

# Emergency Management Bill

Government Bill

## Explanatory note

### General policy statement

The Emergency Management Bill replaces the Civil Defence Emergency Management Act 2002 (the **2002 Act**). This Bill builds on the 2002 Act, and retains the existing functions and powers it provides for managing emergencies at local, regional, and national levels.

The Bill makes changes to improve the performance of the emergency management system, and modernise the current legislative and regulatory framework. It establishes a more flexible regulatory framework for setting standards and managing the emergency management system across the 4 stages of risk reduction, readiness, response, and recovery (known as the 4 Rs).

The Bill includes provisions addressing recommendations from the 2017 Technical Advisory Group's (the **TAG's**) Ministerial Review into how New Zealand responds to natural disasters and other emergencies. It also addresses matters raised in the Government's response to the TAG's review. The Government response expanded on the recommendations of the TAG's review by making additional proposals aimed at strengthening New Zealand's emergency management system, but also acknowledged the importance of community resilience and preparedness.

Māori play a significant role in emergency management, responding swiftly to emergencies, and providing valuable insights to inform risk reduction, readiness, response, and recovery activities. However, their roles are not formally recognised under the 2002 Act. This Bill recognises and enhances Māori participation in the emergency management system at national, regional, and local levels and across governance, planning, and operational activity, including by—

- introducing a requirement to include Māori members on Emergency Management Committees and Emergency Management Co-ordinating Executives (currently referred to as Civil Defence Emergency Management Groups and Coordinating Executive Groups in the 2002 Act):

- establishing a National Māori Emergency Management Advisory Group to advise the Director of Emergency Management on Māori interests and knowledge, as they relate to the purpose and functions of emergency management:
- requiring Emergency Management Committees to engage with Māori on the development of emergency management committee plans.

The Bill also includes a descriptive Tiriti o Waitangi/Treaty of Waitangi clause.

Critical infrastructure entities (referred to as **lifeline utilities** in the 2002 Act) provide essential and enabling infrastructure and services that support commercial and domestic activity. The Bill proposes to improve the resilience of New Zealand's infrastructure and infrastructure services before, during, and after an emergency by—

- clarifying the roles and responsibilities of critical infrastructure providers in the emergency management system:
- requiring critical infrastructure entities to proactively, and on request, share information with the National Emergency Management Agency (NEMA), regulatory agencies, and Emergency Management Committees for monitoring and planning:
- requiring critical infrastructure entities to establish and publish their planning emergency levels of service:
- requiring annual reporting to the Director of Emergency Management, and the critical infrastructure entity's responsible agency.

The Bill clarifies the roles and responsibilities of local government participants in the emergency management system by specifying the distinct and separate functions of Emergency Management Committees and local authorities within each area.

The Bill also includes an enabling provision for the making of regulations to establish the roles and responsibilities of lead and support agencies in the management of hazards and emergencies.

The current legal arrangements for the statutory position of Director of Civil Defence Emergency Management required updating to take account of NEMA's creation in 2019 as an operationally autonomous departmental agency with its own chief executive. The Bill specifies that the chief executive of NEMA holds the role of Director of Emergency Management. The Director will continue to delegate national emergency response and recovery functions and powers to the National Controller and National Recovery Manager as appropriate.

The Bill also proposes a new power that enables rule-making by the Director of Emergency Management to improve the responsiveness of the emergency management regulatory framework. The Bill sets out the scope for the rule-making power, and includes additional safeguards to ensure that the use of the power is transparent and follows a participatory development process.

Emergencies can amplify existing inequalities within society and disproportionately impact some population groups during emergency events. These populations may include rural communities, culturally and linguistically diverse communities, seniors,

disabled people, children, and those experiencing socio-economic deprivation or isolation. To this end, the Bill requires each Emergency Management Committee to identify and engage with communities within its area that may be disproportionately impacted by emergencies, and to engage with them about how to address their needs in emergency management committee plans.

The Bill comes into force on the day after the date of Royal assent. However, there are aspects of the Bill requiring delayed commencement, including—

- extending the permanent legislative authority to provide for direct reimbursement of costs to Māori:
- establishing the National Māori Emergency Management Advisory Group.

These proposals will be brought into force by Order in Council, or 12 months after the date of Royal assent if no Order in Council is made, to allow time for regulations to be developed with Māori.

To provide time for necessary adjustments, the Bill also includes delayed commencement for some critical infrastructure proposals, including—

- a 2-year delayed commencement for planning emergency levels of service and annual compliance reporting:
- a 2-year delayed commencement for relevant provisions to enable a review of the entities listed in Schedule 1 (Lifelines Utilities) of the 2002 Act to be undertaken.

### **Departmental disclosure statement**

The Department of Prime Minister and Cabinet 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=2023&no=225>

### **Regulatory impact statement**

The Department of Prime Minister and Cabinet produced regulatory impact statements on 30 July 2018, 23 July 2020, 28 October 2021, and 22 July 2022 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.civildefence.govt.nz/emergency-management-bill/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the majority of the Bill comes into force on the day after the date of Royal assent. The exceptions to this are—

- the provisions relating to the National Māori Emergency Management Advisory Group (*clauses 20 and 21*) and the permanent legislative authority for the payment of welfare expenses incurred by iwi or Māori organisations in respect of emergency management (*clause 149(b)*), which come into force 12 months later or at an earlier date set by Order in Council; and
- provisions relating to the definitions of critical infrastructure entities and critical infrastructure sector in *clause 5*, recognition of critical infrastructure entities and critical infrastructure sectors (*clauses 50 to 52*), and certain duties of critical infrastructure entities (*clauses 57 and 58*), which come into force 2 years later.

## Part 1

### Preliminary provisions

*Clause 3* sets out the purpose of the Bill.

*Clause 4* sets out ways in which the Bill recognises and respects the Crown's responsibility to give effect to te Tiriti o Waitangi/the Treaty of Waitangi.

*Clause 5* defines terms used in the Bill.

*Clause 6* gives effect to the transitional, savings, and related provisions set out in *Schedule 1*.

*Clause 7* provides that the Bill binds the Crown.

*Clause 8* provides that the Bill does not affect functions, duties, and powers under the provisions of another Act or rule of law.

*Clause 9* sets out the precautionary approach, requiring those exercising functions in relation to emergency management plans to be cautious in managing risks.

*Clause 10* is an overview of the Bill.

## Part 2

### Emergency management system

*Clause 11* provides for the role of the Director of Emergency Management (the **Director**).

*Clause 12* sets out the powers of the Director.

*Clause 13* provides that the Director may publish statements relating to any emergency or to the performance or non-performance of a duty imposed under the Bill.

*Clause 14* provides that the Director must not act inconsistently with the national disaster resilience strategy.

*Clause 15* provides that the Director may perform a function or duty under the Bill that an Emergency Management Committee or person fails to perform.

*Clause 16* provides that the Director may require a person to provide the Director with certain information that is necessary for the exercise of emergency management.

*Clause 17* provides that the Director may delegate to a person any of the functions, duties, and powers of the Director, other than that power to delegate.

*Clause 18* provides for the role of the National Controller, who has certain powers during a state of national emergency.

*Clause 19* provides for the role of the National Recovery Manager, who has certain powers during a national transition period.

*Clause 20* provides for the establishment and role of the National Māori Emergency Management Advisory Group.

*Clause 21* relates to the membership of the National Māori Emergency Management Advisory Group.

*Clause 22* provides for the responsible department (which is defined in *clause 5* as the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act) and an entity appointed by the Minister to be approved providers of warnings and notifications.

*Clause 23* provides for the role of approved providers of warnings and notifications.

*Clause 24* provides for an Emergency Management Committee to be maintained in each area by the local authorities for that area.

*Clause 25* provides for the membership of Emergency Management Committees.

*Clause 26* provides that Emergency Management Committees must appoint Māori members in accordance with regulations that apply to each area. However, the Minister must appoint a Māori member to a Committee if the first Māori members have not been appointed in accordance with the process and time frame prescribed in those regulations.

*Clause 27* provides for the appointment of a chairperson to each Emergency Management Committee.

*Clause 28* sets out the powers and duties of each member of an Emergency Management Committee.

*Clause 29* provides for the role of Emergency Management Committees.

*Clause 30* sets out the powers of Emergency Management Committees.

*Clause 31* provides that an Emergency Management Committee must not act inconsistently with the national disaster resilience strategy.

*Clause 32* provides that Emergency Management Committees are not PCBUs for the purpose of the Health and Safety at Work Act 2015.

*Clause 33* provides for each Emergency Management Committee to appoint and maintain an Emergency Management Co-ordinating Executive and provides for the membership of the Executive.

*Clause 34* sets out the role of the Emergency Management Co-ordinating Executive.

*Clause 35* provides that each Emergency Management Committee must have an administering authority and provides for the appointment of administering authorities.

*Clause 36* provides for the role of the administering authorities and their chief executives.

*Clause 37* sets out the functions and duties of the local authority members of Emergency Management Committees.

*Clause 38* sets out the duty of the local authorities to ensure their continued functioning during and after an emergency.

*Clause 39* provides that the emergency management functions and duties in respect of an off-shore island must be carried out by the Minister of Local Government and the relevant Emergency Management Committee together.

*Clause 40* provides for the appointment of persons who are authorised to declare states of local emergency or give notices of local transition periods for a whole area, a whole region, multiple districts within an area, or multiple wards from within different districts within an area.

*Clause 41* provides for the appointment of persons who are authorised to declare states of local emergency or give notices of local transition periods for individual districts and wards within districts.

*Clause 42* provides for the appointment of Area Controllers by Emergency Management Committees.

*Clause 43* provides for the appointment of Local Controllers by Emergency Management Committees.

*Clause 44* sets out the role of Area Controllers and Local Controllers, which applies during a state of local emergency.

*Clause 45* provides for the appointment of Area Recovery Managers by Emergency Management Committees.

*Clause 46* provides for the appointment of Local Recovery Managers by Emergency Management Committees.

*Clause 47* sets out the role of Area Recovery Managers and Local Recovery Managers, which applies during a local transition period.

*Clause 48* provides that public service agencies must ensure they are able to function to the fullest possible extent during and after an emergency and make available to the Director a plan to show this.

*Clause 49* provides that public service agencies, Emergency Management Committees, local authorities, emergency services, and critical infrastructure entities must take all necessary steps to undertake emergency management or to perform their functions or duties as required.

*Clause 50* provides that the Minister may recognise an entity as a critical infrastructure entity or a sector of entities as a critical infrastructure sector.

*Clause 51* sets out consultation requirements and criteria for the Minister when recognising critical infrastructure entities and critical infrastructure sectors.

*Clause 52* provides that the Minister may remove recognition of a critical infrastructure entity or a critical infrastructure sector that no longer meets those criteria.

*Clause 53* provides that the Minister may exempt a critical infrastructure entity or critical infrastructure sector from the provisions of the Bill relating to critical infrastructure entities.

*Clause 54* sets out the duties of critical infrastructure entities.

*Clause 55* sets out the information-sharing obligations that apply to critical infrastructure entities.

*Clause 56* provides for the disclosure of information from critical infrastructure entities that is relevant to buildings designated under the Building Act 2004 as being affected by an emergency.

*Clause 57* provides that critical infrastructure entities have obligations to establish, maintain, and publish their planning emergency levels of service, which is defined as the planning goals relating to the levels of service they can provide during and after an emergency.

*Clause 58* provides that critical infrastructure entities must report annually to the Director and responsible public service agencies.

*Clause 59* sets out duties for emergency services in emergency management.

*Clause 60* provides that the Minister must establish and maintain a national disaster resilience strategy, which may include goals, objectives, and measurable targets relating to emergency management.

*Clause 61* provides that the Minister must review the strategy within 10 years of it taking effect and may amend, replace, or continue the strategy.

*Clause 62* sets out the procedure by which the strategy may be amended or replaced, including the presentation of a copy of the strategy to the House of Representatives.

*Clause 63* sets out when the strategy takes effect and remains operative.

*Clause 64* provides that, if the House of Representatives does not approve the strategy, the Minister must revise the strategy and present the revised strategy to the House of Representatives.

*Clause 65* provides for several matters to which all persons exercising functions in relation to the development of emergency management plans must have regard.

*Clause 66* provides that the Director must prepare and the Minister must approve a national emergency management plan and sets out the purpose of the plan.

*Clause 67* sets out matters that must or may be included in the national emergency management plan.

*Clause 68* provides for the review of the national emergency management plan by the Minister and actions the Minister may take as a result of the review.

*Clause 69* sets out the process for preparing a new or revised national emergency management plan.

*Clause 70* sets out the publication requirements for the national emergency management plan.

*Clause 71* sets out when the national emergency management plan takes effect and remains operative.

*Clause 72* provides that each Emergency Management Committee must prepare and approve an emergency management committee plan.

*Clause 73* sets out matters that must or may be included in an emergency management committee plan.

*Clause 74* requires that the Director must issue and maintain guidelines for emergency management committee plans.

*Clause 75* provides for the review of the emergency management committee plan by the Emergency Management Committee and actions the Committee may take as a result of the review.

*Clause 76* sets out the process for preparing a new or revised emergency management committee plan.

*Clause 77* sets out when the emergency management committee plan takes effect and remains operative.

### **Part 3**

#### **Emergency designations and powers**

*Clause 78* is an outline of *Part 3*.

*Clause 79* defines terms used in *Part 3*.

*Clause 80* establishes that *Schedule 3* provides for procedural matters and matters of detail in relation to *Part 3*.

*Clause 81* provides that the Minister may declare a state of national emergency over the whole of New Zealand and that the Minister must inform the House of Representatives of this.

*Clause 82* provides for the House of Representatives to meet following a declaration of national emergency.

*Clause 83* provides that an authorised person or the Minister may make a declaration of local emergency and sets out the consultation requirements for making this declaration.

*Clause 84* provides for the commencement and duration of a state of emergency, and the form and publication requirements for its declaration.

*Clause 85* provides for the Minister or an authorised person to extend states of emergency.



*Clause 86* provides for the Minister or an authorised person to terminate states of emergency.

*Clause 87* provides that the Minister may give notice of a national transition period over the whole or part of New Zealand and that the Minister must inform the House of Representatives of this.

*Clause 88* provides that the Minister or an authorised person may give notice of a local transition period.

*Clause 89* provides for the commencement and duration of a transition period.

*Clause 90* provides for the Minister or person authorised to give notice of a transition period to extend the duration of national and local transition periods.

*Clause 91* sets out considerations that the decision maker must have regard to when deciding whether to give notice of, or extend, a transition period.

*Clause 92* provides for the Minister or the person who gave notice of the transition period to terminate a transition period.

*Clause 93* provides that states of local emergency and local transition periods may be concurrent with a state of national emergency or national transition period.

*Clause 94* is an overview of how the emergency powers apply in different emergency designations.

*Clause 95* sets out which emergency powers apply in a state of emergency.

*Clause 96* sets out which emergency powers apply in a transition period.

*Clause 97* sets out which emergency powers apply when the Minister considers that there is an imminent threat of an emergency.

*Clauses 98 to 108* set out the emergency powers that apply when an emergency designation is in place.

*Clause 98* provides for the Minister's power to direct the Director, an Emergency Management Committee, or any person to perform or cease to perform a function, duty, or power under the Bill.

*Clause 99* provides for the Minister to give directions in relation to buildings that have been given an emergency designation under the Building Act 2004.

*Clause 100* provides a variety of general powers for Emergency Management Committees, in the case of states of emergency, and Recovery Managers, in the case of transition periods.

*Clause 101* provides for a Controller, Recovery Manager, constable, or authorised person to evacuate, or exclude persons or vehicles from, any premises or place.

*Clause 102* provides for a Controller, Recovery Manager, constable, or an authorised person to enter any premises or place for certain purposes.

*Clause 103* provides for a Controller, Recovery Manager, constable, or an authorised person to prohibit or restrict public access to a road or public place.

*Clause 104* provides for a Controller, constable, or authorised person to remove a vehicle or craft.

*Clause 105* provides for a Controller, constable, or authorised person to requisition land or other property from the property's owner or the person in control of the property.

*Clause 106* provides for a Controller, Recovery Manager, constable, or an authorised person to direct a person to stop an activity or to take action.

*Clause 107* provides for a Controller, constable, or an authorised person to carry out inspections and other activities in relation to property, animals, or other things.

*Clause 108* provides for a the chairperson or deputy chairperson of an Emergency Management Committee, any authorised employee of the Committee, or an Area Controller to enter into a contract on behalf of the Committee for the purposes of the Bill.

*Clause 109* provides reporting obligations for a Recovery Manager or authorised person exercising a power under *subpart 3* of *Part 3*.

*Clause 110* provides for the presentation of reports provided under *clause 109* to the Minister and the publication of those reports.

*Clause 111* provides for a District Court Judge to grant a warrant to a constable to enter and search any premises other than a dwellinghouse to obtain information that is urgently required in relation to an emergency.

*Clause 112* provides for the form of the warrant that may be issued under *clause 111*.

*Clause 113* sets out the powers that are authorised by a warrant issued under *clause 111*.

*Clause 114* provides for how information seized in exercise of the powers under *clause 113* must be disposed of.

*Clause 115* provides for a person who is required to give information under *clause 106* or who executes a warrant issued under *clause 111* to disclose information that is relevant to buildings designated under the Building Act 2004 as being affected by an emergency.

## **Part 4**

### **Rights, liabilities, and administrative matters**

*Clause 116* provides that compensation may be payable if property has been requisitioned under *clause 105*.

*Clause 117* provides that compensation may be payable if a member of an Emergency Management Committee or another eligible person suffers loss of or damage to personal property as a result of performing a function or duty arising from an emergency designation.

*Clause 118* provides that a court of competent jurisdiction may determine a dispute that arises under *clause 116* or *117*.

*Clause 119* provides that compensation may be payable to a person for loss or damage that is due to the exercise of certain powers during an emergency designation.

*Clause 120* limits liability under *clause 119* and provides for who is liable to pay that compensation.

*Clause 121* sets out considerations that a court determining whether compensation may be paid under *clause 119* must take into account.

*Clause 122* protects the Crown and members of Emergency Management Committees, and their employees, and persons performing a function under the Bill from civil proceedings.

*Clause 123* provides that an Emergency Management Committee can recover from another Emergency Management Committee costs and expenses incurred in carrying out certain emergency management functions for that Committee.

*Clause 124* provides that a person who is required to be absent from their usual employment by the Director or a Controller for emergency management duties is not liable to dismissal and is not required to be paid in respect of the absence.

*Clause 125* provides that it is an offence for a person to threaten, assault, or intentionally obstruct another person performing a function under the Bill.

*Clause 126* provides that it is an offence for a person to fail to comply with a direction given under *clause 101*.

*Clause 127* provides that it is an offence for a person to fail to comply with a prohibition or restriction imposed under *clause 103*.

*Clause 128* provides that it is an offence for a person to fail to comply with a direction given under *clause 105* or to fail to provide assistance required under that section.

*Clause 129* provides that it is an offence for a person to fail to comply with a direction or request given under *clause 106*.

*Clause 130* provides that it is an offence for a person to fail to comply with a requirement under the Bill to provide information.

*Clause 131* provides that it is an offence for a person to intentionally disclose or use information in breach of *clause 54(h), 56, or 115* or *clause 11 of Schedule 2*.

*Clause 132* provides that it is an offence for a person to pretend to be the Director, a Controller, a Recovery Manager, a member of an Emergency Management Committee, or a person acting under the authority of, or authorised or employed by, any of those persons.

*Clauses 133 to 141* set out provisions relating to infringement offences under the Bill. These clauses provide that the Director may issue infringement notices for infringement offences (which will be identified in regulations). They prescribe the grounds for issuing an infringement notice for an infringement offence (*see clause 136*) and set out other provisions relating to the infringement offences under the Bill.

*Clause 142* provides that persons who are the subject of an exercise of the powers requiring the provision of information or the power requiring an assessment in relation to a structure may appeal to the District Court on the grounds that the exercise of the power was unreasonable.

*Clause 143* is a general regulation-making power.

*Clause 144* is a regulation-making power for regulations relating to the appointment of Māori members of Emergency Management Committees and Emergency Management Co-ordinating Executives.

*Clause 145* is a regulation-making power for regulations relating to critical infrastructure entities.

*Clause 146* is a regulation-making power for regulations relating to the role of lead and support agencies in emergency management.

*Clause 147* is a rule-making power for the Director to make rules that support and are in accordance with the purposes of the Bill.

*Clause 148* sets out the requirements that apply if a document under this Act is to be served on a person.

*Clause 149* provides that the Crown may incur expenses, without further appropriation than that clause, in order to reimburse local authorities for certain expenses relating to emergency management activities and iwi or Māori organisations for certain welfare expenses relating to emergency management activities.

*Clause 150* provides for the interaction between the Bill and the Resource Management Act 1991 in relation to activities undertaken for the purpose of emergency designations.

*Clause 151* repeals the Civil Defence Emergency Management Act 2002.

*Clause 152* provides that *Schedule 4* sets out amendments to Acts and secondary legislation.

*Hon Kieran McAnulty*

# **Emergency Management Bill**

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

**1 Title**

This Act is the Emergency Management Act **2022**.

**2 Commencement**

- (1) This Act comes into force as follows: 5
- (a) the following provisions come into force on 1 or more dates set by Order in Council or, to the extent not brought into force earlier, on the day that is 12 months after the date of Royal assent:
- (i) **sections 20 and 21** (which relate to the National Māori Emergency Management Advisory Group): 10
- (ii) **section 149(b)** (which relates to the permanent legislative authority for the payment of welfare expenses incurred by iwi or Māori organisations):
- (b) the following provisions come into force on the day that is 2 years after the date of Royal assent: 15
- (i) the definitions of critical infrastructure entity and critical infrastructure sector in **section 5**:
- (ii) **sections 50 to 52** (which relate to the recognition of critical infrastructure entities and critical infrastructure sectors):
- (iii) **sections 57 and 58** (which relate to certain duties of critical infrastructure entities): 20
- (c) the rest of this Act comes into force on the day after the date of Royal assent.
- (2) One or more Orders in Council made under **subsection (1)(a)** may set different dates for different provisions (and, for that purpose, may commence a provision only for the purpose of giving effect to some, but not other, parts of this Act). 25
- (3) An Order in Council made under **subsection (1)(a)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Part 1** 30

**Preliminary provisions**

**3 Purpose**

The purpose of this Act is to—

- (a) improve and promote the sustainable management of hazards in order to contribute to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property; and 35

- (b) encourage and enable communities to achieve acceptable levels of risk, including by—
  - (i) identifying, assessing, and managing risks; and
  - (ii) consulting and communicating about risks; and
  - (iii) identifying and implementing cost-effective risk reduction; and 5
  - (iv) monitoring and reviewing these processes; and
- (c) provide for planning and preparation for emergencies and for response and recovery in the event of an emergency; and
- (d) require local authorities to co-ordinate, through Emergency Management Committees, planning, programmes, and activities related to emergency management (as that term is defined in this Act) across the stages of reduction, readiness, response, and recovery, and encourage co-operation and joint action within those regional committees; and 10
- (e) provide a basis for the integration of national and local emergency management planning and activity through the alignment of local planning with a national disaster resilience strategy and a national emergency management plan; and 15
- (f) provide greater recognition of the role of Māori in emergency management and enhance Māori participation throughout the emergency management system; and 20
- (g) encourage 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 Acts listed in **clause 3 of Schedule 2**; and
- (h) provide for a framework for managing risks relating to critical infrastructure in planning for and contributing to emergency management. 25

Compare: 2002 No 33 s 3

#### 4 Tiriti o Waitangi/Treaty of Waitangi

- In order to recognise and respect the Crown's responsibility to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi, this Act— 30
- (a) specifies in **section 3** providing greater recognition of the role of Māori and enhancing Māori participation in emergency management:
  - (b) establishes in **section 20** the National Māori Emergency Management Advisory Group, which has the role of advising the Director on Māori interests and knowledge in relation to emergency management: 35
  - (c) provides in **section 25** for Māori members to be appointed to Emergency Management Committees and provides in **section 26** that those members must be appointed in accordance with regulations made under **section 144**, which may include locally appropriate processes and mechanisms for the appointments: 40

- (d) requires in **section 29** each Emergency Management Committee to—
- (i) identify hazards and risks and develop plans to address the emergency management needs of iwi and Māori within their area; and
  - (ii) recognise the role and contributions of iwi and Māori in emergency management and communicate that information to local authorities, communities, and others; and 5
  - (iii) engage with iwi and Māori in the development of the emergency management committee plan; and
  - (iv) establish systems and processes to ensure that it has the capability and capacity to engage with iwi and Māori and to understand their perspectives: 10
- (e) provides in **section 33** for Māori members to be included on each Emergency Management Committee's Emergency Management Co-ordinating Executive, after having been appointed in accordance with regulations made under **section 144**, which may include locally appropriate processes and mechanisms for the appointments: 15
- (f) states in **section 67** that the national emergency management plan—
- (i) must provide for the role of Māori in emergency management; and
  - (ii) may prescribe the process for co-development of national-level planning arrangements with Māori and the principles for guiding the appointment of Māori members on Emergency Management Committees and Emergency Management Co-ordinating Executives: 20
- (g) requires in **section 73** that the arrangements for co-ordination with iwi and Māori during all stages of emergency management be provided for in emergency management committee plans: 25
- (h) requires in **section 76** that each Emergency Management Committee, when developing a new or revised emergency management committee plan,— 30
- (i) engage with representatives of iwi and Māori within the Committee's area; and
  - (ii) give notice of proposed new or revised plans to those representatives; and
  - (iii) have regard to any comments made by iwi and Māori regarding the proposals: 35
- (i) requires in **section 147** that, before making rules prescribing matters of detail and procedure in relation to the emergency management system, the Director consult appropriate persons including, if relevant, representatives of iwi and Māori: 40

- (j) provides in **section 149** for an iwi or a Māori organisation to be reimbursed for certain welfare expenses incurred in connection with an emergency.

## 5 Interpretation

In this Act, unless the context otherwise requires,— 5

**administering authority** means, in relation to an Emergency Management Committee, the administering authority described in **section 35**

**approved provider of warnings and notifications** means an organisation described in **section 22(1)**

**area**, in relation to an Emergency Management Committee,— 10

- (a) means all the regions and districts of the local authorities that are members of the Committee; and

(b) extends to—

- (i) the landward boundaries of the territorial authorities in the Committee; and 15

- (ii) the seaward boundaries of the regions of regional councils or unitary authorities in the Committee

**Area Controller** means a person appointed as an Area Controller under **section 42**

**Area Recovery Manager** means a person appointed as an Area Recovery Manager under **section 45** 20

**constable**—

- (a) has the same meaning as in section 4 of the Policing Act 2008; and

- (b) in **Part 3**, includes any person acting under the authority of a constable

**Controller** means the person who is the National Controller in accordance with **section 18**, or an Area Controller appointed under **section 42** 25

**critical infrastructure** means assets, systems, networks, and services that are necessary for the provision of public services and are essential to public safety, national security, economic security, or the functioning and stability of New Zealand 30

**critical infrastructure entity** means—

- (a) an entity that the Minister recognises under **section 50(a)**; or

- (b) an entity that is a part of a critical infrastructure sector

**critical infrastructure sector** means a sector that the Minister recognises under **section 50(b)** 35

**Director of Emergency Management** or **Director** means the chief executive of the responsible department

**district** means the district of a territorial authority

**emergency** means a situation that—

- (a) is the result of any happening, whether natural or otherwise, including any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, pandemic, epidemic, failure of or disruption to an emergency service or critical infrastructure, or actual or imminent attack or warlike act; and 5
- (b) causes or may cause loss of life, injury, illness, or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand; and 10
- (c) cannot be dealt with by emergency services, or otherwise requires a significant and co-ordinated response under this Act

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

**emergency designation** means— 15

- (a) a state of emergency;
- (b) a transition period

**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; and 20
  - (ii) are designed to guard against, prevent, reduce, aid recovery from, or overcome any hazard or harm or loss that may be associated with any emergency; and
- (b) includes the planning, organisation, co-ordination, and implementation of those measures and practices and that knowledge 25

**Emergency Management Committee** or **Committee** means a Committee maintained under **section 24** or established or re-established under **clause 7 of Schedule 2**

**emergency management committee plan** means a plan prepared and approved under **section 72** 30

**Emergency Management Co-ordinating Executive** or **Executive** means a committee maintained under **section 33**

**emergency management plan** means a national emergency management plan or an emergency management committee plan 35

**emergency services** means the New Zealand Police, Fire and Emergency New Zealand, ambulance services, Taumata Arowai, and providers of health and disability services



- hazard** means something that may cause, or contribute substantially to the cause of, an emergency
- health and disability services** means services as defined in section 4 of the Pae Ora (Healthy Futures) Act 2022
- local authority** has the same meaning as in section 5(1) of the Local Government Act 2002 5
- local authority member**, in relation to an Emergency Management Committee, means a member of the Committee that is a local authority
- Local Controller** means a person appointed as a Local Controller under **section 43** 10
- Local Recovery Manager** means a person appointed as a Local Recovery Manager under **section 46**
- local transition period** means a local transition period notified under **section 88**
- make an emergency designation** means— 15
- (a) to declare a state of emergency:
  - (b) to give notice of a transition period
- member**, in relation to an Emergency Management Committee, means a local authority member or a Māori member
- Minister** means, subject to any enactment, the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 20
- National Controller** means the person who is the National Controller in accordance with **section 18**
- national disaster resilience strategy**— 25
- (a) means a strategy made under **section 60**; and
  - (b) includes a strategy that is amended or replaced under that section
- national emergency management plan** means a plan made under **section 66**
- National Māori Emergency Management Advisory Group** or **Advisory Group** means the advisory group established under **section 20** 30
- National Recovery Manager** means the person who is the National Recovery Manager in accordance with **section 19**
- national significance** includes any case where the Minister or the Director considers that—
- (a) there is widespread public concern or interest; or 35
  - (b) there is likely to be significant use of resources; or
  - (c) an area of more than 1 Emergency Management Committee is likely to be affected; or

- (d) New Zealand’s international obligations are, or are likely to be, affected or are relevant; or
- (e) technology, processes, or methods that are new to New Zealand are, or are likely to be, involved; or
- (f) significant or irreversible changes to the environment (including the global environment) will, or are likely to, result or be contributed to 5
- national transition period** means a national transition period notified under **section 87**
- notification**, in relation to the role of the Director or approved providers of warnings and notifications,— 10
- (a) means information, other than a warning, provided to the public or a group of the public relating to a hazard, an emergency or a potential or imminent emergency, or emergency management; and
- (b) includes an advisory, a non-threat-related notification, and a cancellation
- owner**, in relation to a structure, includes a person who owns part of the structure 15
- planning emergency levels of service** means the planning goals that a critical infrastructure entity is required to establish and maintain under **section 57** relating to the levels of service that it will be able to provide during and after an emergency 20
- provider of health and disability services** means a provider as defined in section 4 of the Pae Ora (Healthy Futures) Act 2022
- public place**—
- (a) means a place that, at any material time, is open to or is being used by the public, whether or not on payment of a charge, and whether or not any owner or occupier of the place is lawfully entitled to exclude or reject any person; and 25
- (b) includes any vehicle, craft, or vessel that carries or is available to carry passengers for reward (for example, an aircraft, a hovercraft, a ship, a ferry, a train, or a motor vehicle) 30
- public service agency** has the same meaning as in section 5 of the Public Service Act 2020
- recovery** means the co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term holistic regeneration and enhancement of a community following an emergency 35
- recovery activity**—
- (a) means an activity carried out under this Act or any emergency management plan to deal with the consequences of an emergency; and
- (b) includes—

- (i) the assessment and ongoing monitoring of the needs of a community affected by the emergency; and
  - (ii) the co-ordination and integration of planning, decisions, actions, and resources; and
  - (iii) measures to support— 5
    - (A) the regeneration, restoration, and enhancement of communities throughout the built, natural, social, and economic environments; and
    - (B) the cultural and physical well-being of individuals and their communities; and 10
    - (C) government and non-government organisations and entities working together; and
  - (iv) measures to enable community participation in recovery planning; and
  - (v) new measures— 15
    - (A) to reduce risks from hazards; and
    - (B) to build resilience
- Recovery Manager**—
- (a) means the National Recovery Manager, an Area Recovery Manager, or a Local Recovery Manager; and 20
  - (b) includes any person acting under the authority of the National Recovery Manager, an Area Recovery Manager, or a Local Recovery Manager
- region** has the same meaning as in section 5(1) of the Local Government Act 2002
- regional council** has the same meaning as in section 5(1) of the Local Government Act 2002 25
- regulations** means regulations made under this Act
- relevant chief executive**, in relation to a particular critical infrastructure entity, means the chief executive of any responsible public service agency relevant to the entity 30
- representative**, in relation to an Emergency Management Committee, means—
- (a) an elected member of a local authority member of the Committee, including an elected member of a community board; or
  - (b) an individual who is a Māori member of the Committee
- requisitioned property** means property that, because of an exercise of the power in **section 105**, comes under the control and direction of a Controller, a constable, or a person authorised by a Controller or a constable 35

- responsible department** means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act
- risk** means the likelihood and consequences of a hazard
- road** has the same meaning as in section 2(1) of the Land Transport Act 1998 5
- state of emergency** means a state of national emergency or a state of local emergency
- state of local emergency** means a state of local emergency declared under **section 83**
- state of national emergency** means a state of national emergency declared under **section 81** 10
- State services** has the same meaning as in section 5 of the Public Service Act 2020
- Taumata Arowai** means Taumata Arowai established under section 8 of the Taumata Arowai—the Water Services Regulator Act 2020 15
- territorial authority** has the same meaning as in section 5(1) of the Local Government Act 2002
- transition period** means a national transition period or a local transition period
- unitary authority** has the same meaning as in section 5(1) of the Local Government Act 2002 20
- ward** has the same meaning as in section 5(1) of the Local Electoral Act 2001.  
Compare: 2002 No 33 s 4
- 6 Transitional, savings, and related provisions**
- The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms. 25
- 7 Act binds the Crown**
- This Act binds the Crown.  
Compare: 2002 No 33 s 5
- 8 Act not to affect functions, duties, and powers under other Acts or general law** 30
- Unless this Act otherwise provides, this Act does not limit, is not in substitution for, and does not affect the functions, duties, or powers of any person under the provisions of any other enactment or any rule of law.  
Compare: 2002 No 33 s 6
- 9 Precautionary approach** 35
- All persons performing functions in relation to the development and implementation of emergency management plans under this Act may be cautious in

managing risks even if there is scientific and technical uncertainty about those risks.

Compare: 2002 No 33 s 7

## 10 Overview

- (1) This Part provides for preliminary matters, including the purposes of this Act and interpretation. 5
- (2) **Part 2** sets out the roles and responsibilities of the actors in the emergency management system and sets out the documents for emergency management planning.
 

*Actors in emergency management system: national level* 10
- (3) **Subpart 1 of Part 2** sets out the role and powers of the Director of Emergency Management. It also sets out the roles of National Controller and National Recovery Manager, which apply during national states of emergency and national transition periods respectively.
- (4) That subpart also establishes the National Māori Emergency Management Advisory Group to advise the Director and provides for approved providers of warnings and notifications. 15
 

*Actors in emergency management system: area level*
- (5) **Subpart 2 of Part 2** sets out the role and responsibility of Emergency Management Committees, which are the main actors in the emergency management system at a regional level. 20
- (6) That subpart also provides for actors related to or within the Emergency Management Committees, including the Emergency Management Co-ordinating Executives (which have advice, implementation, and oversight responsibilities), administering authorities (for the provision of administrative services), local authority members of the Committees, persons who are authorised to make emergency designations on behalf of each Committee, Area and Local Controllers, and Area and Local Recovery Managers. 25
 

*Other actors in emergency management system*
- (7) **Subpart 3 of Part 2** provides for the roles and responsibilities of other actors that contribute to the emergency management system, including public service agencies, critical infrastructure entities, and emergency services. 30
 

*Emergency management planning documents*
- (8) **Subpart 4 of Part 3** provides for a national disaster resilience strategy and a national emergency management plan at a national level, and for each Emergency Management Committee to have an emergency management committee plan. 35
 

*Emergency designations and powers that come with them*
- (9) **Part 3** provides for the making of emergency designations (states of emergency and transition periods), which may be at a national level or a local level. 40

- (10) **Part 3** sets out emergency powers that apply during the different emergency designations.

*Various additional components of emergency management system*

- (11) **Part 4** provides for further components of the emergency management system, including compensation, offences, regulation-making powers, and the Director's power to make emergency management rules. 5

## Part 2

### Emergency management system

#### Subpart 1—Roles and responsibilities: national level

#### *Director of Emergency Management* 10

#### 11 Role of Director of Emergency Management

- (1) The role of the Director of Emergency Management is to—
- (a) identify hazards and risks that the Director considers are of national significance:
  - (b) monitor and evaluate the national disaster resilience strategy: 15
  - (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: 20
  - (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) 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. 25
- (2) The Director also has any other functions that are conferred or imposed on the Director by or under this Act or any other enactment. 30
- Compare: 2002 No 33 s 8

#### 12 Powers of Director

- (1) The Director has all the powers that are reasonably necessary or expedient to enable the Director to perform the role, including the powers set out in **subsections (2) to (4)**.
- (2) The Director may— 35

- 
- (a) co-ordinate the use of specified resources for the purposes of this Act, including the following:
- (i) the provision of transport:
  - (ii) the removal of endangered persons and casualties from any area affected by an emergency to areas of safety or to hospitals: 5
  - (iii) medical care and attention to casualties:
  - (iv) the relief of distress and suffering:
  - (v) the accommodation, feeding, care, and protection of persons:
  - (vi) the provision of other services necessary to restore community services and provide for the welfare of the public; and 10
- (b) during a state of national emergency or national transition period, use the specified resources for the purposes of the Act, including those listed in **paragraph (a)**.
- (3) The Director may,—
- (a) during a state of national emergency, control the performance or exercise of the functions, duties, and powers of Emergency Management Committees and Area Controllers: 15
  - (b) during a national transition period, control the performance or exercise of the functions, duties, and powers of Emergency Management Committees and Recovery Managers: 20
  - (c) devise, promote, and carry out, or cause to be carried out, research and investigations into matters relating to emergency management:
  - (d) issue or cause to be issued warnings and notifications:
  - (e) co-ordinate the planning of emergency management between Emergency Management Committees: 25
  - (f) give advice in relation to, and assist in the planning, preparation, co-ordination, and carrying out of, emergency management.
- (4) The Director may issue guidelines, codes, or technical standards to any person or organisation with responsibilities under this Act, including guidelines, codes, or technical standards for— 30
- (a) the establishment and operation of Emergency Management Committees and Emergency Management Co-ordinating Executives:
  - (b) the development of emergency management committee plans and operational plans for the response to, and recovery from, specific emergencies: 35
  - (c) the development of strategic recovery planning for emergencies:
  - (d) the development by the Crown, local government agencies, emergency services, and critical infrastructure entities of plans required under this Act:

- (e) the operational role of Controllers, Recovery Managers, and other persons with responsibilities under this Act:
  - (f) any other matters that—
    - (i) the Director considers necessary; and
    - (ii) are consistent with the purposes of this Act. 5
- (5) In this section, **specified resources** means the personnel, material, information, services, and any other resources made available by public service agencies, Emergency Management Committees, emergency services, the New Zealand Defence Force (as provided in the Defence Act 1990), and other persons. 10
- Compare: 2002 No 33 s 9

### 13 Statements by Director

- (1) The Director may, for the purpose of protecting the public, publish statements relating to any emergency, or to the performance or non-performance of any duty imposed on any person by or under this Act.
  - (2) Every statement published under this section is protected by qualified privilege. 15
- Compare: 2002 No 33 s 74

### 14 Director must not act inconsistently with national disaster resilience strategy

In performing or exercising the functions, duties, and powers of the Director under this Act, the Director must not act inconsistently with the national disaster resilience strategy that is in force under **subpart 4**. 20

Compare: 2002 No 33 s 37(2)

### 15 Power of Director to act on default by others

- (1) If an Emergency Management Committee or a 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 considers reasonable, the Director may commence and complete the performance of the function or duty. 25
- (2) For the purposes of this section, the Director may employ any officers, employees, contractors, and others that may be necessary. 30
- (3) Subject to **subsections (4) to (6)**, if a function or duty is performed by or on behalf of the Director 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.
- (4) All expenses incurred by the Director under this section must be authorised in accordance with the Public Finance Act 1989. 35
- (5) The expenses, together with reasonable costs for administration, are recoverable as a debt due to the Crown from the Emergency Management Committee or the person responsible for performing the function or duty, or may be recov-



ered by deduction from any money payable by the Crown to that Emergency Management Committee or the person responsible for performing the function or duty.

- (6) All money recovered from a debtor under this section, or deducted under **subclause (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. 5

Compare: 2002 No 33 s 75

## 16 Power of Director to require information

- (1) The Director, or a person acting under the authority of the Director, may, by notice in writing, require any person to give the Director information described in **subsection (2)**. 10
- (2) The information referred to is information that, in the opinion of the Director, is reasonably necessary for the exercise of emergency management by the Director and that is—
- (a) in the possession of the person who is asked to give the information; and 15
- (b) capable of being provided without unreasonable difficulty or expense.
- (3) **Clauses 9 to 11 of Schedule 2** provide details regarding how this information is to be given and limits on the extent of this power.

Compare: 2002 No 33 ss 76, 82(1), 94I

## 17 Delegation of powers of Director 20

- (1) The Director may, in writing, either generally or particularly, delegate to any person employed in the State services all or any of the functions, duties, and powers that the Director may perform or exercise under this Act, except this power of delegation.
- (2) Subject to any general or special directions given or conditions attached by the Director, a person to whom any functions, duties, or powers are delegated under this section may perform or exercise those functions, duties, or powers in the same manner and with the same effect as if they had been conferred directly by this section and not by delegation. 25
- (3) 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. 30
- (4) **Clause 1 of Schedule 2** applies to an exercise of the power of delegation under this section.
- (5) This section does not limit **section 18**. 35

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

*National Controller***18 Role of National Controller**

- (1) The National Controller is the Director or, if a delegation under **subsection (3)** is in force, the Director's delegate.
- (2) The National Controller has all the powers conferred on the National Controller by this Act. 5
- (3) The Director may, in writing, delegate any or all the functions and powers of the Director referred to in **sections 11(1)(g) and 12(2)** to any person for the purposes of dealing with any state of national emergency.
- (4) The Director may exercise the power of delegation at any time, whether or not a state of national emergency is in force or is imminent. 10
- (5) 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 apply. 15
- (6) **Clause 1 of Schedule 2** applies to an exercise of the power of delegation under this section.

Compare: 2002 No 33 s 10

*National Recovery Manager***19 Role of National Recovery Manager**

- (1) The National Recovery Manager is the Director or, if a delegation under **subsection (3)** is in force, the Director's delegate. 20
- (2) The National Recovery Manager has all the powers conferred on the National Recovery Manager by this Act.
- (3) The Director may, in writing, delegate any or all of the functions and powers of the Director referred to in **sections 11(1)(g) and 12(2)** to any person for the purposes of dealing with a national transition period. 25
- (4) The Director may exercise the power of delegation at any time, whether or not a national transition period is in force or is imminent.
- (5) 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 apply. 30
- (6) The National Recovery Manager may require any person to give them information in accordance with **section 16**, as if a reference in that section to the Director were a reference to the National Recovery Manager. 35

- (7) **Clause 1 of Schedule 2** applies to an exercise of the power of delegation under this section.

Compare: 2002 No 33 ss 11A, 94I

*National Māori Emergency Management Advisory Group*

- 20 National Māori Emergency Management Advisory Group** 5
- (1) The Minister must establish the National Māori Emergency Management Advisory Group in accordance with **section 21**.
- (2) The role of the Advisory Group is to advise the Director on Māori interests and knowledge, as they relate to the purpose and functions of emergency management. 10
- (3) That role includes—
- (a) advising on policy development, including policies for regulations and rules made under this Act; and
- (b) advising on the role of the National Emergency Management Agency as it relates to the delivery of positive outcomes for Māori through the emergency management system; and 15
- (c) developing guidance, including guidance relating to how Māori and local government may develop processes for the appointment of Māori to Emergency Management Committees and Emergency Management Co-ordinating Executives. 20
- (4) The Advisory Group may regulate its own procedure in any manner the Advisory Group thinks fit.
- (5) The Advisory Group may, with the approval of the Minister, choose an appropriate alternative name for itself.
- 21 Membership of National Māori Emergency Management Advisory Group** 25
- (1) The Minister must appoint no fewer than 5 and no more than 8 members of the National Māori Emergency Management Advisory Group.
- (2) The Minister must appoint only persons who, in the Minister’s opinion, have the appropriate knowledge, skills, and experience to assist the Advisory Group to perform its role. 30
- (3) The Minister must consult the Ministers with portfolio responsibilities that relate to Māori development and Māori-Crown relations before making any appointments.
- (4) The Minister must, on the recommendation of the Advisory Group, appoint a chairperson of the Advisory Group. 35
- (5) However, if the Advisory Group does not recommend a person to be appointed as chairperson, the Minister must choose a person to appoint as chairperson.

*Approved providers of warnings and notifications***22 Approved providers of warnings and notifications**

- (1) The following are approved providers of warnings and notifications:
- (a) the responsible department:
  - (b) an entity appointed as an approved provider of warnings and notifications by the Minister by notice in the *Gazette*. 5
- (2) Before making the appointment, the Minister must consult the Director.
- (3) The Minister may make the appointment on the terms the Minister thinks fit, which may include specifying the type of hazard to which the appointment applies. 10

**23 Role of approved providers of warnings and notifications**

- (1) An approved provider of warnings and notifications may issue warnings and notifications.
- (2) If the approved provider is an entity appointed under **section 22(1)(b)**, the approved provider may issue warnings and notifications only in accordance with the terms of the appointment. 15
- (3) This section does not affect—
- (a) the Director’s power under **section 12(3)(d)**; or
  - (b) an Emergency Management Committee’s power under **section 30(2)(d)**. 20

## Subpart 2—Roles and responsibilities: area level

*Emergency Management Committees***24 Emergency Management Committees**

- (1) The local authorities of an area must maintain an Emergency Management Committee for the purpose of emergency management within that area. 25
- (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.
- (3) **Clauses 5(1)(a) and (b), 6, and 7 of Schedule 1** set out provisions relating to the establishment of Emergency Management Committees, their form under the Local Government Act 2002, and their membership at the commencement of this Act. 30
- (4) **Clauses 2 to 7 of Schedule 2** set out matters of detail and procedure relating to membership and meetings of Emergency Management Committees. 35

Compare: 2002 No 33 s 12

**25 Membership of Emergency Management Committees**

- (1) The membership of each Emergency Management Committee consists of—
  - (a) the local authorities within the Committee’s area; and
  - (b) 1 or more Māori members appointed in accordance with **section 26**.
- (2) Every local authority must be a member of an Emergency Management Committee. 5
- (3) Each local authority that is a member of a Committee with other local authorities must be represented on the Committee by 1 person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson. 10
- (4) Nothing in this Act requires the Minister of Local Government to be a member of a Committee.

Compare: 2002 No 33 s 13

**26 Appointment of Māori members of Emergency Management Committees**

- (1) An Emergency Management Committee must appoint Māori members to the Committee in accordance with regulations made under **section 144**. 15
- (2) The Minister must appoint at least 1 Māori member to the Committee if the Committee does not appoint a Maori member in accordance with the relevant process and time frame prescribed in those regulations.
- (3) Before making an appointment to a Committee, the Minister must consult the Director and the Committee. 20

**27 Appointment of chairperson**

- (1) Each Emergency Management Committee may appoint 1 of its representatives to act as chairperson.
- (2) The appointed chairperson may hold office for the period agreed by the Committee at the time of the appointment. 25
- (3) Despite **subsection (2)**, the term of office of an appointed chairperson ends if that person ceases to be a representative.

Compare: 2002 No 33 s 15

**28 Powers and duties of members of Emergency Management Committees** 30

- (1) Each local authority 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 **clause 8 of Schedule 2**; and
  - (e) must pay the costs, or a share of the costs, of any emergency management activity that the member has agreed to pay.
- (2) Each member of an Emergency Management Committee 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

## 29 Role of Emergency Management Committees

- (1) The role of an Emergency Management Committee is to,— 10
- (a) in relation to hazards and risks within the Committee's area,—
    - (i) take the lead in identifying and assessing those hazards and risks:
    - (ii) co-ordinate the management of those hazards and risks:
    - (iii) identify and implement cost-effective risk reduction:
    - (iv) assist each local authority represented in the Committee to— 15
      - (A) identify and assess those hazards and risks relevant to that local authority:
      - (B) consult and communicate with the communities within that local authority 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) respond to and manage the adverse effects of emergencies in its area:
  - (d) co-ordinate emergency management throughout its area:
  - (e) plan and carry out recovery activities in its area: 25
  - (f) when requested, assist other Committees in the implementation of emergency management in their areas (having regard to the competing emergency management demands within the Committee's own area and any other 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: 30
  - (h) identify the needs of iwi and Māori within its area in relation to emergency management and develop plans to address those needs:
  - (i) recognise the role and contributions of iwi and Māori in emergency management in its area and communicate that information to local authorities, communities, and others within the area if it is relevant: 35

- (j) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act (including the Acts set out in **clause 3 of Schedule 2**):
  - (k) develop, approve, implement, and monitor an emergency management committee plan and regularly review the plan: 5
  - (l) engage with Māori and iwi within its area in the development of the emergency management committee plan:
  - (m) establish systems and processes to ensure that the Committee has the capability and capacity to engage with iwi and Māori and to understand the perspectives of iwi and Māori: 10
  - (n) participate in the development of the national disaster resilience strategy and the national emergency management plan:
  - (o) promote emergency management in its area that is consistent with the purpose of this Act.
- (2) A Committee also has any other functions that are conferred or imposed by or under this Act or any other enactment. 15

Compare: 2002 No 33 s 17

### **30 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 to members, the Area Controller, the Area Recovery Manager, or other persons. 20
- (2) Those powers include the power to—
  - (a) recruit and train volunteers for emergency management tasks:
  - (b) conduct emergency management training exercises, practices, and rehearsals: 25
  - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under this Act, regulations, or any emergency management plan:
  - (d) provide, maintain, control, and operate warning systems: 30
  - (e) provide communications, equipment, accommodation, and facilities for the performance and exercise of the Committee’s functions and powers during an emergency:
  - (f) perform any other functions that are necessary to give effect to any emergency management plan. 35
- (3) A Committee, or a person acting under the authority of a Committee, may require any person to give the Committee information in accordance with

**section 16**, as if a reference in that section to the Director were a reference to a Committee.

Compare: 2002 No 33 s 18

- 31 Emergency Management Committees must not act inconsistently with national disaster resilience strategy** 5
- In performing or exercising its functions, duties, and powers under this Act, an Emergency Management Committee must not act inconsistently with any national disaster resilience strategy that is in force.
- Compare: 2002 No 33 s 37(1)
- 32 Emergency Management Committees not PCBUs under Health and Safety at Work Act 2015** 10
- For the purposes of the Health and Safety at Work Act 2015, an Emergency Management Committee is not a PCBU within the meaning of section 17 of that Act.
- Emergency Management Co-ordinating Executive* 15
- 33 Appointment of Emergency Management Co-ordinating Executive**
- (1) An Emergency Management Committee must appoint and maintain an Emergency Management Co-ordinating Executive consisting of—
- (a) the chief executive of each local authority member or a person acting on the chief executive’s behalf; and 20
  - (b) a senior Police employee who is assigned for the purpose by the Commissioner of Police; and
  - (c) a senior employee, volunteer, or contractor of Fire and Emergency New Zealand who is assigned for the purpose by the board of Fire and Emergency New Zealand; and 25
  - (d) the chief executive or a senior officer of an ambulance service operating in the area; and
  - (e) the chief executive or a senior member of a provider of health and disability services operating in the area; and
  - (f) 1 or more Māori members appointed in accordance with **subsection (2)**; and 30
  - (g) any other persons that may be co-opted by the Emergency Management Committee.
- (2) Māori members of an Emergency Management Co-ordinating Executive must be appointed— 35
- (a) in accordance with an appointment process and a time frame prescribed in regulations applying to the appointment of Māori members to that Committee’s Executive made under **section 144**; or



- (b) if no appointment process has been prescribed or no appointment has been made within the prescribed time frame, by the Minister.

Compare: 2002 No 33 s 20(1)–(2)

### 34 Role of Emergency Management Co-ordinating Executive

An Emergency Management Co-ordinating Executive is responsible to the Emergency Management Committee for— 5

- (a) providing advice to the Emergency Management Committee and any subgroups or subcommittees of the Committee: 5
- (b) implementing, as appropriate, the decisions of the Emergency Management Committee: 10
- (c) overseeing the implementation, development, maintenance, monitoring, and evaluation of the emergency management co-ordinating executive plan. 10

Compare: 2002 No 33 s 20(2)

*Administering authorities* 15

### 35 Administering authorities

- (1) Every Emergency Management Committee must have an administering authority.
- (2) The administering authority is a local authority member of a Committee that all of the members of the Committee agree to appoint as the administering authority. 20
- (3) However, if the Committee decides to change the administering authority but members fail to agree on the appointment within 2 months of that decision,—
- (a) if the Committee includes a regional council, the regional council becomes the administering authority; and 25
- (b) if **paragraph (a)** does not apply, and the Committee has 2 or more unitary authorities as members and those members have failed to reach agreement to appoint the administering authority, the Minister must direct 1 or more of the unitary authorities to establish their own Committees; and 30
- (c) in all other cases, the Minister must appoint one of the local authority members as the administering authority.
- (4) A unitary authority that is subject to a ministerial direction under **subsection (3)(b)** must comply with that direction. 35

Compare: 2002 No 33 s 23

- 36 Role of administering authorities and chief executives of administering authorities**
- (1) An administering authority established under **section 35** 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 relevant Emergency Management Committee. 5
- (2) The administrative and related services referred to in **subsection (1)** include services required for the purposes of the Local Government Act 2002, this Act, or any other legislation that applies to the conduct of a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. 10
- (3) **Clause 8 of Schedule 2** provides for agreement to and division of the costs of administering authorities.
- Compare: 2002 No 33 s 24(1)–(2)
- Functions and duties of local authorities* 15
- 37 Functions and duties of local authorities members of Emergency Management Committees in emergency management**
- The functions and duties of each local authority member of an Emergency Management Committee are to—
- (a) do, in relation to hazards and risks within its region or district, the following: 20
- (i) identify and assess those hazards and risks:
- (ii) report to the Committee on its identification and assessment of hazards and risks:
- (iii) manage those hazards and risks: 25
- (iv) identify how to reduce risks and implement cost-effective risk reduction:
- (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 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: 35
- (d) respond to and manage the adverse effects of emergencies in its region or district:
- (e) plan and carry out recovery activities in its region or district:

- (f) assist, when requested, other local authorities in the implementation of emergency management in their regions or districts as appropriate:
- (g) promote and raise public awareness of, and compliance with, this Act, and legislative provisions relevant to the purpose of this Act, within its region or district: 5
- (h) monitor and report on compliance within its region or district with this Act and legislative provisions relevant to the purpose of this Act:
- (i) do, in relation to an emergency management committee plan of the Committee, the following:
- (i) provide input in the development or review of the plan: 10
- (ii) implement the relevant aspects of the plan:
- (iii) ensure alignment between the relevant aspects of the plan and the local authority's local government planning instruments relevant to the purpose of this Act:
- (j) participate in the development of the national disaster resilience strategy and the national emergency management plan: 15
- (k) promote emergency management in its region or district that is consistent with the purpose of this Act.
- Compare: 2002 No 33 s 64(1)
- 38 Duty of local authorities to continue to function during and after emergency** 20
- A local authority must ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.
- Compare: 1983 No 46 s 43; 2002 No 33 s 64(2) 25
- 39 Emergency management functions and duties for offshore islands**
- (1) The Minister of Local Government and the relevant Emergency Management Committee must together carry out in respect of an offshore island the functions and duties set out in **section 37**.
- (2) In this section,— 30
- 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
- relevant Emergency Management Committee**, in relation to an offshore island, means the Emergency Management Committee that has responsibility for that offshore island. 35

*Persons authorised to make local emergency designations*

- 40 Persons appointed or authorised to make local emergency designations: whole area, region, multiple districts, or multiple wards from within different districts**
- (1) An Emergency Management Committee must appoint— 5
- (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 give notice of a local transition period.
- (2) An appointed person may be authorised to make a declaration, or give a notice, that covers one of the following: 10
- (a) the whole of the Emergency Management Committee’s area:
- (b) a region within the area:
- (c) 2 or more districts within the area:
- (d) 2 or more wards within the area if those wards are from within more than 1 district. 15
- (3) The Committee must ensure that there is at least 1 person authorised to make a declaration, or give a notice, in relation to the whole area.
- (4) An appointed person must be chosen from the representatives of the Committee. 20
- (5) The instrument of appointment must state—
- (a) whether the appointees have equal status to make an emergency designation, or whether any of the appointees is authorised to act only in the absence of another named person; and
- (b) any other conditions or limitations. 25
- (6) If no appointed person is, or is likely to be, able to perform or exercise their functions, duties, and powers under this Act, a representative of the Committee may exercise the power in **subsection (1)(a) or (b)** to make an emergency designation. 30
- Compare: 2002 No 33 s 25
- 41 Persons authorised to make local emergency designations: individual districts and wards within districts**
- (1) The mayor of a territorial authority, or an elected member of a territorial authority designated to act on behalf of the mayor if the mayor is absent, may declare a state of local emergency, or give notice of a local transition period, that covers one of the following: 35
- (a) the district of that territorial authority:
- (b) 1 or more wards within that district.

- (2) If at any time it appears to the Emergency Management Committee of the relevant area or district that an emergency has occurred or may occur and the power in **subsection (1)** has not been exercised, a representative of the Committee for that area or district may exercise the power.

*Area Controllers and Local Controllers*

5

**42 Appointment of Area Controllers**

- (1) An Emergency Management Committee must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Area Controller for its area.
- (2) A Committee must also appoint, either by name or by reference to the holder of an office, at least 1 suitably qualified and experienced person to perform or exercise the functions, duties, and powers of the Area Controller for the duration of any vacancy in the office of Area Controller or absence from duty of the Area Controller. 10
- (3) A Committee may, at any time, remove from office or replace an Area Controller appointed under **subsection (1)** or a person appointed under **subsection (2)**. 15
- (4) A Committee may—
- (a) delegate the authority to appoint a person under **subsection (2)** to perform or exercise the functions, duties, and powers of the Area Controller during a state of emergency to 1 or more of the representatives who are authorised under **section 40(1)(a)** to declare a state of emergency for the whole of that Committee’s area; and 20
- (b) impose conditions or limitations on the use of the authority delegated under **paragraph (a)**. 25

Compare: 2002 No 33 s 26

**43 Appointment of Local Controllers**

- (1) An Emergency Management Committee may appoint, either by name or by reference to the holder of an office, 1 or more suitably qualified and experienced persons to be a Local Controller. 30
- (2) The Committee may direct any person appointed to—
- (a) perform any of the functions and duties of, or delegated to, the Area Controller of the Committee; and
- (b) exercise the powers of Controllers in the area for which the Area Controller is appointed, including the emergency powers in **Part 3**. 35
- (3) Despite anything in this section, a Local Controller must follow any directions given by the Area Controller during an emergency.

Compare: 2002 No 33 s 27

**44 Role of Area Controllers and Local Controllers**

- (1) During a state of local emergency for the area for which the Area Controller is appointed, the Area Controller must, for the purposes of this Act, direct and co-ordinate the use of the personnel, material, information, services, and other resources made available by public service agencies, Emergency Management Committees, and other persons. 5
- (2) The Area Controller must also perform or exercise any functions, duties, or powers delegated to the Area Controller by the Emergency Management Committee or conferred on Controllers by this Act or any other enactment.
- (3) An Area Controller or a Local Controller may authorise any suitably qualified and experienced person to perform or exercise any function, duty, or power of that Area Controller or Local Controller, including the power to delegate those powers, functions, and duties. 10
- (4) No Area Controller, Local Controller, or person authorised under **subsection (3)** may exercise any power conferred on Controllers by this Act during any state of national emergency in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Controller. 15

Compare: 2002 No 33 s 28

*Area Recovery Managers and Local Recovery Managers* 20

**45 Appointment of Area Recovery Managers**

- (1) An Emergency Management Committee must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Area Recovery Manager for its area.
- (2) A Committee must also appoint, either by name or by reference to the holder of an office, at least 1 suitably qualified and experienced person to perform or exercise the functions, duties, and powers of the Area Recovery Manager for the duration of any vacancy in the office of Area Recovery Manager or absence from duty of the Area Recovery Manager. 25
- (3) A Committee may, at any time, remove from office or replace an Area Recovery Manager appointed under **subsection (1)** or a person appointed under **subsection (2)**. 30
- (4) A Committee may—
- (a) delegate the authority to appoint a person under **subsection (2)** to perform or exercise the functions, duties, and powers of the Area Recovery Manager during a transition period to 1 or more of the representatives who are authorised under **section 40(1)(b)** to give notice of a transition period for its area; and 35

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

Compare: 2002 No 33 s 29

#### 46 Appointment of Local Recovery Managers

- (1) An Emergency Management Committee may appoint, either by name or by reference to the holder of an office, 1 or more suitably qualified and experienced persons to be a Local Recovery Manager. 5
- (2) The Committee may direct any person appointed to—
- (a) perform any of the functions and duties of, or delegated to, the Area Recovery Manager of the Committee; and 10
- (b) exercise the powers of Recovery Managers in the area for which the Area Recovery Manager is appointed, including the emergency powers in **Part 3** that apply to Area Recovery Managers.
- (3) Despite anything in this section, a Local Recovery Manager must follow any directions given by the Area Recovery Manager during a transition period. 15

Compare: 2002 No 33 s 30

#### 47 Role of Area and Local Recovery Managers

- (1) During a local transition period for the area for which the Area Recovery Manager is appointed, an Area Recovery Manager must direct and co-ordinate the use of the personnel, material, information, services, and other resources made available by public service agencies, Emergency Management Committees, and other persons for the purpose of carrying out recovery activities. 20
- (2) The Area Recovery Manager must also perform or exercise any functions, duties, or powers delegated to the Area Recovery Manager by the Emergency Management Committee or conferred on Area Recovery Managers by this Act or any other enactment, and may perform any function conferred on the Area Recovery Manager by delegation under this Act. 25
- (3) An Area Recovery Manager or a Local Recovery Manager may require any person to give that Recovery Manager information in accordance with **section 16**, as if a reference in that section to the Director were a reference to that Recovery Manager. 30
- (4) An Area Recovery Manager or a Local Recovery Manager may authorise any suitably qualified and experienced person to perform or exercise any functions, duties, or powers of that Area Recovery Manager or Local Recovery Manager, except the power to authorise another person to perform or exercise those functions, duties, and powers. 35
- (5) An Area Recovery Manager or a Local Recovery Manager who authorises a person under **subsection (4)** 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. 40

- (6) No Area Recovery Manager, Local Recovery Manager, or person authorised under **subsection (5)** may exercise any power conferred on Area Recovery Managers by this Act during any national transition period in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Recovery Manager. 5
- Compare: 2002 No 33 ss 30A, 94I

### Subpart 3—Roles and responsibilities: other parties

#### *General duties of public service agencies and others*

#### **48 Public service agencies to prepare plans to continue functioning during and after emergency** 10

Every public service agency must—

- (a) ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency:
- (b) make available to the Director in writing, on request, its plan for functioning during and after an emergency. 15

Compare: 2002 No 33 s 58

#### **49 Public service agencies and others to undertake emergency management functions**

- (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— 20

- (a) public service agencies:
- (b) Emergency Management Committees:
- (c) local authorities:
- (d) emergency services: 25
- (e) critical infrastructure entities.

- (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.

Compare: 2002 No 33 s 59 30

#### *Critical infrastructure entities*

#### **50 Recognition of critical infrastructure entities and critical infrastructure sectors**

The Minister may, by notice in the *Gazette*, recognise—

- (a) an entity that provides or is related to critical infrastructure as a critical infrastructure entity: 35



- (b) a sector or group of entities that provides or is related to critical infrastructure as a critical infrastructure sector.

Compare: 2002 No 33 s 61

- 51 Requirements for recognition of critical infrastructure entities and critical infrastructure sectors** 5
- (1) Before giving notice under **section 50**, the Minister must—
- (a) consult the Director:
- (b) be satisfied that the criteria in **subsection (2)** are met after having regard to 1 or more factors set out in **subsection (3)**.
- (2) The criteria are that— 10
- (a) the entity’s or sector’s assets, systems, networks, and services are essential for the effective functioning of the economy, public safety and security, or the provision of basic public services or other critical infrastructure; and
- (b) any loss or immobilisation of, or damage or disruption to, the entity or sector is likely to severely prejudice— 15
- (i) the provision of basic public services; or
- (ii) public safety and security; or
- (iii) the maintenance of law and order; or
- (iv) national security; or 20
- (v) the functioning and stability of New Zealand.
- (3) The factors are as follows:
- (a) the economic, public, social, and strategic significance of the relevant critical infrastructure and the entity or sector:
- (b) the degree to which New Zealand’s ability to function, the provision of basic public services, and the maintenance of law and order are likely to be affected by any loss or immobilisation of, or damage or disruption to, the entity or sector: 25
- (c) the degree to which the environment, public safety and security, public health, or other critical infrastructure is likely to be affected by any loss or immobilisation of, or damage or disruption to, the entity or sector: 30
- (d) the likely potential for and degree of any negative effect of recognising a particular entity or sector:
- (e) whether recognising a particular entity or sector would meet the requirements of an obligation under international law: 35
- (f) a factor identified by the Minister in accordance with **subsection (4)**.

- (4) After consulting the Director, the Minister may, by notice in the *Gazette*, identify additional factors that the Minister must give weight to under **subsection (3)**.

**52 Minister may remove recognition of critical infrastructure entity**

The Minister may, by notice in the *Gazette*, remove recognition of a critical infrastructure entity or critical infrastructure sector if, after consultation with the Director, the Minister considers that the entity or sector no longer meets the criteria in **section 51(2)**. 5

**53 Minister may exempt critical infrastructure entity**

The Minister may, by notice in the *Gazette*, on any condition that the Minister thinks fit, exempt a critical infrastructure entity, or all or part of a critical infrastructure sector, in whole or in part from the provisions of this Act relating to critical infrastructure entities if the Minister is satisfied that the application of the provisions is not appropriate in the case of that entity or all or that part of that sector. 10  
15

Compare: 2002 No 33 s 62

**54 Duties of critical infrastructure entities**

- (1) A critical infrastructure entity must, in respect of its critical infrastructure,—
- (a) ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency: 20
  - (b) develop a plan for functioning during and after an emergency:
  - (c) develop, or contribute to the development of, plans relating to responding to and recovering from emergencies that are specific to the sector in which the entity operates:
  - (d) review and update the plans described in **paragraphs (b) and (c)** every 3 years: 25
  - (e) make available to the Director in writing, on request, the plans described in **paragraphs (b) and (c)**:
  - (f) participate in the development of the national disaster resilience strategy and emergency management plans: 30
  - (g) provide, free of charge, any technical advice to the Director or any Emergency Management Committee that may be reasonably required by the Director or that Committee:
  - (h) ensure, so far as possible, that any information that is disclosed to the entity is used by the entity, or disclosed to another person, only for the purposes of this Act. 35
- (2) Further obligations relating to the fulfilment of duties under **subsection (1)** are set out in **clauses 12 and 13 of Schedule 2**.

Compare: 2002 No 33 s 60

- 55 Information-sharing obligations of critical infrastructure entities**
- (1) A critical infrastructure entity must proactively share information with the specified bodies to which the information is relevant for the purposes of planning and monitoring in relation to emergencies, including sharing information before, during, and after an emergency. 5
- (2) A critical infrastructure entity must, if requested in writing to do so, provide information for the purpose of planning for emergencies to the Director, a relevant chief executive, or a representative of an Emergency Management Committee.
- (3) In this section, **specified bodies**, in relation to a particular critical infrastructure entity, means the responsible department, 1 or more responsible public service agencies relevant to the entity, and relevant Emergency Management Committees. 10
- 56 Disclosure by critical infrastructure entities of information relevant to buildings affected by emergency** 15
- (1) A person who receives information under **section 54 or 55** may use or disclose that information only for the purposes of this Act.
- (2) Despite **subsection (1)**, the person may disclose to a responsible person information that—
- (a) 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 has been declared or a notice of a transition period has been given; and 20
- (b) is to be used in connection with the exercise of those powers in that area.
- (3) In this section, **responsible person** has the same meaning as in section 133BB(1) of the Building Act 2004. 25
- Compare: 2002 No 33 s 83
- 57 Obligation to establish, review, and publish planning emergency levels of service**
- (1) A critical infrastructure entity must establish and maintain planning emergency levels of service in respect of its critical infrastructure. 30
- (2) The entity must review its planning emergency levels of service—
- (a) at least once every 5 years; and
- (b) at an earlier time if the Director requests a review.
- (3) The entity must publish its planning emergency levels of service on an Internet site maintained by or on behalf of the entity. 35
- 58 Obligation to report annually to Director and relevant regulatory departments or agencies**
- A critical infrastructure entity must—

- (a) report annually to the Director and 1 or more responsible public service agencies relevant to the entity regarding the entity's compliance with its obligations under this Act; and
- (b) if requested to do so by the Director or a relevant chief executive, provide relevant information to the Director or that chief executive to support the consideration of the entity's compliance. 5

*Duties of emergency services*

**59 Duties of emergency services**

Emergency services must—

- (a) participate in the development of the national disaster resilience strategy and emergency management plans: 10
- (b) provide an active member for each of the Emergency Management Coordinating Executives, if required by **section 33**.

Compare: 2002 No 33 s 63

Subpart 4—Emergency management planning 15

*National disaster resilience strategy*

**60 National disaster resilience strategy**

- (1) The Minister must, on behalf of the Crown, establish and maintain a current national disaster resilience strategy.
- (2) The strategy may include statements of— 20
  - (a) the Crown's goals in relation to emergency management in New Zealand:
  - (b) the objectives to be pursued to achieve those goals:
  - (c) the measurable targets to be met to achieve those objectives.
- (3) A national disaster resilience strategy is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 25

Compare: 2002 No 33 s 31

**61 Review of national disaster resilience strategy**

- (1) The Minister must commence a review of a national disaster resilience strategy within 10 years of that strategy taking effect. 30
- (2) Following a review, the Minister may—
  - (a) amend or replace the strategy by following the procedure set out in **section 62**; or
  - (b) decide not to change the strategy. 35

Compare: 2002 No 33 s 36

**62 Procedure for amending or replacing national disaster resilience strategy**

- (1) This section applies before the Minister amends or replaces a national disaster resilience strategy.
- (2) The Minister must—
- (a) publicly notify the proposed replacement strategy or the proposed amendments to the strategy by—
    - (i) publishing a notice in the *Gazette*; and
    - (ii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and
  - (b) give interested persons a reasonable time, which must be specified in the notice published under **paragraph (a)**, to make submissions on the proposal; and
  - (c) consult any persons that the Minister in each case considers appropriate.
- (3) The Minister may sign the finalised new or revised national disaster resilience strategy and, as soon as possible after signing the strategy, must present a copy of the strategy to the House of Representatives.

Compare: 2002 No 33 ss 32, 36

**63 Currency of national disaster resilience strategy**

- The national disaster resilience strategy—
- (a) takes effect 28 days after the date of its publication under the Legislation Act 2019, or on any later date specified in the strategy; and
  - (b) subject to **section 61**, remains operative for the period specified in the strategy, but if the strategy is not replaced before the close of that period it continues in force until replaced.

Compare: 2002 No 33 s 34

**64 Presentation of national disaster resilience strategy to House of Representatives**

- (1) The national disaster resilience strategy takes effect under **section 63** unless, within 15 sitting days after it is presented, the House of Representatives resolves not to approve the strategy.
- (2) If the House of Representatives resolves not to approve a strategy, the Minister must, within 30 working days of that resolution,—
- (a) complete a new or revised strategy under **section 62**; and
  - (b) present the new or revised strategy to the House of Representatives under **section 62**.
- (3) The new or revised strategy takes effect in accordance with **subsection (1)**.

Compare: 2002 No 33 s 35

*Emergency management plans: matters relevant to development***65 Matters relevant to development of emergency management plans**

- (1) All persons performing functions in relation to the development of emergency management plans under this Act 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: 5
  - (b) the benefits to be derived for people and communities from the management of hazards and risks:
  - (c) New Zealand’s international obligations.
- (2) Some matters of detail relating to the emergency management plans are set out in **clauses 14 to 16 of Schedule 2.** 10

Compare: 2002 No 33 s 38

*National emergency management plan***66 National emergency management plan**

- (1) The Director must prepare and the Minister must approve a current national emergency management plan. 15
- (2) The purpose of the plan is to state the guiding principles and roles and responsibilities for emergency management across the stages of reduction, readiness, response, and recovery at the national level so that Emergency Management Committees and relevant organisations are able to— 20
- (a) understand the hazards and risks to be managed at the national level; and
  - (b) work to reduce the impact of those hazards and reduce those risks; and
  - (c) build resilience in respect of those hazards and risks; and
  - (d) build capability and capacity to provide co-ordinated, integrated, and effective responses to, and recovery from, emergencies. 25
- (3) The plan must be consistent with the national disaster resilience strategy in force when the plan takes effect.

Compare: 2002 No 33 ss 39(1), 42

**67 Content of national emergency management plan**

- (1) The national emergency management plan must state and provide for— 30
- (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 stated under **paragraph (a):**
  - (c) the objectives of the plan and the relationship of each objective to the national disaster resilience strategy: 35

- (d) the co-ordination of emergency management during a state of national emergency or a national transition period:
  - (e) the role of Māori in emergency management:
  - (f) the period for which the plan remains in force.
- (2) The national emergency management plan may also address other matters relating to emergency management at a national level as the Minister directs, including— 5
- (a) prescribing—
    - (i) default activities and arrangements relating to collaboration of the agencies to which the Act applies: 10
    - (ii) the outcomes sought for equity in emergency management and the roles and responsibilities of national agencies in achieving those outcomes:
    - (iii) the process for co-development of national-level planning arrangements with Māori: 15
    - (iv) principles for guiding the appointment of Māori members on Emergency Management Committees and Emergency Management Co-ordinating Executives:
    - (v) the intended national-level outcomes for the provision of early warnings and advisories to individuals and communities at risk from hazards: 20
    - (vi) details relating to the operation of the permanent legislative authority:
  - (b) authorising a person to exercise the power in **section 103**. 25  
Compare: 2002 No 33 s 39(2), (3)

### **68 Review of national emergency management plan**

- (1) The Minister may at any time review a national emergency management plan.
  - (2) If a plan has been operative for 5 years or more and it is more than 5 years since the plan has been reviewed, the Minister must review the plan.
  - (3) Following a review, the Minister may decide to— 30
    - (a) amend the plan; or
    - (b) replace the plan; or
    - (c) leave the plan unchanged.
- Compare: 2002 No 33 s 46

### **69 Preparation of new or revised national emergency management plan** 35

- (1) Before the Minister approves a new or revised national emergency management plan, the Director must—

- (a) develop a proposed new or revised plan; and
  - (b) consult persons and agencies who would have roles and responsibilities under the new or revised plan; and
  - (c) submit the proposed new or revised plan to the Minister for approval.
- (2) The Minister must, after consulting relevant Ministers about the proposed new or revised plan,— 5
- (a) approve the proposed new or revised plan; or
  - (b) refer it back to the Director for reconsideration, together with the Minister’s reasons for referring it back.
- (3) The Director, on receiving a referral under **subsection (2)(b)**, must reconsider the draft plan and, as soon as is reasonably practicable, submit a revised draft plan to the Minister for approval under **subsection (1)**. 10
- (4) The final version of the plan must, as soon as practicable after it is made,—
- (a) be presented to the House of Representatives; and
  - (b) be made publicly available. 15

Compare: 2002 No 33 s 41

#### **70 Publication of national emergency management plan**

As soon as practicable after the Minister approves a new or revised national emergency management plan, the final version of the plan must be—

- (a) notified in the *Gazette*; and 20
- (b) published on an Internet site maintained by or on behalf of the Director.

#### **71 Currency of national emergency management plan**

A national emergency management plan—

- (a) takes effect on the date specified in the plan; and
- (b) remains operative for the period specified in the plan, but if the plan is not replaced before the close of that period it continues in force until replaced. 25

Compare: 2002 No 33 s 45

#### *Emergency management committee plans*

- 72 Emergency management committee plans** 30
- (1) Every Emergency Management Committee must prepare and approve a current emergency management committee plan.
- (2) Each Committee must publish its plan on an Internet site maintained by or on behalf of the Committee.
- (3) An emergency management committee plan must not be inconsistent with the national disaster resilience strategy in force when the plan is approved. 35



- (4) An emergency management committee plan must take account of the guidelines, codes, or technical standards issued by the Director under this Act.

Compare: 2002 No 33 ss 48, 53

### **73 Content of emergency management committee plan**

- (1) An emergency management committee plan must state and provide for— 5
- (a) the local authorities that have united to establish the Emergency Management Committee:
  - (b) the hazards and risks to be managed by the Committee:
  - (c) the emergency management necessary to manage those hazards and risks: 10
  - (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 disaster resilience strategy:
  - (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 giving notice of a local transition period:
  - (j) the arrangements for co-operation and co-ordination with other Emergency Management Committees: 20
  - (k) the arrangements for co-ordination with iwi and Māori during all the stages of emergency management, including reduction, readiness, response, and recovery:
  - (l) the period for which the plan remains in force. 25
- (2) The emergency management committee plan may authorise a person to exercise the power in **section 103**.

Compare: 2002 No 33 s 49(2), (4)

### **74 Director's guidelines for emergency management committee plans**

The Director must issue and maintain current guidelines in relation to the matters described in **section 73**. 30

Compare: 2002 No 33 ss 49(3), 50

### **75 Review of emergency management committee plans**

- (1) An Emergency Management Committee may at any time review its emergency management committee plan. 35
- (2) If a plan has been operative for 5 years or more and it is more than 5 years since the plan was reviewed, the Committee must review the plan.

- (3) Following a review, the Committee may decide to—
- (a) amend the plan; or
  - (b) replace the plan; or
  - (c) leave the plan unchanged.
- Compare: 2002 No 33 s 56 5
- 76 Procedure for making proposed new or revised emergency management committee plan**
- (1) Before approving a proposed new or revised emergency management committee plan, an Emergency Management Committee must—
- (a) engage in the development of the new or revised plan with— 10
    - (i) representatives of communities that are likely to be disproportionately impacted by emergency events in the Committee’s area; and
    - (ii) representatives of iwi and Māori within the Committee’s area; and
  - (b) give notice of the proposal to make a new plan or to revise a plan to— 15
    - (i) the public; and
    - (ii) representatives of iwi and Māori within the Committee’s area; and
    - (iii) any other specific person or group that the Committee considers appropriate; and
  - (c) specify in every notice given under **paragraph (b)** a period within which persons interested in the proposal may make submissions on the proposal to— 20
    - (i) the Committee; or
    - (ii) a subgroup of the Committee; and
  - (d) ensure that any person who makes written submissions on the proposal within the period specified in the notice given under **paragraph (b)** is given a reasonable opportunity to be heard by the body to which the submissions are made; and 25
  - (e) 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
  - (f) have regard to any comments on a proposal made by iwi and Māori within the Committee’s area. 30
- (2) The period specified under **subsection (1)(c)**—
- (a) must not be less than 1 month; and
  - (b) unless the Committee otherwise directs, must not be more than 3 months. 35
- (3) The Committee must—

- (a) send a copy of the proposed new or revised plan to the Minister for the Minister's comments and allow the Minister 20 working days to comment; and
- (b) have regard to any comments made by the Minister.
- (4) The Committee may only approve a proposed new or revised plan at a meeting of the Committee. 5
- Compare: 2002 No 33 ss 49(1)–(2), 52

#### 77 Currency of emergency management committee plan

An emergency management committee plan—

- (a) takes effect on the date of the final decision taken at the meeting referred to in **section 76(4)**; and 10
- (b) remains operative for the period specified in the plan, but if the plan is not replaced before the close of that period it continues in force until replaced.

Compare: 2002 No 33 s 55

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### Part 3

#### Emergency designations and powers

##### Subpart 1—General and interpretative provisions

#### 78 Outline of Part

- (1) This Part, which concerns the emergency designations and what powers may be exercised during them, is divided into 5 subparts. 20
- (2) **Subpart 1** sets out general and interpretive provisions for the Part.
- (3) **Subpart 2** outlines how the emergency designations (states of emergency and transition periods) are established, continued, and terminated, and what procedural requirements there are in relation to these. **Schedule 3** contains matters of procedural detail relating to **subpart 2**. 25
- (4) **Subpart 3** contains provisions that set out which of the emergency powers apply during the different emergency designations. The subpart also sets out the emergency powers that various persons have during an emergency designation. Each section details a particular power, setting out when the power can be exercised, who may exercise the power, what the power is, and any conditions on the exercise of the power. 30
- (5) **Subpart 4** contains provisions related to the exercise of those powers, including reporting obligations and obtaining information by a search warrant.

#### 79 Definitions for Part 3

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In this Part, unless the context otherwise requires,—

- authorised person** means a person authorised to declare a state of local emergency or give notice of a local transition period—
- (a) under **section 40**, in respect of an area, a region, or 2 or more districts within that area, or 2 or more wards within that area if those wards are from more than 1 district; or 5
  - (b) under **section 41**, in respect of a district or 1 or more wards within that district
- relevant location** means, in relation to an authorised person, the area, districts, or wards in which the person is authorised to declare a state of local emergency or give notice of a local transition period. 10
- 80 Procedural provisions in Schedule 3**
- Schedule 3** provides for procedural matters and matters of detail relating to declarations of states of emergency and notices of transition periods.
- Subpart 2—States of emergency and transition periods
- Declaration of state of national emergency* 15
- 81 Minister may declare state of national emergency**
- (1) The Minister may declare that a state of national emergency exists over the whole of New Zealand or any areas or districts if it appears to the Minister that—
    - (a) an emergency has occurred or may occur; and 20
    - (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. 25
  - (2) The Minister must inform the House of Representatives as soon as practicable if the Minister has declared or extended a state of national emergency.  
Compare: 2002 No 33 s 66(1)–(2)
- 82 When Parliament must be made to meet for state of national emergency**
- If Parliament dissolved, expired, or prorogued* 30
- (1) **Subsection (2)** applies if—
    - (a) the Minister makes a declaration of a state of national emergency; and
    - (b) Parliament—
      - (i) has been dissolved or has expired and no Proclamation has been made summoning Parliament to meet on a day not later than 7 35  
days after the date on which the declaration is made; or

- (ii) has been prorogued until a date more than 7 days after the date on which the declaration is made or the date on which Parliament is next to meet has not been determined.
- (2) If this subsection applies,—
- (a) a Proclamation must be made appointing a day for Parliament to meet that is—
- (i) not later than 7 days after the date of the making of the declaration of a state of national emergency; or
- (ii) if the Minister makes a declaration after the date on which Parliament has been dissolved or has expired and before the latest day appointed under the Electoral Act 1993 for the return of the writ for the election of members of Parliament, not later than 7 days after the latest day appointed for the return of the writ; and
- (b) Parliament must meet and sit on the day appointed.
- If House of Representatives adjourned*
- (3) **Subsection (4)** applies if—
- (a) the Minister makes a declaration of a state of national emergency; and
- (b) the House of Representatives is adjourned until a date more than 7 days after the date on which the declaration is made.
- (4) If this subsection applies,—
- (a) 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 not later than 7 days after the declaration is made; and
- (b) the House of Representatives must meet and sit at the time and on the day specified in the notice.

Compare: 2002 No 33 s 67

### *Declaration of state of local emergency*

## **83 Declaration of state of local emergency**

### *Declaration by authorised person*

- (1) If at any time it appears to an authorised person that an emergency has occurred or may occur in a relevant location, the person may declare that a state of local emergency exists in that location.
- (2) Before making a declaration under **subsection (1)**,—
- (a) an authorised person who is authorised under **section 40** to declare a state of local emergency must, if practicable and if the situation is not urgent, seek and consider advice regarding whether to make the declaration from—

- (i) the mayor of any district that is or may be affected by the emergency; and
  - (ii) the Area Controller for the relevant area:
- (b) an authorised person who is authorised under **section 41** to declare a state of local emergency must, if practicable, seek and consider advice regarding whether to make the declaration from the Area Controller for the relevant area. 5

*Declaration by Minister*

- (3) If at any time it appears to the Minister that an emergency has occurred or may occur in the area of any Emergency Management Committee and a state of local emergency has not been declared under **subsection (1)**, the Minister may declare a state of local emergency for that area or for a district within that area. 10

*Declaration for another location for purposes of support*

- (4) After a state of emergency has been declared for a location (the **first location**), a further state of local emergency may be declared for another area, district, or ward that is not affected by an emergency if, in the opinion of any authorised person who is authorised to declare a state of local emergency in respect of that location, the resources of that other area, district, or ward are needed to assist the first location. 15  
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Compare: 2002 No 33 s 68

*General provisions applying to states of emergency*

**84 Commencement and duration of state of emergency**

- (1) A state of emergency comes into force at the time and on the date that the declaration of the state of emergency is made. 25
- (2) The form and publication requirements for declarations are set out in **clause 2 of Schedule 3**.
- (3) A state of emergency expires 7 days after the time and date on which the state of emergency comes into force (that is, it expires immediately after the time and date that is at the same time of day and 7 days after the day on which it came into force). 30
- (4) Nothing in this section prevents—
- (a) the extension of the duration of a state of emergency under **section 85**;  
or
  - (b) the termination of a state of emergency under **section 86**. 35

Compare: 2002 No 33 s 70

- 85 Extension of duration of state of emergency**
- Extension of state of national emergency*
- (1) Before a state of national emergency expires, the Minister may, by declaration, extend the duration of the state of national emergency.
- Extension of state of local emergency* 5
- (2) Before a state of local emergency expires, the person who declared the state of emergency (or another person, including the Minister, authorised to make that declaration) may, by declaration, extend the duration of the state of local emergency in that area.
- Extension may apply to smaller location* 10
- (3) When making a declaration extending a state of emergency, the person who declared the state of emergency (or another person, including the Minister, authorised to make that declaration) may apply the state of emergency to a smaller location than the location to which it previously applied (for example, a state of emergency that originally applied to an area may, once extended, be applied to 1 district). 15
- Commencement and duration of extension*
- (4) An extension of the duration of a state of emergency comes into force—
- (a) immediately before the state of emergency would expire under **section 84(3)**; or 20
- (b) if the duration of the state of emergency was previously extended under this section, immediately before that extension would expire under **subsection (5)**.
- (5) An extension of the duration of a state of emergency expires at the end of the period that is 7 days after the time and date on which the extension of the state of emergency comes into force (that is, it expires immediately after the time and date that is at the same time of day and 7 days after the day on which it came into force). 25
- Further extension and termination not affected*
- (6) Nothing in this section prevents— 30
- (a) the further extension of the duration of a state of emergency that has been extended under this section; or
- (b) the termination of a state of emergency under **section 86**.
- Compare: 2002 No 33 s 71
- 86 Termination of state of emergency** 35
- (1) A person who is authorised to declare a state of emergency may, by declaration, terminate that state of emergency, whether or not the declaration of the state of emergency or any extension of it was made by that person.

- (2) A declaration made under **subsection (1)** terminates the state of emergency when made.
- (3) In addition, a state of local emergency is terminated when a notice of a local transition period given by the Minister under **section 88(4)** comes into force.  
Compare: 2002 No 33 s 72

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*Notice of national transition period*

**87 Minister may give notice of national transition period**

- (1) The Minister may give notice of a national transition period over the whole of New Zealand or any areas or districts at the following times if it appears to the Minister that a national transition period is required:
- (a) after a state of emergency has been declared for any area:
- (b) after an emergency arises for which a state of emergency has not been declared.
- (2) If the Minister gives notice of a national transition period, the Minister must inform the House of Representatives as soon as practicable.
- Compare: 2002 No 33 ss 94A(1), (4)(a)

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*Notice of local transition period*

**88 Notice of local transition period**

*Notice by authorised person following state of emergency*

- (1) After a state of emergency has been declared for an area of an Emergency Management Committee, an authorised person may give notice of a local transition period for a relevant location if it appears to the authorised person that the local transition period is required.
- (2) Before giving notice, an authorised person must, if practicable and if the situation is not urgent, seek and consider advice regarding whether to give the notice from the Area Recovery Manager for the relevant area.

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*Notice by authorised person if state of emergency not in force*

- (3) After an emergency arises for which a state of emergency has not been declared, an authorised person may give notice of a local transition period in accordance with **subsection (1)** with the approval of the Minister.

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*Notice by Minister*

- (4) After a state of emergency has been declared for the area of an Emergency Management Committee, or after an emergency arises for which a state of emergency has not been declared, the Minister may give notice of a local transition period for the area or for 1 or more districts or wards within the area if—

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- (a) it appears to the Minister that a local transition period is required for the whole or any part of the area; and
- (b) notice of a local transition period has not been given under **subsection (1)**.

*Notice for another location for purposes of support*

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- (5) After notice of a local transition period has been given for an area (the **first area**), a further notice of a local transition period may be given for another district or ward in the area of the relevant Emergency Management Committee that is not affected by an emergency if it appears to the person giving notice that the resources of that other district or ward are needed to assist the first area. 10

Compare: 2002 No 33 ss 94B(1)–(4), (9)

*General provisions applying to transition periods*

**89 Commencement and duration of transition periods**

- (1) A transition period for which a state of emergency has been declared comes into force— 15
  - (a) on the termination of the state of emergency under **section 86(1)**; or
  - (b) on the expiry of the state of emergency under **section 84(3) or 85(5)**, if the transition notice states that the transition period comes into force on the expiry of the state of emergency. 20
- (2) In any other case, a transition period comes into force at the time and on the date the notice of transition is given.
- (3) A national transition period ends 90 days after the time and date on which the period comes into force, unless extended or terminated earlier.
- (4) A local transition period ends 28 days after the time and date on which the period comes into force, unless extended or terminated earlier. 25

Compare: 2002 No 33 s 94C

**90 Extension of duration of transition period**

*Extension of national transition period*

- (1) Before a national transition period ends, the Minister may by notice extend the national transition period if it appears to the Minister that the extension is required. 30

*Extension of local transition period*

- (2) Before a local transition period ends, the person who gave notice of that local transition period (or another person, including the Minister, authorised to give that notice) may by notice extend the local transition period if it appears to the person that the extension is required. 35

*Extension may apply to smaller location*

- (3) When extending a transition period, the person who gave notice of the transition period (or another person, including the Minister, authorised to give that notice) may apply the transition period to a smaller location than it previously applied to (for example, a local transition period that originally applied to an area may, once extended, be applied to a district). 5

*Commencement and duration of extension*

- (4) An extension of a transition period comes into force immediately before the end of the transition period that is extended and ends,—
- (a) in the case of a national transition period, 90 days after the time and date on which the extension comes into force, unless terminated earlier; or 10
- (b) in the case of a local transition period, 28 days after the time and date on which the extension comes into force, unless terminated earlier.

*Multiple extensions allowed*

- (5) A transition period may be extended more than once. 15

*When notification must be given to House of Representatives or public*

- (6) If the Minister extends a national transition period, the Minister must inform the House of Representatives as soon as practicable.
- (7) If a local transition period is extended a third or further time,—
- (a) the person (other than the Minister) who extends the period must give the Minister a copy of the notice at the same time as notifying the public of that extension under **clause 3(3) of Schedule 3**; and 20
- (b) the Minister must inform the House of Representatives as soon as practicable.

Compare: 2002 No 33 s 94D 25

**91 Considerations when giving notice of, or giving notice extending, transition period**

- (1) This section applies when—
- (a) the Minister is deciding whether to give notice of a national transition period under **section 87**: 30
- (b) an authorised person or the Minister is deciding whether to give notice of a local transition period under **section 88**:
- (c) the Minister or an authorised person is deciding whether to give notice extending a transition period under **section 90**.
- (2) Without limiting the section under which notice is given, the person must not give notice of the transition period, or extending the transition period, unless satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is— 35

- (a) in the public interest; and
  - (b) necessary or desirable to ensure a timely and effective recovery.
- (3) A person making a decision to which this section applies must have regard to the areas or districts, or, in the case of a local transition period, wards, affected by the emergency. 5
- (4) A person making a decision referred to in **subsection (1)(a) or (b)** must have regard to whether the focus of activities in any area or district, or, in the case of a local transition period, ward, is moving from response to recovery, including whether a state of emergency is about to expire or be terminated.
- (5) If the Minister is the person deciding whether to give notice of a local transition period or extending a local transition period, the Minister must, before giving notice,— 10
- (a) have regard to the capacity of any Emergency Management Committee and any local authority in any area or district, or, in the case of a local transition period, ward, affected by the emergency to carry out recovery activities; and 15
  - (b) in a manner the Minister considers appropriate, seek and consider comment from any affected Emergency Management Committee and the mayor of any affected local authority, unless—
    - (i) it is impracticable in the circumstances; or 20
    - (ii) in the opinion of the Minister, the urgency of the situation requires the notice to be given immediately.

Compare: 2002 No 33 ss 94A(2), (3), 94B(4)–(7), 94D(3)–(5)

## 92 Termination of transition periods

- (1) The Minister may by notice terminate a national transition period. 25
- (2) The person who gave notice of a local transition period (or the Minister or another person appointed or otherwise authorised to give that notice) may by notice terminate the local transition period.
- (3) A notice terminating a transition period terminates the relevant transition period when given. 30
- (4) Before giving notice under **subsection (2)**, the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Emergency Management Committee and the mayor of any affected local authority, unless—
- (a) it is impracticable in the circumstances; or 35
  - (b) in the opinion of the Minister, the urgency of the situation requires the notice of termination to be given immediately.

- (5) If a state of local emergency is declared over an area (or any part of an area) to which a local transition period applies, the transition period ends without a termination notice being given.

Compare: 2002 No 33 s 94E

### *Concurrent emergency designations*

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## **93 Concurrent emergency designations: states of emergency and transition periods**

*States of local emergency may be concurrent with national emergency designations*

- (1) A state of local emergency for an emergency— 10
- (a) may be declared under **section 83** even while a state of national emergency or national transition period is in force in respect of another emergency:
- (b) remains in force if a state of national emergency is declared under **section 81**, even if both emergencies affect the same location. 15
- (2) *See section 44(4)*, under which Area Controllers and Local Controllers must not exercise their powers in a manner contrary to the priorities determined by the Director or National Controller during a state of national emergency.

*Local transition periods may be concurrent with national emergency designations*

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- (3) A notice of local transition period in respect of an emergency may be given under **section 88** even while a state of national emergency or national transition period is in force in respect of another emergency.
- (4) A local transition period for an emergency remains in force if a state of national emergency is declared under **section 81**, even if both emergencies affect the same location. 25
- (5) *See section 47(6)*, under which Area Recovery Managers and Local Recovery Managers must not exercise their powers in a manner contrary to the priorities determined by the Director or National Recovery Manager during a national transition period. 30

## Subpart 3—Emergency powers

### *When emergency powers apply*

## **94 Emergency powers: overview**

- (1) Some or all of the emergency powers set out in **sections 98 to 108** apply during each of the following circumstances: 35
- (a) when a state of emergency is in force or in relation to a state of emergency:

- (b) when a transition period is in force or in relation to a transition period:
- (c) when the Minister considers that an imminent threat of an emergency exists.
- (2) The following table sets out which of those powers apply in accordance with **sections 95 to 97** during a state of emergency, a transition period, and when the Minister considers there is an imminent threat of an emergency: 5

Emergency power provisions	State of emergency	Transition period	Imminent threat of emergency
<b>s 98</b> (Minister's general power of direction)	Yes	Yes	Yes
<b>s 99</b> (Minister's power of direction relating to earthquake-affected buildings)	Yes	Yes	
<b>s 100</b> (emergency powers of Emergency Management Committees and Recovery Managers)	Yes	<b>Subsection (3)(a), (e), and (h) only</b>	
<b>s 101</b> (evacuation of premises and places)	Yes	Yes	
<b>s 102</b> (entry on premises)	Yes	Yes	
<b>s 103</b> (closing roads and public places)	Yes	Yes	
<b>s 104</b> (removal of vehicles and craft)	Yes		
<b>s 105</b> (requisitioning power)	Yes		
<b>s 106</b> (power to give directions)	Yes	Yes	
<b>s 107</b> (power to carry out inspections, etc)	Yes		
<b>s 108</b> (power to make contracts in urgent cases)	Yes		

- (3) The table is intended as a guide only.

#### 95 Emergency powers in states of emergency: application

The powers set out in **sections 98 to 108** apply if a state of emergency is in force or in relation to a state of emergency. 10

Compare: 2002 No 33 Part 5

#### 96 Emergency powers in transition periods: application

*Powers applying to transition periods*

- (1) The following powers apply if a transition period is in force or in relation to a transition period: 15
- (a) **section 98** (Minister's general power of direction):
- (b) **section 99** (Minister's power of direction relating to earthquake-affected buildings):
- (c) **section 100(3)(a), (e), and (h)** (emergency powers of Recovery Managers): 20
- (d) **section 101** (power to evacuate premises and places):
- (e) **section 102** (power to enter premises):
- (f) **section 103** (power to close roads and public places):

- (g) **section 106** (power to give directions).  
*Exercise of powers by Recovery Manager and constables*
- (2) A Recovery Manager may exercise the powers conferred on Recovery Managers under the provisions set out in **subsection (1)** if the exercise of the powers— 5
- (a) is in respect of those areas, districts, or wards for which the Recovery Manager is responsible; and
- (b) is, in the opinion of the Recovery Manager,—
- (i) in the public interest; and
- (ii) necessary or desirable to ensure a timely and effective recovery; 10  
and
- (iii) proportionate in the circumstances.
- (3) A constable may exercise the powers conferred on constables under the provisions set out in **subsection (1)** if the exercise of the powers is, in the opinion of the constable,— 15
- (a) in the public interest; and
- (b) necessary or desirable to ensure a timely and effective recovery; and
- (c) proportionate in the circumstances.
- Compare: 2002 No 33 ss 94G–94N
- 97 Emergency power if imminent threat of emergency: application** 20
- (1) The power in **section 98** applies if the Minister considers that an imminent threat of an emergency exists.
- (2) *See also section 111*, under which a District Court Judge may issue a warrant for entry and search of premises when the Director, the Controller, or a person authorised by an Emergency Management Committee considers that an imminent threat of an emergency exists. 25
- Compare: 2002 No 33 s 84(1)(a)

*Emergency powers*

- 98 Minister’s general power of direction** 30
- When power can be exercised*
- (1) This section applies if the Minister considers that, having regard to all of the circumstances, it is expedient to exercise the power in **subsection (2)**.
- Power*
- (2) If this section applies, the Minister may direct the Director or any Emergency Management Committee or person— 35
- (a) to perform or exercise any of the functions, duties, or powers conferred on the Director, Committee, or person under this Act; or

(b) to cease to perform or exercise any of those functions, duties, or powers.

*Conditions on exercise of power*

- (3) If the Minister directs any Emergency Management Committee or person under this section, the Minister may direct that the function, duty, or power be performed or exercised under the control and to the satisfaction of the Director. 5

Compare: 2002 No 33 ss 84, 94J

**99 Minister’s power of direction relating to earthquake-affected buildings**

*When power can be exercised*

- (1) This section applies if—
- (a) an area is subject to— 10
- (i) a state of emergency or transition period; and
- (ii) a designation under subpart 6B of Part 2 of the Building Act 2004; and
- (b) a person who may exercise powers under this Act in relation to the state of emergency or transition period is the responsible person under that subpart (the **responsible person**) (*see* section 133BK of the Building Act 2004). 15

*Power*

- (2) If this section applies, the Minister may direct the responsible person—
- (a) to exercise any of the powers conferred on the person under that subpart; 20
- or
- (b) to cease to exercise any of those powers.

*Conditions on exercise of power*

- (3) If the Minister directs a responsible person under this section, the Minister may direct that the powers conferred be exercised under the control and to the satisfaction of the Director. 25

Compare: 2002 No 33 ss 84(2A), (2B), 94J(2A), (2B)

**100 Emergency powers of Emergency Management Committees and Recovery Managers**

*Who may exercise power* 30

- (1) If a state of emergency is in force, an Emergency Management Committee may exercise the powers set out in **subsection (3)**.
- (2) If a transition period is in force, a Recovery Manager may exercise the powers set out in **subsection (3)(a), (e), and (h)**.

*Power* 35

- (3) If this section applies, a specified person may—
- (a) carry out or require to be carried out all or any of the following:

- (i) works:
  - (ii) clearing roads and other public places:
  - (iii) examining and marking any property, animal, or other thing:
  - (iv) removing or disposing of, or securing or otherwise making safe, dangerous structures and materials wherever they may be: 5
  - (b) provide for the rescue of endangered persons and their removal to areas of safety:
  - (c) set up first aid posts, and provide for first aid to be given to casualties and for their movement to hospital, other place of treatment, or areas of safety: 10
  - (d) provide for the relief of distress, including emergency food, clothing, and shelter:
  - (e) provide for the conservation and supply of food, fuel, and other essential supplies:
  - (f) prohibit or regulate land, air, and water traffic within the area or district to the extent necessary to conduct emergency management: 15
  - (g) 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:
  - (h) disseminate information and advice to the public: 20
  - (i) enter into arrangements, including employment arrangements, with any person for the purpose of carrying out emergency management as may be agreed:
  - (j) provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by this subsection. 25
- Condition on exercise of power*
- (4) In exercising a power under this section, Emergency Management Committees and Recovery Managers must not act inconsistently with any directions given by the Minister or the Director. 30
- Compare: 2002 No 33 ss 85, 94H

## **101 Evacuation of premises and places**

### *When power can be exercised*

- (1) This section applies if the action authorised by this section is necessary for the preservation of human life in the opinion of,—
- (a) if a state of emergency is in force, a Controller or a constable: 35
  - (b) if a transition period is in force, a Recovery Manager or a constable.



*Who may exercise power*

- (2) The following persons (**specified persons**) may exercise the power in **subsection (3)**:
- (a) if a state of emergency is in force,—
    - (i) a Controller or a constable; or 5
    - (ii) a person authorised by a Controller or a constable:
  - (b) if a transition period is in force, a Recovery Manager or a constable.

*Power*

- (3) If this section applies, a specified person may direct, within the area or district in which the emergency or transition period is in force,— 10
- (a) the evacuation of any premises or place, including any public place; or
  - (b) the exclusion of persons or vehicles from any premises or place, including any public place.

Compare: 2002 No 33 ss 86, 94K

## 102 Entry on premises 15

*Who may exercise power*

- (1) The following persons (**specified persons**) may exercise the power in **subsection (2)**:
- (a) if a state of emergency is in force,—
    - (i) a Controller or a constable; or 20
    - (ii) a person acting under the authority of a Controller or constable:
  - (b) if a transition period is in force, a Recovery Manager or a constable.

*Power*

- (2) A specified person may enter on, and if necessary break into, any premises or place within the area or district in respect of which the state of emergency or transition period is in force if the person believes on reasonable grounds that the action is necessary for— 25
- (a) saving life, preventing injury, or rescuing and removing injured or endangered persons; or
  - (b) permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress. 30

*Where power may be exercised*

- (3) This power may be exercised within the area or district in respect of which the state of emergency or transition period is in force.

Compare: 2002 No 33 ss 87, 94L

35

**103 Closing roads and public places***Who may exercise power*

- (1) The following persons (**specified persons**) may exercise the power in **subsection (2)**:

- (a) if a state of emergency is in force,— 5
- (i) a Controller or a constable; or
- (ii) any person acting under the authority of a Controller or constable; or
- (iii) a person authorised to exercise the power in a relevant emergency management plan: 10
- (b) if a transition period is in force, a Recovery Manager or a constable.

*Power*

- (2) A specified person may, in order to prevent, limit, or reduce the extent or consequences of the emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place. 15

*Where power may be exercised*

- (3) This power may be exercised within the area or district in respect of which the state of emergency or transition period is in force.

Compare: 2002 No 33 ss 88, 94M

**104 Removal of vehicles and craft** 20*Who may exercise power*

- (1) A Controller or a constable, or a person acting under the authority of a Controller or constable, may exercise the power in **subsection (2)**.

*Power*

- (2) A person authorised to exercise this power may, in order to prevent or limit the extent of the emergency,— 25
- (a) remove from any place within the area or district in respect of which the state of emergency is in force any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding emergency management; and
- (b) if reasonably necessary for that purpose, use force or break into the aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle. 30

*Where power may be exercised*

- (3) This power may be exercised within the area or district in respect of which the state of emergency is in force.

Compare: 2002 No 33 s 89

35

**105 Requisitioning power***When power can be exercised*

- (1) This section applies if, in the opinion of a Controller or a constable, the action authorised by this section is necessary for the preservation of human life.

*Who may exercise power*

5

- (2) The following persons (**specified persons**) may exercise the power in **subsection (3)**:

- (a) a Controller or a constable; or  
 (b) a person acting under the authority of a Controller or a constable.

*Power*

10

- (3) A specified person may direct the owner or person for the time being in control of any land, building, vehicle, animal, boat, apparatus, implement, earth-moving equipment, construction materials or equipment, furniture, bedding, food, medicines, medical supplies, or other equipment, materials, or supplies to immediately place that property—

15

- (a) under that specified person's control and direction; or  
 (b) under the control and direction of another person who is a Controller, a constable, or a person authorised by a Controller or a constable, and who requested the specified person to make the requisition.

- (4) A person exercising the power conferred by this section must give to the owner or person in charge of the requisitioned property a written statement specifying the property that is requisitioned and the person under whose control the property is to be placed.

20

- (5) If the owner or person for the time being in control of any property that may be requisitioned under this section cannot be immediately found, the authorised person may assume immediately the control and direction of the requisitioned property.

25

- (6) If a person assumes the control and direction of requisitioned property under **subsection (5)**, that person must ensure that, as soon as is reasonably practicable in the circumstances, a written statement is given to the owner or person formerly in charge of the requisitioned property specifying the property that has been requisitioned and the person under whose control it has been placed.

30

- (7) The owner or person in control of any property immediately before it is requisitioned under this section must give the person exercising the power any assistance that the person may reasonably require for the effective and safe use of that property.

35

Compare: 2002 No 33 s 90

**106 Power to give directions***Who may exercise power*

- (1) The following persons (**specified persons**) may exercise the power in **subsection (2)**:

- (a) if a state of emergency is in force,— 5  
     (i) a Controller or a constable; or  
     (ii) a person acting under the authority of a Controller or a constable:  
 (b) if a transition period is in force, a Recovery Manager or a constable.

*Power relating to activity or action*

- (2) A specified person may— 10  
 (a) direct any person to stop any activity that—  
     (i) may cause or substantially contribute to an emergency (if a state of emergency is in force) or the consequences of an emergency (if a transition period is in force):  
     (ii) may prevent or substantially hinder recovery from an emergency (if a transition period is in force): 15  
 (b) request any person, either verbally or in writing, to take any action to prevent, limit, or reduce the extent or consequences of the emergency.

*Power relating to structures*

- (3) A specified person may— 20  
 (a) direct the owner of a structure (or the owner's agent) to obtain an assessment of the effect of the emergency (and any related subsequent events) on the structure:  
 (b) direct the owners of structures of a particular type (or the owners' agents) to obtain assessments of the effect of the emergency (and any related subsequent events) on the structures of that type that they own. 25
- (4) A person must not give a direction under **subsection (3)** unless the person has had regard to whether the structure or type of structure may, in the circumstances, pose a risk of injury or a risk to the safety of life or the safety of other property. 30
- (5) A direction given under **subsection (3)** 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 concluded; and 35  
 (c) require the owner (or the owner's agent) to give a copy of the assessment to the person who gave the direction.

- (6) An owner (or owner’s agent) who is given a direction under **subsection (3)** must—
- (a) obtain the assessment, which must be conducted in accordance with the direction and at the owner’s expense; and
  - (b) give a copy of the assessment to the person who gave the direction. 5
- (7) *See* **section 142** (relating to appeals against an exercise of this power) and **clause 4 of Schedule 3** (regarding notice requirements when exercising the power under this section).  
Compare: 2002 No 33 ss 91, 94N
- 107 Power to carry out inspections and other activities in relation to property and things** 10
- Who may exercise power*
- (1) A Controller or a constable, or a person acting under the authority of a Controller or constable, may exercise the power in **subsection (2)**.
- Power* 15
- (2) A person authorised to exercise this power may examine, mark, seize, sample, secure, disinfect, or destroy any property, animal, or any other thing in order to prevent or limit the extent of the emergency.  
Compare: 2002 No 33 s 92
- 108 Power to make contracts in urgent cases** 20
- Who may exercise power*
- (1) The following persons (**specified persons**) may exercise the power in **subsection (2)**:
- (a) the chairperson of an Emergency Management Committee:
  - (b) the deputy chairperson of the Committee: 25
  - (c) any employee of the Committee who is authorised for the purpose in the Committee’s emergency management plan:
  - (d) the Area Controller.
- Power*
- (2) A specified person may enter into any contract on behalf of an Emergency Management Committee for any of the purposes of this Act. 30
- Conditions*
- (3) A person who exercises the power conferred by this section must report the full circumstances of its exercise to the Emergency Management Committee at its next ordinary meeting or, if that is not practicable, at its next succeeding ordinary meeting. 35
- (4) This section applies despite anything in the Public Bodies Contracts Act 1959.  
Compare: 2002 No 33 s 94

## Subpart 4—Emergency powers: related provisions

### *Reporting obligation when exercising emergency powers in transition period*

#### **109 Reporting obligation for Recovery Managers**

##### *When obligation must be carried out*

- (1) This section applies in relation to the exercise of a power conferred by **subpart 3** that applies for the purposes of a transition period. 5

##### *Obligation*

- (2) If a Recovery Manager or a person acting under the authority of a Recovery Manager exercises a power under **subpart 3**,—
- (a) if the National Recovery Manager is the Director, the National Recovery Manager must give a written report to the Minister; and 10
- (b) in all other cases, the National Recovery Manager must give a written report to the Director.
- (3) If a Recovery Manager or a person acting under the authority of a Recovery Manager exercises a power under **subpart 3**, the Recovery Manager must give— 15
- (a) a written report to the Director; and
- (b) a copy of the report to the Emergency Management Committee.
- (4) A report and a copy of a report under **subsection (2) or (3)** must be given within 7 days after the date on which the relevant transition period ends. 20
- (5) If a power was exercised by a person other than the Recovery Manager giving the report, that Recovery Manager must consult that person in preparing the report.
- (6) The report must—
- (a) identify the powers exercised under **subpart 3**, the person who exercised each power, and the number of times each power was exercised; and 25
- (b) include the reasons for each exercise of each of the powers.
- (7) In this section, **Recovery Manager** means a person appointed under **section 45 or 46**, but does not include any person authorised by the Recovery Manager. 30

Compare: 2002 No 33 s 94P(1)–(5), (10)

#### **110 Presentation and publication of reports**

- (1) On receiving a report under—
- (a) **section 109(2)(b)**, the Director must give a copy of the report to the Minister: 35

- (b) **section 109(3)(a)**, the Director may give a copy of the report to the Minister.
- (2) If the Minister receives a copy of a report under **section 109(2)(a)** or **subsection (1)**, the Minister must present it to the House of Representatives as soon as practicable. 5
- (3) If the National Recovery Manager gives a report to the Director under **section 109(2)(b)**, the National Recovery Manager must also, as soon as practicable, publish a copy of the report on an Internet site maintained by or on behalf of the National Recovery Manager.
- (4) On receiving a copy of a report under **section 109(3)(b)**, an Emergency Management Committee must, as soon as practicable, publish it on an Internet site maintained by or on behalf of the Committee. 10
- Compare: 2002 No 33 s 94P(6)–(9)

*Warrant for entry to obtain information in urgent cases during state of emergency* 15

**111 Warrant for entry to obtain information**

- (1) This section applies if—
- (a) a state of emergency is in force; or
- (b) the Director or a Controller, or a person authorised by an Emergency Management Committee to consider this matter, considers that an imminent threat of an emergency exists. 20
- (2) A District Court Judge may, by warrant, authorise any constable to enter and search any premises, other than a dwelling house, to obtain information in the circumstances described in **subsection (3)**.
- (3) The District Court Judge may issue the warrant only if satisfied by a person described in **subsection (1)(b)** on oath that— 25
- (a) the information is urgently required in order to prevent or limit the extent of the emergency; and
- (b) the person in possession of the information has refused to provide the information. 30
- (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 16**; and
- (b) whether or not appeal proceedings or the prosecution of an offence in respect of that requirement have been completed. 35

Compare: 2002 No 33 s 78

**112 Form and content of warrant under section 111**

A warrant issued under **section 111** must—

- (a) be in the prescribed form; and
- (b) state the period, not exceeding 10 days, for which it is valid; and
- (c) be directed to any constable by name, or to any class of constables stated in the warrant, or generally to every constable; and
- (d) be subject to any special conditions that the District Court Judge may state in the warrant. 5

Compare: 2002 No 33 s 79

### 113 Powers conferred by warrant

- (1) Subject to any special conditions stated in the warrant under **section 112**, every warrant issued under **section 111** authorises the constable executing the warrant— 10
  - (a) to enter and search the premises stated in the warrant at any time by day or night 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 15
  - (c) to use any force that is reasonable in the circumstances for the purposes 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 111** and, for that purpose,— 20
    - (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. 25
- (2) Every person called on to assist any constable executing a warrant issued under **section 111** has the powers described in **subsection (1)(c) and (d)**.
- (3) Nothing in this section authorises the seizure of information that— 30
  - (a) concerns the medical condition or history of any person; or
  - (b) is protected by legal professional privilege.

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

### 114 Disposal of information

- (1) If a constable seizes any information or document under **section 113**, the constable must— 35
  - (a) give it to the Director, a Controller, or a person authorised by an Emergency Management Committee; or



- (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) Any 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. 5
- Compare: 2002 No 33 s 81

*Restriction on disclosure of information obtained under powers*

**115 Disclosure of information relevant to buildings affected by emergency obtained under powers**

- (1) A person who receives information following a requirement imposed under **section 106** to provide a copy of an assessment or in the execution of a warrant issued under **section 111** may use or disclose that information only for the purposes of this Act. 10
- (2) Despite **subsection (1)**, the person may disclose to a responsible person information that— 15
- (a) 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 has been declared or a notice of transition period has been given; and
- (b) is to be used in connection with the exercise of those powers in that area.
- (3) 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

**Part 4**

**Rights, liabilities, and administrative matters**

Subpart 1—Rights and liabilities 25

*Compensation and liabilities*

**116 Compensation if property requisitioned during state of emergency**

- (1) This section applies if, as a result of an exercise of the power in **section 105**, requisitioned property has come under the control and direction of—
- (a) the National Controller, a constable, or a person authorised by the National Controller or a constable; or 30
- (b) an Emergency Management Committee, an Area Controller, or a person authorised by a Committee or an Area Controller.
- (2) On the application of a person with an interest in the requisitioned property, reasonable compensation is payable to that person for— 35

- (a) the use of that requisitioned property while under that control and direction; and
- (b) any loss of or damage or injury to that requisitioned property while under that control and direction.
- (3) The compensation is payable,— 5
- (a) if the requisitioned property has come under the control and direction of a person described in **subsection (1)(a)**, by the Crown out of money appropriated by Parliament for the purpose:
- (b) if the requisitioned property has come under the control and direction of a person described in **subsection (1)(b)**, by the relevant Emergency Management Committee. 10
- (4) The amount of compensation payable under this section must take into account any amount that the person having an interest in the property has recovered or is likely to recover under a contract of insurance or another means. 15
- Compare: 2002 No 33 s 107

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

- (1) This section applies if one of the following persons suffers loss of or damage to personal property as a result of the person performing a function or duty arising from an emergency designation:
- (a) a member of an Emergency Management Committee: 20
- (b) any other person who carries out emergency management under the direction of the Director or an Emergency Management Committee or a Controller or a Recovery Manager:
- (c) at the discretion of the Minister, a person who is not a person referred to in **paragraph (a) or (b)**. 25
- (2) The person is entitled to receive compensation equal to—
- (a) the value of any personal property that has been lost; or
- (b) the reduction in value of any personal property that has been damaged.
- (3) However, **subsection (2)** does not apply if, or to the extent that,—
- (a) the loss of or damage to property is covered by a contract of insurance; 30  
or
- (b) the person has recovered, or, having regard to the circumstances of the case, may reasonably be expected to recover, any damages, compensation, or ex gratia payment for the loss or damage.
- (4) Compensation payable under **subsection (2)** must be paid by— 35
- (a) the Crown out of money appropriated by Parliament for the purpose if the person entitled to the payment was, at the time of the loss or damage, carrying out emergency management under the control of the Director, the National Controller, or the National Recovery Manager

or any person acting under the authority of the Director, the National Controller, or the National Recovery Manager:

- (b) the 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— 5
- (i) the Emergency Management Committee; or
  - (ii) the Area Controller appointed by the Emergency Management Committee; or
  - (iii) a Recovery Manager; or
  - (iv) any person acting under the authority of the Emergency Management Committee, the Area Controller, or an Area Recovery Manager appointed by the Committee. 10
- (5) Despite anything to the contrary in the Social Security Act 2018, nothing in this section limits or affects the entitlement of any person to any benefit under that Act. 15

Compare: 2002 No 33 s 108

**118 Court may hear dispute relating to compensation under section 116 or 117**

A dispute relating to one of the following that arises in relation to **section 116 or 117** may be determined by a court of competent jurisdiction: 20

- (a) the entitlement of any person to compensation under the section:
- (b) the amount of compensation:
- (c) the liability of the Crown or any Emergency Management Committee or other person to pay compensation.

Compare: 2002 No 33 ss 107(6), 108(6) 25

**119 Compensation for loss or damage due to exercise of other powers during emergency designations**

- (1) This section does not apply if **section 116 or 117** applies.
- (2) This section applies to a person—
  - (a) who has suffered loss or damage as a result of an action or a measure described in **subsection (3)**; and 30
  - (b) for whom the good done, or likely to be done, by the action or measure was disproportionately less than that loss or damage.
- (3) The actions or measures to which this section applies are those taken in exercise of a power under **sections 101 to 107** by,— 35
  - (a) if they occurred while a state of national emergency was in force, the National Controller or a constable, or a person authorised by the National Controller or a constable:

- (b) if they occurred while a state of local emergency was in force, an Area Controller, or a person authorised by an Area Controller:
- (c) if they occurred while a national transition period was in force, the National Recovery Manager or a constable, or a person authorised by the National Recovery Manager or a constable: 5
- (d) if they occurred while a local transition period was in force, an Area Recovery Manager or a Local Recovery Manager, or a person authorised by an Area Recovery Manager or a Local Recovery Manager.
- (4) The person is entitled to compensation, in accordance with **section 120**, from,— 10
  - (a) if the action or measure was taken while a state of national emergency or national transition period was in force, the Crown; or
  - (b) if the action or measure was taken while a state of local emergency or local transition period was in force, the Emergency Management Committee that appointed the Area Controller, Area Recovery Manager, or Local Recovery Manager that carried out the action or measure or authorised the action or measure to be carried out. 15
- (5) The amount of compensation payable under this section must take into account any amount that the person has recovered or is likely to recover under a contract of insurance or another means. 20

Compare: 2002 No 33 s 109(1)–(4)

#### **120 Liability for compensation payable under section 119**

- (1) This section applies in respect of compensation payable under **section 119(4)** if the damage or loss for which compensation is payable was caused by a person in the performance or exercise in good faith of their functions, duties, or powers during, or in connection with, an emergency designation. 25
- (2) Liability for the loss or damage must not exceed the replacement value.
- (3) In the case of insured property, liability is covered—
  - (a) by any contract of insurance that covers the property regardless of how it describes loss or damage; and 30
  - (b) with respect to any loss or damage exceeding the cover of that contract of insurance,—
    - (i) by the local authority members of the relevant Emergency Management Committee or Committees if the action or measure that caused the damage was undertaken by or on behalf of the Committee or Committees; or 35
    - (ii) by the Crown if the action or measure that caused the damage was undertaken by or on behalf of the Crown.
- (4) In the case of uninsured property, liability is covered—

- (a) by the local authority members of the relevant Emergency Management Committee or Committees if the action or measure that caused the damage was undertaken by or on behalf of the Committee or Committees; or
- (b) by the Crown if the action or measure that caused the damage was undertaken by or on behalf of the Crown. 5
- (5) Despite anything in this section, if any emergency or anticipated emergency is a natural disaster, as that term is defined in section 2(1) of the Earthquake Commission Act 1993, or within the meaning of any policy or contract of insurance, the loss or damage is to be treated as natural disaster damage for the purposes of that Act, policy, or contract. 10
- (6) Nothing in this section or **section 119** prevents the Crown or an Emergency Management Committee from making an *ex gratia* payment it considers justifiable on the basis of hardship or fairness.
- (7) For the purposes of this section and **section 121**, property means— 15
- (a) real property; and
- (b) livestock; and
- (c) personal property, excluding livestock, not exceeding in value \$20,000 less any insurance cover for that personal property.

Compare: 2002 No 33 s 109(7)–(9)

**121 Considerations for court if claim brought under section 119** 20

- (1) If a claim is brought against the Crown or an Emergency Management Committee for compensation under **section 119** in respect of an action or measure described in **section 119(3)**, a court, in determining whether **section 119** applies, must take into account—
- (a) the likelihood that the adverse effect on the claimant’s property that the action or measure is intended to avert would have occurred if the action or measure had not been taken; and 25
- (b) the extent of the loss or damage that has been caused by the action or measure taken.
- (2) Any claim for compensation brought against the Crown or an Emergency Management Committee— 30
- (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 35
- (c) must not be brought by any insurer in relation to any person who has insured against the loss or damage.
- (3) For the purposes of this section, **insurer** means any provider of insurance.

Compare: 2002 No 33 s 109(5), (6), (10)

**122 Protection from liability**

- (1) **Subsection (2)** applies to the following persons:
- (a) the Crown;
  - (b) a member of an Emergency Management Committee;
  - (c) an officer or employee of a person identified in **paragraph (a) or (b)**: 5
  - (d) any other person acting under the direction of a person performing a function or duty under this Act.
- (2) Except as provided in **sections 116 to 121**, the person is protected from liability in civil proceedings for any act that the person does or omits to do—
- (a) in the performance or exercise of the person's functions, duties, and powers under this Act; and 10
  - (b) in good faith; and
  - (c) directly or indirectly in relation to a state of emergency or a transition period.
- (3) **Subsection (4)** applies to a person who, in good faith, issues or fails to issue a warning 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 acting on behalf of an approved warning provider. 15
- (4) The person is protected from liability in civil proceedings relating to any loss or damage that is due, directly or indirectly, to the issue of, or failure to issue, the warning. 20

Compare: 2002 No 33 s 110

**123 Recovery of costs by Emergency Management Committees**

Subject to any agreement entered into between them, if an Emergency Management Committee agrees to undertake emergency management at the request of another Emergency Management Committee under **section 29(1)(f)**, it may recover as a debt due to it from that other Committee all actual and reasonable costs and expenses incurred for that emergency management. 25

Compare: 2002 No 33 s 113

*Effect on employment rights of absence due to emergency management duties* 30

**124 Absence on duty not to affect employment rights**

- (1) This section applies if the Director or a Controller requires a person to be absent from the person's usual employment on emergency management duties during a state of emergency or transition period.
- (2) The person is not liable to dismissal from that employment merely because of the absence, whether or not the person's usual employer has consented to that absence. 35

- (3) A person must be treated as having been required, as described in **subclause (1)**, if the person was personally required or if the person was required to participate in the functions or duties an organisation was required to perform.
- (4) This section does not impose on the person's employer any obligation to pay the person remuneration in respect of a period of absence from employment on emergency management duties. 5

Compare: 1983 No 46 s 74; 2002 No 33 s 112

### *Offences and penalties*

#### **125 Offence involving obstruction**

- (1) A person commits an offence if the person, during a state of emergency or transition period, threatens, assaults, or intentionally obstructs or hinders any person in that person's performance or exercise of a function, duty, or power under this Act. 10
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 15
- (a) in the case of an individual, to a fine not exceeding \$50,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$150,000.

Compare: 2002 No 33 s 98

#### **126 Offence involving failure to comply with direction to evacuate premises or place** 20

- (1) A person commits an offence if the person intentionally fails to comply with any direction given to them under **section 101**.
- (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 reasonable grounds for believing that in all the circumstances of the case the requirement was necessary for the preservation of human life. 25
- (3) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$10,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$100,000. 30

Compare: 2002 No 33 s 99

#### **127 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 103**. 35
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$10,000; or

(b) in the case of a body corporate, to a fine not exceeding \$100,000.

Compare: 2002 No 33 s 100

### **128 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 105(3)**; or 5
- (b) intentionally fails to provide assistance under **section 105(7)**.
- (2) It is a defence in any proceedings for an offence against **subsection (1)(a)** if the court is satisfied that the Controller or the constable did not have reasonable grounds for believing that in all the circumstances of the case the direction 10
- requisitioning property was necessary for the preservation of 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.
- (4) A person who commits an offence against **subsection (1)** is liable on conviction,— 15
- (a) in the case of an individual, to a fine not exceeding \$10,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$100,000.

Compare: 2002 No 33 s 101

### **129 Offence involving failure to comply with direction or request** 20

- (1) A person commits an offence if the person intentionally fails to comply with a direction or request given under—
- (a) **section 106(2)**;
- (b) **section 106(3)**.
- (2) A person who commits an offence against **subsection (1)(a)** is liable on conviction,— 25
- (a) in the case of an individual, to a fine not exceeding \$50,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$150,000.
- (3) A person who commits an offence against **subsection (1)(b)** is liable on conviction,— 30
- (a) in the case of an individual, to a fine not exceeding \$5,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$50,000.

Compare: 2002 No 33 s 102

### **130 Offence involving withholding information or giving false or misleading information** 35

- (1) A person commits an offence if the person, when required under **section 16, 19(6), 30(3), 47(3), or 106(6)** to provide information,—



- (a) intentionally fails or refuses to supply the information within the time specified in the request; or
- (b) knowingly gives false or misleading information.
- (2) No prosecution may be brought under this section before the time for appeal has expired under **section 142** and, if a person appeals under that section, no prosecution may be brought under this section until the determination of the appeal. 5
- (3) A person who commits an offence against **subsection (1)(a)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$5,000; or 10
- (b) in the case of a body corporate, to a fine not exceeding \$50,000.
- (4) A person who commits an offence against **subsection (1)(b)** that relates to a requirement under **section 16, 19(6), 30(3), or 47(3)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$30,000; or 15
- (b) in the case of a body corporate, to a fine not exceeding \$100,000.
- (5) A person who commits an offence against **subsection (1)(b)** that relates to a requirement under **section 106(6)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$20,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$60,000. 20
- Compare: 2002 No 33 s 96

### 131 Offence involving disclosing information

- (1) A person who intentionally discloses or uses information in breach of **section 54(h), 56, or 115 or clause 11 of Schedule 2** commits an offence.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,— 25
- (a) in the case of an individual, to a fine not exceeding \$5,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$50,000.
- Compare: 2002 No 33 s 97

### 132 Offence involving personation 30

- (1) A person commits an offence if the person by words, conduct, or demeanour pretends to be the Director, a Controller, a Recovery Manager, a member of an Emergency Management Committee, or a person acting under the authority of any of those persons, or any person authorised or employed for carrying out any provision of this Act or any emergency management plan. 35
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$50,000; or

(b) in the case of a body corporate, to a fine not exceeding \$150,000.

Compare: 2002 No 33 s 103

### *Infringement offences*

#### **133 Interpretation**

In **sections 134 to 141**,—

5

**enforcement officer** means a person authorised as an enforcement officer under **section 135**

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence specified in regulations made under **section 143**

**infringement offence** means an offence identified in regulations as being an infringement offence. 10

#### **134 Infringement offences**

(1) A person who is alleged to have committed an infringement offence may—

(a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or 15

(b) be issued with an infringement notice under **section 136**.

(2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.

(3) The procedure for issuing infringement notices is set out in section 21 of the Summary Proceedings Act 1957. 20

#### **135 Who may issue infringement notices**

The Director may, in writing, authorise an enforcement officer to issue and revoke infringement notices under this Act.

#### **136 When infringement notice may be issued**

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The Director or an enforcement officer may issue an infringement notice to a person if the Director or enforcement officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

#### **137 Revocation of infringement notice before payment made**

(1) The Director or an enforcement officer may revoke an infringement notice before— 30

(a) the infringement fee is paid; or

(b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.

- (2) The Director or enforcement officer must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.
- (3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 134(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter. 5

### 138 What infringement notice must contain

An infringement notice must be in the form prescribed in the regulations and must contain the following particulars:

- (a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence: 10
- (b) the amount of the infringement fee:
- (c) the address of the responsible department:
- (d) how the infringement fee may be paid:
- (e) the time within which the infringement fee must be paid: 15
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:
- (g) a statement that the person served with the notice has a right to request a hearing:
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing: 20
- (i) any other matters prescribed in the regulations.

### 139 How infringement notice may be served

- (1) An infringement notice may be served on the person who the Director or enforcement officer believes is committing or has committed the infringement offence by— 25
- (a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or
- (b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or 30
- (c) leaving it for the person at the person's place of business or work with another person; or
- (d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work; or
- (e) sending it to an electronic address of the person in any case where the person does not have a known place of residence or business in New Zealand. 35
- (2) Unless the contrary is shown,—

- (a) an infringement notice (or a copy of it) sent by prepaid post to a person under **subsection (1)** is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and
- (b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first entered an information system that is outside the control of the Director.

#### 140 Payment of infringement fees

All infringement fees paid for infringement offences must be paid into a Crown Bank Account.

#### 141 Reminder notices

A reminder notice must be in the form prescribed in the regulations and must include the same particulars, or substantially the same particulars, as the infringement notice.

### *Appeals*

#### 142 Right of appeal against exercise of certain powers

- (1) The following persons may appeal to the District Court against an exercise of the relevant power on the grounds that the exercise of the power was unreasonable:
  - (a) a person who is the subject of a requirement to give information under **section 16, 19(6), 30(3), or 47(3)**;
  - (b) a person who is the subject of the exercise of a power requiring an assessment in relation to a structure under **section 106(3)**.
- (2) The appeal must be brought within 10 working days after the power was exercised, or within any further time that the District Court may allow.
- (3) The court must inquire into the circumstances of the exercise of the power and may vary, rescind, or confirm it.
- (4) An appeal by a person under **subsection (1)(a)** against a requirement to give information operates as a stay of the requirement.
- (5) Any relief that may be granted to a person appealing under **subsection (1)(b)** against an exercise of power under **section 106(3)** is limited to the reasonable costs associated with obtaining the assessment under that section.

Compare: 2002 No 33 ss 77, 91(7)–(8)

## Subpart 2—Administration

*Regulations***143 General regulations**

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes: 5
- (a) providing for anything this Act says may or must be provided for by regulations: 5
  - (b) prescribing the form of identification passes for emergency management purposes, and regulating their use:
  - (c) prescribing the level of competence or standard to be met by persons carrying out specified emergency management functions: 10
  - (d) prescribing the operational requirements needed for an administering authority to fulfil its role:
  - (e) providing for the identification and promotion of emergency management services: 15
  - (f) setting out matters of detail and procedure relating to critical infrastructure entities' planning for emergency levels of service:
  - (g) prescribing reporting requirements for critical infrastructure entities:
  - (h) specifying how Emergency Management Committees must engage with communities that are or may be disproportionately affected by emergencies, including— 20
    - (i) setting out principles for identifying and confirming individuals and organisations that represent these communities; and
    - (ii) prescribing minimum requirements for engaging individuals and organisations that are representative of those communities: 25
  - (i) prohibiting or regulating any activity or class of activity that may impede or adversely affect measures taken for the purpose of implementing an emergency management plan:
  - (j) prescribing operational matters in relation to the management of concurrent emergency designations at local, regional, and national levels, including the roles and responsibilities of different actors: 30
  - (k) specifying the offences under this Act that are infringement offences, including offences for the breach of or failure to comply with a specified provision, direction notice, or requirement:
  - (l) specifying breaches of rules that constitute infringement offences against this Act: 35
  - (m) setting out defences to any infringement offences specified under **paragraph (k) or (l)**:

- (n) prescribing infringement fees not exceeding \$1,000 for infringement offences:
- (o) prescribing the form of warrants for the purposes of **section 112**:
- (p) prescribing the form of an infringement notice for the purposes of **section 138**: 5
- (q) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 144 Regulations relating to Māori representation on Emergency Management Committees and Emergency Management Co-ordinating Executives** 10
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations relating to the appointment of Māori members of Emergency Management Committees and Emergency Management Co-ordinating Executives. 15
- (2) Regulations made under this section may provide for appointment processes and mechanisms that are locally-appropriate, including by providing for different appointment processes and mechanisms to apply to different Committees and Executives.
- (3) Without limiting **subsection (1)**, regulations made under this section may— 20
- (a) set out appointment criteria for Māori members of Committees and Executives:
- (b) set out nomination and appointment processes:
- (c) provide a time frame for the first and subsequent appointments:
- (d) provide for the term of the appointments. 25
- (4) Before making a recommendation under **subsection (1)**, the Minister must consult any persons who, in the Minister’s opinion, have the required expertise and the ability to reflect relevant perspectives and concerns, including, without limitation, the perspectives and concerns of Māori.
- (5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 30
- 145 Regulations relating to critical infrastructure entities**
- (1) The Governor-General may, by Order in Council, make regulations—
- (a) prescribing matters of detail and procedure for planning emergency levels of service: 35
- (b) prescribing matters of detail relating to reporting requirements.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**146 Regulations relating to roles of lead and support agencies**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations relating to the role of lead and support agencies in emergency management.
- (2) Without limiting **subsection (1)**, regulations made under this section may— 5
- (a) prescribe the roles and responsibilities of—
    - (i) lead agencies that have the primary mandate for managing particular hazards or risks; and
    - (ii) support agencies that have the role of supporting other agencies in managing particular hazards or risks: 10
  - (b) prescribe the mechanisms and criteria by which lead and support agencies are allocated to particular hazards or risks:
  - (c) provide for the governance of lead and support agencies:
  - (d) specify the triggers and thresholds that determine the lead agency for a specific event. 15
- (3) Before making a recommendation under **subsection (1)**, the Minister must consult other relevant Ministers and public service agency chief executives.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Emergency management rules* 20**147 Director's power to make rules**

- (1) The Director may make rules prescribing matters of detail and procedure in relation to the emergency management system that support and are in accordance with the purposes of the Act.
- (2) Without limiting **subsection (1)**, rules made under this section may— 25
- (a) specify the roles and responsibilities of participants in the emergency management system under specific conditions:
  - (b) prescribe forms that may be used for the purposes of the Act, the rules or regulations:
  - (c) prescribe the form and subject matter of emergency management plans: 30
  - (d) prescribe technical standards, performance standards, operating practices and procedures, organisational arrangements, training and training systems, and qualifications for the purposes of this Act:
  - (e) prescribe reporting requirements for Emergency Management Committees: 35
  - (f) prescribe the form of distinguishing warrants, badges, or other insignia for emergency management personnel, and regulate the use and wearing of those warrants, badges, or other insignia:

- (g) prescribe matters relating to the provision, maintenance, control, and operation of warning systems:
- (h) prescribe the operational approach to the management of concurrent emergency designations at a local, regional, and national level:
- (i) relate to any other matter that— 5
  - (i) is contemplated by this Act or that the Director considers is necessary for the Act’s administration or for giving full effect to the Act; and
  - (ii) is consistent with the purposes of this Act.
- (3) Before making any rules under this section (except changes to which **subsection (5)** applies), the Director must— 10
  - (a) publish in the *Gazette*, and on an Internet site maintained by or on behalf of the National Emergency Management Agency, a notice of the Director’s intention to make the rules; and
  - (b) give interested persons a reasonable time to make submissions on the proposed rules; and 15
  - (c) consult persons and groups that the Director thinks appropriate, including, if relevant to the subject matter of the proposed rules,—
    - (i) local authorities:
    - (ii) iwi and Māori representatives. 20
- (4) The Director may make a minor change to a rule without meeting the requirements in **subsection (3)**.
- (5) In this section, **minor change**, in relation to a rule, means a change that the Director is satisfied will have no effect or no likely effect on the rights of any person and no effect or no more than a minor effect on the obligations of any person. 25
- (6) Rules made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Service of documents*

- 148 Service of documents** 30
- (1) If a document under this Act is to be served on a person, 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
    - (b) by sending it by post addressed to the person at the person’s usual or last known place of residence or business; or 35
    - (c) by sending it by email to the person at an email address that is used by the person.



- (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 must be treated as service on the Committee. 5
- (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. 10
- (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, and, in proving the delivery, it is sufficient to prove that the letter was properly addressed and posted. 15
- (6) 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, and, in proving that the notice was emailed, it is sufficient to prove that it was properly addressed and sent to the email address. 20

Compare: 2002 No 33 s 114

*Authority for payment of expenses*

**149 Permanent legislative authority for payment of certain expenses**

The Crown may incur expenses, without further appropriation than this section, for the following purposes: 25

- (a) to reimburse a local authority for, or to pay public money for the purpose of meeting, expenses incurred by the local authority in connection with an emergency if the expenses—
- (i) are incurred in respect of emergency management activities; and 30
- (ii) meet the criteria for being reimbursed or paid in a Government policy that was in force when the emergency occurred:
- (b) to reimburse an iwi or a Māori organisation for expenses incurred by the iwi or organisation in connection with an emergency if the expenses—
- (i) are welfare expenses incurred in respect of emergency management activities; and 35
- (ii) meet the criteria for being reimbursed or paid in a Government policy that was in force when the emergency occurred.

Compare: 2002 No 33 s 115A

*Interaction with other legislation***150 Restricted application of Resource Management Act 1991**

If a state of emergency is declared, or notice of a transition period is given, under this Act, the Resource Management Act 1991 applies to emergency works as provided for in section 330B of that Act.

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Compare: 2002 No 33 s 111

*Repeals and amendments***151 Repeal of Civil Defence Emergency Management Act 2002**

The Civil Defence Emergency Management Act 2002 (2002 No 33) is repealed.

10

Compare: 2002 No 33 s 116

**152 Amendments to other legislation**

Amend the legislation specified in **Schedule 4** as set out in that schedule.

Compare: 2002 No 33 s 117

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

s 6

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**Part 1**

**Provisions relating to this Act as enacted**

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## Part 1 Provisions relating to this Act as enacted

### *General transitional provisions*

- 1 Interpretation** 5
- In this schedule, unless the context otherwise requires,—
- 2002 Act** means the Civil Defence Emergency Management Act 2002
- corresponding Emergency Management Committee**, in relation to a Civil Defence Emergency Management Group, means the Emergency Management Committee that the Group is continued as under **clause 5(1)(a)**
- emergency designation** 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
- lifeline utility** means an entity that is named or described in Part A of Schedule 1 of the 2002 Act, or that carries on a business described in Part B of Schedule 1 of that Act 15
- matter** includes any action undertaken, any decision taken, any notice or direction given, any proceedings commenced, any application or claim for compensation made, any agreement entered into, or any requirement imposed.
- 2 Matters initiated under Civil Defence Emergency Management Act 2002**
- (1) This clause applies to any matter initiated under the 2002 Act before the commencement of this clause. 20
- (2) If this clause applies, the provisions of the 2002 Act, as they read immediately before the commencement of this clause, continue to apply to the matter as if they had not been repealed or replaced by this Act.
- (3) However, for the purposes of making amendments in relation to a matter initiated under a provision of the 2002 Act, amendments may be made under a corresponding provision in this Act (if any) as if the matter had been initiated under the corresponding provision. 25
- 3 References to Civil Defence Emergency Management Act 2002**
- A reference in an enactment or a document to the 2002 Act, or to 1 or more of its provisions, must be interpreted as a reference to this Act, or to the corresponding provision of this Act, to the extent necessary to reflect sensibly the intent of the enactment or document. 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 being the National Controller who has been delegated those functions and powers under **section 18(3)** of this Act: 5
- (b) a National Recovery Manager delegated the functions and powers of the Director under section 10 of the 2002 Act is to be treated as being the National Recovery Manager who has been delegated those functions and powers under **section 19(3)** of this Act: 10
- (c) 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 being appointed under **section 40** of this Act in respect of the corresponding Emergency Management Committee with the same status to make the emergency designation and with the same conditions or limitations (if any) as applied to the appointment under the 2002 Act: 15 20
- (d) 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 being appointed as the chairperson of the corresponding Emergency Management Group under **section 27** of this Act: 25
- (e) a person appointed by a Civil Defence Emergency Management Group under section 26(1) of the 2002 Act, either by name or by reference to the holder of an office, as the Group Controller for the Group's area is to be treated as being appointed under **section 42(1)** of this Act as the Area Controller for the corresponding Emergency Management Committee's area: 30
- (f) a person appointed by a Civil Defence Emergency Management Group under section 26(2) of the 2002 Act, either by name or by reference to the holder of an office, as a person who may perform the functions or duties 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 being appointed under **section 42(2)** of this Act to perform the functions or duties of the Area Controller for the corresponding Emergency Management Committee's area for the duration of any vacancy in the office or absence from duty of the Area Controller: 35 40

- (g) a person appointed by a Civil Defence Emergency Management Group under section 27 of the 2002 Act as a Local Controller for the Group's area is to be treated as being appointed under **section 43** of this Act as a Local Controller for the corresponding Emergency Management Committee's area: 5
- (h) a person appointed by a Civil Defence Emergency Management Group under section 29(1) of the 2002 Act, either by name or by reference to the holder of an office, as the Group Recovery Manager for the Group's area is to be treated as being appointed under **section 45(1)** of this Act as the Area Recovery Manager for the corresponding Emergency Management Committee: 10
- (i) a person appointed by the Group under section 29(2) of the 2002 Act, either by name or by reference to the holder of an office, as a person who may perform the functions or duties 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 being appointed under **section 45(2)** of this Act to perform the functions or duties of the Area 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 Area Recovery Manager: 15  
20
- (j) a person appointed by a Civil Defence Emergency Management Group under section 30 of the 2002 Act as a Local Recovery Manager for the Group's area is to be treated as being appointed under **section 46** of this Act as a Local Recovery Manager for the corresponding Emergency Management Committee's area. 25
- (2) From the commencement of this clause, certain continued officers become known by new titles as follows:
- (a) a Group Controller becomes known as an Area Controller:
- (b) a Group Recovery Manager becomes known as an Area Recovery Manager. 30

*Emergency management bodies*

**5 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 maintained under **section 24** of this Act with responsibility for the same area that the Group had immediately before the commencement of this clause: 40

- (b) the members of a Civil Defence Emergency Management Group under section 13 of the 2002 Act immediately before the commencement of the Act are to be treated as being the members of the corresponding Emergency Management Committee under **section 25** of this Act:
- (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 maintained by the corresponding Emergency Management Committee under **section 33** of this Act: 5
- (d) the members of 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) are to be treated as being the members of the Emergency Management Co-ordinating Executive maintained by the corresponding Emergency Management Committee: 10
- (e) 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 in accordance with **section 35** 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.
- 6 Form of Civil Defence Emergency Management Group to continue**
- (1) Every Civil Defence Emergency Management Group that was established under section 12(1)(a) of the 2002 Act by the uniting of a regional council and the territorial authorities within the council's region continues as an Emergency Management Committee for the purposes of this Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. 30
- (2) Every Group that was 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 as a committee under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002. 35
- (3) Every Group that was 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 40

council continues as an Emergency Management Committee for the purpose of this Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

Compare: 2002 No 33 s 12(1)

**7 Emergency Management Co-ordinating Executive membership to meet new requirements within reasonable time** 5

An Emergency Management Committee must, within a reasonable time and in accordance with **section 33(2)** of this Act, ensure that the membership of its Emergency Management Co-ordinating Executive meets the requirements of **section 33** of this Act. 10

*Documents*

**8 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:
- (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 of Emergency Management under **section 12(4)** of this Act: 15
  - (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 of Emergency Management under **section 13** of this Act: 20
  - (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 disaster resilience strategy established and maintained under **section 60** of this Act: 25
  - (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 it were a national emergency management plan made under **section 66** of this Act: 30
  - (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 it were an emergency management committee plan established and maintained by the corresponding Emergency Management Committee under **section 72** of this Act. 35
- (2) From the commencement of this clause, certain continued documents become known by new titles as follows:
- (a) the national civil defence emergency management strategy becomes known as the national disaster resilience strategy: 40



- (b) the national civil defence emergency management plan becomes known as the national emergency management plan:
- (c) a civil defence emergency management group plan becomes known as an emergency management committee plan.

*Emergency designations and powers* 5

**9 Emergency designations remain in force**

The states of emergency and transition periods in force immediately before the commencement of this clause are continued as follows:

- (a) a state of national emergency declared under section 66 of the 2002 Act is continued as if it were a state of national emergency declared under **section 81** of this Act: 10
- (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 83** of this Act:
- (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 for which notice is given under **section 87** of this Act: 15
- (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 for which notice is given under **section 88** of this Act. 20

*Lifeline utilities*

**10 Lifeline utilities saved for 2 years and renamed critical infrastructure entities**

- (1) Despite any other provision in this Act, the provisions set out in **subsection (2)**, as they read immediately before the commencement of this clause, continue to apply until the date that is 2 years after the date of Royal assent as if— 25
  - (a) they had not been repealed or replaced by this Act:
  - (b) a reference to a lifeline utility were a reference to a critical infrastructure entity.
- (2) The provisions are the following provisions of the 2002 Act: 30
  - (a) section 61 (authorising amendment of Schedule 1 by Order in Council):
  - (b) Schedule 1 (lifeline utilities).
- (3) An Order in Council made under section 61 of the 2002 Act is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

## **11 Alternative definitions relating to critical infrastructure entities for first 2 years**

- (1) This section applies during the period from the date of the commencement of this clause until the day that is 2 years after the date of Royal assent.
- (2) For the purposes of this Act,— 5
- critical infrastructure entity** means—
- (a) an entity that is a lifeline utility specified in Part A of Schedule 1 of the 2002 Act; or
- (b) an entity that is a part of a critical infrastructure sector
- critical infrastructure sector** means a class of business described in Part B of Schedule 1 of the 2002 Act. 10

### *Warrants*

## **12 Warrants continue**

- (1) This clause applies in relation to a warrant for entry and search of premises under section 78 of the 2002 Act. 15
- (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 111** of this Act.
- (3) A warrant that has been issued has effect as if it were a warrant issued under **section 111** of this Act. 20

### *References in documents*

## **13 Amendments to 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,— 25
- (a) every reference to the Director of Civil Defence Emergency Management is a reference to the Director of Emergency Management:
- (b) every reference to a Civil Defence Emergency Management Group for a particular area is a reference to the Emergency Management Committee for the same area: 30
- (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 of the corresponding Emergency Management Committee: 35

- 
- (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:
- (e) every reference to the National Controller is a reference to the National Controller under this Act: 5
- (f) every reference to a Group Controller is a reference to an Area Controller under this Act:
- (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: 10
- (i) every reference to a Group Recovery Manager is a reference to an Area Recovery Manager under this Act:
- (j) every reference to a Local Recovery Manager is a reference to a Local Recovery Manager under this Act: 15
- (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: 20
- (n) every reference to a local transition period is a reference to a national transition period under this Act.

## Schedule 2

### Matters of detail relating to **Part 2**

**ss 5, 16, 17, 18, 19, 24, 28, 29, 36,  
54, 65, 131**

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*Provisions relating to Director's role*

- 1 Provisions relating to delegation of Director's functions to National Controller, National Recovery Manager, or State employee**
- (1) A person purporting to act under any delegation under **section 17, 18, or 19** is presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary. 5
- (2) A delegation under any of those sections—
- (a) may be revoked in writing at will:
  - (b) does not prevent the Director from exercising any function, duty, or power: 10
  - (c) continues according to its tenor until it is revoked despite any change in the person holding office as Director.
- (3) 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— 15
- (a) the Public Service Act 2020; or
  - (b) the Government Superannuation Fund Act 1956.
- Compare: 2002 No 33 s 11

*Emergency Management Committee details and procedures*

- 2 Certain powers of local authorities in Local Government Act 2002 not to apply to Emergency Management Committees** 20
- 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 established for the purposes of this Act. 25
- Compare: 2002 No 33 s 12(2)
- 3 Relevant legislation for Emergency Management Committees to monitor and report on compliance**
- For the purposes of **section 29(1)(j)**, legislative provisions relevant to the purpose of this Act include, but are not limited to, the provisions in the following Acts that may be relevant to emergency management: 30
- (a) Biosecurity Act 1993:
  - (b) Building Act 2004:
  - (c) Climate Change Response Act 2002:
  - (d) Fire and Emergency New Zealand Act 2017: 35
  - (e) Hazardous Substances and New Organisms Act 1996:
  - (f) Health Act 1956:

- (g) Health and Safety at Work Act 2015:
- (h) Local Government Act 1974:
- (i) Local Government Act 2002:
- (j) Maritime Transport Act 1994:
- (k) Resource Management Act 1991: 5
- (l) any enactment passed in substitution for any of the Acts in **paragraphs (a) to (k)**.
- 4 Emergency Management Committee to follow model standing orders**
- (1) Unless three-quarters of the representatives of an Emergency Management Committee present at a meeting of the Committee agree otherwise, at its meetings the Committee must follow the New Zealand Standard for standing orders (NZS 9202:2003) or any New Zealand Standard substituted for that standard. 10
- (2) If the representatives of the Committee agree in accordance with **subsection (1)** to adopt other standing orders, those standing orders must not contravene the provisions of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other enactment. 15
- Compare: 2002 No 33 s 19
- 5 Attendance at Emergency Management Committee meetings by audio link or audiovisual link during state of emergency**
- (1) A representative of an Emergency Management Committee may attend any meeting of the Committee by means of audio link or audiovisual link unless lawfully excluded. 20
- (2) A representative may attend a meeting 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 25
- (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 **clause 4**). 30
- (3) A representative who attends a meeting by means of audio link or audiovisual link in accordance with this clause is to be counted as present for the purposes of clauses 23 and 30A of Schedule 7 of the Local Government Act 2002.
- 6 Mergers of Emergency Management Committees**
- (1) The Minister may approve the merger of any 2 or more Emergency Management Committees. 35
- (2) A proposal for a merger under this clause must be submitted to the Minister in writing and must state or provide for—

- (a) the local authorities that will unite to establish the Committee; and
- (b) 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 emergency management co-ordinating executive plan, and the basis for that apportionment; and 5
- (c) who is to be the administering authority.

Compare: 2002 No 33 s 21

## 7 Membership rules in event of local government reorganisation

- (1) This clause applies to local authorities affected by a local government reorganisation that— 10
  - (a) creates new regional councils or unitary authorities; or
  - (b) redraws boundaries between regional councils or unitary authorities, or between regional councils and unitary authorities; or
  - (c) extends the area of a territorial authority into the area of another regional council or unitary authority. 15
- (2) If this clause applies,—
  - (a) each affected regional council or unitary authority must establish or re-establish, as the case may be, an Emergency Management Committee in accordance with this Act within 6 months of the effective date of its reorganisation: 20
  - (b) each territorial authority whose district is completely within the affected regional council or unitary authority must be a member of the Committee of which that regional council or unitary authority is a member:
  - (c) each territorial authority whose district is in the district of 2 or more affected regional councils or unitary authorities must, after consulting the relevant regional councils or unitary authorities, join any one, but only 1, of the Committees of which the relevant regional councils or unitary authorities are members: 25
  - (d) each territorial authority whose district is extended into the district of another regional council or unitary authority must, after consulting the relevant regional councils or unitary authorities, join any one, but only 1, of the Committees of which the relevant regional councils or unitary authorities are members. 30
- (3) A territorial authority's decision to join a particular Committee under **subclause (2)(c) or (d)** is irrevocable and must be made within 2 months of the establishment of the Committee. 35
- (4) If a territorial authority's decision under **subclause (2)(c) or (d)** is not made before the expiry of the time limit in **subclause (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 **subclause (4)** must comply with that direction.

Compare: 2002 No 33 s 22

*Administering authorities*

**8 Costs relating to administering authorities** 5

- (1) The cost of the administrative and related services must be agreed from time to time by each Emergency Management Committee.
- (2) The costs agreed under **subclause (1)** must be divided equally among all local authority members and, unless the members of a Committee agree otherwise, each of those paying members must pay 1 share of the cost. 10

Compare: 2002 No 33 s 24(3), (4)

*Power of Director, Emergency Management Committees, and Recovery Manager to require information*

**9 Form of information**

- (1) This clause applies if any person is required by one of the following to provide information: 15
- (a) the Director, or a person acting under the authority of the Director, under **section 16**;
- (b) an Emergency Management Committee, or a person acting under the authority of a Committee, under **section 30(3)**: 20
- (c) a Recovery Manager under **section 19(6) or 47(3)**.
- (2) The information must be given—
- (a) in the form specified by the Director, Emergency Management Committee, or Recovery Manager (as the case may be); and
- (b) within the reasonable time that is specified by that person; and 25
- (c) free of charge.

Compare: 2002 No 33 ss 76(3), 94I

**10 Medical and legally privileged information not to be disclosed**

No requirement to give information that is imposed under **section 16, 19(6), 30(3), or 47(3)** requires any person to give— 30

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

Compare: 2002 No 33 s 82(1)



- 11 Disclosure of information relevant to buildings affected by emergency**
- (1) A person who receives information following a requirement to give information imposed under **section 16, 19(6), 30(3), or 47(3)** may use or disclose that information only for the purposes of this Act.
- (2) Despite **subclause (1)**, the person may disclose to a responsible person information that—
- (a) 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 has been declared or a notice of transition period has been given; and
- (b) is to be used in connection with the exercise of those powers in that area.
- (3) In **subclause (2)**, **responsible person** has the same meaning as in section 133BB(1) of the Building Act 2004.

Compare: 2002 No 33 s 83

*Further obligations of critical infrastructure entities*

- 12 Role of critical infrastructure entities during reduction and readiness stages of emergency management**
- To help fulfil their duties under **section 54(1)** of this Act, all critical infrastructure entities must—
- (a) develop business continuity plans to—
- (i) identify critical assets and business processes, assess their vulnerabilities, and undertake appropriate actions to reduce the risks they face; and
- (ii) outline response and recovery arrangements, including appropriate contracting arrangements with key suppliers; and
- (b) focus on both reduction and readiness, including planning co-operatively with—
- (i) other critical infrastructure entities (whether or not in the same sector), especially those on which they are dependent; and
- (ii) relevant government agencies; and
- (iii) Emergency Management Committees; and
- (c) regularly test and exercise their response arrangements and participate in the national emergency management exercises.

Compare: LI 2015/140 Schedule cl 60(1)

- 13 Role of critical infrastructure entities during response and recovery stages of emergency management**
- To help fulfil their duties under **section 54(1)** of the Act, all critical infrastructure entities must—

- (a) activate business continuity, response, and recovery plans; and
- (b) operate within established emergency management co-ordination mechanisms.

Compare: LI 2015/140 s 61(1)

*National emergency management plan* 5

**14 Minor changes to national emergency management plan**

- (1) The Minister may make a minor change to a national emergency management plan without a review of the plan under **section 68**.
- (2) In this clause, a **minor change** to a plan is a change that the Minister is satisfied will have no effect or no likely effect on the rights of any person and no effect or no more than a minor effect on the obligations of any person. 10

Compare: 2002 No 33 Schedule cl 47

*Emergency Management Committee plans*

**15 Incorporation by reference**

- (1) An Emergency Management Committee may incorporate by reference any written material or document as part of its emergency management committee plan. 15
- (2) When determining whether to incorporate material or documents as part of its plan, the Committee must consider whether the material or documents—
  - (a) address technical matters: 20
  - (b) are too large or otherwise impracticable to include in, or print as part of, the plan:
  - (c) are standards, requirements, or recommended practices of any national organisation:
  - (d) are clearly defined and could be clearly identified by the public. 25
- (3) Any material incorporated by reference under this clause is to be treated for all purposes as forming part of the plan.
- (4) If any amendment to the material incorporated by reference under this clause is made, the amendment does not come into force as part of the plan until a date specified by the Committee by notice on the publicly available Internet site on which the plan has been published. 30
- (5) All material incorporated by reference under this clause must be available on a publicly available Internet site and at the office of the administering authority of the Committee, and copies of that material must be available for purchase for a reasonable charge. 35

Compare: 2002 No 33 s 51

**16 Minor changes to emergency management committee plan**

- (1) An Emergency Management Committee may make a minor change to its emergency management committee plan without a review of the plan under **section 75**.
- (2) In this clause, a **minor change** to a plan is a change that the Committee is satisfied will have no effect or no likely effect on the rights of any person and no effect or no more than a minor effect on the obligations of any person. 5

Compare: 2002 No 33 s 57

## Schedule 3

### Procedural matters relating to **Part 3**

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5	Person exercising emergency powers to provide proof of identity	106
<b>1</b>	<b>Proof of authority to make emergency designation</b>	
(1)	The fact that a person purporting to be an authorised person declares a state of local emergency is, in the absence of proof to the contrary, conclusive evidence that the person is an authorised person.	5
(2)	The fact that a person purporting to be an authorised person gives notice of a local transition period is, in the absence of proof to the contrary, conclusive evidence that the person is authorised to do so.	10
	Compare: 2002 No 33 ss 68(4), 94B(10)	
<b>2</b>	<b>Content and publication of declaration of state of emergency and declaration extending or terminating state of emergency</b>	
(1)	A declaration of a state of emergency or a declaration extending or terminating a state of emergency must—	15
	(a) specify the time and date on which it is made; and	
	(b) be in the form prescribed by the regulations or a form of similar effect.	
(2)	The validity of a declaration is not affected by the inclusion in it of any additional information not specified in the appropriate prescribed form.	
(3)	A person who makes a declaration in accordance with <b>subclause (1)</b> must immediately give notice to the public of the declaration by any means of communication that are reasonably practicable in the circumstances of the case, and must ensure that the declaration is published in the <i>Gazette</i> as soon as practicable.	20
	Compare: 2002 No 33 s 73	25

- 3 Content and publication of transition period notice or notice extending or terminating transition period**
- (1) A notice of a transition period or a notice of an extension or a termination of a transition period must—
- (a) specify the time and date on which the notice is given; and 5
  - (b) specify the areas, regions, districts, or wards to which it applies; and
  - (c) be in the form prescribed by the regulations or a form of similar effect.
- (2) The validity of a notice of a transition period or a notice of an extension or a termination of a transition period is not affected by the inclusion of any additional information. 10
- (3) A person who gives notice of a transition period, or who extends or terminates a transition period, must,—
- (a) as soon as practicable, notify the public of the notice by publishing the notice on an Internet site to which the public has free access; and
  - (b) ensure that the notice or extension is published in the *Gazette* as soon as practicable. 15
- Compare: 2002 No 33 s 94F
- 4 Notice requirements when exercising power relating to structures**
- (1) A person who gives a direction under **section 106(3)(a) or (b)**—
- (a) must use reasonable endeavours, in accordance with **section 148**, to notify the following of the direction: 20
    - (i) each owner (or each owner’s agent) and each occupier of the structure; and
    - (ii) each owner (or each owner’s agent) and each occupier of any adjacent structure or adjoining land; and 25
  - (b) must attach a copy of the notice to a prominent place on, or adjacent to, the structure.
- (2) A person who gives a direction under **section 106(3)(b)** must also give public notice of the direction that is reasonable in the circumstances.
- (3) A notice given under this clause must— 30
- (a) state the reasons for giving the direction; and
  - (b) describe the matter to which the direction applies; and
  - (c) state when the assessments are to be carried out; and
  - (d) state where any further information may be viewed; and
  - (e) be published in the *Gazette* as soon as practicable. 35
- Compare: 2002 No 33 s 91A

**5 Person exercising emergency powers to provide proof of identity**

A person exercising a power conferred by **subpart 3 of Part 3** must—

- (a) have with them, and produce if requested to do so, evidence of their identity; and
- (b) if requested to do so, produce evidence of or give a general explanation 5 of the authority under which they are acting and the power or powers they are exercising.

Compare: 2002 No 33 ss 93, 94O

## Schedule 4

### Consequential amendments to legislation

s 152

#### 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 **2022**”.

##### Biosecurity Act 1993 (1993 No 95)

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Replace section 87(1)(b) with:

- (b) an Emergency Management Committee established under the Emergency Management Act **2022**:

Replace section 87(2)(b) with:

- (b) for the purposes of subsection (1)(b) to (g), a situation as described in **paragraphs (a) and (b)** of the definition of emergency in **section 5** of the Emergency Management Act **2022**.

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Replace section 98(1)(b) with:

- (b) an Emergency Management Committee established under the Emergency Management Act **2022**:

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Replace section 98(2)(b) with:

- (b) for the purposes of subsection (1)(b) to (g), a situation as described in **paragraphs (a) and (b)** of the definition of emergency in **section 5** of the Emergency Management Act **2022**.

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

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In section 15(1)(na), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 133AE(1)(a), replace “the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”.

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

30

- (a) any national emergency management plan approved under **section 66** of the Emergency Management Act **2022**; and
- (b) the emergency management committee plan established and maintained under **section 72** of the Emergency Management Act **2022** that covers the district in which the building is situated.

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

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

**critical infrastructure entity** has the same meaning as in **section 5** of the EM Act

**EM Act** means the Emergency Management Act **2022**

In section 133BB(1), repeal the definition of **CDEM Act**.

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

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

In section 133BB(1), definition of **lifeline utility**, replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”. 10

In section 133BB(1), replace the definition of **relevant CDEM decision-maker** with:

**relevant EM decision-maker**, in relation to an area that is a designated area or is proposed to be a designated area,—

(a) means— 15

- (i) the Minister responsible for administration of the EM Act; or
- (ii) a person who is appointed or otherwise authorised under **section 40 or 41** of that Act to declare a state of local emergency or give notice of a local transition period (as the case may be) for the area; and 20

(b) in sections 133BG and 133BH, also includes a person who, at the relevant time, is the successor in office of a person referred to in **paragraph (a)(ii)** 20

In section 133BB(1), definition of **state of emergency**, replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”. 25

In section 133BB(1), definition of **transition period**, replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”.

In section 133BC(1), replace “CDEM Act, a relevant CDEM decision-maker” with “EM Act, a relevant EM decision-maker”. 30

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: 35



**Building Act 2004 (2004 No 72)—continued****133BK EM Act officers as responsible persons**

- (1) This section sets out who may exercise powers under sections 133BQ to 133BX and 133BZA for the purposes of section 133BJ(3).
- (2) The powers may be exercised as follows:
- (a) the power under section 133BQ (post-event assessments) may be exercised,—
    - (i) during a state of emergency, by a Controller (or a person acting under the Controller’s authority): 5
    - (ii) during a transition period, by a Recovery Manager (or a person acting under the Recovery Manager’s authority): 10
  - (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):
    - (ii) during a transition period, by a Recovery Manager or a constable (or a person acting under that person’s authority): 15
  - (c) the power under section 133BS (measures to keep people at safe distance and protect building) or 133BT (notices and signs on buildings) may be exercised,—
    - (i) during a state of emergency, by a Controller (or a person acting under the Controller’s authority): 20
    - (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,— 25
    - (i) during a state of emergency, by the Director or Emergency Management Committee (or a person acting under the authority of the Director or Committee):
    - (ii) during a transition period, by the Director or Emergency Management Committee (or a person acting under the authority of the Director or Committee): 30
  - (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,— 35
    - (i) during a state of emergency, by the Emergency Management Committee (or a person acting under the Committee’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).
- (3) For the purposes of **subsection (2)**,—
- (a) a responsible person who is an Area Controller must comply with **section 44(4)** of the EM Act: 5
- (b) a responsible person who is a Local Controller must comply with **section 43(3)** of the EM Act:
- (c) a responsible person who is an Area Recovery Manager must comply with **section 47(6)** of the EM Act:
- (d) a responsible person who is a Local Recovery Manager must comply with **section 46(3)** of the EM Act. 10
- (4) In this section, **Area Controller, Area Recovery Manager, Controller, Director, Emergency Management Committee, Local Controller, Local Recovery Manager, and Recovery Manager** have the same meanings as in **section 5** of the EM Act. 15

In the heading to section 133BL, replace “**CDEM Act**” with “**EM Act**”.

In section 133BL(1) and (2), replace “**CDEM Act**” with “**EM Act**”.

In the heading to section 133BM, replace “**CDEM Act**” with “**EM Act**”.

In section 133BM(1)(b)(i) and (ii), (2), and (3), replace “**CDEM Act**” with “**EM Act**”.

In section 133BM(4), replace “**equivalent CDEM Act notice** means a notice, direction, or other requirement under the **CDEM Act**” with “**equivalent EM Act notice** means a notice, direction, or other requirement under the **EM Act**”. 20

In section 133BZ(1), replace “Part 4, 5, 5A, or 5B of the **CDEM Act**” with “**Part 3** of the **EM Act**”.

In Schedule 1AA, clause 5(1)(a), replace “**CDEM Act**” with “Civil Defence Emergency Management Act 2002”. 25

**Burial and Cremation Act 1964 (1964 No 75)**

In section 46(1), replace “section 85(1)(g) of the Civil Defence Emergency Management Act 2002” with “**section 100(3)(g)** of the Emergency Management Act **2022**”. 30

**Civil Aviation Act 1990 (1990 No 98)**

In section 99(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

**Climate Change Response Act 2002 (2002 No 40)**

In section 5ZW(8)(g), replace “lifeline utilities listed in Schedule 1 of the Civil Defence Emergency Management Act 2002” with “critical infrastructure entities recognised under **section 50** of the Emergency Management Act **2022**”.

**Corrections Act 2004 (2004 No 50)**

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In section 179C, definition of **state of emergency affecting a prison or prisoners**, paragraph (a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”.

Replace section 191(1)(a) with:

- (a) a state of emergency is in force under the Emergency Management Act **2022** or there is an emergency (within the meaning of **section 5** of that Act); and

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Replace section 192 with:

**192 Direction not to be inconsistent with applicable emergency management plan**

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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 **2022**) that is in force at the time the direction is given.

**COVID-19 Public Health Response Act 2020 (2020 No 12)**

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In section 8(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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

In section 43(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

25

**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 5** of the Emergency Management Act **2022**”.

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

In section 39(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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In section 40(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 42(a)(ii), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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**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 of Emergency Management”.

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

- (ivc) certified for use by the Director of Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Emergency Management Act **2022**; or 5

**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 81 or 83** of the Emergency Management Act **2022**”. 10

In section 653(1)(b), replace “section 94A of the Civil Defence Emergency Management Act 2002” with “**sections 87 and 88** of the Emergency Management Act **2022**”.

In section 655(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 15

**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 **2022**; and 20

In section 21(1)(a)(iv), replace “civil defence emergency management groups” with “emergency management committees”.

In section 48(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

**Hazardous Substances and New Organisms Act 1996 (1996 No 30)** 25

In section 46(1)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 136(1)(b)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 136(4)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 30

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

In section 70(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 71(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 35

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

In section 5(2)(f), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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 **2022**)”. 5

In section 60(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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 86**, or the transition period is terminated under **section 92**, of the Emergency Management Act **2022**”. 10

**Land Transport Act 1998 (1998 No 110)**

In section 79P(2)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 15

**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 81** of the Emergency Management Act **2022**”.

**Legislation Act 2019 (2019 No 58)** 20

In Schedule 3, table, 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 **2022**”. 25

**Local Authorities (Members’ Interests) Act 1968 (1968 No 147)**

In section 3(3)(d)(vii), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

**Local Government Act 1974 (1974 No 66)**

In section 648(1) and (2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 30

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

In section 48J(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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

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 **2022**”.

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 emergency management committee 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: 5
- (g) if a new district or region is constituted, provisions that every emergency management committee 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 **2022**: 10

**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 **2022**”. 15

**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 **2022**”. 20

**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 3 of Part 3** of the Emergency Management Act **2022** in relation to a state of emergency”.

In section 80(3)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 25

**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 “exercising powers referred to in **section 95** of the Emergency Management Act **2022**”. 30

In section 100(5)(d), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 254(3)(a), replace “under Part 5 of the Civil Defence Emergency Management Act 2002” with “exercising powers referred to in **section 95** of the Emergency Management Act **2022**”. 35

In section 254(3)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

**Maritime Transport Act 1994 (1994 No 104)**—*continued*

In section 312(1)(a), replace “under Part 5 of the Civil Defence Emergency Management Act 2002” with “exercising powers referred to in **section 95** of the Emergency Management Act **2022**”.

In section 312(1)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

5

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

In section 34(2)(a)(i) and (6), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 3** of the Emergency Management Act **2022**”.

In section 40(2), definition of **emergency services**, paragraph (a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”.

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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 **2022**”.

**Ngāti Rangī Claims Settlement Act 2019 (2019 No 40)**

15

In section 109(4), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In Schedule 5, replace clause 3 with:

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

Section 109(4) applies to the Emergency Management Act **2022** in relation to the function of the Manawatu-Wanganui Emergency Management Committee to develop, approve, or review an emergency management committee 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.

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In Schedule 1, Part 3, insert in its appropriate alphabetical order:

Emergency Management Committees established under the Emergency Management Act **2022**

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

Replace section 185(1)(b) with:

30

(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 **2022**.

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

Replace section 26(c) with:

- (c) the Emergency Management Act **2022**; or

**Plant Variety Rights Act 1987 (1987 No 5)**

In section 17(2), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 5

**Public Finance Act 1989 (1989 No 44)**

In section 25(1)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

**Public Safety (Public Protection Orders) Act 2014 (2014 No 68)** 10

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 “plague” with “pandemic”.

**Radiation Safety Act 2016 (2016 No 6)** 15

In section 54(1)(b) and (8), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 55(1)(b) and (5)(b), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

In section 57(2)(a), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”. 20

In section 57(2)(b), replace “the Director of Civil Defence Emergency Management or a Controller (within the meaning of the Civil Defence Emergency Management Act 2002)” with “the Director of Emergency Management or a Controller (within the meaning of the Emergency Management Act **2022**)”. 25

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

In section 330(1), replace “lifeline utility” with “critical infrastructure entity” in each place.

Replace section 330(5) with:

- (5) In this section and section 330A, **critical infrastructure entity** means a critical infrastructure entity within the meaning of **section 5** of the Emergency Management Act **2022** other than a critical infrastructure entity that is a network utility operator to which subsection (1)(c) applies. 30

In section 330A(1) and (2), replace “lifeline utility” with “critical infrastructure entity”. 35



**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 2022”.

In section 330B(1), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act 2022”.

**Summary Proceedings Act 1957 (1957 No 87)**

5

In section 2(1), definition of **infringement notice**, after paragraph (ji), insert:

(jj) **section 136** of the Emergency Management Act 2022; or

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

In section 91AAS(1), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act 2022”.

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In section 183ABA(4)(a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act 2022”.

In section 225ABA(6)(a), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act 2022”.

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

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In section 239(2)(c), replace “Civil Defence Emergency Management” with “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 5** of the Emergency Management Act 2022”.

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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 critical infrastructure entities under **section 50** of the Emergency Management Act 2022

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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 2022”.

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

30

In section 25(8), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act 2022”.

In section 34(4), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act 2022”.

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

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 **2022**”.

Replace section 61(2)(a) with:

- (a) in the case of an emergency declared under the Emergency Management Act **2022**, the Controller (within the meaning of **section 5** of that Act);  
or

**Part 2****Consequential amendments to secondary legislation****Building (Dam Safety) Regulations 2022 (SL 2022/133)** 10

In regulation 3, 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 “critical infrastructure entity within the meaning of **section 5** of the Emergency Management Act **2022**”.

In regulation 3, 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 **2022**”.

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 **2022**): 20  
(iii) emergency services (within the meaning of **section 5** of the Emergency Management Act **2022**); and

**COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (LI 2020/186)**

In regulation 8A(1)(a)(i), replace “section 4 of the Civil Defence Emergency Management Act 2002” with “**section 5** of the Emergency Management Act **2022**”. 25

**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 **2022**”.

**Family Court Rules 2002 (SR 2002/261)** 30

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 81 or 83** of the Emergency Management Act **2022**”.

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

In regulation 5, revoke the definition of **civil defence emergency**.

In regulation 5, insert in its appropriate alphabetical order:

**state of emergency** means a state of national emergency or a state of local emergency declared under the Emergency Management Act **2022**, or any equivalent state declared under any subsequent replacement legislation

In regulation 5, replace the definition of **director of civil defence emergency management** with:

**Director of Emergency Management** has the same meaning as in **section 5** of the Emergency Management Act **2022**, and includes any person appointed to an equivalent or replacement role under any subsequent replacement legislation

Replace regulation 14 with:

**14 Emergency Management Act 2022**  
A person is not required to comply with these regulations where that compliance prevents that person from complying with the requirements of the Emergency Management Act **2022**.

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

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

In regulation 51(1)(b), replace “director of civil defence emergency management” with “Director of Emergency Management”.

Replace regulation 53(1)(e)(ii) with:

(ii) if there is a state of emergency, the restoration of gas supply to consumers in accordance with the guide to the national emergency management plan issued by the Director of Emergency Management under **section 12(4)** of the Emergency Management Act **2022**, or any equivalent or replacement document under any subsequent replacement legislation; and

In regulation 59(1) and (2), replace “director of civil defence emergency management” with “Director of Emergency Management”.

In regulation 62(1)(b), replace “director of civil defence emergency management” with “Director of Emergency Management”.

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

In rule 3.3B(1)(a)(i), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

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

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 18 or 42** of the Emergency Management Act **2022** in an emergency, as defined in **section 5** of that Act 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”.

**Oranga Tamariki (Residential Care) Regulations 1996 (SR 1996/354)** 10

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 “critical infrastructure entity recognised under **section 50(a)** of the Emergency Management Act **2022**”. 15

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

In regulation 44(3), replace “Civil Defence Emergency Management Act 2002” with “Emergency Management Act **2022**”.

**Road User Charges (Applications for Exemption for Certain Classes of Light RUC Vehicles) Regulations 2013 (SR 2013/107)** 20

In regulation 6(1)(c)(iii), replace “section 91 of the Civil Defence Emergency Management Act 2002” with “**section 106** of the Emergency Management Act **2022**”.

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

In regulation 67(1C)(a), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 3** of the Emergency Management Act **2022**”. 25

In regulation 189(c), replace “Part 4 of the Civil Defence Emergency Management Act 2002” with “**Part 3** of the Emergency Management Act **2022**”.