

3/02/2026

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
Wellington

Dear members of the Governance and Administration Committee,

The Manawatū District Council (MDC) thanks the members of the Governance and Administration Committee (the Committee) for the opportunity to make a submission on the Emergency Management Bill (No 2).

General comments

The intent of the Bill is supported but successful reform will depend on practical, staged implementation and appropriate resourcing

Relevant provisions: Whole Bill

MDC supports the Bill's overall intent. In particular, MDC supports the retention of the 4 R's approach to risk management and the devolution of responsibilities to all parts of society, with risks being managed by those who are best placed to manage them, at the lowest appropriate level.

MDC agrees with the assertion made by Taituarā - Local Government Professionals Aotearoa in their submission that successful reform will depend on practical, staged implementation that is appropriately resourced. The Regulatory Impact Statement for the Bill suggests that significant costs will fall to local government to implement the new provisions. As outlined in the Taituarā submission, these additional costs will arise in the context of significant fiscal constraints for local government. Taituarā also anticipates that costs will be disproportionately higher for councils like MDC that have a smaller, dispersed population, and a greater susceptibility to natural hazards. MDC agrees with Taituarā that if this reform is a priority for local government and for central government – its implementation needs to be resourced adequately. Without adequate resourcing of local government by central government to implement the new requirements, the expected benefits will not be realised.

MDC also notes the concerns raised by Local Government New Zealand in their submission on the Bill regarding the affordability and deliverability of the proposed reforms for councils, particularly in the context of increasing hazard frequency, climate-driven events and multiple overlapping system reforms. MDC agrees that, without sustainable funding arrangements, there is a risk that the Bill's objectives will not be realised consistently across all council types.

MDC also agrees with the concerns raised in the submission by Taituarā regarding the need to ensure alignment across all legislative reform involving local government functions relating to natural hazards. The Taituarā submission identifies several potential inconsistencies or overlaps between the Emergency Management Bill (No 2), the Local Government (Systems Improvements) Bill, the Planning Bill and the Natural Environment Bill. MDC supports recommendations 1 – 8 in the submission by Taituarā that seeks to achieve the address these inconsistencies.

MDC notes that the Bill is being progressed alongside wider local government reforms that may introduce new regional governance arrangements, including Combined Territorial Boards (CTBs). At the time of this submission, the roles, powers and accountabilities of CTBs in relation to emergency management functions have not yet been clearly defined. MDC considers there is a risk that, without clear sequencing and explicit guidance on how any future CTB arrangements will interface with Emergency Management Committees, Controllers and existing local authority responsibilities, uncertainty could arise at both governance and operational levels. This is particularly relevant in large and geographically diverse regions such as Manawatū-Whanganui, where clarity of leadership, prioritisation and decision-making is critical during emergency response and recovery.

MDC therefore encourages the Committee to ensure that the Bill, and any associated implementation guidance, clearly addresses transitional arrangements and interfaces with any future regional governance structures, so that accountability, authority and coordination are unambiguous during emergency events.

Decision sought:

1. That the Committee consider the cost implications of this new legislation and ensures that local government is appropriately resourced to implement the new requirements in a timely manner.
2. That the Committee support and give effect to recommendations 1 – 8 in the submission by Taituarā.

Changes to terminology and transition risks

Some of the terms used in the Bill should be reconsidered, as they have the potential to create confusion and implementation issues

Relevant Bill Provisions: Whole Bill

MDC notes that a number of terminology changes proposed in the Bill have the potential to create confusion and unintended consequences during implementation, particularly where new terms overlap with long-established concepts already in use across councils and communities. MDC considers that clarity of language is especially important in the emergency management system, where shared understanding of roles, responsibilities and authority is critical during response and recovery.

For example, many councils already operate emergency management committees at the local level, whereas the “Emergency Management Committees” established under the Bill are intended to function at a regional level. MDC is concerned that using the same or similar terminology for bodies operating at different scales may create

confusion for elected members, partner agencies and the public. MDC considers that alternative terminology which more clearly reflects the regional, mayoral and governance-focused nature of these bodies (for example, “Regional Mayors Emergency Management Forums”) would reduce ambiguity and better signal their intended role and membership.

MDC also notes that the Bill replaces the long-established term “Local Controller” with “District Controller”, while reserving the term “Local Controller” for use by unitary authorities. MDC is concerned that this change may unnecessarily disrupt well-understood local roles and training pathways. MDC considers that it may be more practical for existing local controllers to retain their established title, with a distinct title introduced for controllers appointed by unitary authorities, rather than re-labelling roles that are already widely understood and embedded in practice.

Finally, MDC reiterates its previous concerns about the removal of “Civil Defence” from the legislative framework. As outlined in MDC’s submission on Strengthening New Zealand’s emergency management legislation (May 2025), communities have a strong and well-established understanding of “Civil Defence” as relating to community preparedness, readiness and self-help. MDC considers that “emergency management” is more commonly understood as the system that operates during and after an event, with communities as recipients of those services. MDC deems these concepts to be distinct but complementary components of the same system, and is concerned that removing “Civil Defence” from the legislation may weaken community recognition, preparedness messaging, and the public’s connection to the system.

Decisions sought:

3. That the Committee consider whether the terminology used for Emergency Management Committees appropriately reflects their regional governance role and membership, and whether alternative terminology that more clearly distinguishes these bodies from existing local-level emergency management committees would reduce confusion during implementation.
4. That the Committee consider whether long-established titles for Local Controllers should be retained for territorial authorities, with a distinct title introduced for controllers appointed by unitary authorities, rather than re-labelling roles that are already well understood and embedded in practice.
5. That the Committee consider whether the removal of the term “Civil Defence” from the legislative framework may have unintended impacts on community understanding and preparedness, and whether retaining or better acknowledging the concept of civil defence within the legislation would support public recognition of community-led preparedness alongside emergency management functions.
6. That the Committee consider providing clear transition guidance and communications to support consistent understanding and adoption of new terminology across councils, partner agencies and communities.

Engaging with Disproportionately Affected Communities section 86(2)(a)

Requirements to consider the needs of communities who may be disproportionately affected during an emergency are supported, as long as legislative obligations do not hinder our ability to tailor engagement to local needs

Relevant Bill Provisions: 86(2)(a), 91(1)(k) and 94.

MDC agrees that emergencies disproportionately affect some population groups more relative to others. As noted in our feedback on the “Strengthening New Zealand’s emergency management legislation” discussion document, some people and groups are disproportionately affected by emergencies and have different needs that cannot be met through a “one size fits all” approach. For example, the percentage of Māori land within the Manawatū District is around 1%. 84% of this land is next to waterways such as the Manawatū, Rangitikei and Ōroua Rivers and their tributaries that have a long history of flooding. MDC also recognises that remote rural communities that rely on one or two key transport routes may be disproportionately affected by emergencies (e.g. Tangimoana and Āpiti in the Manawatū District).

Some of our rural communities have limited internet and mobile phone access. This makes information sharing difficult on a good day, and virtually impossible during emergency events. Some people are more vulnerable by virtue of being less willing or able to engage or have an increased level of mistrust.

MDC generally supports the following sections in the Bill:

- section 86(2)(a) of the Bill that makes the Director-General of Emergency Management responsible for identifying communities that may be disproportionately affected by emergencies and to engage with representatives from those communities during the development of the national emergency management plans. However, MDC questions how effective national-level engagement could practically address the needs of specific communities.
- Section 91(1)(k) that requires each Emergency Management Committee’s regional emergency management plan to state and provide for the needs of any community in the Committee’s area that may be disproportionately affected during an emergency.
- Section 94 that requires the Emergency Management Committee to engage with representatives of any community that the Committee considers is likely to be disproportionately affected in an emergency when developing the regional emergency management plan.

MDC considers that local authorities and Emergency Management Committees (EMCs) are best placed to understand their communities’ diverse needs. MDC therefore recognises the value in EMCs identifying those communities that may be disproportionately affected by emergencies, and to engage with representatives of those communities during the development of emergency management plans. MDC already works with Community Committees and relevant community organisations to promote emergency management in neighbourhoods and the wider community. Council also engages with and supports iwi driven initiatives within the Manawatū District to support vulnerable community members in emergency events.

However, we have reservations about making engagement with disproportionately impacted communities a statutory obligation. Our concerns with adopting a statutory approach are as follows:

- EMCs may be legislatively required to engage with these groups in a way that does not best meet the needs of these communities and iwi/Māori.
- A prescribed approach may lead to challenges of discrimination against certain groups.
- Mandated requirements could open EMCs up to greater liability.

While MDC would have preferred national level guidance to a legislative requirement, section 94 of the Bill is sufficiently open (i.e. refers only to “engage with representatives of any community”) for us to continue to tailor our engagement approach to the specific needs and preferences of each community.

MDC supports the Bill’s intent to ensure that emergency management planning recognises and responds to the needs of communities that may be disproportionately affected by emergencies. However, MDC notes that the broad framing of this concept may create uncertainty for EMCs when determining which communities should be engaged with for specific hazards or events, particularly given that vulnerability can vary depending on the nature, scale and location of an emergency. MDC considers that clearer national guidance on how “disproportionately affected communities” should be identified and applied in practice, and how national-level and regional engagement responsibilities should be coordinated, would support consistency across the system, reduce duplication and engagement fatigue, and provide greater confidence for councils in meeting their statutory obligations.

Decision sought:

7. That the committee reconsider whether the requirement to identify and engage with communities who may be disproportionately affected during an emergency when developing national and regional emergency management plans (sections 86(2)(a), 91(1)(k) and 94) should be a statutory obligation. MDC recommends consideration be given as to whether national guidance is a more appropriate approach so as to ensure flexibility is retained in how the needs of these communities are considered and responded to.

Strengthening the role of iwi Māori in emergency management

MDC supports strengthening iwi/Māori participation across governance and planning, but considers expectations should be matched with clear appointment/capability settings and resourcing to support effective participation

Relevant Bill Provisions: s92(2)(f), 94(b), s95

MDC notes that the Bill strengthens the role of iwi Māori in emergency management in the following ways:

- Mandatory appointment of Māori-interest/value members to Emergency Management Co-ordinating Executive Groups (CEG) (section 39(2)(f))
- Mandatory requirement for the EMC to “engage with and involve” representatives of iwi and Māori in the Committee’s area in the development of the regional emergency management plan (section 94(b))
- Mandatory requirement for the Director-General to notify and have regard to comments received from representatives of iwi and Māori within the

Committee's area when developing the national emergency management plan (section 95)

MDC supports strengthening iwi Māori participation in emergency management, but with important caveats about resourcing, selection and flexibility.

MDC agrees that greater recognition is needed of the willingness, expertise and capability of iwi Māori in emergency management. MDC recognises the community benefit that comes from having Māori representation on the CEG, as without local representation, the pre-planning of a community response, and welfare co-ordination during an emergency event involving local marae risks being disjointed and ineffective.

MDC agrees with the submission by Taituarā that clause 39 should be amended to specify that at least one Māori representative be appointed as a member to the CEG, rather than the appointment of “persons with local perspectives of Māori” etc. The current wording in the Bill with respect to the appointment of Māori representatives is in our view too generalised to provide assurance that the “right person” is appointed. MDC is of the opinion that the appointment of the Māori representative should be iwi led. MDC recognises that there is value in appointment two Māori representatives concurrently from a succession planning and resourcing perspective.

MDC notes that while the Bill creates participation obligations, these obligations do not come with the central government reimbursement/resourcing mechanisms that we requested through our previous submission on Strengthening New Zealand's emergency management legislation (May 2025). Without central government resourcing, MDC is concerned that these members will not be able to participate fully in the emergency management system.

MDC also supports the position advanced by Local Government New Zealand in their submission that meaningful iwi Māori and community participation in emergency management requires dedicated funding and capability support, rather than reliance on unfunded goodwill or variable local resourcing.

MDC notes that clause 41 of the Bill requires an Emergency Management Committee to provide any necessary resources, information, and administrative support to the members of the Emergency management CEG that are appointed to provide for the interests and values of local Māori communities and of local rural communities. Such requirements add considerably to the cost of implementing these new requirements, particularly for rural provincial councils like MDC. MDC does not support the resourcing burden falling on the EMC, and instead considers that their membership should be central government funded, so as to not increase the financial burden on local authorities.

MDC notes that while the Bill is prescriptive at the system level, it does not prescribe what approaches iwi Māori use when sharing experiences/mātauranga. MDC supports the system retaining flexibility in how iwi Māori contribute.

Decisions sought:

8. That the requirements for iwi Māori and local rural communities' involvement in emergency management be matched with central government funding or reimbursement to support participation.
9. That clause 39 of the Bill be amended to specify that iwi appoint their representatives to the CEG.

Changes to roles at national level

MDC supports the Bill formalising and clarifying national leadership roles and responsibilities and strengthening national coordination and accountability settings

Relevant Bill provisions: s14, s19, s20, and Subpart 2 – Regional Role-holders ss23-68

We recognise that the Bill defines new statutory roles and functions, such as the Director-General of Emergency Management (s14), National controller (s19), National Recovery Manager (s20).

These changes reflect the establishment of the National Emergency Management Agency (NEMA) and provide a clearer legislative basis for the national emergency management leadership arrangements. These new roles are therefore supported by MDC.

MDC supports stronger national direction and intervention tools. In particular, MDC supports the Bill giving the Director-General of Emergency Management greater authority to intervene, supported by stronger enforcement tools.

MDC supports the Bill formalising and clarifying lead agencies responsible for planning and co-ordinating response to particular hazard-specific emergencies. MDC considers that such provisions will improve the effectiveness of regional plans through improved leadership and accountability.

MDC supports the emphasis placed by Local Government New Zealand on the need for clear operational guidance on direction, control and escalation during complex and multi-agency emergencies, to ensure decisions are made quickly by the right people and roles are clearly understood across the system.

Decision sought:

10. That sections 14, 19 and 20 (national leadership roles and responsibilities) be retained as drafted in the Bill.

Rule-making Authority

MDC supports national consistency tools, but seeks safeguards to prevent over-prescription of operational practices and to strengthen co-design/consultation expectations for prescribed forms and compliance tools

Relevant Bill provisions: Section 212 (including section 212(1))

MDC supports the intent of establishing a clearer and more consistent national operating environment through the use of rules, technical standards and guidance, particularly where these support minimum performance expectations, effective information sharing, and system assurance.

MDC understands that the Bill has effectively relocated rule-making powers upward from the Director (Chief Executive of NEMA) to the Minister. While this change addresses some of the concerns MDC has previously raised in relation to the powers afforded to the Director, we remain concerned that the Bill enables a high degree of central prescription without sufficiently clear safeguards.

Section 212 of the Bill gives the Minister the power to prescribe forms for the purposes of this Act, regulations, or rules. During Covid Lockdown One, there was one form in particular, Āwhina, that was promoted by NEMA but rejected by most, if not all, Councils at the time. The form was poorly constructed and did not serve its intended purpose. To ensure that forms and other compliance tools are fit for purpose, proportionate to risk and practical to implement, MDC recommends that they be co-designed with EMCs, iwi/Māori and other relevant agencies.

MDC is concerned that section 212(1)(b) gives the Minister the power to prescribe “...operating practices, procedures, and systems...” The Minister’s powers should be limited to prescribing technical/data standards, performance standards, and interoperability requirements, but should not extend to operational decision-making approaches, except where expressly authorised elsewhere in primary legislation. Rules or standards that prescribe operational approaches (including in relation to concurrent emergency designations) could constrain a local authority from acting in the manner it considers will best serve its people. Local authorities should have the power to make autonomous decisions for their communities.

MDC agrees with Local Government New Zealand that national standards and rules should be risk-based and proportionate, and that formal consultation with affected local authorities is essential to ensure requirements are practical, achievable and appropriately calibrated to local capability and hazard profiles.

Decisions sought:

11. That the Committee amend the Bill to require that any rule made by the Minister under section 212 that prescribes the development of a form or compliance tool includes an obligation for such tools be co-designed with EMCs, iwi/Māori and other relevant agencies.
12. That section 212(1)(b) is amended to remove or qualify the power of the Minister to prescribe “operating practices, procedures, and systems, except where expressly authorised elsewhere in primary legislation.

Changes to roles at the local level

MDC supports provisions that strengthen local authority leadership and accountability, while seeking targeted safeguards around appointments and clearer resourcing expectations

Relevant Bill Provisions: Section 50, sections 52–55 (including section 55), section 61, section 58(2), section 67(2), and section 45

MDC supports the Bill’s increased emphasis on local authority leadership and accountability, including making mayors primarily responsible for declaring states of local emergency and local transition periods within their districts (section 50 of the Bill).

MDC supports those provisions in the Bill that reinforce local authority leadership and clarify the role of territorial authority chief executives in emergency management. In particular, MDC supports the provisions that make chief executives key decision-makers for appointing District Controllers (sections 52–55) and District Recovery Managers (section 61), and that (for unitary authorities) enable chief executives to direct Local Controllers in relation to the functions and powers they perform or exercise (section 58(2)) and to direct Local Recovery Managers in relation to the functions and powers they perform or exercise (section 67(2)). This approach aligns with MDC’s previous submissions, which emphasised the importance of ensuring that emergency management powers sit with appropriately trained and experienced practitioners and that councils retain clear local leadership roles.

MDC notes section 45 (Authority for payment of expenses), which clarifies the territorial authority chief executive’s role in coordinating resources made available for emergency management purposes (including where delegated). MDC emphasises that strengthened statutory expectations across the system must be supported by clear implementation settings and adequate resourcing for councils to meet their statutory obligations.

To support effective implementation and maintain continuity of local response and recovery leadership, MDC recommends the following targeted amendments to clarify safeguards around key appointments and capability expectations.

Decisions sought:

13. That section 55 (Removal or replacement of District Controller) be amended to require that, when removing or replacing a District Controller, the appointing chief executive must have regard to continuity of response capability, and must record the reasons for the removal/replacement decision in writing.
14. That section 61 (Appointment of District Recovery Managers) be amended to require the Director-General to issue national guidance on minimum competency and training expectations for District Recovery Managers, and to require appointing authorities to have regard to that guidance when making appointments under section 61.
15. That the Committee consider amending section 45 (Authority for payment of expenses) to clarify cost responsibilities and resourcing expectations for local authorities and Emergency Management Committees.

National direction for regional emergency management plans

MDC supports stronger national direction over regional planning to lift consistency, and recommends these tools be developed collaboratively and implemented with clear guidance, timeframes and resourcing support

Relevant Bill Provisions: Sections 91, 93, 96 (including section 96(4)), and the regional emergency management planning standards (sections 100 – 103).

MDC supports the Bill’s intent to strengthen national direction and assurance over regional emergency management planning, including through the ability to establish mandatory planning standards (sections 100–103), direct Emergency Management Committees to undertake full or partial reviews of their regional plans (section 97, supported by section 93), and require amendments to a proposed plan where it would

otherwise fail to meet the requirements of the Act or the national emergency management plan (section 96(4)).

MDC's considers these provisions to provide the national leadership necessary to lift consistency and capability across the system. However, MDC recommends that national direction tools are developed with local government and partner agencies and are supported by clear implementation guidance and resourcing.

Decisions sought:

16. That sections 100–103 (Planning standards) be amended to require the Minister to consult affected local authorities, Emergency Management Committees, iwi/Māori and relevant sector partners before issuing, amending or withdrawing planning standards, and to have regard to implementation timeframes, transition arrangements and resourcing implications (including local authority capability and capacity).
17. That section 96 (Minister directions requiring amendments) be amended to require the Minister to identify the specific provisions requiring amendment and specify the amendments in sufficient detail to enable implementation, and to have regard to implementation timeframes, transition arrangements and local authority capability and capacity when setting compliance timeframes (including staged compliance where appropriate).

Management of animals during an emergency

MDC supports embedding animal management arrangements in regional plans and supports the new animal welfare entry power, while seeking nationally consistent, co-designed guidance to support practical implementation

Relevant Bill Provisions: Section 91 and the entry powers in sections 129 and 162.

MDC supports the Bill's inclusion of a requirement for regional emergency management plans to set out arrangements for managing animals during an emergency (section 91). MDC supports the integration of animal welfare into emergency planning, given the importance of companion animals, working animals and livestock to people's wellbeing, and to their emotional and mental health during and following emergency events. Early integration of animals into emergency management planning can help reduce the risk that owners will place themselves at risk, and lead to better overall response and recovery outcomes. MDC notes that companion animals, working dogs, production livestock and wildlife each have different needs and implications, and considers that national guidance developed in partnership with local government and relevant animal welfare agencies would support national consistency and optimise outcomes.

MDC also supports the Bill's new power to enter premises where necessary to take urgent measures to mitigate unreasonable or unnecessary pain or distress of an animal, noting the additional safeguards that apply when the power is exercised for that purpose (section 129 for states of emergency; section 162 for transition periods).

Decisions sought:

18. That section 91 be amended to require the Director-General to issue national guidance on minimum expectations for animal management arrangements in

regional emergency management plans (including companion animals, working animals, livestock and wildlife), and to require that this guidance be co-designed with local government and relevant animal welfare agencies and partners.

19. That section 129(1)(c) and section 162(1)(c) (and the associated safeguards) be retained as drafted, and that the Bill be amended to require the Director-General to ensure that national guidance on animal management includes practical guidance on when and how these entry powers should be used alongside relevant Animal Welfare Act responsibilities.

Mechanisms to ensure compliance

MDC supports compliance orders and an updated offences/penalties framework to promote accountability, and recommends clear operational/enforcement guidance so these tools are applied consistently in practice

Relevant Bill Provisions: Sections 174–178, sections 179–189, and section 187.

MDC supports the Bill’s introduction of compliance orders as an escalating intervention mechanism to address non-compliance with statutory responsibilities (sections 174–178). MDC considers compliance orders to be a useful tool to support national consistency and accountability, particularly where responsibilities are not being met and guidance alone is insufficient. MDC also notes the importance of the procedural safeguards included in the Bill, including requirements for the form and content of orders, variation and revocation provisions, appeal rights, and District Court enforcement (sections 176–178).

MDC also acknowledges the Bill’s strengthened offence and penalty framework, including the new offence of failing to comply with a compliance order (section 187) and increased maximum penalties for prosecutable offences (sections 179–189). MDC supports an enforcement regime that promotes compliance and accountability, but considers that these tools will be most effective if accompanied by clear expectations and national guidance on how compliance orders and offences will be applied in practice, including where non-compliance may relate to capability and resourcing constraints.

Decisions sought:

20. That sections 174–178 (Compliance orders) be amended to require the Director-General to publish operational guidance on the use of compliance orders, including a graduated approach to intervention, expectations for reasonable compliance timeframes, and proportionality principles.
21. That sections 179–189 (Offences), particularly section 187 (Failure to comply with compliance order), be amended to require the Director-General to publish enforcement policy guidance to support national consistency and transparency in the application of compliance orders and offence provisions.

Essential Infrastructure Providers

MDC supports the shift to essential infrastructure providers and the new planning/sector response expectations, noting MDC’s in-house three waters role and the importance of co-designed sector plans with clear local interface expectations

Relevant Bill Provisions: Sections 104 and 106

MDC supports those provisions in the Bill that broaden the current “lifeline utilities” approach to a more flexible category of essential infrastructure providers, including a principles-based mechanism to recognise additional providers over time. MDC considers this approach better reflects the range of services relied on by communities during response and recovery and will improve resilience planning across sectors.

MDC recognises that river management, flood protection and stopbank systems are critical to the safety, wellbeing and economic resilience of the Manawatū District and the wider region, particularly for rural and farming communities that are highly exposed to flooding and weather-related hazards. MDC is also mindful that current and proposed reforms affecting regional councils and regional governance arrangements create uncertainty about future roles, responsibilities and accountabilities for the planning, maintenance and operation of these assets. In this context, MDC considers that greater clarity about how river management and flood protection functions are recognised and prioritised within the essential infrastructure framework could provide assurance to affected communities, support coordinated planning and response, and reduce the risk of gaps or delays during emergency events.

As a council delivering three waters services through an in-house business unit, MDC has a direct operational role in the provision and continuity of essential infrastructure. MDC therefore supports clear and practicable requirements for essential infrastructure provider planning and sector response arrangements, and considers these will be most effective where they are co-designed with local government and Emergency Management Committees and where local interface and implementation expectations are clear.

MDC also supports the Bill’s new requirements for essential infrastructure providers, including the requirement to contribute to sector response plans initiated by the Director-General (section 104) and the requirement for providers to address prescribed matters relating to their ability to function during and after an emergency. MDC considers these provisions will assist with national consistency, reduce uncertainty around roles and expectations, and support coordinated and timely restoration of essential services following major disruptions, particularly where sector response plans clearly address the coordination of local priorities and dependencies.

MDC supports the Bill’s clarification that technical advice provided by essential infrastructure providers cannot be used for enforcement purposes (section 106), as this is likely to encourage cooperation and timely information-sharing during response and recovery activities.

Decisions sought:

22. That section 104 (Sector response plans) be amended to require the Director-General to:
 - a. consult and co-design sector response plans with affected essential infrastructure providers, Emergency Management Committees, affected local authorities, iwi/Māori and relevant sector partner agencies; and
 - b. to require that each plan clearly set out local interface and implementation expectations, including alignment with regional emergency management plans and coordination of local priorities and dependencies.

23. That section 106 (Use of advice for enforcement purposes) be retained as drafted.

Changes to declarations, powers, and protections

MDC supports the Bill enabling overlapping national/local declarations where necessary and supports modernised declaration processes (including e-signatures) to improve operational efficiency

Relevant Bill Provisions: sections 115, 149 and 215-216

MDC supports the Bill's changes to declarations, powers and protections, including provisions that enable states of national and local emergency or transition periods to be in force over the same geographic area at the same time (sections 115 and 149), where necessary to respond to different emergency events and to support coordinated management of complex or overlapping emergencies.

MDC also supports the Bill's modernisation of declaration processes, including enabling statutory forms to be completed using electronic signatures (sections 215–216). MDC considers these changes will improve administrative efficiency and better reflect current operational practice, particularly when rapid declarations are required and decision-makers may not be co-located.

Decisions sought:

24. That sections 115 and 149 be retained as drafted.

25. That sections 215-216 be retained as drafted.

Changes to emergency response and recovery powers

MDC supports changes that align statutory powers with operational practice and supports clarified flexibility for access through closed roads/public places

Relevant Bill provisions: Sections 123–124, section 130, and section 163

MDC supports the Bill's changes to emergency response and recovery powers that improve clarity and better align statutory powers with operational practice. In particular, MDC supports Regional Controllers being given direct access to certain state of emergency powers (rather than those powers sitting primarily with Emergency Management Committees and being delegated in practice). MDC considers this change will improve responsiveness and reduce administrative burden during time-critical events, while maintaining appropriate controls through the Bill's framework for when and where authorised Controllers and specified persons may exercise powers.

MDC also supports the Bill's clarification that when a road or public place is closed during a state of emergency or transition period, access can still be granted to a class or group of persons (or vehicles). MDC considers this provides useful operational flexibility, enabling emergency services, essential services, residents, and other authorised groups to move safely through restricted areas where appropriate.

Decisions sought:

26. That sections 123–124 and 127–135 (powers applying during states of emergency and powers exercised by authorised Controllers and specified persons) be retained as drafted.

27. That section 130 (Power to close roads and public places) and section 163 (Power to close roads and public places) be retained as drafted.

Limitation of Civil Liability

MDC supports strengthened civil liability protections to reduce barriers to timely warnings and coordinated action, while supporting explicit exclusions for bad faith or gross negligence

Relevant Bill Provisions: Sections 202–204 (including section 203 and section 204, and section 202(3) as referenced)

MDC supports the Bill's strengthened limitation of civil liability provisions, including the new protection from civil liability for loss or damage arising (directly or indirectly) from the issue of, or failure to issue, a warning (section 203), and the clarification that protection extends to any person acting under the direction of a person performing functions, duties or exercising powers under the Act (section 202(3)–(4)). MDC considers these protections will help reduce barriers to issuing timely warnings and support coordinated response activity, consistent with the need for rapid decision-making in emergencies.

However, MDC notes that the submission by Taituarā recommends that the Bill be amended to provide legal protection for persons acting in good faith during an emergency or transition period and for volunteers. MDC supports this recommendation.

MDC also supports the development of clear national guidance that reinforces the role of authoritative, trusted information sources during emergency events, to promote consistency, public confidence and timely decision-making, while recognising the fast-moving and uncertain nature of emergency response environments.

MDC also supports the Bill's explicit exclusions where loss or damage is caused by conduct in bad faith or gross negligence (section 204), as these provisions maintain appropriate accountability settings and public confidence. MDC further encourages the Director-General to develop practical, non-legislative tools (such as templates and training resources) to support consistent warning practice across jurisdictions, without creating additional administrative burden during an emergency event.

Decisions sought:

28. That section 203 (Warnings) be retained as drafted.
29. That sections 202–204 (Limitation of civil liability) be retained as drafted, including the explicit exclusions in section 204.
30. That the Committee support the recommendation in the submission by Taituarā that legal protections be extended to persons acting in good faith during an emergency or transition period and for volunteers.

Increased oversight for use of powers

MDC supports in principle post-event reporting as an accountability mechanism and supports the Committee considering enabling standard templates/guidance to promote consistency and minimise administrative burden

Relevant Bill Provisions: Section 168 and Schedule 4

MDC supports in principle the Bill's increased oversight of the use of emergency powers, including the requirement for Controllers to provide written reports following the termination of a state of emergency, and the additional transparency requirements where a report relates to a state of national emergency (Section 168 and Schedule 4). MDC considers post-event reporting is an appropriate accountability mechanism, and encourages the development of standardised templates and guidance to support consistent reporting practice and minimise administrative burden during recovery.

Decisions sought:

31. That section 168 and Schedule 4 (Reporting on use of powers) be retained as drafted.
32. That the Committee consider amending section 168 and Schedule 4 to enable the Director-General to issue standardised templates and guidance for post-event reporting.

MDC again thanks the Committee for the opportunity to provide feedback on the Emergency Management Bill (No 2).

We do not wish to speak to the Committee in relation to this submission. However, we would be happy to answer any questions or provide further clarification on any points made.

Yours sincerely,



Michael Ford

Mayor