emergency Management Committee must appoint— 10
- (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. 15
- (3) 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)**—
- (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 20
- (b) may impose conditions or limitations on the use of the authority delegated under **paragraph (a)**.
- Compare: 2002 No 33 s 29 25
- 61 Appointment of District Recovery Managers for multi-member  
Emergency Management Committees**
- (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. 30
- (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. 35
- (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.

- (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. 5  
Compare: 2002 No 33 s 30
- 62 Appointment of Regional Recovery Managers for unitary authority Emergency Management Committees**
- (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. 10
- (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. 15
- (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.
- (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. 20  
Compare: 2002 No 33 s 29
- 63 Appointment of Local Recovery Managers for unitary authority Emergency Management Committees** 25
- (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. 30  
Compare: 2002 No 33 s 30
- 64 Provisions applying generally to appointments of Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers**
- (1) **Subsections (2) to (5)** apply 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. 40

- (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. 10

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

**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. 15
- (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. 20
- (3) At any time, the Regional Recovery Manager—
- (a) must perform or exercise any functions, duties, or powers delegated to the Regional Recovery Manager by the Committee or conferred on Regional Recovery Managers by this Act or any other enactment; and 25
  - (b) may perform any function conferred on the Regional Recovery Manager by delegation under this Act; and
  - (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. 35
- (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.

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. 5
- (2) During a transition period that covers the district for which a District Recovery Manager is appointed, the District Recovery Manager must co-ordinate the use of the personnel, material, information, and other resources made available for the purposes of this Act. 10
- (3) At any time, the District Recovery Manager—
  - (a) must also perform or exercise any functions, duties, or powers 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 15
  - (b) may perform any function 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. 20
- (4) A District Recovery Manager must follow any directions given by the Regional Recovery Manager during a transition period.
- (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. 25

Compare: 2002 No 33 ss 30, 30A

## **67 Role of Local Recovery Managers**

- (1) This section applies to Local Recovery Managers appointed under **section 63** for a unitary authority Emergency Management Committee. 30
- (2) The chief executive of the unitary authority may direct that person to—
  - (a) perform any of the functions and duties of, or delegated to, the Regional Recovery Manager of the Committee; and
  - (b) exercise 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**. 35
- (3) The Local Recovery Manager must follow any directions given by the Regional Recovery Manager during a transition period.

- (4) **Subsection (3)** overrides **subsection (2)**.
- (5) The Local Recovery Manager—
- (a) must also perform or exercise any functions, duties, or powers 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 5
  - (b) may perform any function 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. 10
- Compare: 2002 No 33 ss 30, 30A
- 68 Duty of Recovery Managers to exercise powers consistently with national priorities** 15
- (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: 20
    - (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. 25

### Subpart 3—Other parties

#### *Lead agencies* 30

- 69 Role of lead agencies**
- (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.
  - (2) The functions of a lead agency are to— 35
    - (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 hazard; and
  - (c) keep the Director-General informed about any situation in which there is or may be an imminent threat of an emergency; and 5
  - (d) perform any function or duty imposed on it under this Act or any other enactment.
- (3) If a lead agency for an emergency is the department,—
- (a) **subsection (2)(a)** applies only in relation to or during a state of national emergency; and 10
  - (b) **subsection (2)(c)** does not apply.
- (4) *See section 83*, under which lead agencies may be identified in the national emergency management plan.

#### **70 Transfer of lead agency role**

- (1) During the response to an emergency that has been caused or contributed to by a hazard, a lead agency (**agency A**) may transfer its obligations as lead agency for that emergency to— 15
- (a) another government agency (**agency B**) with agency B's agreement; or
  - (b) to an Emergency Management Committee with that Committee's agreement. 20
- (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 lead agency for emergencies caused or contributed to by that hazard reverts to the government agency identified as the lead agency for those emergencies under **section 83**. 25

#### *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 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: 35
- (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

- Emergency services must— 10
- (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

Compare: 2002 No 33 s 63

### *Essential infrastructure providers*

#### 73 Essential infrastructure providers

- (1) **Schedule 3** sets out, by name or description, the entities or classes of entities that are essential infrastructure providers. 20
- (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

- An essential infrastructure provider must—
- (a) ensure that the essential infrastructure that it is responsible for providing is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency: 25
  - (b) develop and maintain a plan to carry out the duty described in **paragraph (a)**:
  - (c) make available to the Director-General in writing, on request, the plan described in **paragraph (b)**: 30
  - (d) contribute to developing sector response plans if required to do so by the Director-General:
  - (e) participate in the development of the national emergency management strategy and emergency management plans: 35

- (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:
- (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. 5

Compare: 2002 No 33 s 60

## 75 Recognition of essential infrastructure providers

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend **Schedule 3** to— 10
  - (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:
  - (d) remove the recognition of an entity or a class of entities. 15
- (2) In order to make a recommendation under **subsection (1)**, the Minister must,—
  - (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 20
  - (b) consider—
    - (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). 25
- (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. 30
- (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 35

- (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 essen-

tial 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.
- (3) The notice must set out the provisions of this Act from which the entity or class of entities is exempt. 5
- (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).
- (5) In this section, **class exemption** means an exemption granted under **subsection (1)** that relates to a class of entities. 10
- Compare: 2002 No 33 s 62

### Part 3

#### Emergency management system planning

##### Subpart 1—National emergency management strategy

- 77 National emergency management strategy** 15
- (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:
- (b) identifying the objectives to be pursued to achieve those goals: 20
- (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
- 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—
- (a) amend or replace the strategy by following the procedure set out in **section 79**; or 30
- (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. 35

- 79 Procedure for amending or replacing national emergency management strategy**
- (1) This section applies before the Minister amends or replaces a national emergency management strategy.
- (2) The Minister must— 5
- (a) publicly notify the proposed replacement strategy or the proposed amendments to the strategy by—
- (i) publishing a notice in the *Gazette*; and
- (ii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and 10
- (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
- (c) consult any persons that the Minister considers appropriate. 15
- (3) The Minister may make the amended or replacement national emergency management strategy by signing the amended or replacement strategy.
- Compare: 2002 No 33 ss 32, 36

**Subpart 2—Emergency management plans: duties relevant to making of national plan and regional plans** 20

- 80 Matters persons must have regard to in development of emergency management plans**
- Application*
- (1) This section applies to any person who performs a function in relation to the development of an emergency management plan under this Act. 25
- Duty*
- (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: 30
- (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*

- (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**. 5
- (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: 10
- (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):
  - (c) emergency services (or their employees or agents). 15

*Duty*

- (3) The Minister or Committee must, before recommending or approving provisions,—
- (a) have regard to—
    - (i) the extent, if any, to which the provisions or regulations are necessary to achieve the purpose of this Act; and 20
    - (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 25
    - (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 30
  - (c) be satisfied that the provisions or regulations—
    - (i) are necessary 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. 35

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. 5
- (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: 10
  - (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.
- (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. 15
- (4) The national plan may authorise a person to exercise the power in **section 130**.
- (5) An order made under this section— 20
- (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. 25

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. 30

#### 84 Review of national emergency management plan

- (1) The Minister— 35
- (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.
- (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. 5
- (3) A review undertaken under **subsection (1)(b)** has no effect on the Minister’s obligation to undertake a five-yearly review.
- Compare: 2002 No 33 s 46
- 85 Requirements before recommendation to amend or replace, or decision to retain, national emergency management plan** 10
- (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.
- (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. 15
- (3) In this section and **sections 86 and 87**, proposal—
- (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 20
- (ii) a proposal to retain the plan in its current form; and
- (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. 25
- 86 Preparation and approval of proposal relating to review of national emergency management plan**
- (1) The Minister must consider and approve a proposal developed by the Director-General. 30
- (2) In developing the proposal, the Director-General must—
- (a) identify any communities that the Director-General considers will or are likely to be a disproportionately affected community in an emergency and engage with representatives of those communities; and
- (b) engage with and seek advice on Māori interests and knowledge to inform the development of the proposal; 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— 5
- (a) consult other relevant Ministers about the proposal; and
- (b) determine to either—
- (i) approve the proposal; or
- (ii) refer it back to the Director-General for reconsideration, together with the Minister’s reasons for referring it back. 10
- (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.
- 87 Public notification of proposed national emergency management plan**
- (1) The Minister must— 15
- (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; and
- (ii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and 20
- (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
- (c) state where copies of any proposed new national plan, or amendments to the plan, are available for purchase; and 25
- (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 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). 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: 35
- (b) a statement that submissions on the proposal may be made in writing to the Minister by any person:
- (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,— 20
- (a) an update to a part of the plan that affects one or some parties more than others; or
  - (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 25
  - (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
  - (e) the addition of 1 or more obligations for existing parties as a result of the identification of new hazards or risks. 30
- (3) When making a targeted amendment under this section,—
- (a) **sections 82(3) and (4), 87, and 216** apply with any necessary modifications; and
  - (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. 35

- (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.
- (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 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: 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:
  - (e) the objectives of the plan and the relationship of each objective to the national emergency management strategy: 10
  - (f) the area of the Committee:
  - (g) 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 emergency:
  - (i) the arrangements for declaring a local transition period:
  - (j) the arrangements for co-operation and co-ordination with other Emergency Management Committees:
  - (k) the arrangements for the needs of any community in the Committee's area that the Committee considers may be a disproportionately affected community in an emergency: 20
  - (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.
- (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 for the purposes of that section. 30

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 is too large or impractical to include the material as part of the plan. 35

- (2) Any material incorporated by reference under this section is to be treated for all purposes as forming part of the plan.
- (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. 5
- (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.
- (5) All material incorporated by reference under this section must be available on an internet site maintained by or on behalf of the Committee. 10

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 review**); and 15
- (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 part of the plan.
- (2) Following a review under **subsection (1)**, the Committee may decide to— 20
- (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— 25
- (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 30
- (c) provide the proposal to the Minister for the Minister's comments and direction in accordance with **section 96**.
- (5) A review undertaken under **subsection (1)(b) or (c)** has no effect on a Committee's obligation to undertake a five-yearly review.
- (6) In this section and **sections 94 to 96**, **proposal** means— 35
- (a) the proposed amendments to, or a proposed replacement version of, a Committee's regional plan; or

(b) a proposal to retain the plan in its current form.

Compare: 2002 No 33 s 56

#### **94 Community engagement in developing proposal for regional emergency management plan**

In developing a proposal, the Emergency Management Committee must— 5

- (a) engage with representatives of any community 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. 10

Compare: 2002 No 33 ss 49(1), 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 notification (within the meaning of section 13 of the Legislation Act 2019); and 15
  - (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 20
- (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—
  - (i) the Committee; or
  - (ii) a subgroup of the Committee; and 25
- (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 30
- (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**

(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 35

- regional emergency management plan, or amendments to the plan, to the Minister for the Minister's consideration.
- (2) Within 20 working days of the Minister receiving the proposal, the Minister must provide comments and inform the Committee if the Minister is considering directing that amendments are made to the proposal. 5
- (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—
- (a) the direction regarding amendments to the proposal, along with the reasons for directing those amendments; or 10
- (b) the decision that no direction will be made.
- (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. 15
- (5) The Committee—
- (a) must have regard to any comments made by the Minister; and
- (b) may 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 20
- (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**
- 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**. 25
- 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. 30
- (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 more than others; or
- (b) an update relating to the identification of new hazards or changes in the risk profiles of existing hazards; or 35
- (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

- (d) the addition of 1 or more obligations for existing parties as a result of the identification of new hazards or risks.
- (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. 5
- (4) **Section 92** applies in relation to an amendment made under this section.  
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. 10
- (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
- (b) has no effect, or no more than a minor effect, on the obligations of any person. 15
- Compare: 2002 No 33 s 57

### *Regional emergency management planning standards*

### 100 Regional emergency management planning standards

- (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: 20
- (a) to assist in achieving the purpose of this Act: 25
- (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 71**:
- (d) to ensure the alignment of regional emergency management plans with the national emergency management plan. 30
- (2) A regional emergency management planning standard may apply to the emergency management plan of 1 or more Emergency Management Committees.
- (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). 35

**101 Preparation of regional emergency management planning standards**

- (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 5
  - (b) whether the regional emergency management planning standard should allow for local variation and, if so, to what extent; and
  - (c) whether it is appropriate for the regional emergency management planning standard to apply to a specified Emergency Management Committee or several Committees rather than all Emergency Management Committees; and 10
  - (d) any requirement in other legislation that is relevant to the purpose of the Act.
- (2) Before issuing a regional emergency management planning standard, the Minister must— 15
- (a) consult the Director-General; and
  - (b) prepare a draft of the standard; and
  - (c) give public notice of the draft; and
  - (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. 20

**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.
- (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: 25
- (a) to align with a New Zealand Standard within the meaning of section 4 of the Standards and Accreditation Act 2015:
  - (b) to fulfil New Zealand’s obligations under any international convention, protocol, or agreement to which New Zealand is a party: 30
  - (c) to extend the time frame for the implementation of any part of a national environmental standard:
  - (d) to remove provisions in a regional emergency management planning standard that are no longer required as a consequence of changes to legislation: 35
  - (e) to make changes that are no more than minor in effect, to correct errors, or to make similar technical alterations.
- (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. 5

### **103 Withdrawal of regional emergency management planning standards**

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. 10

#### *Essential infrastructure sector response plans*

### **104 Director-General may develop sector response plans for essential infrastructure providers**

- (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. 15
- (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 their essential infrastructure in the event of an emergency; and 20
  - (b) require the relevant essential infrastructure providers to contribute to the development of the sector response plan. 25
- (3) Before approving the sector response plan, the Director-General must consult—
  - (a) the essential infrastructure providers affected by the plan; and
  - (b) relevant government agencies and local authorities; and
  - (c) any other person (or their representative) who would have responsibilities or duties under the plan. 30

### **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 35
  - (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.
- (2) A sector response plan does not place mandatory requirements or duties on any person.
- 106 Changes to sector response plan** 5
- (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. 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

- 107 Interpretation of this Part** 15
- 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
- Local Controller** includes any person acting under the authority of a Local Controller 25
- 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
- Regional Recovery Manager** includes any person acting under the authority of a Regional Recovery Manager. 35

## 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**, 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 (the **affected location**) but not to the whole of New Zealand. 25
- (2) The Minister may declare that the state of national emergency 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

- 111 When Parliament must meet if state of national emergency declared**  
*If Parliament dissolved, expired, or prorogued*
- (1) **Subsection (2)** applies if—
- (a) the Minister declares a state of national emergency; and
  - (b) Parliament— 5
    - (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.
- (2) The Governor-General must, by Proclamation, summon Parliament to meet at a time that is no later than 7 days after— 10
- (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—
    - (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. 15
- (3) Parliament must meet and sit on the day appointed.
- (4) *See* section 18 of the Constitution Act 1986.
- If House of Representatives adjourned*
- (5) **Subsection (6)** applies if— 20
- (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.
- (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. 25
- (7) The House of Representatives must meet and sit in accordance with the notice.  
 Compare: 2002 No 33 s 67
- Exercise of powers in sections 113, 114, 117, and 119* 30
- 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.

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

- (1) **Subsection (2)** applies if an authorised person considers that an emergency has occurred or may occur in an area. 5
- (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.
- (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. 10
- (4) The fact that a 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* 15

- (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
  - (b) a state of local emergency has not been declared under **subsection (2)** in respect of that area. 20
- (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.

Compare: 2002 No 33 s 68 25

**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 30
  - (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. 35

- 115 State of local emergency may be concurrent with national emergency declarations**
- (1) **Sections 113 and 114** apply whether or not—
- (a) a state of national emergency is declared under **section 109** in respect of another emergency; or 5
- (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.
- (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. 10
- Commencement, duration, extension, and termination*
- 116 When state of emergency starts and expires**
- (1) A state of emergency— 15
- (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— 20
- (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** 25
- 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—
- (i) the criterion specified in **section 109(1)(b)** continues to be met; and 30
- (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)**. 35

*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
  - (b) the state of local emergency has not yet ended.

5

*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:
- (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.

10

**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.

15

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Compare: 2002 No 33 s 71

**118 Further provisions relating to extending state of emergency***When extension starts and expires*

20

- (1) An extension of the duration of a state of emergency starts—
- (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)**.
- (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.

25

*Multiple extensions allowed*

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

30

*Termination not affected*

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

**119 Terminating state of emergency***Terminating state of national emergency*

35

- (1) The Minister may declare that a state of national emergency is terminated.

*Terminating state of local emergency*

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

*Effect of termination*

- (3) A declaration made under this section ends the state of emergency when made. 5
- (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):
- (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). 10

Compare: 2002 No 33 s 72

**120 Form and publication of declarations of states of emergency, extensions, and terminations** 15

- (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
- (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. 20
- (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
- (b) as soon as is reasonably practicable, publish the declaration— 25
- (i) in the *Gazette*; and
- (ii) on an internet site maintained by or on behalf of—
- (A) the Director-General, if the Minister made the declaration; or
- (B) the responsible Emergency Management Committee, if an authorised person made the declaration. 30

Compare: 2002 No 33 s 73

**Subpart 2—Powers applying during states of emergency**

*Interpretation*

**121 Interpretation of this subpart** 35

In this subpart, unless the context otherwise requires,—

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

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

- (a) a Regional Controller: 5
- (b) a District Controller

**property** means any of the following:

- (a) land:
- (b) a building:
- (c) an animal: 10
- (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 15

**specified person** means any one of the following persons:

- (a) the National Controller:
- (b) a Regional Controller:
- (c) a District Controller:
- (d) a constable. 20

### *Powers exercised by Minister*

#### **122 Minister's emergency power of direction**

*Minister may direct Director-General or Committee or person*

- (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 25
  - (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. 30
- (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. 35

*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 state of emergency; 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 state of emergency 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. 15

*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 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 an area. 25

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. 30

*Powers exercised by Emergency Management Committees*

### 125 Emergency powers of Emergency Management Committees

- (1) An Emergency Management Committee may—
- Rescue and relief*
- (a) provide for the rescue of endangered persons and their removal to areas of safety: 35

- (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:
- (c) provide for the relief of human distress, including emergency food, clothing, and shelter: 5
- (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:  
*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 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:
- (a) the chairperson of the Committee: 25
- (b) the deputy chairperson of the Committee:
- (c) an employee of the Committee, or an employee of a 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 Controller.
- (2) A person who exercises the power conferred under this section must report the full circumstances of its exercise to the Emergency Management Committee—
- (a) at its next ordinary meeting; or
- (b) if that is not practicable, at the following ordinary meeting. 35
- (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—
- (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 roads and other public places:
    - (iii) removing, disposing of, securing, 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 **section 170**, which authorises an authorised Controller to require information.

*Powers exercised by specified persons and others* 15**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.
- (2) The actions a specified person may take are as follows: 20
- (a) directing the evacuation of persons or vehicles from any premises or place, including a public place:
  - (b) directing the exclusion of persons or vehicles from any premises or place, including a public place.

Compare: 2002 No 33 s 86 25

**129 Power to enter premises and places***Power*

- (1) A specified person may take the action specified in **subsection (2)** if the specified person believes on reasonable grounds that the action is necessary to do 1 or more of the following: 30
- (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:
  - (c) mitigate unreasonable or unnecessary pain or distress of an animal. 35

- (2) The specified person 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:
  - (c) a marae, but only for a reason specified in **subsection (1)(a) or (b)**. 5
- Additional requirements relating to subsection (1)(c)*
- (3) The specified person must not exercise the power authorised in **subsection (2)** for the reason specified in **subsection (1)(c)** unless—
- (a) the specified person has first made efforts that are reasonable in the circumstances to contact— 10
    - (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;
  - (b) the specified person has been unable to contact the owner or, if applicable, the occupier of the place or premises. 15
- (4) A specified person who enters on or into premises or a place under this section for the reason specified in **subsection (1)(c)**—
- (a) may, for that purpose, examine, mark, seize, take a sample from, secure, disinfect, or destroy an animal:
  - (b) must make efforts that are reasonable in the circumstances to— 20
    - (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 has taken.
- (5) In this section, **marae** has the same meaning as in section 2(1) of the Animal Welfare Act 1999. 25
- Compare: 2002 No 33 s 87

### 130 Power to close roads and public places

- (1) The action specified in **subsection (3)** may be taken by either of the following:
- (a) a specified person: 30
  - (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: 35
- (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:
  - (b) vehicles, including 1 or more classes or groups of vehicles.
- (4) A prohibition or restriction under **subsection (3)** may be total or partial. 5  
Compare: 2002 No 33 s 88

### 131 Power to remove obstructing vehicles

- (1) A specified person may—
- (a) remove an aircraft, ship, train, or vehicle from a place if it is impeding emergency management; and 10
  - (b) if reasonably necessary for that purpose, use force or break into the aircraft, ship, train, or vehicle.
- (2) The specified person may take the action authorised in **subsection (1)** if the specified person believes on reasonable grounds that the action is necessary to do either or both 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 89

### 132 Power to requisition property

- Power to requisition property* 20
- (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— 25
- (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— 30
- (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. 35

*Specified person must provide responsible owner with written statement about requisitioned property*

- (4) A specified person who requisitions property under **subsection (2) or (3)** must give the responsible owner a written statement specifying—
- (a) the property that is requisitioned; and 5
  - (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 under **subsection (3)** must be given to the responsible owner as soon as is reasonably practicable in the circumstances. 10

*Owner must assist specified person with use of property*

- (6) The responsible owner must provide the specified person with any assistance that the specified person may reasonably require for the effective and safe use of that property, both—
- (a) immediately before it is requisitioned; and 15
  - (b) after it is requisitioned.
- (7) In this section,—
- primary specified person**—
- (a) means a specified person; but
  - (b) does not include a person acting under the authority of a specified person 20
- 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. 25

Compare: 2002 No 33 s 90

### **133 Power to examine, seize, destroy and undertake other activities in relation to property and things**

- (1) A specified person may examine, mark, seize, take a sample from, secure, disinfect, or destroy 1 or more of the following: 30
- (a) any property:
  - (b) an animal:
  - (c) any other thing.
- (2) The person may take the action authorised in **subsection (1)** if the person believes on reasonable grounds that the action is necessary to do 1 or more of the following: 35

- (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

A specified person may— 5

- (a) direct a person to cease an activity that may cause, or substantially contribute to, an 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.

Compare: 2002 No 33 s 91; 1996 No 30 s 137(1)(d), (e) 10

### 135 Power to direct owner of structure to obtain assessment

*Direction*

- (1) A specified person 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: 15
    - (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. 20
  - (2) The specified person 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). 25
  - (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. 30
  - (4) The specified person 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 35

- (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*

- (6) The owner or the owner's agent may appeal to the District Court under **section 207(1)(a)**. 5

Compare: 2002 No 33 s 91; 1996 No 30 s 137(1)(d), (e)

*Notice requirements under section 135*

**136 Notice requirements under section 135**

- (1) A specified person who gives a direction under **section 135(1)(a) or (b)**— 10
- (a) must use endeavours that are reasonable in the circumstances to notify the following persons of the direction in accordance with **section 206**:
- (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 adjacent structure or adjoining land; 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 who gives a direction under **section 135(1)(b)** must also give public notice of the direction that is reasonable in the circumstances. 20
- (3) A notice given under **subsection (1) or (2)** must—
- (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 25
- (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.

Compare: 2002 No 33 s 91A

*Warrant for entry to obtain information* 30

**137 Warrant for entry to obtain information**

- (1) This section applies if—
- (a) a state of emergency is in force; or
- (b) an office holder considers that an imminent threat of an emergency exists. 35

- (2) An office holder may apply to the District Court for a warrant authorising a constable to enter and search any premises, other than a private dwelling or marae, for the purpose of obtaining information required to—
- (a) limit the extent of an existing emergency; or
  - (b) prevent a threatened emergency or limit its extent. 5
- (3) A District Court Judge may issue the warrant 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 10
  - (b) that the information is urgently required to—
    - (i) limit the extent of the existing emergency; or
    - (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. 15
- (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
  - (b) whether or not proceedings in relation to an appeal or the prosecution of an offence in respect of that requirement have been completed. 20
- (5) In this section, **office holder** means any one of the following persons:
- (a) the Director-General:
  - (b) the National Controller:
  - (c) an authorised Controller:
  - (d) a person authorised by an Emergency Management Committee to act under this section. 25

Compare: 2002 No 33 s 78

### 138 Form and content of warrant

A warrant issued under **section 137**—

- (a) must be in the form prescribed in regulations; and 30
- (b) must state the period, not exceeding 10 days, for which it is valid; and
- (c) must state the address or description of the premises that may be entered and searched; 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
- (b) to use any assistants that may be reasonable in the circumstances for the purpose of the entry and search; and 10
- (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
- (d) to search for and seize the information referred to in **section 137** and, for that purpose,— 15
- (i) to take copies of any document, or extracts from any document; and
- (ii) to require any person who has a document 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. 20
- (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)(c) and (d)**. 25
- (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. 30

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

### 140 Disposal of information seized under warrant

- (1) If a constable seizes any information or document under **section 139**, the constable must—
- (a) give it to the Director-General, a Controller, or a person authorised by an Emergency Management Committee; or 35
- (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 **subsection (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.

Compare: 2002 No 33 s 81

### Subpart 3—Declaring transition periods 5

#### *Interpretation*

#### **141 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**, to declare a local transition period. 10

#### *Declaring national transition period*

#### **142 Minister may declare national transition period**

- (1) This section applies if,—
- (a) in respect of an area,—
    - (i) a state of emergency has been declared and is in force; or 15
    - (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.
- (2) The Minister may declare a national transition period that applies to—
- (a) the whole of New Zealand; or 20
  - (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—
    - (i) in the public interest; and 25
    - (ii) necessary or desirable to ensure a timely and effective recovery; and
  - (b) have regard to the following matters:
    - (i) the areas or districts affected by the emergency;
    - (ii) whether the focus of activities in an area or a district is moving 30 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. 35

- (4) If the Minister declares a national transition period, the Minister must advise the House of Representatives as soon as practicable.

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. 5
- (2) The Minister may declare that the national transition period 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. 10
- (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.
- (4) The Minister must inform the House of Representatives as soon as practicable if the Minister makes a declaration under **subsection (2)**. 15

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. 20

#### *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— 25
- (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—
- (a) that area; or 30
- (b) 1 or more districts or wards within that area.

*Declaration by authorised person: no state of emergency declared*

- (3) **Subsection (4)** applies if—
- (a) an emergency arises but no state of emergency has been declared in an area in respect of that emergency; and 35

- (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—
- (a) that area; or 5
- (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,—
- (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. 10
- (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—
- (a) remains in force; or
- (b) is terminated. 15
- 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), (9), (10) 20
- 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,— 25
- (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 30
- (ii) the Minister considers that a local transition period is required.
- (2) The Minister may declare a local transition period for—
- (a) that area; or
- (b) 1 or more districts or wards within that area. 35

*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. 5
- (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. 10
- Compare: 2002 No 33 s 94B(1)–(3), (9), (10)

#### **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 15
  - (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. 20

#### **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. 25
- (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. 30
- (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
  - (b) necessary or desirable to ensure a timely and effective recovery. 35
- (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.

*Requirements applying only to Minister*

- (5) **Subsections (6) and (7)** apply 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. 5
- (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: 10
- (b) the mayor of any affected local authority.
- (7) However, **subsection (5)** 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. 15

Compare: 2002 No 33 s 94B(4)–(7)

**149 Local transition period may be concurrent with national emergency declarations**

- (1) **Sections 145 to 147** apply whether or not— 20
- (a) a state of national emergency is declared under **section 109**; or
- (b) a national transition period is declared under **section 142**.
- (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. 25

*Commencement, duration, extension, and termination*

**150 When transition period starts and expires**

*When transition period starts* 30

- (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—
- (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 35
- (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.

*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. 5

- (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

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## 151 Extending duration of transition period

*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—

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(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—

(A) in the public interest; and

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(B) necessary or desirable to ensure a timely and effective recovery; and

(iii) has had regard to the following matters:

(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.

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- (2) The Minister may declare that the duration of the national transition period is extended.

- (3) The Minister must inform the House of Representatives as soon as practicable if the Minister has made a declaration under **subsection (2)**. 30

*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—

(a) the Minister or authorised person considers that the extension is required; and

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(b) the local transition period has not yet ended.

*Extension may apply to smaller location*

- (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: 5
  - (b) in the case of a local transition period, the Minister or an authorised person.

**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. 10

- (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

**152 Further provisions relating to extending transition period 15***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
  - (b) expires,— 20
    - (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. 25

*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,— 30
- (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. 35

Compare: 2002 No 33 s 94D

**153 Terminating transition period***Terminating national transition period*

- (1) The Minister may declare that a national transition period is terminated.

*Terminating local transition period*

- (2) The Minister or an authorised person may declare that the local transition period is terminated. 5

- (3) Before making a declaration under **subsection (2)**, 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: 10  
 (b) the mayor of any affected local authority.

- (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  
 (b) the urgency of the situation requires the termination to be declared immediately. 15

*Effect of termination*

- (5) A declaration terminating a transition period ends the transition period when made.

Compare: 2002 No 33 s 94E 20

**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: 25  
 (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. 30

- (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: 35

- (b) ensure that the declaration is published in the *Gazette* as soon as is reasonably practicable.

Compare: 2002 No 33 s 94F

## Subpart 4—Powers applying during transition periods

### *Interpretation*

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#### **155 Interpretation of this subpart**

In this subpart, unless the context otherwise requires,—

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

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**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

**property** means any of the following:

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- (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.

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### *Powers exercised by Minister*

#### **156 Minister's transition period power of direction**

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*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)**.

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- (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* 5
- (4) **Subsection (5)** applies if—
- (a) a location is subject to both—
    - (i) a transition period; and
    - (ii) a designation under subpart 6B of Part 2 of the Building Act 2004; and 10
  - (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).
- (5) The Minister may direct that responsible person—
- (a) to exercise any of the powers conferred on the person under that subpart; 15
  - or
  - (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. 20
- (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.
- Compare: 2002 No 33 s 94J
- Application and exercise of powers in sections 160 to 165* 25
- 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 an area.
- Compare: 2002 No 33 s 94G
- 158 When Recovery Managers may exercise powers** 30
- (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
  - (b) is, in the opinion of the Recovery Manager,— 35
    - (i) in the public interest; and

- (ii) necessary or desirable to ensure a timely and effective recovery; and
  - (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. 5

### 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 10
  - (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. 15

#### *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: 20
    - (ii) clearing roads and other public places:
    - (iii) removing, disposing of, securing, or otherwise making safe, dangerous structures and materials, including structures and materials on private land: 25
  - (b) examine and mark 1 or more of the following:
    - (i) any property:
    - (ii) an animal:
    - (iii) any other thing:
  - (c) provide for the conservation and supply of food, water, fuel, and other essential supplies: 30
  - (d) provide information and advice to the public.
- (2) See **section 170**, which authorises an authorised Recovery Manager to require information.

Compare: 2002 No 33 s 94H

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*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. 5
- (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:
- (b) directing the exclusion of persons or vehicles from any premises or place, including a public place. 10
- (3) **Subsection (1)** overrides **sections 158(1)(b) and 159(1)**.  
Compare: 2002 No 33 s 94K

**162 Power to enter premises and places***Power*

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- (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:
- (a) preserve human life, prevent injury to people, or rescue and remove injured or endangered people: 20
- (b) permit or facilitate carrying out an urgent measure for the relief of suffering or distress of people:
- (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)*

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- (3) The authorised Recovery Manager or constable must not exercise the power in **subsection (2)** for the reason specified in **subsection (1)(c)** unless—
- (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 35
- (ii) if the owner is not the occupier of the place or premises, the occupier of the place or premises; and

- (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— 5
- (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) In this section, **marae** has the same meaning as in section 2(1) of the Animal Welfare Act 1999. 10
- 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: 15
- (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: 20
- (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. 25
- 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 emergency; or 30
- (ii) prevent, or substantially hinder, recovery from 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 emergency. 35

Compare: 2002 No 33 s 91; 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—
- (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: 5
  - (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. 10
- (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—
- (a) of injury to people; or
  - (b) to the safety of human life or of property (other than the structure itself). 15
- (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. 20
- (4) The authorised Recovery Manager or constable must give notice of the direction in accordance with **section 166**.

*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 25
  - (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*

- (6) The owner (or the owner’s agent) may appeal to the District Court under **section 207(1)(a)**. 30

Compare: 2002 No 33 s 94N

*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)**— 35

- (a) must use endeavours that are reasonable in the circumstances to notify the following persons of the direction in accordance with **section 206**:
- (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 adjacent structure or adjoining land of the direction; and 5
- (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. 10
- (3) A notice given under **subsection (1) or (2)** must—
- (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 15
- (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.
- Compare: 2002 No 33 s 94NA

## Subpart 5—Provisions applying to this Part 20

### *Proof of identity*

#### **167 Person exercising emergency powers to provide proof of identity**

A person exercising a power conferred on them by this Part must—

- (a) have with them evidence of their identity; and
- (b) if requested to do so,— 25
- (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.

Compare: 2002 No 33 ss 93, 94O 30

### *Reporting requirements*

#### **168 Reporting requirements at expiry of state of emergency or transition period**

- (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. 35

- (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.
- (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. 5

*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. 10
- (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**

**Information, enforcement, compensation, appeals, and secondary legislation** 15

Subpart 1—Power to require information

*Information for emergency management*

**170 Power to require information**

- (1) This section applies,— 20
- (a) at all times, to—
- (i) the Director-General or a person acting under the authority of the Director-General; and
- (ii) an Emergency Management Committee or a person 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
- (c) during a transition period, to the following persons: 30
- (i) the National Recovery Manager:
- (ii) a Regional Recovery Manager:
- (iii) a District Recovery Manager.

- (2) A person to whom or a Committee to which this section applies (a **designated person or Committee**) may, by notice in writing, require any person to give them or it information that is,—
- (a) in the opinion of the designated person or Committee requiring the information, reasonably necessary for them or it to obtain in order to carry out emergency management; and 5
- (b) in the possession of the person who is asked to give the information; and
- (c) capable of being provided without unreasonable difficulty or expense.
- (3) The person may appeal to the District Court under **section 207(1)(b)**. 10  
Compare: 2002 No 33 ss 76, 82(1), 94I

### 171 How information is to be provided

- (1) This section applies if a person is required by a designated person or Committee to provide information under **section 170**.
- (2) The information must be given—
- (a) in the form specified by the designated person or Committee; and 15
- (b) within the reasonable time specified by the designated person or Committee; and
- (c) free of charge.
- Compare: 2002 No 33 ss 76(3), 94I

### *Restrictions on disclosure and use of information* 20

### 172 Medical and legally privileged information not to be disclosed

No requirement to give information under **section 170** requires any person to give—

- (a) information concerning the medical condition or history of any person; 25  
or
- (b) information that is protected by legal professional privilege.

Compare: 2002 No 33 s 82

### 173 Restrictions on disclosure and use of information

#### *Application*

- (1) This section applies to a person who receives information obtained as a result of any of the following: 30
- (a) a duty for an essential infrastructure provider to provide advice under **section 74(f)**;
- (b) a direction to obtain an assessment in relation to a structure under **section 135(1) or 165(1)**; 35
- (c) the execution of a warrant issued under **section 137**:

- (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* 5
- (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 10
- (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 under **section 74(f)** to enforce obligations under this Act, regulations, or rules, other than the obligation in **section 74(f)** itself. 15
- Interpretation*
- (5) In this section, **responsible person** has the same meaning as in section 133BB(1) of the Building Act 2004. 20
- Compare: 2002 No 33 s 83

## 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 1 or more of the following: 25
- (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 Director-General believes, on reasonable grounds, contravenes or is likely to contravene a legislative requirement: 30
- (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 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. 35
- (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:
  - (iv) the national emergency management plan:
  - (v) regional emergency management planning standards; and 5
- (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**

- (1) A person on whom a compliance order is served must—
- (a) comply with the order within the period specified in the order; and 10
  - (b) unless the order directs otherwise, pay all the costs and expenses of complying with it.
- (2) The person may appeal to the District Court under **section 207(1)(c)**.

### **176 Form and content of compliance order**

- A compliance order must state— 15
- (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 20 or to stop the action; and
  - (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. 25
- (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 against the compliance order; and 30
  - (b) if the person appeals against the whole or part of 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—
- (a) compelling a person to comply with a compliance order; or
- (b) restraining a person from contravening a compliance order. 5
- (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:
- (b) under **subsection (1)(b)** if it is satisfied that the person has contravened, is contravening, or is likely to contravene a compliance order. 10
- (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
- (b) whether or not the compliance period for the compliance order has expired. 15
- (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.

Subpart 3—Offences 20

- 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.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 25
- (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 95 30

- 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**.
- (2) It is a defence to any proceedings for an offence against this section if the court is satisfied that the Controller, Recovery Manager, or constable did not have 35

reasonable grounds for believing that in all the circumstances of the case the requirement was necessary to preserve human life.

- (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: 5
- (b) in any other case, to a fine not exceeding \$100,000.

Compare: 2002 No 33 s 99

**181 Offence involving withholding assessment or giving false or misleading information in assessment** 10

- (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 15
- (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 20
- (b) if a person appeals under **section 207(1)(a)**, until the determination of the appeal.
- (3) **Subsection (2)(b)** applies despite anything to the contrary in section 25 of the Criminal Procedure Act 2011. 25
- (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:
- (b) in any other case, to a fine not exceeding \$50,000. 30
- (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:
- (b) in any other case, to a fine not exceeding \$60,000. 35

Compare: 2002 No 33 s 96

- 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**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 5
- (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.
- Compare: 2002 No 33 s 100 10
- 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
- (b) intentionally fails to provide assistance under **section 132(6)**. 15
- (2) It is a defence in any proceedings for an offence against **subsection (1)(a)** if the court is satisfied that the specified person 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.
- (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. 20
- (4) 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: 25
- (b) in any other case, to a fine not exceeding \$100,000.
- Compare: 2002 No 33 s 101
- 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)**. 30
- (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: 35
- (b) in any other case, to a fine not exceeding \$150,000.
- Compare: 2002 No 33 s 102

- 185 Offence involving withholding information or giving false or misleading information**
- (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 5
- (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 10
- (b) if a person appeals under **section 207(1)(b)**, until the determination of the appeal.
- (3) **Subsection (2)(b)** applies despite anything to the contrary in section 25 of the Criminal Procedure Act 2011.
- (4) A person who commits an offence against **subsection (1)(a)** is liable on conviction,— 15
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000;
- (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,— 20
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$30,000;
- (b) in any other case, to a fine not exceeding \$100,000.
- Compare: 2002 No 33 s 96 25
- 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.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 30
- (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 97
- 187 Offence involving failure to comply with compliance order** 35
- (1) A person commits an offence if the person 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,—
- (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** 5

- (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.
- (2) 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 \$50,000:
  - (b) in any other case, to a fine not exceeding \$150,000.

Compare: 2002 No 33 s 98

**189 Offence involving personation** 15

- (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:
- (a) the Director-General:
  - (b) a Controller: 20
  - (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)**:
  - (f) a person authorised or employed to perform or exercise a function, duty, or power under this Act or an emergency management plan. 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 \$50,000: 30
  - (b) in any other case, to a fine not exceeding \$150,000.

Compare: 2002 No 33 s 103

Subpart 4—Compensation, civil liability, and other protections

**190 Interpretation of this subpart** 35

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:
- (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. 5

*Compensation for persons whose property is requisitioned*

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

*Application* 10

- (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**):

- (a) a Controller:
- (b) an Emergency Management Committee or a person authorised by a Committee: 15
- (c) a constable.

*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: 20

- (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. 25

Compare: 2002 No 33 s 107

**192 Who is liable to pay compensation to persons whose property is requisitioned** 30

- (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: 35

- (a) the National Controller:

(b) a constable.

*When compensation is payable by Emergency Management Committee*

- (3) The compensation is payable by the responsible Emergency Management Committee if the requisitioned property has come under the control and direction of any of the following: 5
- (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: 10
- (c) a Local Controller.

*When compensation is payable by territorial authority*

- (4) The compensation is payable by the responsible territorial authority if the requisitioned property has come under the control and direction of a District Controller. 15

*Compensation for loss or damage to personal property*

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

*Application* 20

- (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:
- (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: 25
- (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: 30
- (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. 35
- (3) However, this section does not apply if the person is eligible to apply for compensation under **section 191**.

*Entitlement to compensation*

- (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: 5
  - (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.

*Minister must notify class determination* 10

- (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.

*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. 15
- (7) **Subsection (6)** applies despite anything to the contrary in that Act.

Compare: 2002 No 33 s 108

**194 Who is liable to pay compensation for loss or damage to personal property while performing emergency management** 20

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

*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 person entitled to the payment— 25
- (a) was, at the time of the loss or damage, carrying out emergency management under the control of any of the following:
    - (i) the Director-General or a person acting under the authority of the Director-General:
    - (ii) the National Controller: 30
    - (iii) the National Recovery Manager; 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*

- (3) The compensation is payable by the responsible 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 control of any of the following: 35

- (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
  - (c) a Regional Recovery Manager 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: 10
  - (d) a Local Controller:
  - (e) a Local Recovery Manager.
- When compensation is payable by territorial authority*
- (4) The compensation is payable by the responsible territorial authority if the person entitled to the payment was, at the time of the loss or damage, carrying out emergency management under the control of either of the following: 15
    - (a) a District Controller:
    - (b) a District Recovery Manager.
- Provisions applying to sections 191 to 194* 20
- 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 Emergency Management Committee: 25
    - (c) the responsible 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: 30
- (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. 35

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

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

- (1) This section applies to a person— 5
- (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**. 10
- (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: 15
- (i) a Controller;
- (ii) a Recovery Manager;
- (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. 20

*Person may recover compensation*

- (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)**— 25
- (a) may be brought only for direct loss or damage suffered in relation to property; and
- (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. 30

*Interpretation*

- (6) In this section and **sections 199 and 200**, property means—
- (a) real property; and
- (b) livestock; and 35

- (c) personal property, excluding livestock and other animals, not exceeding \$20,000 in value less any insurance cover for that personal property.

Compare: 2002 No 33 s 109

### **198 Parties from whom person may recover compensation under section 197**

- (1) This section applies to a person to whom **section 197** applies. 5  
*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: 10
- (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: 15
- (a) the Committee:
- (b) a Regional Controller 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:
- (c) a Regional Recovery Manager appointed by—
- (i) the Committee, if it is a multi-member Emergency Management Committee; or 25
- (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* 30
- (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.
- ### **199 Principles for payment of compensation recovered under section 197** 35
- (1) Compensation recovered as a result of a claim brought under **section 197(4)** must be paid 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.

*Compensation for insured property*

- (3) In the case of insured property, liability is covered— 5
- (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)**: 10
- (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)**: 15
- (iii) by the responsible territorial authority if the action or measure that caused the loss or damage was taken by a person specified in **section 198(4)**.

*Compensation for uninsured property*

- (4) In the case of uninsured property, liability is covered in the manner specified in **subsection (3)(b)**. 20

*Compensation if emergency is natural hazard*

- (5) Despite this section, if an emergency or anticipated emergency is a natural hazard—
- (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 25
- (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. 30

*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. 35

Compare: 2002 No 33 s 109(7)–(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**.
- (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: 5
- (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: 10
- (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***201 Emergency Management Committee may recover certain costs from other Committee** 15

- (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**).
- (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. 20
- (3) However, both Committees may agree to override this section.
- Compare: 2002 No 33 s 113

*Civil liability***202 Protection from liability in civil proceedings for act or omission** 25*Protection for person performing or exercising functions, duties, and powers under this Act*

- (1) **Subsection (2)** applies to the following persons:
- (a) the Crown:
- (b) an Emergency Management Committee: 30
- (c) a member of an Emergency Management Committee:
- (d) an officer or employee of the Crown or an Emergency Management Committee:
- (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— 35

- (a) in performing or exercising the person's functions, duties, or powers under this Act; and
- (b) directly or indirectly in relation to a state of emergency or transition period.
- Protection for person acting under direction of person performing or exercising functions, duties, and powers under this Act* 5
- (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.
- (4) B is protected from liability in civil proceedings for any act that B does or omits to do— 10
- (a) while acting under the direction of C; and
- (b) directly or indirectly in relation to a state of emergency or transition period.
- Compare: 2002 No 33 s 110
- 203 Protection from liability in civil proceedings for issue of, or failure to issue, warning** 15
- (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 the Director-General or an Emergency Management Committee. 20
- (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.
- 204 Limits on protections in sections 202 and 203** 25
- (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**.
- Employment rights not affected*
- 205 Absence on duty not to affect employment rights** 30
- (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:
- (a) the Director-General, a Controller, or a Recovery Manager requires the person to carry out or exercise emergency management functions, duties, or powers: 35

- (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. 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:
- (a) a direction to obtain an assessment in relation to a structure under **section 135(1) or 165(1)**:
- (b) a requirement to give information under **section 170**: 20
- (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—
- (a) confirm or vary the direction, requirement, or compliance order; or 30
- (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**.

Compare: 2002 No 33 s 77

**208 Effect of bringing appeal** 5

*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.
- (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. 10

*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.

**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)**. 15
- (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 20
- (b) any further time that the High Court may allow.

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: 25
- (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: 30
- (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)**: 35

- (d) prescribing fines not exceeding \$500 for the breach of any regulation or rule:
  - (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: 5
  - (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 10
  - (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). 15
- 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: 20
- (a) the Minister:
  - (b) the Director-General:
  - (c) 1 or more Emergency Management Committees (or their employees or agents). 25

### *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 30
    - (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 purpose of this Act, including providing information, services, or incentives; and 35
    - (iii) the reasons for and against—
      - (A) proposing, recommending, or adopting the regulations, including the principal alternative means available; or

- (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
- (c) be satisfied that the regulations—
  - (i) are necessary to achieve the purpose of this Act; and 5
  - (ii) are the most appropriate means to achieve that purpose, having regard to their efficiency and effectiveness relative to other means.

Compare: 2002 No 33 s 65

### *Rules*

- 212 Minister’s power to make rules** 10
- (1) The Minister may make rules for all or any of the following purposes:
- (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: 15
  - (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: 20
  - (e) prescribing the level of competence or standard to be met by persons carrying out specified emergency management functions:
  - (f) prescribing matters relating to providing, maintaining, controlling, and operating warning systems:
  - (g) providing for identifying and promoting emergency management services: 25
  - (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. 30
- (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**
- (1) Before making a rule under this section, 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 35

- (b) give interested persons reasonable time (as specified in the notice) to make submissions on the proposed rule; and
  - (c) consult persons and groups as the Minister thinks fit; and
  - (d) have regard to the following matters:
    - (i) the purpose of this Act: 5
    - (ii) the costs of implementing measures for which the rule is being proposed:
    - (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)**. 10
- (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. 15
- 214 Director-General may grant exemptions from compliance with rules**
- (1) The Director-General may, if the Director-General thinks it appropriate, exempt from compliance with 1 or more specified requirements of a rule made under **section 212**— 20
- (a) 1 or more 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. 25
- (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. 30
- (6) A class exemption 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— 35
- (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—
- (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. 5
- (2) An exemption—
- (a) takes effect on the date specified in the exemption (which, for a class exemption, must not be a date earlier than the date on which the class exemption is published under the Legislation Act 2019); and
  - (b) expires on the earlier of the following to occur unless it is sooner replaced or revoked: 10
    - (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— 15
- (a) grant the exemption on any terms and conditions that the Director-General thinks fit; and
  - (b) amend or revoke an exemption; and
  - (c) replace an exemption before or when it expires.

*Incorporation of material by reference in secondary legislation* 20

**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: 25
- (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

**Subpart 7—Repeal and amendments** 30

**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

**218 Amendments to other legislation**

Amend the legislation specified in **Schedule 5** as set out in that schedule.

Compare: 2002 No 33 s 117

**Schedule 1**  
**Transitional, savings, and related provisions**

s 9

**Contents**

Page

**Part 1**

**Provisions relating to this Act as enacted**

*General transitional provisions*

1	Interpretation	131
2	Matters initiated under Civil Defence Emergency Management Act 2002	131
3	References to Civil Defence Emergency Management Act 2002	131

*Emergency management officers*

4	Officers under 2002 Act continued under this Act	132
5	Transitional arrangements for Local Controllers and Local Recovery Managers: appointments	133
6	Definitions include Local Controllers and Local Recovery Managers appointed under clause 5	134
7	Transitional arrangements for Local Controllers: role	135
8	Transitional arrangements for Local Recovery Managers: role	135

*Emergency management bodies*

9	Bodies and their members under 2002 Act continued under this Act	135
10	Membership of Civil Defence Emergency Management Co-ordinating Executive Groups to continue for 12 months	136
11	Form of Civil Defence Emergency Management Group to continue	137

*Documents*

12	Documents under 2002 Act continued under this Act	137
13	2002 Act to continue to apply if review of national civil defence emergency management plan is in progress	138
14	Initial review of national emergency management plan under this Act	138
15	2002 Act to continue to apply if review of civil defence emergency management group plan is in progress	139

*Emergency declarations and powers*

16	Emergency declarations remain in force	139
----	--	-----

*Warrants*

17	Warrants continue	139
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	<i>References in documents to personnel and entities</i>	
18	References in documents to civil defence emergency management personnel and entities	140

## Part 1 Provisions relating to this Act as enacted

### *General transitional provisions*

<b>1</b>	<b>Interpretation</b>	
	In this schedule, unless the context otherwise requires,—	5
	<b>2002 Act</b> means the Civil Defence Emergency Management Act 2002	
	<b>corresponding Emergency Management Committee</b> , in relation to a Civil Defence Emergency Management Group, means the Emergency Management Committee that the Group is continued as under <b>clause 9(1)(a)</b>	
	<b>emergency declaration</b> 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	
	<b>matter</b> 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
<b>2</b>	<b>Matters initiated under Civil Defence Emergency Management Act 2002</b>	
(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
<b>3</b>	<b>References to Civil Defence Emergency Management Act 2002</b>	
	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.	30

*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: 5
- (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:
- (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: 10
- (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,— 15
- (i) if the corresponding Committee is a multi-member Emergency Management Committee, under **section 32** of this Act:
- (ii) if the corresponding Committee is a unitary authority Emergency Management Committee, under clause 26 of Schedule 7 of the Local Government Act 2002: 20
- (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: 25 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 Regional Controller for the corresponding Emergency Management Committee's area: 35
- (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 **sec-** 40

- tion 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. 15 20
- (2) From the commencement of this clause, certain continued officers become known by new titles as follows:
- (a) a Group Controller becomes known as a Regional Controller: 25
- (b) a Group Recovery Manager becomes known as a Regional Recovery Manager.
- 5 Transitional arrangements for Local Controllers and Local Recovery Managers: appointments**
- Provisions of 2002 Act regarding appointments continue to apply* 30
- (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):
- (b) section 30 (which relates to the appointment of Local Recovery Managers). 35
- (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: 40

- (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)**):
- (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)**). 5
- Existing appointments continue* 10
- (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.
- (4) The person’s appointment as a Local Controller— 15
- (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 regarding the functions, duties, or powers that must be carried out or exercised.
- (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. 20
- (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 25
- (b) is subject to the same direction regarding the functions, duties, or powers that must be carried out or exercised.
- This clause repealed after 12 months*
- (7) This clause is repealed on the date that is 12 months after Royal assent. 30
- 6 Definitions include Local Controllers and Local Recovery Managers appointed 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**. 35
- (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**.

**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**. 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.
- (3) **Section 59(2)** of this Act applies to— 10
- (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.
- This clause repealed after 12 months*
- (4) This clause is repealed on the date that is 12 months after Royal assent. 15

**8 Transitional arrangements for Local Recovery Managers: role***Provisions of 2002 Act and this Act applying to Local Recovery Manager*

- (1) This clause applies to a person (a **Local Recovery Manager**)— 20
- (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. 25
- (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.
- This clause repealed after 12 months* 30
- (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: 35

- (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: 5
- (b) the members of a Civil Defence Emergency Management Group 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 Emergency Management Committee under **sections 24 and 25** of this Act: 10
- (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: 15
- (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. 20
- (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: 25
- (b) a Civil Defence Emergency Management Co-ordinating Executive Group becomes known as an Emergency Management Co-ordinating Executive Group.
- 10 Membership of Civil Defence Emergency Management Co-ordinating Executive Groups to continue for 12 months** 30
- (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)**.
- (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. 35

- (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)** and co-opted under **section 39(3)** (if any).

*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. 5

## **11 Form of Civil Defence Emergency Management Group to continue**

- (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. 10
- (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 under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002. 15
- (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 Management 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. 20

Compare: 2002 No 33 s 12(1)

## *Documents*

### **12 Documents under 2002 Act continued under this Act**

- (1) The documents established under the 2002 Act and in effect immediately before the commencement of this clause continue in effect as follows: 25
- (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: 30
- (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:
- (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: 35

- (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—
- (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** of this Act: 5
- (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 10
  - (ii) it met all of the requirements for regional emergency management plans under **sections 80, 81, and 92 to 98** of this Act.
- (2) From the commencement of this clause, certain continued documents become known by new titles as follows: 15
- (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: 20
  - (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**
- (1) This clause applies if, before the commencement of this clause,— 25
- (a) the Minister has publicly notified a proposed plan under section 41(1)(d) of the 2002 Act to review the national civil defence emergency management plan under section 46 of the 2002 Act; and
  - (b) the review has not been completed.
- (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. 30
- 14 Initial review of national emergency management plan under this Act**
- The Minister must, no later than the date that is 2 years after the commencement of this clause,— 35
- (a) initiate a review of the national emergency management plan in full under **section 84(1)**; 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
- (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.

5

**15 2002 Act to continue to apply if review of civil defence emergency management group plan is in progress**

- (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 10
  - (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. 15

*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: 20
- (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:
  - (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: 25
  - (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. 30

*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. 35

- (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. 5

*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, agreement, deed, instrument, application, notice, direction, contract, lease, or other document in force at the commencement of this Act,— 10

- (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: 15
- (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: 20
- (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: 25
- (e) every reference to the National Controller is a reference to the National Controller under this Act:
- (f) every reference to a Group Controller is a reference to a Regional Controller under this Act: 30
- (g) every reference to a Local Controller is a reference to a Local Controller under this Act:
- (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: 35
- (j) every reference to a Local Recovery Manager is a reference to a Local Recovery Manager under this Act:

- (k) every reference to a state of national emergency is a reference to a state of national emergency under this Act:
- (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: 5
- (n) every reference to a local transition period is a reference to a local transition period under this Act.

**Schedule 2**  
**Legislation relevant to emergency management**

	<b>s 5</b>
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
Local Government Act 1974	
Local Government Act 2002	
Maritime Transport Act 1994	
Resource Management Act 1991	

### 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 the Telecommunications Act 2001). 10

### *Energy-related services*

*Electricity services*

- 4 An entity that generates electricity for distribution through a network or distributes electricity through a network.

*Gas services* 15

- 5 An entity that produces, supplies, or distributes manufactured gas or natural gas (whether it is supplied or distributed through a network or in bottles containing more than 20 kg of gas).

*Petroleum services*

- 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. 20

### *Transport-related services*

*Aviation services*

- 7 The company (as defined in section 2 of the Auckland Airport Act 1987) that operates Auckland International Airport. 25
- 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.
- 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, Hamilton, Hokitika, Invercargill, Napier, Nelson, New Plymouth, Palmerston North, 30

Queenstown, Rotorua, Tauranga, Wanganui, 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.

*Rail services*

10

- 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).

***Water services***

15

- 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

**Schedule 4**  
**Reporting requirements for states of emergency and transition periods**

s 168

**Contents**

Page

**Part 1**

**Reporting on states of emergency**

Subpart 1—Reporting on state of national emergency

1	National Controller must produce report following state of national emergency	145
2	Report must be presented and published	146

Subpart 2—Reporting on state of local emergency

3	Regional Controller must produce report following state of local emergency	146
4	Report must be presented and published	147

**Part 2**

**Reporting on transition periods**

Subpart 1—Reporting on national transition period

5	National Recovery Manager must produce report following national transition period	147
6	Presentation of final report on national transition period	148

Subpart 2—Reporting on local transition period

7	Regional Recovery Manager must produce report following local transition period	148
8	Report must be presented and published	149

**Part 1**

5

**Reporting on states of emergency**

Subpart 1—Reporting on state of national emergency

<b>1</b>	<b>National Controller must produce report following state of national emergency</b>	
(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:	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** were exercised by a Controller during that state of national emergency,— 5
- (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— 10
- (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. 15
- (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. 20
- (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** 25
- 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 internet site maintained by or on behalf of the Director-General.
- Subpart 2—Reporting on state of local emergency 30
- 3 Regional Controller must produce report following state of local emergency**
- (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: 35
- (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** were exercised by a Controller during that state of local emergency,—
  - (i) which powers were exercised; and
  - (ii) the reason that each power was exercised: 5
- (d) if the duration of the state of local emergency was extended 1 or more times, any other information—
  - (i) prescribed by rules for that purpose; or
  - (ii) that the Director-General requires the Regional Controller to report. 10
- (2) Before finalising the report, the Regional Controller 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 state of local emergency.
- (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. 15
- (4) The Director-General may then give the report to the Minister.
- 4 Report must be presented and published**
- As soon as practicable after receiving the report under **clause 3**,— 20
  - (a) the Minister must present the report to the House of Representatives; and
  - (b) the Emergency Management Committee must publish the report on an internet site maintained by or on behalf of the Committee.

## Part 2

### Reporting on transition periods 25

#### Subpart 1—Reporting on national transition period

- 5 National Recovery Manager must produce report following national transition period**
- (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: 30
  - (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** were exercised by a Recovery Manager during that national transition period,— 35

- (i) which powers were exercised; and
    - (ii) the reason that each power was exercised:
  - (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 5
    - (ii) that the Director-General requires the National Recovery Manager to report.
  - (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. 10
  - (3) Unless **subclause (4)** applies,—
    - (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 15
    - (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. 20
- Compare: 2002 No 33 s 94P
- 6 Presentation of final report on national transition period**
- 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 internet site maintained by or on behalf of the Director-General. 25

#### Subpart 2—Reporting on local transition period

- 7 Regional Recovery Manager must produce report following local transition period**
- (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: 30
    - (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: 35
    - (c) if any powers under **subpart 4 of Part 4** were exercised by a Recovery Manager during that local transition period,—

- 
- (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—
    - (i) prescribed by rules for that purpose; or 5
    - (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. 10
  - (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 15
    - (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**,—
- (a) the Minister must present the report to the House of Representatives; and 20
  - (b) the Emergency Management Committee must publish the report on an internet site maintained by or on behalf of the Committee.

## Schedule 5

### Consequential amendments to other legislation

s 218

#### 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 **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 **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 **2025**.

15

Replace section 98(1)(b) with:

- (b) an Emergency Management Committee established under the Emergency Management Act **2025**:

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 **2025**.

20

##### Building Act 2004 (2004 No 72)

In section 15(1)(na), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

25

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 **2025**”.

Replace section 133AE(2)(a) and (b) with:

- (a) any national emergency management plan made under **section 82** of the Emergency Management Act **2025**; and
- (b) the regional emergency management plan prepared and approved under **section 90** of the Emergency Management Act **2025** that covers the district in which the building is situated.

30

In section 133BB(1), insert in their appropriate alphabetical order:

**EM Act** means the Emergency Management Act **2025**

35

**Building Act 2004 (2004 No 72)—continued**

**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**.

In section 133BB(1), definition of **critical infrastructure**, paragraph (b), replace “a lifeline utility” with “an essential infrastructure provider”. 5

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**.

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,— 10

(a) means—

(i) the Minister responsible for administration of the EM Act; or

(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 15

(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)**

In section 133BB(1), definition of **state of emergency**, replace “section 4 of the CDEM Act” with “**section 5** of the EM Act **2025**”. 20

In section 133BB(1), definition of **transition period**, replace “section 4 of the CDEM Act” with “**section 5** of the EM Act **2025**”.

In section 133BC(1), replace “CDEM Act, a relevant CDEM decision-maker” with “EM Act, a relevant EM decision-maker”. 25

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”.

Replace section 133BK with:

**133BK EM Act officers as responsible persons** 30

(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:

(a) the power under section 133BQ (post-event assessments) may be exercised,— 35

(i) during a state of emergency, by a Controller (or a person acting under the Controller’s authority):

**Building Act 2004 (2004 No 72)**—*continued*

- (ii) during a transition period, by a Recovery Manager (or a person acting under the Recovery Manager’s authority):
  - (b) the power under section 133BR (evacuation) may be exercised,—
    - (i) during a state of emergency, by a Controller or a constable (or a person acting under that person’s authority): 5
    - (ii) during a transition period, by a Recovery Manager or a constable (or a person acting under that person’s authority):
  - (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,— 10
    - (i) during a state of emergency, by a Controller (or a person acting under the Controller’s authority):
    - (ii) during a transition period, by a Recovery Manager (or a person acting under the Recovery Manager’s authority):
  - (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,— 15
    - (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): 20
    - (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):
  - (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,— 25
    - (i) during a state of emergency, by a Regional Controller or Local Controller (or a person acting under the authority of a Regional Controller or Local Controller): 30
    - (ii) during a transition period, by a Recovery Manager (or a person acting under the Recovery Manager’s authority):
- (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: 35
  - (b) a responsible person who is a Local 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:

**Building Act 2004 (2004 No 72)**—*continued*

- (d) a responsible person who is a Local Recovery Manager must comply with **sections 66(4) and 68** of that Act.
- (4) In this section,—
- Controller, Director-General, Emergency Management Committee, Recovery Manager, Regional Controller, and Regional Recovery Manager** 5  
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.
- In the heading to section 133BL, replace “CDEM” with “EM”. 10
- 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”.
- In section 133BM(4), replace “**equivalent CDEM Act notice** means a notice, direc- 15  
tion, 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”.
- Burial and Cremation Act 1964 (1964 No 75)**
- In section 46(1), replace “section 85(1)(g) of the Civil Defence Emergency Manage- 20  
ment Act 2002” with “**section 125(1)(d)** of the Emergency Management Act  
**2025**”.
- Climate Change Response Act 2002 (2002 No 40)**
- In section 5ZW(8)(g), replace “lifeline utilities listed in Schedule 1 of the Civil 25  
Defence Emergency Management Act 2002” with “essential infrastructure providers,  
as defined in **section 5** of the Emergency Management Act **2025**”.
- Corrections Act 2004 (2004 No 50)**
- In section 179C, definition of **state of emergency affecting a prison or prisoners**, 30  
paragraph (a), replace “section 4 of the Civil Defence Emergency Management Act  
2002” with “**section 5** of the Emergency Management Act **2025**”.
- Replace section 191(1)(a) with:
- (a) a state of emergency is in force under the Emergency Management Act 35  
**2025** or there is an emergency (within the meaning of **section 5** of that  
Act); and
- Replace section 192 with:

**Corrections Act 2004 (2004 No 50)—continued****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 **2025**) that is in force at the time the direction is given.

5

**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 **2025**.

10

**Crown Research Institutes Act 1992 (1992 No 47)**

In section 43(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**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 **2025**”.

15

**Defence Act 1990 (1990 No 28)**

In section 39(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

In section 40(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

20

In section 42(a)(ii), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**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”.

25

In section 2, definition of **working dog**, replace paragraph (a)(ivc) with:

(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 **2025**; or

30

**Education and Training Act 2020 (2020 No 38)**

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 **2025**”.

35

**Education and Training Act 2020 (2020 No 38)**—*continued*

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** of the Emergency Management Act **2025**”.

In section 655(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

5

**Fire and Emergency New Zealand Act 2017(2017 No 17)**

In section 6, definition of **emergency**, replace paragraph (c) with:

- (c) a state of emergency declared under the Emergency Management Act **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 **2025**”.

10

In section 48(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**Hazardous Substances and New Organisms Act 1996 (1996 No 30)**

15

In section 46(1)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

In section 136(1)(b)(i) and (4)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**Health Act 1956 (1956 No 65)**

20

In section 70(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

In section 71(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)**

25

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 **2025**”.

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 **2025**)”.

30

In section 60(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

35

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**

**Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)**—*continued*

**119**, or the transition period is terminated under **section 153**, of the Emergency Management Act **2025**".

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)**

5

In section 79P(2)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”.

10

**Legislation Act 2019 (2019 No 58)**

In Schedule 3, repeal the item relating to the Civil Defence Emergency Management Act 2002

**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 **2025**”.

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**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 **2025**”.

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**Local Government Act 2002 (2002 No 84)**

In section 48J(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”.

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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:

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(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 **2025**:

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**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 **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 **2025**”. 5

In section 217(2)(c) and (4), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”. 10

**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 **2025**”. 15

In section 80(3)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”. 20

In section 100(5)(d), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”. 25

In section 254(3)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”. 30

In section 312(1)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**Marlborough Agricultural and Pastoral Association Empowering Act 1974 (1974 No 5)**

In section 7(1), replace “civil defence emergency under the Civil Defence Act 1962” with “emergency being declared under the Emergency Management Act **2025**”.

**National Animal Identification and Tracing Act 2012 (2012 No 2)**

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In section 34(1), replace “relevant agency” with “relevant decision-maker”.

In section 34(2)(a)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”.

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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 **2025**; and

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**Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (2019 No 19)**

In section 12(3)(b)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **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 **2025**”.

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In Schedule 5, replace clause 3 with:

**3 Act to which section 109(4) refers**

Section 109(4) applies to the Emergency Management Act **2025** in relation to the function of the Manawatu-Wanganui Emergency Management Committee to develop, approve, or review a regional emergency management plan.

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**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:

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Emergency Management Committees maintained or established under the Emergency Management Act **2025**

**Patents Act 2013 (2013 No 68)**

Replace section 185(1)(b) with:

**Patents Act 2013 (2013 No 68)**—*continued*

- (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 **2025**.

**Petroleum Demand Restraint Act 1981 (1981 No 12)**

Replace section 26(c) with:

- (c) the Emergency Management Act **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 **2025**”.

**Public Safety (Public Protection Orders) Act 2014 (2014 No 68)**

In the heading to section 75, replace “civil defence emergency” with “emergency”.

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”.

**Radiation Safety Act 2016 (2016 No 6)**

In section 54(1)(b) and (8), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

In section 55(1)(b) and (5)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

In section 57(2)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

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 **2025**)”.

**Resource Management Act 1991 (1991 No 69)**

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 **2025** other than an essential infrastructure provider that is a network utility operator to which subsection (1)(c) applies.

In section 330A(1) and (2), replace “lifeline utility” with “essential infrastructure provider”.

**Resource Management Act 1991 (1991 No 69)**—*continued*

In the heading to section 330B, replace “**Civil Defence Emergency Management Act 2002**” with “**Emergency Management Act 2025**”.

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 **2025**”.

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Replace section 331AA(6)(a) with:

- (a) may apply only to an area where, under the Emergency Management Act **2025**, a state of national or local emergency or a local or national transition period has been declared; and

**Tax Administration Act 1994 (1994 No 166)**

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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 **2025**”.

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 **2025**”.

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In section 91AAS(1), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 6(1)** of the Emergency Management Act **2025**”.

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 **2025**”.

**Telecommunications Act 2001 (2001 No 103)**

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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 **2025**”.

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**Urban Development Act 2020 (2020 No 42)**

In section 9, definition of **nationally significant infrastructure**, replace paragraph (i) with:

- (i) the port companies recognised as essential infrastructure providers under **Schedule 3** of the Emergency Management Act **2025**

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**Volunteers Employment Protection Act 1973 (1973 No 25)**

In section 14A(a)(ii), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”.

**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 **2025**”.

In section 38A(3)(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 **2025**”. 5

**Water Services Act 2021 (2021 No 36)**

In section 25(8), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”. 10

In section 34(4), replace “state of emergency declaration or transition period under the Civil Defence Emergency Management Act 2002” with “declaration of state of emergency or transition period under the Emergency Management Act **2025**”.

In section 59(3)(b), replace “lifeline utilities” with “essential infrastructure providers”. 15

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 **2025**.

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 **2025**”. 20

Replace section 61(2)(a) with:

(a) in the case of an emergency declared under the Emergency Management Act **2025**, the Controller (within the meaning of **section 5** of that Act); or 25

**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 **2025**”.

**Part 2** 30**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 **2025**”. 35

**Building (Dam Safety) Regulations 2022 (SL 2022/133)—continued**

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 **2025**”.

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 **2025**): 5
- (iii) emergency services (within the meaning of **section 5** of the Emergency Management Act **2025**); and

**District Court Rules 2014 (LI 2014/179)**

Replace rule 2.4A(1)(a)(i) with: 10

- (i) a state of emergency or transition period is declared under the Emergency Management Act **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 **2025**”. 15

**Family Court Rules 2002 (SR 2002/261)**

In rule 8(1), definition of **emergency**, paragraph (a), replace “section 66(1) or 68(1) of the Civil Defence Emergency Management Act 2002” with “**section 109 or 113** of the Emergency Management Act **2025**”.

**Gas Governance (Critical Contingency Management) Regulations 2008 (SR 2008/426)** 20

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 **2025**, or any equivalent state declared under any subsequent replacement legislation 25

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 **2025**, and includes any person appointed to an equivalent or a replacement role under any subsequent replacement legislation 30

Replace regulation 14 with:

**Gas Governance (Critical Contingency Management) Regulations 2008 (SR 2008/426)—continued****14 Emergency Management Act 2025**

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 **2025**.

In regulation 34(3), replace “a civil defence” with “an”. 5

In regulation 36(b), replace “director of civil defence emergency management” with “Director-General of Emergency Management”.

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: 10

- (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 **2025** relating to the national emergency management plan, or any equivalent or replacement document under any subsequent replacement legislation; and 15

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”. 20

**High Court Rules 2016 (LI 2016/225)**

Replace rule 3.3B(1)(a)(i) with:

- (i) a state of emergency or transition period is declared under the Emergency Management Act **2025**; or

**Land Transport (Road User) Rule 2004 (SR 2004/427) 25**

In clause 1.6, replace 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 30

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 **2025** in an emergency as defined in **section 6(1)** of that Act 35

**Land Transport (Road User) Rule 2004 (SR 2004/427)—continued**

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)**

In Schedule 2, Part 2, item relating to Chatham Islands Council, replace “Councillor/Civil Defence Emergency Group (7)” with “Councillor/Emergency Management Committee (7)”. 5

**New Zealand Distinguished Service Decoration Regulations 2007 (SR 2007/147)**

In regulation 4, definition of **operation**, paragraph (b), replace “civil defence” with “emergency management”. 10

**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 **2025**”. 15

**Radiocommunications Regulations 2001 (SR 2001/240)**

In regulation 44(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2025**”. 20

**Road User Charges (Applications for Exemption for Certain Classes of Light RUC Vehicles) Regulations 2013 (SR 2013/107)**

In regulation 6(1)(c)(iii), replace “section 91 of the Civil Defence Emergency Management Act 2002” with “**section 134** of the Emergency Management Act **2025**”.

**Social Security Regulations 2018 (LI 2018/202)** 25

In regulation 67(1C)(a), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 4** of the Emergency Management Act **2025**”.

In regulation 189(c), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 4** of the Emergency Management Act **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 **2025**”. 30