



Proactive Release

The following document has been proactively released by the Department of the Prime Minister and Cabinet, and National Emergency Management Agency, on behalf of Hon Mark Mitchell, Minister for Emergency Management and Recovery:

Strengthening Disaster Resilience and Emergency Management: Legislative Implications

The following documents have been included in this release:

Title of paper: Strengthening disaster resilience and emergency management: legislative implications (CAB-24-SUB-0458 refers)

Title of minute: Report of the Cabinet Economic Policy Committee: Period Ended 22 November 2024 (CAB-24-MIN-0458 refers)

Title of minute: Strengthening Disaster Resilience and Emergency Management: Legislative Implications (ECO-24-MIN-0269 refers)

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction code:

- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials

~~In Confidence~~

Office of the Minister for Emergency Management and Recovery
Cabinet Economic Policy Committee

Strengthening disaster resilience and emergency management: legislative implications

Proposal

- 1 This paper seeks:
 - 1.1 in-principle agreement to the scope of reform of New Zealand's emergency management legislative framework, to be confirmed following public consultation;
 - 1.2 agreement to make several straightforward improvements to operational arrangements through a new bill; and
 - 1.3 approval to issue a first tranche of drafting instructions to commence a rewrite of the Civil Defence Emergency Management Act 2002 (the CDEM Act).

Relation to government priorities

- 2 Managing a strong economy is a priority for this Government. A proactive focus on disaster resilience will help to reduce the widespread harm and cost of emergencies and ensure that public money is being spent effectively.

Executive Summary

- 3 This paper supports the Government response to the Government Inquiry into the Response to the North Island Severe Weather Events (the Inquiry), *Strengthening disaster resilience and emergency management* (the Government Response).
- 4 On 30 September 2024, Cabinet invited me to report back to the Cabinet Economic Policy Committee (ECO) by the end of 2024 on legislative implications arising from the Government Response, including the need for a new bill [ECO-24-MIN-0216].
- 5 Although I consider the intent of the CDEM Act remains sound, changes to the Act are required to fully deliver on the Government Response and enable an emergency management system that can meet the growing risk we face.
- 6 My objectives for a new bill are to strengthen the participation of communities and iwi Māori in emergency management; provide for clear responsibilities at the national, regional, and local levels; enable a higher minimum standard of emergency management; minimise disruption to essential services; and ensure agencies have the tools to do their jobs effectively when an emergency happens.
- 7 Collectively, meeting these objectives will enable the emergency management system to be more effective at reducing the social and economic costs of disasters.

- 8 The CDEM Act is 22 years old and inconsistent with modern legislative design and drafting practice. To expedite the delivery of a modern emergency management legislative framework, I propose a two-stage approach to rewriting the Act.
- 8.1 The first stage involves drafting to modernise the current CDEM Act, incorporating the operational improvements proposed in **Appendix One**, without making further substantive policy changes. This paper seeks agreement to issue drafting instructions for this stage.
- 8.2 In the second stage, I will seek approval for substantive policy changes to be incorporated into the modernised draft bill. I intend to seek further policy decisions and approval to release a discussion document s9(2)(f)(iv) ahead of final policy decisions in s9(2)(f)(iv)
- 9 This “rolling” policy and drafting approach and the indicative timing for the legislative process are set out in **Appendix Two**. My intention is to introduce a bill in s9(2)(f)(iv)

Background

- 10 In March this year, Cabinet agreed to take steps to discharge the previous Government’s Emergency Management Bill once it became clear that the bill would not be sufficient to address systemic issues identified by the Inquiry. Cabinet noted that I intend to introduce a new bill during the current term of government to deliver a fit-for-purpose emergency management legislative framework [LEG-24-MIN-0039].
- 11 I released the Government Response on 10 October 2024. The Government Response sets out five focus areas (with supporting actions) to strengthen the emergency management system:
- 11.1 Give effect to the whole of society approach to emergency management.
- 11.2 Support and enable local government to deliver a consistent minimum standard of emergency management across New Zealand.
- 11.3 Professionalise and build the capability and capacity of the emergency management workforce.
- 11.4 Enable the different parts of the system to work better together.
- 11.5 Drive a strategic focus on implementation and investment to ensure delivery.
- 12 On 30 September 2024, Cabinet invited me to report back to ECO by the end of 2024 on the legislative implications arising from the Government Response, including the need for a new bill [ECO-24-MIN-0216].
- 13 I intend to take three further proposals to Cabinet in the near term relating to other (non-legislative) improvements to the emergency management system:
- 13.1 s9(2)(f)(iv)

- 13.2 I will report back to ECO s9(2)(f)(iv) with an implementation and investment roadmap for the Government Response [ECO-24-MIN-0216].
- 13.3 I will also report back to ECO s9(2)(f)(iv) with a suite of tools to guide immediate Government decision making about recovery following a significant natural hazard event [ECO-24-MIN-0237].

The overall intent of the CDEM Act remains sound...

- 14 The CDEM Act sets New Zealand’s legal framework for managing the risk of emergencies.¹ At its core, the Act promotes a hazard-agnostic, whole of society approach to emergency management (reducing the risk of emergencies, preparing for them, and responding to and recovering from them when they happen) by:
 - 14.1 creating statutory officers within central and local government and mandating them, government departments, local authorities, emergency services, and lifeline utilities² to carry out a range of emergency management functions;
 - 14.2 requiring integrated planning instruments that set out emergency management arrangements at the national and regional levels;
 - 14.3 enabling more detailed expectations to be set through regulations and non-enforceable guidelines, codes, and technical standards; and
 - 14.4 providing access to extraordinary powers that can be used to protect people and mitigate wider consequences during and after an emergency.

... but legislative reform is required to enable the emergency management system that New Zealanders expect

- 15 Although the intent of the CDEM Act is sound, the Inquiry and other reviews have made it clear that New Zealand has not achieved the whole of society approach to emergency management that Parliament envisaged when the Act was passed in 2002.
- 16 At the same time, the risk of emergencies is growing – driven in part by climate change, demographic shifts, global trends, and an increasing reliance on technology. New Zealand is particularly exposed to natural hazards (more than any other developed country), with the Crown’s contingent liability projected to increase from \$0.7 billion in 2020 to \$3.3 billion in 2050. It is vital that our emergency management system is underpinned by a fit-for-the-future legislative framework.

Proposed objectives for legislative reform

- 17 I have considered the five focus areas identified in the Government Response and concluded that legislative reform will be required to fully deliver on actions relating

¹ “Emergency” has a specific meaning in the CDEM Act, with a higher threshold than the everyday use of the term. An adverse event is only an emergency if it both:

- a. 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, **AND**
- b. cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under the CDEM Act.

² Certain organisations in the energy, water services, telecommunications, broadcasting, and transport sectors.

to the statutory roles, planning arrangements, expectation-setting tools, and emergency powers described in paragraph 14 above.

- 18 Based on my assessment of these actions and other known issues with the emergency management system,³ I propose the following policy objectives for a new bill:
- 18.1 Strengthen the participation of communities and iwi Māori in emergency management.
 - 18.2 Provide for clear responsibilities at the national, regional, and local levels.
 - 18.3 Enable a higher minimum standard of emergency management.
 - 18.4 Minimise disruption to essential services.
 - 18.5 Ensure agencies have the tools to do their jobs effectively when an emergency happens.
- 19 A bill that meets these objectives will enable the emergency management system to be more effective at managing disaster risk, ultimately reducing the social and economic costs of disasters.
- 20 Issues that I intend to examine to achieve these objectives are set out below. These issues are illustrative – I am not seeking decisions on them at this stage. I anticipate that further legislative implications will be identified as work progresses on the implementation and investment roadmap for the Government Response.

Strengthening the participation of communities and iwi Māori in emergency management

- 21 A whole of society approach requires emergency management agencies that understand the needs of the communities they serve and empower them to contribute to emergency management activities. Issues that may require changes to primary legislation include the following:
- 21.1 Individuals, businesses, and communities are not adequately supported to understand their role in the emergency management system.
 - 21.2 Disasters affect some individuals and groups disproportionately or in different ways. These groups' specific needs are not always well considered.
 - 21.3 Iwi, marae, and other groups that represent Māori have deep knowledge of and relationships within their communities and make significant contributions to emergency management. However, they often face barriers that prevent effective participation at the local, regional, and national levels.
 - 21.4 Many community organisations and local businesses have resources, networks, and other capabilities to offer to the 'formal' emergency management system, but they often are not enabled or empowered to do so.

³ Including certain matters that the discharged Emergency Management Bill intended to address, and issues raised through select committee submissions.

Providing for clear responsibilities at the national, regional, and local levels

- 22 The CDEM Act places emergency management responsibilities on various central government, local government, and private sector organisations. Further detailed responsibilities are prescribed through national and regional planning instruments. Issues that may require changes to primary legislation include the following:
- 22.1 The balance of responsibilities and accountabilities within the local and regional levels of the emergency management system may not encourage local authorities to manage hazards and risks effectively.
 - 22.2 The Director of CDEM⁴ may not have the right functions and powers to promote and integrate emergency management activities across the system.
 - 22.3 The mandate of statutory officers is ambiguous outside declared emergencies (response) or transition periods (early recovery). This can create confusion about which agency is ultimately in charge during an emergency.
 - 22.4 Most specific emergency management roles and responsibilities are set out in national and regional planning instruments. These instruments may not be striking an appropriate balance between certainty and flexibility.

Enabling a higher minimum standard of emergency management

- 23 Local authorities (through 16 regional CDEM Groups) are responsible for determining the most appropriate way to manage hazards and risks in their areas. At the same time, I want to ensure the emergency management system is delivering acceptable outcomes for people in every part of New Zealand. Issues that may require changes to primary legislation include the following:
- 23.1 There may be gaps in the standards that can currently be set through regulations, and opportunities to set standards in a more flexible way.
 - 23.2 The CDEM Act provides few mechanisms to ensure compliance with obligations or minimum standards when they are not being met.
 - 23.3 Local authorities hold many of the risk reduction levers available under other legislation, but often do not use them effectively to deliver on their emergency management functions in the way the CDEM Act intended.

Minimising disruption to essential services

- 24 Emergencies often disrupt the essential services that are provided by lifeline utilities, government agencies, and local authorities. The increasing interdependency between lifeline utilities means that disruption in one sector can create cascading impacts on other essential services and response agencies. Issues that may require changes to primary legislation include the following:

⁴ The Director is a statutory officer who holds various emergency management functions and powers at the national level, currently appointed by the chief executive of the National Emergency Management Agency.

- 24.1 An increasing number of sectors operate infrastructure that provides or enables essential services. Some of these sectors could not be recognised as lifeline utilities under the CDEM Act.
 - 24.2 While lifeline utilities typically take their individual business continuity responsibilities seriously, there is insufficient joint planning *between* lifeline utilities – including at a regional level and between those in different sectors.
 - 24.3 Lifeline utilities, CDEM Groups, and other emergency management agencies do not always share information or work together effectively during an emergency. This can delay timely restoration of essential services.
 - 24.4 Managing disruption to essential services requires effective business continuity arrangements, but the CDEM Act provides few tools to improve business continuity planning. Crown Entities often provide essential services but are not covered by existing business continuity requirements.
- 25 The Minister for Infrastructure is progressing work to embed better asset and risk management practices across New Zealand’s critical infrastructure system, with the objective to reduce disruption of essential services that would have national or otherwise significant consequences. The regulatory and non-regulatory measures being developed through this work will also support my policy objectives for emergency management.

Ensuring agencies have the tools to do their jobs effectively when an emergency happens

- 26 The CDEM Act provides access to additional powers during a declared state of emergency or transition period. I want to ensure these powers can be accessed and exercised effectively and address potential gaps or ambiguities in how they may be used. Issues that may require changes to primary legislation include the following:
- 26.1 Emergencies can create negative consequences for animals and assets or sites with heritage or cultural value. The CDEM Act and other legislation provide limited ability to protect these things in some situations.
 - 26.2 Emergency powers can be exercised by a range of actors. Some of these powers may not sit with the most appropriate actors by default.
 - 26.3 A person commits an offence if they intentionally fail to comply with certain emergency powers (such as a direction to evacuate). The associated penalties are low, and offences can only be penalised through the Courts. This makes it unlikely for prosecution to occur, providing relatively little deterrence.

I seek agreement to adopt several operationally-focused proposals from the discharged Emergency Management Bill

- 27 The discharged Emergency Management Bill proposed several changes that intended to address barriers to operational effectiveness and fix drafting errors, summarised in **Appendix One**. I agree that these issues still need to be addressed and seek agreement to do so through the new bill.

- 28 In some cases, I consider technical changes to these proposals will be required (including to take account of select committee submissions on the previous bill). I seek delegated authority to make the necessary detailed policy decisions.

Next steps

- 29 This is the first of three proposed Cabinet papers seeking policy decisions to enable development of a new bill:
- 29.1 Paper 1 (this paper): seeks in-principle agreement to the scope of reform, plus agreement to commence drafting on straightforward aspects of the CDEM Act rewrite (discussed further in paragraphs 33 to 35 below).
- 29.2 Paper 2: s9(2)(f)(iv) seeking approval to release a discussion document and agreement on any policy that is ready for decisions based on targeted consultation (to enable further drafting).
- 29.3 Paper 3: s9(2)(f)(iv), seeking final policy decisions based on consultation feedback, to enable final drafting of the bill.
- 30 This “rolling” policy and drafting approach has been agreed with the Parliamentary Counsel Office (PCO) in an effort to manage their workload, given the Legislative Programme expected next year. This approach makes the most of work undertaken on the previous Emergency Management Bill and maximises the time to develop and engage on new policy. It enables PCO to start drafting straightforward aspects of the bill in parallel to the policy work, reducing the risk of delays or errors.
- 31 This approach and the indicative timing for the legislative process are set out in **Appendix Two**. My intention is to introduce the bill s9(2)(f)(iv)

Financial and cost-of-living implications

- 32 The policy proposals in this paper have no financial or cost-of-living implications.

Legislative implications

- 33 The CDEM Act is 22 years old. Although I intend to retain much of its underlying policy framework, the Act is difficult to navigate and inconsistent with modern legislative design and drafting practice.
- 34 These issues would not be addressed through an amendment bill. I therefore propose the CDEM Act be rewritten. To allow sufficient drafting time, and to expedite the delivery of a modern emergency management legislative framework, I propose a two-stage approach to the rewrite of the Act.
- 34.1 The first stage involves drafting to modernise the current Act and incorporate the operational improvements proposed in **Appendix One**, without making further substantive policy changes.

34.2 In the second stage, I will seek approval (through papers 2 and 3 noted in paragraph 29 above) for substantive policy changes to be incorporated into the modernised draft bill.

35 I am therefore seeking a place on the 2024 Legislation Programme for a rewrite of the CDEM Act, holding a category 6 priority (drafting instructions to be issued to PCO within the year). I also seek agreement to issue drafting instructions for the first stage of the rewrite of the Act. Substantive policy changes will only be included in the redrafted bill once Cabinet makes further policy decisions ^{s9(2)(f)(iv)} [REDACTED]

Impact analysis

Regulatory Impact Statement

36 The Ministry for Regulation has confirmed that Cabinet's impact analysis requirements do not apply to decisions in this paper relating to the scope of reforms.

37 Decisions to make improvements to operational arrangements (in **Appendix One**) were either previously exempted by the Ministry for Regulation or were subject to previous impact analysis when Cabinet made previous decisions [GOV-20-MIN-0035, GOV-22-MIN-0031, LEG-22-MIN-0239].⁵

Climate Implications of Policy Assessment

38 The policy proposals in this paper have no climate implications.

Population implications

39 A range of population groups may be disproportionately (or differently) affected by disasters, including Māori, children, seniors, disabled people, Pacific peoples, rural communities, and culturally and linguistically diverse groups. As noted in paragraph 21.2 above, I intend to improve how the emergency management system considers the different needs of these groups.

Human rights

40 The policy proposals in this paper have no human rights implications.

Use of external resources

41 No external resources contributed to the development of this proposal.

Consultation

42 The following departments and agencies were consulted: Department of Internal Affairs, Department of the Prime Minister and Cabinet, Fire and Emergency New Zealand, Government Communications Security Bureau, Ministry for Culture and Heritage, Ministry for the Environment, Ministry for Primary Industries, Ministry for

⁵ July 2020: [Regulatory Impact Statement: Updating the legislative framework to strengthen New Zealand's response to emergencies – tranche one](#)
July 2022: [Regulatory Impact Statement: Emergency Management System Reforms](#)

Regulation, Ministry of Business, Innovation and Employment, Ministry of Defence, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Social Development, Ministry of Transport, Natural Hazards Commission Toka Tū Ake, New Zealand Defence Force, New Zealand Police, New Zealand Security Intelligence Service, Public Service Commission, Te Arawhiti, Te Puni Kōkiri, Te Waihangā New Zealand Infrastructure Commission, and the Treasury.

- 43 The Leader of the House and PCO have been consulted on my proposal to add a bill to the 2024 Legislation Programme.

Communications

- 44 The Government has publicly committed to introducing a bill this term. I intend to set out my objectives for legislative reform publicly in the coming months. I am aware there is interest across Parliament in these reforms. Following Cabinet's decisions on this paper, I intend to engage opposition parties during the development of the bill.

Proactive Release

- 45 I intend to proactively release this paper, subject to redactions consistent with the Official Information Act 1982.

Recommendations

The Minister for Emergency Management and Recovery recommends that the Committee:

- 1 note that in September 2024, Cabinet invited the Minister for Emergency Management and Recovery to report back to the Cabinet Economic Policy Committee (ECO) by the end of 2024 on legislative implications arising from *Strengthening disaster resilience and emergency management*, the Government response to the Government Inquiry into the Response to the North Island Severe Weather Events (the Government Response) [ECO-24-MIN-0216];
- 2 note that the intent of the Civil Defence Emergency Management Act 2002 (CDEM Act) generally remains sound, but legislative reform is required to fully deliver on the Government Response and address other known issues;
- 3 note that the Minister for Emergency Management and Recovery intends to introduce a bill s9(2)(f)(iv) to replace the CDEM Act;

Matters to be addressed through legislative reform

- 4 agree in principle that the new bill will have the following objectives:
 - 4.1 Strengthen the participation of communities and iwi Māori in emergency management;
 - 4.2 Provide for clear responsibilities at the national, regional, and local levels;
 - 4.3 Enable a higher minimum standard of emergency management;
 - 4.4 Minimise disruption to essential services; and

- 4.5 Ensure agencies have the tools to do their jobs effectively when an emergency happens;
- 5 note that the discharged Emergency Management Bill proposed several changes to address barriers to operational effectiveness and fix drafting errors, set out in Appendix One;
- 6 agree to progress the proposals attached in Appendix One through the new bill;
- 7 agree to delegate detailed policy decisions on the proposals in paragraph 6 above to the Minister for Emergency Management and Recovery;
- 8 note that the Minister for Emergency Management and Recovery intends to seek approvals for substantive policy changes s9(2)(f)(iv), and that these proposals will not have financial implications;
- 9 note that the Minister for Emergency Management and Recovery will report back to ECO s9(2)(f)(iv) with an implementation and investment roadmap for the Government Response [ECO-24-MIN-0216];
- 10 invite the Minister for Emergency Management and Recovery to report back to ECO s9(2)(f)(iv) for approval to release a discussion document and seek further policy decisions on the new bill;

Legislative implications

- 11 note that the CDEM Act requires rewriting to be consistent with modern legislative design and drafting practice;
- 12 agree to rewrite the CDEM Act, incorporating the operational improvements in paragraph 6 above, provided that no further substantive policy changes are made without prior Cabinet agreement;
- 13 agree that the rewrite occur through a new bill, holding a category 6 priority (drafting instructions to be issued by the end of 2024) on the 2024 Legislation Programme;
- 14 authorise the Minister for Emergency Management and Recovery to issue drafting instructions to the Parliamentary Counsel Office for the rewrite of the CDEM Act and incorporation of the operational improvements in paragraph 6 above;
- 15 authorise the Minister for Emergency Management and Recovery to make decisions on minor and technical matters that arise during the drafting process, subject to these decisions being consistent with paragraph 12 above;
- 16 invite the Minister for Emergency Management and Recovery to report back to Cabinet on any decisions made in line with paragraphs 7 and 15 above when the Minister seeks final approval to introduce the bill.

Authorised for lodgement.

Hon Mark Mitchell

Minister for Emergency Management and Recovery

Appendix One: Proposals to be adopted from the discharged Emergency Management Bill

Proposal	Rationale
<i>Strengthen the participation of communities and iwi Māori in emergency management</i>	
1. Make it explicit that protection from civil liability covers any person acting under the direction of a person performing functions, duties, or powers under the Act, where the loss or damage is due directly or indirectly to a state of emergency or transition period.	Section 110 of the Civil Defence Emergency Management Act 2002 (CDEM Act) provides any person with protection from civil liability for loss or damage caused when acting under official direction in relation to a state of emergency or transition period. However, some people (such as volunteers) may be deterred from acting during an emergency unless this protection is made more explicit in legislation.
2. Require CDEM Group plans to be published online, including any material incorporated by reference. CDEM Groups must also make a physical copy of these documents available for inspection, and make a physical copy of the documents available for purchase at a reasonable cost.	CDEM Group plans set out the emergency management arrangements for their areas. Many CDEM Groups already publish their plans online, but making this a formal requirement would ensure that key information is easily accessible to the public in all regions.
<i>Provide for clear responsibilities at the national, regional, and local levels</i>	
3. Include ambulance services in the definition of “emergency service” and make it a mandatory requirement for the chief executive or a senior officer of an ambulance service to sit on each CDEM Group’s Coordinating Executive Group (CEG).	<p>Ambulance services are not defined as an emergency service under the CDEM Act. This risks ambulance services being excluded from decision-making and information-sharing processes during emergencies.</p> <p>CDEM Groups are required to include senior representatives of other emergency services on their CEGs (which provide operational leadership within each CDEM Group). Currently, ambulance services may be appointed as a co-opted member only (with no mandatory requirement for appointment).</p>
4. Make the chief executive of the National Emergency Management Agency (NEMA) hold the statutory officer role of “Director of CDEM”. As part of this change: <ul style="list-style-type: none"> enable the NEMA chief executive to delegate the statutory functions and powers of the Director of CDEM, with the power to also remove that delegation change ‘Director’ to ‘Director-General’. 	<p>Under the CDEM Act, the Director of CDEM is appointed by the chief executive of the department that administers the Act (NEMA). The NEMA chief executive cannot appoint themselves as the Director of CDEM.</p> <p>This arrangement does not reflect the establishment of NEMA as a departmental agency with its own chief executive, and risks creating confusion about who the key decision makers are at the national level during an emergency.</p>
5. Add the Climate Change Response Act 2002 to the list of Acts that may be relevant to emergency management.	The CDEM Act includes a non-exhaustive list of Acts that may be relevant to emergency management. The Climate Change Response Act 2002 includes provisions that are relevant to emergency management.

Proposal	Rationale
6. Clarify that the Director's general power of delegation does not limit their ability to delegate certain functions and powers to the National Recovery Manager.	Section 105(7) of the CDEM Act only references the delegation of functions and powers to the National Controller. It should also reference the National Recovery Manager.
<i>Enable a higher minimum standard of emergency management</i>	
7. Require Local Controllers appointed by a CDEM Group to be suitably qualified and experienced.	This is consistent with the other statutory officers that may be appointed by a CDEM Group (Group Controllers, Group Recovery Managers, and Local Recovery Managers), who are already required to be suitably qualified and experienced.
<i>Ensure agencies have the tools to do their jobs effectively when an emergency happens</i>	
8. Enable concurrent national and local states of emergency and/or transition periods to be in force over the same geographic area at the same time, if necessary to deal with different emergency events.	<p>If a national state of emergency or transition period were in force (for example, following a major earthquake), it would not be possible for a CDEM Group to also declare a local state of emergency for a second emergency (such as a flood) in the same area.</p> <p>This means emergency powers would not be available to deal with the second emergency unless the Minister re-declared the national state of emergency to cover both events.</p>
9. Provide that when the duration of a state of emergency or transition period is extended, its geographic area can be reduced.	States of emergency and transition periods provide access to powers that limit normal rights and freedoms. These powers should only remain available in areas where they are still needed.
10. Enable CDEM Groups to meet via audio link or audiovisual link by default.	<p>Following recent amendments to the Local Government Act 2002, CDEM Groups may amend their standing orders to enable members to attend meetings via audio link or audiovisual link and be counted as present for the purpose of achieving quorum.</p> <p>CDEM Groups may need to make urgent decisions during an emergency, including in situations that make meeting in person impractical. This should not rely on standing orders being changed.</p>

Appendix Two: Proposed bill timeline and approach

Attached separately.

Appendix Two is withheld in full under section 9(2)(f)(iv)

Proactively Released

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Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Economic Policy Committee: Period Ended 22 November 2024

On 25 November 2024, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 22 November 2024:

Out of scope



ECO-24-MIN-0269

Strengthening Disaster Resilience and Emergency Management: Legislative Implications

CONFIRMED

Portfolio: Emergency Management and Recovery

Out of scope



Out of scope



Rachel Hayward
Secretary of the Cabinet

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Cabinet Economic Policy Committee

Minute of Decision

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Strengthening Disaster Resilience and Emergency Management: Legislative Implications

Portfolio **Emergency Management and Recovery**

On 20 November 2024, the Cabinet Economic Policy Committee:

- 1 **noted** that in September 2024, ECO invited the Minister for Emergency Management and Recovery (the Minister) to report back to ECO:
 - 1.1 by the end of 2024 on legislative implications arising from *Strengthening disaster resilience and emergency management*, the Government response to the Government Inquiry into the Response to the North Island Severe Weather Events (the Government Response);
 - 1.2 s9(2)(f)(iv) with a detailed implementation and investment roadmap, in particular fiscal implications, for the Government Response work programme;

[ECO-24-MIN-0216]

- 2 **noted** that the intent of the Civil Defence Emergency Management Act 2002 (CDEM Act) generally remains sound, but legislative reform is required to fully deliver on the Government Response and address other known issues;
- 3 **noted** that the Minister intends to introduce a bill s9(2)(f)(iv) to replace the CDEM Act;

Matters to be addressed through legislative reform

- 4 **agreed** in principle, subject to final policy approvals, that the new bill will have the following objectives:
 - 4.1 strengthen the participation of communities and iwi Māori in emergency management;
 - 4.2 provide for clear responsibilities at the national, regional, and local levels;
 - 4.3 enable a higher minimum standard of emergency management;
 - 4.4 minimise disruption to essential services;
 - 4.5 ensure agencies have the tools to do their jobs effectively when an emergency happens;

- 5 **noted** that the discharged Emergency Management Bill proposed several changes to address barriers to operational effectiveness and fix drafting errors, as set out in Appendix One to the paper under ECO-24-SUB-0269;
- 6 **agreed** to progress the proposals attached in Appendix One through the new bill;
- 7 **authorised** the Minister to take detailed policy decisions on the proposals referred to in paragraph 6 above;
- 8 **noted** that the Minister intends to seek approvals for substantive policy changes s9(2)(f)(iv) and that these proposals will not have financial implications;
- 9 **noted** that the Minister will report back to ECO s9(2)(f)(iv) with an implementation and investment roadmap for the Government Response;
- 10 **invited** the Minister to report back to ECO s9(2)(f)(iv) to seek approval to release a discussion document and to further policy decisions for the new bill;

Legislative implications

- 11 **noted** that the CDEM Act requires rewriting to be consistent with modern legislative design and drafting practice;
- 12 **agreed** to a rewrite of the CDEM Act via a new bill, incorporating the operational improvements in paragraph 6 above, provided that no further substantive policy changes are made without prior Cabinet agreement;
- 13 **noted** that approval to add the CDEM Act rewrite bill to the 2024 Legislation Programme, with a category 6 priority (drafting instructions to be issued by the end of 2024) will be sought from the Leader of the House;
- 14 **authorised** the Minister to issue drafting instructions to the Parliamentary Counsel Office for the rewrite of the CDEM Act and incorporation of the operational improvements in paragraph 6 above;
- 15 **authorised** the Minister to make decisions on minor and technical matters that arise during the drafting process, subject to these decisions being consistent with paragraph 12 above;
- 16 **invited** the Minister to report back to ECO on any decisions made in accordance with paragraphs 7 and 15 above when seeking final approval to introduce the bill.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Winston Peters
Hon David Seymour
Hon Brooke van Velden
Hon Chris Bishop (Chair)
Hon Louise Upston
Hon Mark Mitchell
Hon Matt Doocey
Hon Melissa Lee
Hon Penny Simmonds
Hon Chris Penk
Hon Nicola Grigg
Hon Mark Patterson

Officials present from:

Office of the Prime Minister
Officials Committee for ECO