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Infrastructure New Zealand's Submission on Strengthening New Zealand's Emergency Management Legislation

1 Introduction

- 1.1 Infrastructure New Zealand (INZ) welcomes the opportunity to submit on Strengthening New Zealand's emergency management legislation.
- 1.2 INZ is New Zealand's membership organisation for the infrastructure sector. We promote best practice in national infrastructure development through research, advocacy, and public and private sector collaboration. Our 150 members come from diverse sectors across New Zealand and include infrastructure service providers, investors, and operators.
- 1.3 INZ's submission is focused on key aspects of the consultation and broad principles as they relate to emergency management and the requirements of infrastructure providers and managers. We are also concerned to ensure that infrastructure resilience and recovery is prioritised in order to provide for the needs of communities in the aftermath of emergency events.
- 1.4 We have not addressed all issues in the discussion document but rather have provided feedback on the issues of relevance to INZ, infrastructure providers and managers.

2 General Remarks

- 2.1 INZ supports the intent to modernise New Zealand's emergency management legislation to better reflect the complex and interdependent risks to our communities from emergency and disaster events.

- 2.2 It is generally accepted that the frequency of severe weather events is increasing, and added to New Zealand's already substantial seismic vulnerabilities, represents significant future risks for our communities. To put this in perspective, Lloyds of London ranks New Zealand second-only to Bangladesh in our level of risk and expected loss through natural disasters (*A World at risk: Closing the insurance gap*).
- 2.3 INZ has consistently highlighted the need for national coordination, long-term resilience planning, integrated data systems, and emergency management frameworks that reduce risk and enable effective and speedy response and recovery.
- 2.4 Recent events have highlighted many of the inadequacies of the current system. Included in this is the lack of clear guidance from legislation leading to improvised and inconsistent responses, and a lack of coordination across agencies and with local authorities.
- 2.5 These recommendations draw on our policy work and the insights of our members and broader industry.

3 Reform Objectives

- 3.1 INZ considers the objective of the reforms are broadly appropriate and reflect many of the lessons from recent disaster and emergency event responses.
- 3.2 We are particularly pleased to see consideration given to the disruption to essential services and ensuring the right powers are available during and after an emergency. Both have important implications for the management and recovery of infrastructure assets and public utilities.

4 Objective 1: Strengthen Community and Iwi Māori Participation in Emergency Management

Issues 2 and 3

- 4.1 INZ strongly supports enabling community and iwi Māori-led response initiatives. Criticisms from the response to recent events has been that iwi Māori and community-led participation in planning and decision-making has been marginalised. Recent severe weather events over the last few years have also had a significant impact on marae and iwi communities.
- 4.2 Strengthening the provisions to enable community and iwi Māori leadership in both the preparation and response efforts reflects the practical reality of the immediate on-the-ground response to emergency events, which are often community-led; but

can accelerate recovery, build local capacity, and ensure culturally relevant solutions through the use of local and cultural knowledge and skills.

- 4.3 INZ sees a role for Government and emergency management agencies in providing mechanisms, resources and legislative support for co-designed emergency management and recovery plans that give effect to Treaty principles and empower iwi Māori leadership in community response efforts.
- 4.4 INZ considers that all legislative and non-legislative options for engaging with iwi Māori and providing representation be explored and particularly agree with proposals to include iwi Māori in Civil Defence Emergency Management (CDEM) Group and national-level planning.
- 4.5 The Queensland Reconstruction Authority (QRA), which was formed following the 2010-11 flooding events provides a useful international example for how community-level recovery efforts can be supported and integrated effectively with official efforts. We recommend this model is considered.
- 4.6 The QRA works alongside local councils to establish community-focused recovery groups and deploy regional liaison officers to assist communities in upscaling their recovery efforts. Building community-level capability can boost the effectiveness of recovery efforts and smooth adaptation decision making.

Issue 4

- 4.7 INZ supports the proposal to protect people from civil liability for loss or damage when acting in an emergency without direction by a Controller or Police. This is a practical step that recognises that people in the community, including those involved in the management of infrastructure, are often the first responders in emergency events.

5 Objective 2: Provide for Clear Responsibilities and Accountabilities at the National, Regional, and Local Levels

Issue 5

- 5.1 INZ supports the intention to provide clearer direction and control during an emergency response and notes the options presented. We agree that it is less than optimal to have local authorities and CDEM Group's acting independently of each other and organising emergency management differently.

- 5.2 INZ supports resolving the identified problems related to overlapping roles and responsibilities, inconsistent organisation and lines of accountability, and variable performance of Coordinating Executive Groups.
- 5.3 INZ recommends that the establishment of a single national authority for coordinating disaster recovery, based on the QRA (see Objective 1 above) is considered. This would address the lack of clarity as to who has command and control for the operational response to an emergency.
- 5.4 INZ also calls for clear statutory roles between agencies undertaking risk assessments, involved in managing lifeline utilities, setting standards, and delivering emergency services.

6 Objective 4: Minimising disruption to essential services

Issue 11

- 6.1 INZ welcomes the intention to address the disruption to essential services, including infrastructure, during and after emergency events and agrees that the interdependence of modern services requires a broader approach to what is considered a lifeline utility.
- 6.2 INZ supports addressing the narrow definition of lifeline utility and agrees with Option C under 11.1 to replace the lifeline utilities framework with an expanded principles-based definition of essential infrastructure.
- 6.3 The expanded list of potential new existing infrastructure as provided in Appendix C strikes us as being fairly comprehensive, and we are pleased to see included as an ‘essential service’ that underpin ‘the functioning of the economy or society’. The importance of infrastructure in this role has traditionally been undervalued yet is critical to people’s livelihoods and the swift recovery of communities.
- 6.4 With regards to 11.2, resilience planning, including disaster-preparedness, is an important aspect of infrastructure asset management. While INZ supports strengthening lifeline utility business continuity planning, we see this as fundamental to the management of the asset and as such do not believe the introduction of financial penalties through legislation is necessary. Incentives and increase oversight and monitoring would be a more effective approach at this stage. INZ supports Option B, which will provide increased guidance and monitoring without the additional costs and compliance to both infrastructure providers and NEMA that come with Options 3 and 4.

- 6.5 INZ agrees that better coordination is required between lifeline utilities and agencies and services involved in emergency management. There is scope to compel CDEM Groups and other emergency management authorities to involve lifeline utilities in CDEM Group regional plans. We also believe on principle that these lifeline utilities should contribute to national response plans and agree that information sharing protections and data standards may be required to enable this.

7 Objective 5: Having the right powers available when an emergency happens

Issue 13

- 7.1 INZ supports legislative changes to clarify management of access to restricted areas during an emergency. This has been an issue in recent disaster response situations and is critical to ensure that infrastructure managers and their staff are not hindered in repairing and restoring infrastructure and utilities vital to the welfare of the community and success in recovery efforts.
- 7.2 The options identified should all be explored and as suggested, possibly need to be delivered together. Better guidance and training are required, but that needs to be supported by legislation to enable the identification and restriction of access to contractors, staff and those who need it to assist with the management, repair and recovery of vital infrastructure assets.
- 7.3 It will be important in the development of the proposed legislation to effectively align it with the Government's planned new resource management legislation to ensure that contractors and staff are not prevented from accessing vital infrastructure to assist with the management and recovery of utilities before, during and after emergency events.

Thank you for the opportunity to provide feedback. We look forward to contributing further feedback on the legislation during its passage through Parliament.

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