Taituarā
Local Government Professionals Aotearoa

Regarding the Emergency Management Bill (No 2)

Submission to the
Governance and Administration Committee

February 2026

Submission of Taituarā – Local Government Professionals Aotearoa
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Taituarā-Local Government Professionals Aotearoa (‘Taituarā) thanks the Governance and Administration Committee for the opportunity to submit in respect of the Emergency Management Bill (No2).

Taituarā wishes to be heard in respect of this submission.

Who is Taituarā?

Taituarā is New Zealand’s leading network for local government professionals. A few words about us. Taituarā is Aotearoa New Zealand’s leading membership network for professionals working in, and for, local government. We have a membership base drawn from local authority Chief Executives, managers, and staff across all 78 local authorities. What unites Taituarā members is our commitment to be our own professional best, supporting local government excellence through connection, collaboration, and care for the wellbeing of our communities.

Taituarā strengthens the local government sector by using our members’ insights and experience to influence the public policy debate. We submit on legislation and regulations to provide perspectives on what works and how to make policy work.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to the planning and delivery of services, infrastructure, urban development and placemaking, community wellbeing and climate resilience and mitigation. We are therefore highly motivated to assist in the creation of a more efficient, certain, less complex and implementable emergency management system that delivers positive outcomes for the environment and communities.

Introductory comments

Taituarā supports the overall intent of the Emergency Management Bill (No2) **(EM Bill)** and emphasises that successful reform will depend on practical, staged implementation that is appropriately resourced. We agreed with the problems identified in the discussion document and with the objectives for reform. We are concerned to ensure a more useful and enduring emergency management framework. Taituarā appreciates the challenges in navigating prescription and accountability while needing to take into account the diversity of both Aotearoa New Zealand’s local governments and the vulnerabilities to hazards.

This Bill represents a significant shift in approach to that taken under the CDEM Act 2002. Specifically, it:

- Creates enforceable minimum standards (vs. current guidance-based approach)

- Clarifies national/regional/local responsibilities
- Formalises iwi and community partnerships
- Provides regulatory tools to address poor performance

Taituarā supports many aspects of the Bill including:

- Clarifying the functions of "lead" agency
- Strengthening iwi/Māori participation across emergency management planning
- Concurrent emergency declarations
- Strengthened liability provisions
- Animal welfare provisions
- Providing for the mayor who is authorised to declare an emergency
- Enabling statutory forms to be completed with electronic signature

The wider reform context

Emergency management reform takes place against a backdrop of other reforms and reviews that impact the sector. This includes (among others) Simplifying Local Government, resource management reform, the proposed rate capping model and reforms to building consenting. This takes place alongside the substantial reforms to water services that 67 of the 78 local authorities are implementing through the Local Water Done Well reforms. Taituarā made the point in our recent submission to the Department of Internal Affair's "Simplifying Local Government" (SLG) consultation: "*local communities and local government face era-scale change. The big challenges our communities face – responding to climate change, addressing cost-of-living pressures, housing, infrastructure, demographic change and social cohesion – require transformative change*."

There is no sign that these significant policy changes have been developed with any heed to the implementation of the **package** of reforms. Our submission to SLG captures this nicely: "*Structural reform, the RMA refresh, and rate changes must be treated as a coherent, coordinated change programme.*" What we are not seeing is a coherent reform programme with a transitional process that recognises overall system capability.

The relevance of rate capping, the cost of the package of reforms, and their potential to constrain implementation of the new emergency management legislation should not be underestimated. The Regulatory Impact Statement estimates the cost of implementation of the emergency management reform to local government to be an additional $82.4 million dollars. This pales in comparison to the $860 million in establishment costs for the sector for resource management reforms. And all while local authorities are expected to keep rate increases within a centrally set band (with an indicative range of 2-4 per cent per annum). On top of this, SLG will require substantial expenditures in administering a Combined Territories Board (CTB), identifying and investigating options for governance and service delivery reform, and implementing the results.

Appendix 1 illustrates the current reform proposals and the implementation timetable.

Recognition of the combined/cumulative costs is essential but it is not (obviously) being discussed outside of local government. Equally important is to understand the capacity of the sector as a whole, and of individual councils, to implement the various reforms, many in parallel.

Throughout the submission, we have identified areas where guidance will be needed to support the implementation of new provisions. We support this being developed collaboratively and recommend that the commencement of some provisions is tied to this guidance being available.

Issue 1: Alignment of responsibilities across enactments

Cross-enactment responsibilities

Local government currently has functions relating to hazard risk management under the Civil Defence Emergency Management Act 2002, Local Government Act 2002, Resource Management Act 1991 and pending changes to the Climate Change Response Act[1] All four Acts are in the process of being reformed or significantly amended and the proposed changes all include the management of hazards within their scope.

Taituarā seeks that the legislative changes ensure alignment and integration between functions to avoid unnecessary implementation costs or gaps.

It is not clear across the enactments who will be responsible for which aspects of hazard risk management. The EM Bill includes a core focus on the 4Rs including risk reduction. As per the definition of “emergency management” this includes any measure necessary to protect people and property and that “are designed to guard against, prevent, reduce, recover from, or overcome any hazard, harm, or loss that may be associated with any emergency”. The generic wording here encompasses longer-term strategic actions on land use planning, managed retreat, protective infrastructure and infrastructure resilience. However, these are core functions under the proposed resource management system.

Taituara seeks changes to more clearly define “risk reduction” in the EM Bill in a way that distinguishes it from the reduction functions carried out under the resource management system.

Enabling streamlining of functions

While each of these enactments has a distinct purpose and a focus on specific aspects of hazard risk management, there is some cross-over in functions at an operational level.

There are opportunities for some aspects of hazard risk management across the enactments to be carried out in combination including:

- Procurement of natural hazard information that is fit-for-purpose

[1] Changes pending in January 2026, to embed local government responsibilities for planning for and adapting to natural hazards (https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/adapting-to-climate-change/national-adaptation-framework/#legislation-for-adaptation-planning)

- Identification and assessment of hazard risks
- Development of policies and programmes to manage hazard risks
- Engagement with communities on understanding hazard risks
- Monitoring and keeping records of hazard risks.

A lot of this work involves specialist technical expertise and significant financial outlay, so there is a strong benefit in streamlining processes across enactments and combining resources.

However, in some instances, different policies, standards, regulations and rules that will sit under each of these enactments, may make it costly, resource-intensive and risky for local authorities to streamline this work if they are not consistent and aligned with each other.

This is already an issue within the current system. For example, there is a lack of alignment on risk assessment procedures under the emergency management, resource management and climate change adaptation frameworks. Each of these assessment procedures differ in several ways:

- Hazard information requirements about hazard frequency and scale and climate change pathways
- Scope and characteristics of impacts that are to be assessed
- Identification and assessment of vulnerability or sensitivity to hazard risks
- Granularity of the scale of the assessment – regional versus local focus
- Governance of the risk assessment process
- Participants who are engaged in the assessment process.

As a result, local authorities are having to carry out separate risk assessment processes to fulfil functions under each of the enactments. What is needed is a single risk assessment method.

We see secondary legislation as having a key role to play in promoting streamlined and efficient processes.

Taituara seeks that government ensure that alignment and integration between the enactments flows down into secondary legislation (regulations, rules and standards) and that central government actively pursues opportunities for secondary legislation to integrate functions, processes, methods, standards etc. across enactments.

Jurisdictional overlap

The Bill is creating a new jurisdictional overlap that may result in duplication, cost and risk for EMCs, regional councils and territorial authorities.

Clause 27 states that EMCs must:

- take the lead in identifying hazards and risks in their committee area
- coordinate the management of hazards and risks
- identify and implement cost-effective risk reduction

- assist committee members to identify hazards and risks in their districts and communicate those hazards and risks to communities

Clause 42 states that local authorities (meaning both regional councils and territorial authorities) must:

- identify and assess hazards in their district (or region)
- report to the EMC on the identification and assessment of hazards and risks
- manage those hazards and risks
- identify how to reduce risks and implement cost-effective risk reduction
- consult and communicate with the communities within that region or district about those hazards and risks.

Currently these functions fall just on CDEM Groups and local authorities are not specified as having a role.

Under the Bill, each EMC member would be accountable for identifying, assessing, managing and communicating the hazard risks within their jurisdiction.

The provisions create:

- a jurisdictional overlap between regional councils and territorial authorities – both are required to carry out risk reduction with no mechanism suggested for how to align these processes
- jurisdictional ambiguity between the role of EMCs and local authorities related to risk assessment and management – it is not clear what "take the lead" means and the separation of roles that "identify and implement cost-effective risk reduction".

While accountability is important, those accountabilities need to be clearly aligned. Currently, the Bill is not clear what is intended of each party. This is important to resolve because:

- the cost of identifying, modelling, and assessing hazard risks is significant and territorial authorities (who are not accountable for this under the current Act) will need to plan and budget for these additional responsibilities
- there is jurisdictional uncertainty which creates legal, reputational and financial risks for local authorities
- any uncertainty in roles and responsibilities flows through to the rest of the emergency management system and local communities and undermines effectiveness.

Further inconsistencies and overlaps. We have identified further inconsistencies and/or potential overlaps between the legislation:

- References to "sustainable" management are being removed from the Local Government (System Improvements) Bill, the Planning Bill and the Natural Environment Bill. We suggest removing it from the EM Bill as well. We note that even though the "well-beings" are being removed from other legislation, it is important to retain "social, economic, cultural and environmental well-being" in the EM Bill as removal may signal a reduced scope that would be unhelpful for reduction and recovery activities.

- The Local Government (System Improvements) Bill includes a new section 7A (in clause 7) that will require local authorities to give "particular regard" to "core services" that include "civil defence emergency management". That 'core service' refers to the definition in section 4 of the Civil Defence Emergency Management Act 2002, which includes "to guard against, prevent, reduce, recover from, or overcome any hazard or harm or loss that may be associated with any emergency". It is unclear whether that will include the functions in clause 42 of the EM Bill.

In addition to resolving the overlaps and inconsistencies between functions in the legislation, Parliament should ensure local government has the necessary tools and funding to carry out its functions in an integrated manner. Taituarā notes the following:

- Under the EM Bill, emergency management strategies and plans will be made at the national and regional level to provide for "hazards and risks to be managed" (clauses 82(2) and 91(1)).
- Under the Planning Bill, regional spatial plans must include "constraints on the use and development of land and the coastal marine area, including natural hazards" (clause 3(1)(a) of Schedule 2).
- Under the Local Government Act 2002, long-term plans must, among other things, identify expenditure and levels of service for activities, or groups of activities. Currently, those explicitly include "flood protection and control works" (clause 2 of Schedule 10), but the Local Government (System Improvements) Bill proposes to amend that provision and instead provide for the activities to be prescribed by regulation (see clause 26(2) of that Bill). While the Planning Bill proposes to amend Schedule 10 of the Local Government Act 2002 – to require long-term plans to "implement" regional spatial plans (see consequential amendment in Schedule 11 of the Planning Bill) – the EM Bill makes no similar amendment in relation to emergency management plans.

The result is likely to be three separate planning instruments that all deal with hazards (or the subset of natural hazards) in different ways and for different reasons or purposes. At worst, the plans could have conflicting objectives or outcomes. And even if this is not the case, there will be process churn associated with these provisions. To reduce the process churn, aligning the review cycles for emergency management strategies, spatial plans, and long-term plans will reduce duplication and administrative burden for local government.

To support implementation and to encourage consistency, Taituarā recommends that templates are developed at a national level that are aligned with the new hazard policies, and that standard methodologies for hazard identification and risk assessment. Implementation guidance focused on working with overlapping provisions, sequencing planning processes and clarifying the relationship between local authority hazard identification and Committee regional hazard assessment will also support implementation.

Recommendations

1. Amend Clause 3(a) to remove the word “sustainable.”
2. Add a definition of “risk reduction” to clause 5 to distinguish it from risk reduction being undertaken under other enactments
3. Direct central government officials to ensure that secondary legislation (regulations, rules and standards) related to hazard risk management integrates functions, processes, methods, and standards across enactments to enable local authorities to streamline processes
4. Clarify and align the functions of EMCs and local authorities within the EM Bill and across other enactments dealing with hazard risk management by:
    - distinguishing between the functions of EMCs under clause 27(a)(i) and (iii) and the functions of local authorities under clause 42(2)(i) and(iv);
    - focusing the risk assessment functions of EMCs on the gaps left by other enactments (ie not natural hazard risks and not climate change risks); and
    - requiring the use of the same NZ Standard for risk analysis as the other enactments
5. Require alignment between statutory plans that outline aspects of hazard risk management including:
    - a requirement for Long Term Plans to implement Regional Emergency Management Plans,
    - a requirement for alignment between a Regional Emergency Management Plan and a Regional Spatial Plan on the identification of (natural) hazard risks through both documents needing to take the content of the other during their preparation
6. Align review cycles for emergency management plans, spatial plans, and long-term plans to reduce duplication and administrative burden
7. Include a requirement in the Bill for national templates to be developed that are aligned with new hazard policies
8. Provide standardised methodologies for hazard identification and risk assessment ensuring consistency across enactments to enable local authorities to streamline their risk assessment processes
9. Direct officials to develop implementation guidance with local government focused on:
    - Working with overlapping provisions
    - Sequencing planning processes to minimise duplication and cost

Lead agency

We support the intent of clauses 69, 70 and 83 of the Bill. Having clarity on the functions of the lead agency will be helpful in many cases.

Clause 83 states that the National Emergency Management Plan (NEMP) may identify lead agencies (at a national level) for particular hazards. To remove confusion, we would like to see a mandatory requirement that the NEMP identify a lead agency for all hazards. Trying to identify a lead agency in the middle of a response to an emergency event is fraught, particularly where communication channels are impacted. We also would like to see the NEMP provide for identifying a lead agency in instances where there are multiple concurrent hazards manifesting and it is not obvious who should take the lead:

- If there is a large wildfire in the middle of a heat wave, is health the lead agency or FENZ or another agency?
- If there is a significant flood in the middle of a pandemic, is health the lead agency, or the EMC?
- If an earthquake causes a significant spill of a contaminant or hazardous substance, is the EMC the lead agency or FENZ, or another agency?
- If there is significant civil unrest and violence within response to a storm event, is the EMC the lead agency, or police/armed forces?

Recommendations

1. Amend clause 83 as follows:
    a. "The national emergency management plan must ~~may~~ identify …".
    b. Add a new sub-clause "The national emergency management plan must identify how the lead agency will be determined in the case of multiple concurrent hazards".

Making regulations, rules and standards

The EM Bill provides for the power to make regional emergency management planning standards (clauses 100-102), regulations (clauses 210-211), and rules (clauses 212-215).

- The Minister may issue standards prescribing requirements on the structure, format or content of a regional emergency management plan that apply to one or more EMCs. The Minister must publicly notify a draft standard and give the public, local authorities and EMCs opportunity to make submissions.
- The Minister has broad powers to recommend the making of regulations to the Governor General that include "anything incidental that is necessary for carrying out or giving full effect to this Act". In making regulations, consultation is not required and is at the Minister's discretion.
- Likewise, the Minister can make rules directly for similarly broad purposes. In making rules, the Minister must publicly notify "a statement specifying the objective of the rule" and allow for submissions. If a rule allows it, the Director-General can exempt certain parties from compliance with the rule for up to three years.

The distinction between the matters listed as regulations versus rules is generally appropriate. The regulations are targeted at practices and procedures where standardisation is clearly necessary, and there are no mandatory consultation. The standards and rules prescribe requirements for methods, procedures and arrangements that will support effective emergency management, but where there may be different interpretations on best approach, so consultation is required.
The rule-exemption power of the Director General is important as it allows for circumstances where a local authority may need additional time to meet requirements. Often factors beyond the control of local authorities (such as emergency events) disrupt and constrain capacity.

There is an indication that central government intends to make greater use of the New Zealand Standards system in setting national direction under several enactments[2]. While the system ensures high standards of technical expertise and there are consultation requirements in the enactments to ensure workability, the NZS system typically operates on pay-per-view access. Anyone wanting to view a NZ Standard has to purchase an annual subscription. We would like assurances that central government intends to ensure free public access to standards made under these enactments so that local authorities (and their communities) are not bankrolling central government to develop the standards.

Recommendations

1. Retain clauses 214-215.
2. Ensure free public access to any standards prepared under the enactments.

Issue 2: Implementation

Implementation costs

The Regulatory Impact Statement (RIS) has identified implementation costs that will fall to local authority members of CDEM groups over a 4-year period – being an additional $82.4 million dollars. This figure covers implementation of new requirements, updating CDEM plans and engaging with disproportionately affected communities and iwi/Māori. Costs will also be associated with renegotiating MoUs and contracts.

The RIS goes on to identify, as the associated risk, "**lack of resource, capacity and capability to implement all requirements fully and/or in a timely manner will delay realisation of expected benefits of improved system**." And regarding mitigation, "**no mitigation proposed. Costs will fall to local government**."

This reform comes at a time when other significant reforms are landing and will fall to local government to implement, and all with hefty price-tags. These include resource management reforms. These additional costs will arise in the context of significant fiscal constraints for local government, and the current consultation on capping rates increases. Given the direction has come from the Government to cap rates increases, to

[2] For flood modelling and risk analysis. https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/adapting-to-climate-change/national-adaptation-framework/#legislation-for-adaptation-planning

meet these costs, funding is necessary that is not rates. The cost burden will be felt unevenly across the country. Although all of New Zealand has a high number of risks and hazards, some parts of the country are impacted more regularly and more severely by catastrophic events. The current model of putting costs onto councils appears to treat every council evenly. However, for Tairawhiti or the West Coast, the council costs will be disproportionately higher than other parts of New Zealand. There are some councils and national agencies who are already financially strained through response/ recovery from weather-related events over the last 4 months. Considering existing financial constraints prior to implementation of this bill and other reform will be an added burden on the communities. For context, we highlight the difficulties chief executives have faced retaining and attracting talent in the aftermath of a severe weather event. Chief Executives cite the example where finding staff to take on the role of Group Controller post an event has been particularly challenging.

The RIS has clearly identified the lack of resource, capacity and capability that sits with local government, pointing to a need to either amend the requirements that sit with local government, so they are more realistic or to resource local government to fulfil the new requirements in a timely way. It makes no sense to develop gold plated policy if it is unaffordable (and unfunded). The RIS identifies that for every dollar spent on disaster preparedness, evidence suggests at least four dollars can be saved in response and recovery costs. This reform is a priority for local government and for central government – its implementation needs to be resourced adequately. Taituara urges the Select Committee to be conscious of the cost implications associated with this Bill and to address this.

An implementation package, with a focus on defined roles and responsibilities is critical to achieving consistent implementation across the country. We also note that specific Recovery Training has been identified as a priority by councils but we understand is still some way off being available.

Implementation Timeline (cl2(2))

Taituarā supports the phasing of some key changes via the commencement clause. It will be important to coordinate the commencement date of provisions with the publishing of any new and substantially different regulations.

Additional time is needed before some clauses take effect. The compliance order regime is scheduled to commence six months after Royal Assent. This timeframe is highly compressed for Committees to establish compliance monitoring systems, assess their status against requirements (many of which will not be finalised when the Bill passes), and address any gaps.

New obligations, such as hazard identification under clause 42, may also require capability development. Six months is insufficient for these changes. The legislation should adopt a more realistic timeframe that allows for a managed raising of capacity, taking into account local government processes.

Recommendations

1. Adopt an affordability principle with co-funding of new duties for local government.
2. Provide funding for implementation to support the legislative changes so that local government can implement the requirements fully and in a timely manner.
3. Amend the Bill to allow longer than 6 months after Royal Assent before the compliance order regime becomes operational. Consider aligning with the 2027 LTP cycle.
4. That officials are directed to work with local government to develop implementation guidelines and templates to assist Committees in meeting new obligations.
5. Provide implementation support for new obligations such as hazard identification under Clause 42.

Issue 3: Role of chief executives (clause 44)

Taituarā notes that the submissions from local government to the Discussion Document have, to some extent, been taken on board. We were concerned with the proposal that the chief executive of each local authority by default would hold the role of Controller and Recovery Manager. This blurs the lines of accountability for chief executives. It also places an inordinate amount of pressure on a single person to carry out all required duties under the Bill including:

- direct and coordinate emergency management activities during response (clause 56) and recovery (clause 65)[3]
- ensure their local authority organisation is able to continue to carry out its duties and functions (clause 43)
- for unitary authority chief executives, ensure that essential infrastructure is able to function to the fullest extent possible (clause 74).

The Bill provides that a chief executive may delegate the role and that s/he remains responsible and accountable under this Act for the performance of the role.

Clause 44 specifies the duties of chief executives of territorial authorities (including a unitary authority). Specifically, when there is no state of emergency/transition in force, the chief executive must co-ordinate the use of personnel, material, information, and other resources made available for the purposes of this Act. This duty has no direct equivalent in the current legislation. It represents a significant expansion of accountability of chief executives to enhance emergency preparedness. It will require guidance to support implementation.

We also consider the 12 months lead in time for this provision is ambitious, given the expectation is to develop a comprehensive inventory, systems and processes for emergency management resourcing across councils – for chief executives to then

[3] Potentially for an extended period as recovery from significant events tends to have a long tail

coordinate. The commencement clause should be tied to the availability of guidance to support implementation of this role.

Another issue related to the lead in time is the provision and potential conflict between regional plans and local planning and implementation. It is very difficult to progress uplift at the local level before the Group Plan is delivered at the regional level.

Lastly, it is unclear why the chief executives of regional councils are excluded from this provision, when they also have a role to coordinate resources etc.

Recommendations

1. Support **clause 44** that specifies the duties of chief executives
2. Add regional councils to **clause 44**.
3. That officials are directed to work with local government to develop guidance to support defined roles and responsibilities in the legislation
4. That commencement of clause 44 should follow the provision of implementation guidance and allow time for councils to implement this

Issue 4: Liability (clauses 202-204) and Offence provisions (clause 187)

Civil liability

Taituarā supports the wider approach to civil liability taken in the Bill. **Clause 202**: Grants immunity from civil liability to:

- the Crown,
- Emergency Management Committees and their members/officers,
- anyone with functions under the Bill,
- and those acting under direction—all for acts or omissions during a state of emergency or transition period

We have considered the provisions regarding the duty of the chief executive and the liability framework in the Bill. Clause 202 provides for civil immunity for the persons person with functions, duties, or powers under the Act, which includes chief executives. We support this approach.

However, there is a gap for the Co-ordinating Group, which is not covered by clause 202.

There is also a gap regarding people acting in good faith but without that direction being practically available. We think the issue of such liability should be addressed. Taituarā also considers that volunteers should be explicitly captured by the civil liability protections. The Health and Safety at Work Act 2015 explicitly excludes volunteers from liability.

We also specifically support clause 203 providing immunity from civil claims related to issuing—or failing to issue—a warning about a hazard, regardless of whether in an emergency or not.

Compensation

We note that in providing for District Controllers within the scope of the EM Bill, there are now provisions requiring territorial authorities to compensate for damage and loss as a result of a decision or action taken under a District Controller or District Recovery Manager. This is a new requirement. In the current Act, there is no direct mention of local authorities bearing specific emergency management costs including compensation - it is left up to CDEM Groups to identify their financial arrangements in Group Plans – it is not considered explicitly in Group Plans currently.

Offence provisions

Taituara notes that there has been a significant increase in the maximum penalty amounts allowable under the EM Bill. For example, the maximum penalty for an individual failing to comply with a direction has risen from $5,000 to $50,000, and in the case of a body corporate the maximum has risen from $50,000 to $150,000. This is a much stronger deterrent for offending.

We note that, with respect to chief executives of local authorities, the Bill creates divergence regarding liability. While providing for strong civil immunity, at the same time it expands the accountability of chief executives, exposing them to the compliance order framework in Part 5 of the Bill (clauses 174-178) and the offences regime at clause187. We consider that guidance should be specifically developed to cover the accountability requirements and their relationship with the compliance order framework.

Recommendations

1. Support clauses 202 and 203 which provide legal protections from civil claims for decision-makers and responders acting appropriately under the Act
2. Provide legal protection for members of the Co-ordinating Group.
3. Provide legal protection for persons acting in good faith during an emergency or transition period and for volunteers
4. That officials work with local government to develop guidance on the accountability requirements for chief executives

Issue 5: Māori participation

Taituarā agrees with the RIS:

- that iwi Māori have unique knowledge, skills, and resources to contribute to emergency management across the 4 Rs which come from their experience responding to and recovering from emergencies in New Zealand for centuries; and

- there is also a need for stronger recognition of iwi Māori as Treaty partners in the emergency management system.

We are concerned that the Bill goes only partway to achieving this.

There is no iwi representation mandated at governance level, that is, at the Emergency Management Committee level. Representation is only mandated in the EM Bill at the executive management level through the Coordinating Executive Group. The CEG is not a decision body and only has powers to advise EMCs. Therefore, mana whenua are missing from the governance level of emergency management under the EM Bill.

At the very least the EM Bill needs to allow for EMCs to choose to include mana whenua representation at the governance level. The LGA under Schedule 7 provides for non-elected representative membership of council committees.

Clause 39 provides that the membership of the Committee's Co-ordinating Executive Group (CEG) includes 1 or more persons with local perspectives of Māori, Māori communities, and their interests and values, including mātauranga Māori (Māori traditional knowledge) and tikanga Māori (Māori protocol and culture), iwi, and hapū in the area.

Taituarā submits that the more explicit approach taken in the 2023 Bill relating to membership of the CEG is preferable and will realise the Government's stated ambition of stronger recognition of iwi Māori as treaty partner. We support the appointment of Māori members to the CEG, rather than the appointment of persons with local perspectives of Māori etc.

Recommendation

1. Amend clause 24
2. (6) An Emergency Management Committee may invite 1 or more mana whenua groups to appoint a representative to the EMC.
3. Amend **clause 39** to specify that iwi appoint their representatives to the CEG
4. Provide resource centrally to support the appointments

Issue 5: Other parties (clauses 69-76)

We support the Bill identifying national lead agencies for particular hazards. To enable implementation of this provision, we consider triggers are needed, regarding the scale of the emergency and when the lead agency has responsibility. We also agree with the submission of Te Uru Kahika, that these provisions should explicitly apply to the recovery phase.

Recommendation

1. Include triggers to provide clarity for when the lead agency has responsibility
2. Include recovery explicitly in the relevant provisions

Issue 6: New planning obligations (clause 91)

The Bill introduces three new mandatory plan elements, with a 12-month implementation period:

- Clause 91(1)(k): "Arrangements for the needs of any community in the Committee's area that the Committee considers may be a disproportionately affected community in an emergency"
- Clause 91(1)(l): "Arrangements for how offers of assistance with emergency management from individuals and groups will be managed during an emergency"
- Clause 91(1)(m): "Arrangements for managing animals (including pets, working animals, livestock, and wildlife) during an emergency"

Disproportionately affected community

Taituarā supports the principle of enhanced engagement for disproportionately affected communities, and we support flexibility so decisions can be made locally.

We have identified some challenges relating to what is a "disproportionately affected community" and encourage these to be ironed out to support implementation. Clause 5 defines a disproportionately affected community as communities with existing vulnerabilities or specific needs meaning they're likely affected more significantly. E.g:

- Rural communities
- Culturally and linguistically diverse communities
- Seniors
- Disabled people
- Children
- Those experiencing socio-economic deprivation or isolation

It is important to note that for some Districts this definition could encompass up to 90% of the population. For those Districts this requirement is unnecessary as all emergency management planning is focused on the population who are nearly all disproportionately affected people. There is a strong need for national guidance on how to implement this in a cost-effective manner. These provisions should not take effect until at least 12 months from the publication of that national guidance.

The Bill requires enhanced engagement. Clause 94 requires the Committee to "engage with" representatives of disproportionately affected communities (not just "consult"); and clause 41 requires that resources must be provided to Māori and rural representatives on CEG.

These requirements formalise the good practice that is already occurring in many Emergency Management Groups. Taituarā is pleased to support the strengthening of community partnerships, noting these will support a more effective response. These clauses both have resource implications for local government in the form of:

- Staff time - enhanced engagement is more resource-intensive than consultation
- CEG support - budget for supporting Māori/rural representatives
- Planning costs: Vulnerability assessments, animal management planning
- Implementation: May require new capabilities (animal welfare response)

Lastly, the definition of 'Community' differs to other definitions of community that councils are required to work to. For elections, Representation Reviews are required to identify 'communities of interest' which includes geographical, religious, ethnic or social. For this Bill, The definition of 'community' needs to be carefully identified and considered and aligned with other definitions of community in legislation. Further, clarity is needed on what 'disproportionately affected' means.

Strengthening the role of communities

The Bill could go further to address the issue identified in the *Government Inquiry into the Response to the North Island Severe Weather Events* around strengthening the role of communities in emergency management. The report discusses making arrangements for the needs of affected communities, but this does not speak to their role. Some guidance on what this looks like, and how to manage the associated risks, would be very helpful to achieve this goal.

Volunteers

Lastly, the Bill provides for an Emergency Management Committee to recruit and train volunteers for emergency management tasks clause 29(2)(a)). The issue of risk to councils associated with this needs to be addressed. For example, what status do volunteers have in relation to Council if they are delivering emergency management tasks?

Recommendations

1. Provide resource centrally to support the enhanced planning obligations
2. Align with existing definitions of "community" and clearly define what is meant by "community" for the purposes of this Bill
3. Define "disproportionately affected community" and provide implementation guidance to support this requirement
4. Develop guidance on strengthening the role of communities in emergency management

Taituarā
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