



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Governance and Administration Committee
Komiti Whiriwhiri Take Whakahaerenga

54th Parliament
April 2024

Emergency Management Bill

225—1

Presented to the House of Representatives
by Rachel Boyack, Chairperson

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Emergency Management Bill

Recommendation

The Governance and Administration Committee has examined the Emergency Management Bill and recommends that the bill not proceed.

Overview of the bill

The Emergency Management Bill aims to improve the performance of New Zealand's emergency management system. The bill would replace the Civil Defence Emergency Management Act 2002. It seeks to modernise the legislative and regulatory framework for emergency management by increasing flexibility in how standards are set and managed across all stages of emergency management (risk reduction, readiness, response, and recovery).

The bill includes provisions to:

- clarify the roles and responsibilities of entities in the emergency management system
- recognise and ensure the participation of Māori in the emergency management system
- improve the resilience and accountability of critical infrastructure providers
- provide the Director of Emergency Management with rule-making powers to improve the responsiveness of the emergency management regulatory framework
- require engagement with communities that are disproportionately affected by emergencies.

The bill was referred to the Governance and Administration Committee of the 53rd Parliament, which called for written submissions with a closing date of 3 November 2023. The submissions are published on the Parliament website. We thank submitters for sharing their views with the committee.

Minister informed us that the Government no longer intends to proceed with the bill

The Minister for Emergency Management and Recovery wrote to this committee in December 2023, at the start of the 54th Parliament. He said that the Government would likely want to make major changes to the bill. He noted that any consideration of the bill in its current form could result in wasted effort from committee members if changes were made.

In light of this, we wrote to the Business Committee in December 2023 requesting an extension to the 29 March 2024 deadline for reporting the bill back to the House. The Business Committee granted our requested extension to 19 December 2024.

On 27 March 2024 the Minister wrote to us again stating that the Government had decided not to proceed with the bill. The Minister explained the reasoning for this decision as follows:

The Government Inquiry into last year's severe weather events and submissions on the Bill make it clear that the existing Bill does not deliver the integrated, fit-for-purpose emergency management framework that New Zealand needs. As outlined in my letter of 12 December 2023, I had anticipated making changes to the Bill as it progresses through its parliamentary stages. However, amendments would need to be made without the rigour of a full policy process, including thorough testing with stakeholders. Given the extent of change required, there is a very real risk of producing a bill that fails to achieve its intent and creates perverse outcomes.

The Minister noted that he intends to introduce a motion to discharge the bill when it is reported back to the House by this committee. He explained his intention to introduce a new bill later in this parliamentary term, as well as progressing non-legislative system changes.

We have therefore decided, by majority, to report the bill back to the House without further consideration.

The committee notes the importance of developing policy and legislation in this area in a multipartisan way to ensure that future legislation is enduring.

Differing view

The Labour Party holds a different view from the committee majority in relation to the proposed discharge of the Emergency Management Bill. We consider, on balance, that the bill should continue to progress through the House because this is the most efficient way of addressing the urgent changes needed to the emergency management framework.

The Emergency Management Bill was introduced in 2023 to the 53rd Parliament and passed its first reading through the House. The aims of the bill were to improve the performance of New Zealand's emergency management system and address the known issues in our emergency management system, replacing the Civil Defence Emergency Management Act 2002. It sought to update and modernise New Zealand's emergency management framework and followed Cyclone Hale, Cyclone Gabrielle, and the Auckland January Floods. Submissions were called for and received by the committee.

The timing of the introduction was done with the intention that the Government Inquiry into the Response to the North Island Severe Weather Events would inform changes at select committee or at the Committee Stage of the House.

In reading the Government Inquiry, we consider that there are a number of suggested and helpful amendments made by the authors that could have been used as a basis to incorporate further changes and improvements to the bill. We were willing to work as constructively as possible to ensure that the best possible version of the legislation was drafted and ushered through the House, ideally with bipartisan agreement. Although the Government Inquiry suggests that a number of significant changes are made to the bill, we do not consider that the case is made in the Inquiry for the wholesale discontinuation of the bill.

We are pleased to see that the Minister has committed to bringing in new legislation this term in Parliament and also to progressing non-legislative changes. However, we are

concerned that there were useful and helpful changes proposed in the existing bill and that further improvements could have been made without the additional delay. We are particularly concerned about the delay to the expansion of the list of the lifeline utility definitions, the enabling of concurrent states of emergencies, and the increase of penalties and infringement offences that we understand cannot be progressed without legislative change.

We know it is a matter of not if but when New Zealand suffers from another natural disaster and we know there are improvements in the proposed Emergency Management Bill that would assist the response to the next emergency. We therefore disagree with the decision of the committee and the Minister to discontinue the progress of this bill.

Appendix

Committee procedure

The Emergency Management Bill was referred to the Governance and Administration Committee of the 53rd Parliament on 28 June 2023. The closing date for submissions was 3 November 2023. The committee received 323 submissions from interested groups and individuals. It did not hear oral submissions.

We received advice on the bill from the National Emergency Management Agency. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office was available to assist with legal drafting. The Regulations Review Committee reported to the committee on the powers contained in clause 53.

Committee members

Rachel Boyack (Chairperson)
Cameron Brewer
Tim Costley
Andy Foster
Tom Rutherford
Lemauga Lydia Sosene
Celia Wade-Brown

Related resources

The documents that we received as advice and evidence are available on the [Parliament website](#).