

13 February 2026

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
Wellington 6011

Tēnā koutou katoa

Emergency Management Bill (No.2)

Thank you for the opportunity to submit on the Emergency Management Bill (No.2). This submission reflects the views of Engineering New Zealand. Engineering New Zealand is the largest professional body for engineers in New Zealand, with over 23,000 members, including engineers that support the emergency management sector. Our members deliver rapid assessments, infrastructure continuity and technical leadership during emergencies.

Overview

Engineering New Zealand welcomes the Government's commitment to modernising New Zealand's emergency management system. In May last year we provided feedback on the design of the new legislation, responding to the National Emergency Management Agency's (NEMA)'s consultation. The Government Inquiry into the 2023 North Island severe weather events highlighted that existing legislation was not fit for purpose for modern, complex emergencies. In response, the National Emergency Management Agency (NEMA) produced a consultation document to inform the design of a new Emergency Management Bill. In May this year Engineering New Zealand provided feedback on that consultation where we outlined the key areas of importance to engineers that should be included in the Bill. It is our view that the introduction of the new Emergency Management Bill (No.2) reflects the call of the *Government Inquiry into the 2023 North Island Severe Weather Events* for change and delivers the legislative reset required to meet the demands of complex, contemporary emergencies.

We support the overall intent of the Emergency Management Bill (No. 2) to clarify roles, lift national consistency, and ensure the right powers and protections are available before, during and after emergencies. We acknowledge that the Bill addresses many of the key areas we advocated for in our May 2025 submission. This includes improved civil liability protections for those acting in good faith; clearer national, regional and local roles and responsibilities; and stronger national direction supported by practical guidance.

We note the Bill does not explicitly reference engineers or the engineering profession. Engineers play a significant role both in the risk reduction/readiness phases of emergency management, as well as in the response and recovery phases through enablement by the Emergency Management Committees. It is our view that engineers will be critical in the development of national and regional Emergency Management Plans, in addition to the role they play in response and recovery. Engineering New Zealand supports the Bill's formal recognition of the role of iwi Māori in emergency management and the unique understanding of hazards and risks grounded in centuries of local knowledge.

In this submission we highlight areas for improving the Bill, including areas that would benefit from refinement and help the new emergency management system to operate more effectively. Areas of key importance for us include:

- Clarifying civil liability protections
- Providing for compensation of specialist labour
- Clarifying the scope of “essential infrastructure.”

We have also provided further commentary and recognition below of the areas which represent a positive change in the Bill, this includes in particular:

- Stronger national direction and practical guidance
- Improved alignment with related regulatory regimes
- Reduced barriers to cooperation and information-sharing.

Impact on local government

The local government sector is currently facing significant policy change and will be required to implement a wide variety of systemic changes that will have a profound impact on New Zealanders. This includes emergency management reform. For context, some of the changes facing councils include (but not limited to) resource management reform, local water done well, fast-track consenting changes, proposed changes to local government structure, infrastructure funding and financing changes, rates caps, changes to development levies, upcoming changes on building liability and upcoming changes to Fire Safety regulations. This is not a new trend. Over the past year we have observed a marked increase in policy decisions being left to councils to implement, typically without any additional funding to support or enable the change.

Each of these reform programmes will result in significant change for councils to implement and manage, each of these changes rely on local government to work. Additionally, these changes are occurring on similar timeframes. Implementing all these changes within a short period creates substantial implementation risks and could lead to greater inconsistency between councils. Engineering New Zealand has been consistently calling for increased implementation support for local government and a clear plan for how local councils should manage implementation timeframes and phasing across all regulatory regimes.

Against this backdrop, we are concerned that the Bill’s cost and compensation settings could unintentionally shift a greater share of emergency costs onto local government. Specifically, clause 45 enables reimbursement if council costs meet criteria in a government policy set before the event but the policy is not visible in the Bill, and its timing and or scope are unclear.¹ We ask that this clause be amended, so that any government policy covering reimbursement is published, consulted on with Local Government New Zealand and affected sectors, and reviewed on a fixed cycle.

Areas for improvement

Purpose of the Bill

Focus on response and short-term recovery

While the Bill materially strengthens response and short-term recovery, its preventive readiness settings could be more explicit. We recommend:

¹ Authority for payment of expenses (cl 45).

- embedding readiness deliverables (training, exercises, pre-event contracts, data standards) in regional planning standards and the national plan
- requiring transparent reporting on readiness targets in the national strategy
- enabling pre-event arrangements (e.g., pre-qualification and standby contracts for technical specialists) so mobilisation is faster and fairer in events.

An often-cited rule of thumb is that for every dollar spent on readiness four dollars is saved by avoiding losses when an event occurs. This is another reason to strengthen readiness measures, not just the powers used during a response. Due to this lack of focus on readiness, we feel the Bill will not achieve its stated purposes as outlined in clause 3.

Clear roles and responsibilities established

Our call for clearer roles and responsibilities has been substantively addressed in the Emergency Management Bill (No 2). The Bill clarifies responsibilities across the system. It names the national leaders and what they can delegate, spells out what Emergency Management Committees and councils must do, and confirms who can declare a local emergency. It sets clear roles for regional, district and local controllers and recovery managers. It also explains which agency leads for different hazards and requires locals to follow national priorities. Overall, roles are clearer and accountability is stronger.²

To our point above on the purpose of the Bill and its current focus on response and short-term recovery, it is our view that roles and responsibilities would be further enhanced if reduction and readiness roles were clearly defined in the Bill.

Civil liability protections

The Bill creates broad civil liability protections for those acting in good faith during emergencies, including under direction. It specifically protects issuing or not issuing hazard warnings, with exclusions for bad faith/gross negligence and subject to compensation rules. Related provisions align with rapid building/safety assessments under the Building Act, ensuring suitably qualified assessors acting under controllers' or responsible persons' authority are covered.³

However, to ensure these protections operate consistently in practice, further clarity is required regarding when engineers are deemed to be acting under direction for the purposes of clause 202. We recommend that guidelines and/or rules be developed to set out when engineers are deemed to be acting under the direction of Emergency Management Committees, Controllers, Recovery Managers or other authorised persons for the purposes of clause 202.⁴ This would include rapid-building-assessments and other time-critical functions.

Compensation for labour

We sought explicit statutory provision for engineers and other experts to be paid for their time in an emergency, ideally at agreed rates and with simple ways to procure professional services quickly. While the Bill allows for contracts during a state of emergency,⁵ there are no explicit provisions for setting these up before. It is in the pre-event states where there is time to address terms and conditions. Currently the compensation provisions of the Bill are limited to property loss or damage, not professional time. Clauses noted as potentially relevant for local authority expenses, committees

² Roles & responsibilities (cls 14–22; 23–41; 42–44; 49–50; 51–68; 69–70); Powers exercised by the Minister (cl 122).

³ Civil liability protections (cls 202–204); RBA/Building Act alignment (cls 135, 165; Sch 2), Purpose Clause (cl 3).

⁴ Director General Guidelines (cl 15(4)); Minister's power to make rules (cl 212).

⁵ Clause 125(1)(h).

entering contracts and inter-committee cost recovery do not confer a right to remuneration for individual professionals.

Financial penalties for essential infrastructure

We are concerned the Bill adds new ways to be punished during emergencies. The Director-General can issue compliance orders, and breaking those, or other listed duties, can be a criminal offence with fines or imprisonment. For councils and essential service providers already stretched, penalties could pull money and people away from response and recovery. We prefer a warnings-and-guidance first approach, with proportionate, targeted enforcement only where truly necessary.⁶

A stronger, system stewardship role for NEMA

Our call for NEMA to take a stronger leadership role across the system has been partially met. The Bill boosts the Director-General's role and allows national rules and plans. However, it does not clearly require NEMA to lead how the Building Act and planning laws work together, nor does it provide system-level leadership so that data and lessons from the Ministry of Business, Innovation and Enterprise's (MBIE)'s rapid building assessment system inform infrastructure risk-reduction and readiness planning. Clause 122 enables limited direction into Building Act powers during events, and Schedule 2 lists related laws. We recommend adding a clear lead-agency duty to NEMA which includes co-developed standards with MBIE and reporting.⁷

Essential infrastructure

It is our view that the following infrastructure be included as 'essential' (Schedule 3):

- Hospitals
- Flood protection (dams, stopbanks/levees, pumps)
- Finance (payment)
- Solid waste
- Critical private road networks
- Non-council drinking-water suppliers
- Public mortuary and forensic pathology services

We are particularly concerned about the exclusion of flood protection entities and hospitals. Health services are treated as emergency services, and water services listed (Schedule 3 items 15–17) do not capture flood protection. We recommend the addition of the above listed infrastructure to Schedule 3 to remove ambiguity for planning.⁸

Schedule 3 recognises the New Zealand Transport Agency (NZTA) and local authorities for road networks and covers entities providing drinking water, stormwater and wastewater; however, it is unclear how private roads of public significance and non-council drinking-water suppliers are treated. We recommend either explicitly recognising these classes in Schedule 3 or utilising the mechanism for this purpose covered in clause 75.⁹

⁶ Compliance orders & offences (cls 174–178; 179–189).

⁷ Director-General/NEMA role (cls 14–21); limited Building Act direction (cl 122); cross-references (Sch 2).

⁸ Essential infrastructure coverage (Sch 3 items 15–17); emergency services & health (cl 72; cl 5); essential service concept (cl 7(2)(c)).

⁹ Power of the Governor-General, by Order in Council to insert, remove, or amend an essential infrastructure provider listed in Schedule 3 (cl 75).

The Bill modernises many parts of the system, but it does not recognise or plan for mass-fatality management. There is no definition or mention of morgues or the death-care system. The only provision is a last-resort power for Emergency Management Committees to dispose of deceased persons in the interests of public health.¹⁰ We recommend recognising the death-care system as essential infrastructure covering public morgues and hospital mortuaries, coronial pathology capacity, mortuary transport, funeral homes and crematoria. This could be achieved either by listing appropriate entities/classes in Schedule 3 or by planning standards/rules that require consistent mass-fatality arrangements across regions.¹¹

Managing access to restricted Areas

The Bill updates how cordons and restricted areas are managed. It clearly says who can order evacuations, enter buildings and close roads, allowing authorised people named in local plans to use those powers. Anyone using these powers must show identification, and the Minister can set standard forms and identification passes so recognised groups can be authorised in advance. This makes access faster for the right people, like qualified engineers doing safety checks, while keeping the public safe and improving consistency across regions.¹²

We support the Bill's provisions on the management of access to restricted areas and believe that these could be further strengthened by specifying how contractors are to enter restricted areas. In previous emergencies, this has been a challenge for those on the front line.

A national hazards map and national resource capacity

Engineering New Zealand's request to establish a national hazards map remains unaddressed in the Emergency Management Bill 2025. The Bill tasks the Director-General with identifying nationally significant hazards and provides strategic and planning instruments strategy, national and regional plans, planning standards and rule-making powers for technical/data standards. However, it does not require a national hazards map or allocate responsibility and funding to prepare, maintain and publish one. This gap weakens consistency, transparency and planning integration across agencies and regions.¹³ To address this, nationally consistent digital tools and data standards (including hazard mapping) are needed that integrate professional inputs into decision-making.

A similar gap is evident regarding national resource capacity. Neither the national strategy nor the national plan content requirements currently require a nationally coordinated capability framework for scarce technical roles (e.g., structural, geotechnical, lifelines, dam safety engineers).¹⁴ Along with the creation of a national hazards map, we recommend directing NEMA to maintain a national register and mobilisation framework and to report annually on capability levels and any shortfalls.

Funding prioritisation and cost/benefit discipline in recovery

The Bill improves integration across regimes and embeds planning-level evaluation, but it does not create a binding discipline to prioritise recovery funding under scarcity. While clause 81 requires evaluation of benefits, costs and alternatives, and the purpose clause promotes cost-effective risk reduction, these duties sit at plan-making, not decision-by-decision allocation of recovery capital. There is no explicit requirement to apply cost-benefit tests to individual rebuild, repair or betterment

¹⁰ Emergency powers of Emergency Management Committees, disposal of dead persons or animals (cl 125(1)(d)); Burial and Cremation Act cross-reference updated in Sch 5

¹¹ Minister's power to make rules (cl 212); Regional emergency management planning standards (cl 100).

¹² Access management (cls 128–130 incl 130(1)(b)); ID requirement (cl 167); ID/forms by rules (cl 212(a), 212(d)).

¹³ Hazard identification & instruments, no explicit national hazards map (cl 14(a); cls 77–79; 82–89; 90–103; cl 212(b)).

¹⁴ National emergency management strategy (cl 77); National emergency management plan (cl 82).

projects, nor a mechanism that privileges maintenance of existing assets over new builds during recovery.¹⁵ Furthermore, there is no requirement to utilise technology to improve future outcomes.

Without a focus on betterment, our observation is that we often end up rebuilding vulnerabilities. Disciplined recovery decision-making supports better outcomes and improved resilience.

Additional points for the Committee’s consideration

Pre-declaration activation and consultation

The Bill streamlines how declarations are made, but there remains no explicit, nationally consistent footing for standing up local emergency management capability before a declaration. In practice, Controllers’ operational powers only apply once a state of emergency is in force. Without a statutory “pre-activation” footing, councils can face delays or uncertainty in the crucial hours before a declaration (mobilising staff/contractors, enabling controlled access, and coordinating with essential infrastructure providers), precisely when early action is most valuable. Our recommendation is for a Pre-Declaration Activation Protocol to be prescribed and implemented through regional emergency management plans and planning standards.¹⁶

In addition, where the Minister declares or extends a local state of emergency, the Bill currently contains no express duty to consult or notify affected mayors or Emergency Management Committees beforehand.¹⁷ This contrasts with the Minister’s duty to consult for local transition periods. To protect local democratic accountability and ensure situational clarity, we recommend the inclusion of a new clause requiring consultation “where practicable”, mirroring the requirement covered for local transition periods.¹⁸

Health and safety when recruiting volunteers

The Bill empowers Emergency Management Committees to “recruit and train volunteers” and requires suitably trained personnel, including volunteers.¹⁹ However, it is silent on who the Health and Safety at Work Act 2015 (HSWA) person conducting a business or undertaking (PCBU) is when these activities occur. It also does not explain how overlapping HSWA duties are to be managed among councils, essential infrastructure providers and other partners. This gap leaves councils unsure about their obligations, increases their risk of liability, and is likely to create inconsistent practice across regions. We recommend an amendment to clause 29 to make it clear that, for HSWA purposes, the Committee’s administering authority (or a named member council) is the PCBU and is responsible for health and safety when the Committee recruits, trains, or deploys volunteers.

Acknowledgment of positive changes within the Bill

National direction and guidance supported

The Bill reinforces national direction by empowering the Minister to make emergency management rules prescribing technical/operational matters, introducing regional planning standards and requiring a National Emergency Management Strategy with goals, objectives and measurable targets. Assurance and compliance are backed by Director-General powers, including compliance orders.

¹⁵ Purpose clause and planning-level cost-benefit analysis requirements (cl 3(c)(iii), cl 81(3)(b)); Clauses that relate to funding/compensation but do not fill this gap (cl 45, cls 191–200).

¹⁶ Prescribed via rules (cl 212), Regional emergency management plans (cls 90–91); Regional emergency management planning standards (cls 100–103).

¹⁷ Declaring state of local emergency (cl 113); Extending duration of state of emergency (cl 117).

¹⁸ Matters Minister or authorised person must consider when declaring or extending local transition period (cls 148(6)–(7)).

¹⁹ Functions of emergency management committees (cls 27–28); General powers of Emergency Management Committees (cl 29).

Together these instruments lift consistency, clarify expectations, and support capability across regions while allowing operational guidance to be updated quickly.²⁰

Alignment with other regulatory regimes

Alignment with related regulatory regimes is strengthened in the Bill by tying emergency management planning to other legislation via Schedule 2, anchoring cross-system coordination. It preserves agencies' powers and enables the Minister to direct decision-makers to use rapid their building assessment powers under the relevant sections of the Building Act 2004. It also confirms Resource Management Act emergency-works provisions apply when an emergency or transition period is declared. By defining 'essential infrastructure' and setting expectations for essential infrastructure providers, the Bill promotes effective preparedness, response, and recovery.²¹

Strengthening lifeline utility continuity planning

The Bill reframes "lifeline utilities" as "essential infrastructure providers" and imposes a clear duty to ensure services can function to the fullest possible extent during emergencies. To this end, we also recognise and support the New Zealand Lifelines Council's role in coordinating continuity planning across essential infrastructure providers. Providers are required to participate in national and regional emergency management provisions for regional, district and local Controllers and Recovery Managers, with explicit direction powers and duties to align with national priorities. The Bill also requires reporting on the use of powers. Together, these measures streamline decisions, clarify responsibilities, and reinforce local and regional accountability.²²

Modernising declarations

The Bill makes declaring an emergency faster and simpler. It allows electronic signatures and lets the Minister set easy, online forms through rules. Although it does not explicitly authorise "verbal" declarations in the primary text, it leaves room for these by letting rules set the format and by requiring immediate notice using whatever communication works. More people can make a local declaration, committees can appoint authorised people, the mayor or another elected member can declare for the district and the Minister can step in if others cannot. These updates cut delays, reduce confusion and make the process clearer and more transparent for communities.²³

Better integration of laws and policies for infrastructure development and recovery

The Bill strengthens integration of infrastructure development and recovery by embedding cross-system coordination as a core purpose and aligning emergency planning with other statutes via Schedule 2. It establishes an essential infrastructure framework with duties to maintain function, plan for disruption, share information and provide technical advice. Sector response plans enable coordinated recovery. The Bill also links directly to the Building Act to activate post-event building powers, and to the Resource Management Act for planning and, when directed, to contribute to sector response plans. Dedicated essential infrastructure sector response plans cover the four Rs and allow the Director-General to amend, replace, or revoke plans to keep them current. Compliance orders secure adherence to planning and preparedness obligations, reinforcing continuity planning expectations without prescribing one-size-fits-all solutions in practice.²⁴

²⁰ National direction & guidance (cls 212–215; 100–103; 77–79; 174–178).

²¹ Alignment with Building Act/RMA and cross-system (cl 122; cl 12; cl 169; Sch 2; cls 73–76).

²² Local declarations & appointments (cls 49–50, 51–68); direction powers (cls 122, 156); reporting (cl 168; Sch 4).

²³ Declaration form & e-signatures (cl 120; cl 212(1)(a)); multiple authorised decisionmakers (cls 49–50; cl 113(5)–(6)).

²⁴ Essential Infrastructure duties and planning (cl 74; cls 104–106); compliance & offences (cls 174–189).

Barriers to cooperation and information sharing

Engineering New Zealand asked for a stronger, nationally consistent approach to cooperation and information sharing and the Bill makes sharing the right information easier and safer. Officials can require essential data, with clear safeguards on how it is used and penalties for misuse. In urgent cases, police can get a warrant to access records. Sector response plans will include default arrangements for information-sharing between essential infrastructure providers. National rules and planning standards can set consistent, practical expectations so providers working across multiple regions do not face different processes.²⁵

Clarifying local emergency powers and accountability

Who can declare and use local emergency powers has been clarified in the Bill, while accountability has been strengthened. The Bill confirms authorisation for mayors or appointed members to declare and lets Emergency Management Committees designate additional decision-makers to avoid bottlenecks. It sets appointment emergency works. National planning standards and Ministerial rules drive consistent implementation.²⁶

Conclusion

We strongly support the direction of this Bill and the work of the government to reform the emergency management system. As with all primary legislation, resourced implementation and accountability will be critical to ensuring the intents of the Bill drive change. It is our view that this Bill will help New Zealand respond faster and more consistently when things go wrong. To make this work in practice, we recommend focused changes to the Bill, as identified in this submission. We are also asking government to review how the changes outlined in this Bill will be implemented alongside other significant reform programmes.

We would welcome the opportunity to appear before the Committee to further discuss the contents of this submission.

Nakū, na



Dr Richard Templer
Chief Executive

²⁵ Information powers & safeguards (cls 170–173 incl 173(b)); warrants for urgent information (cls 137–140); offences (cls 185–186); default info-sharing in sector plans (cl 105(1)(b)); national direction levers (cls 212, 100–103); technical advice (cl 74(f)).

²⁶ Integration (cl 3(e)–(g); Sch 2); essential infrastructure (cls 73–76; Sch 3); sector response plans (cls 104–105); BA links & post-event powers (cl 122(4)–(5); minister may direct BA 2004 ‘responsible person’ under subpart 6B; BA 2004 s 133BK); owner assessments (cl 165); RMA emergency works & aligned definitions (cl 169; cl 7; Sch 3).