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## **Christchurch City Council Submission on the Emergency Management Bill (No 2)**

### **Introduction**

1. Christchurch City Council (the Council) thanks the Governance and Administration Committee for the opportunity to provide comment on the Emergency Management Bill (No 2).
2. Council staff have also been involved in the preparation of the Regional Civil Defence and Emergency Management Group submission. Our submission supports that Regional Group submission. We also support the submissions of our neighbouring councils and Taituara.
3. We note that consultation on this Bill is being carried out at the same time as a number of other complex and highly significant consultations, within a timeframe that puts a significant strain on our ability to provide a comprehensive submission.
4. The Council supports a review of the current legislation, particularly to modernise and make the language clearer, and we acknowledge the further work done since the earlier iteration of the Emergency Management Bill by the previous Government. It is important that New Zealand has clear and effective emergency management legislation in place, especially as the climate is changing and we will face more frequent and more extreme weather events.
5. However, we have some concerns as detailed in the attached specific points. The changes required under this legislation will significantly increase costs and resource requirements for expanded emergency planning, community engagement, and compliance. This places unsustainable pressure on local authorities already managing multiple national reforms and prospective rate caps. Any changes will require appropriate resourcing and workforce capacity that cannot currently be met by local authorities without Central Government support.
6. We seek clarity throughout the Bill about the naming conventions for National/Regional/Local/District. The naming conventions and role at each level needs to be absolutely clear so there is no confusion.
7. As a district, we have experienced numerous emergencies, notably flooding, the Canterbury earthquake sequence, Port Hills fire and the Mosque attacks. Many of our communities are vulnerable to flooding and sea level rise and our coastal areas are also at risk of tsunamis. Being prepared for responding to these events and looking after our communities is a high priority for our Council.

8. The legislation needs to directly and consistently address disproportionately affected communities, not just rural and Māori communities. There needs to be a robust and transparent process that supports the appointment of representatives of disproportionately affected and vulnerable communities
9. We consider that there will need to be guidance and frameworks prepared to ensure this legislation can be effectively applied. The Council would appreciate the opportunity to be involved in discussions around these.

### **Conclusion**

Thank you for the opportunity to provide this submission. The Council wishes to be heard.

For any clarification on points within this submission please contact Brenden Winder, Manager Civil Defence and Emergency Management at [brenden.winder@ccc.govt.nz](mailto:brenden.winder@ccc.govt.nz)

Ngā mihi,



**Phil Mauger**

**Mayor of Christchurch**

Attachment: Specific submission points

### Attachment: Specific submission points

10. The below submissions are some of the key issues that we consider need addressing in the legislation:

#### Purpose and objectives of the Bill

11. Terminology shift from “civil defence” to “emergency management” (s1; Schedule 1)  
Council notes the shift in statutory terminology from “civil defence emergency management” to “emergency management”. Civil Defence and Emergency Management is a recognisable brand that the public are familiar with seeing during emergencies. If the terminology is changed to remove reference to ‘civil defence’ then there should be a clear implementation plan to support this change, both for councils and other organisations that work in the emergency management space, as well as for the public generally. We submit that implementation planning should explicitly address costs, transitional branding, public recognition, and document-update costs for councils and the wider sector.
12. “No specific reduction/readiness sections in the Bill”  
The Bill’s purpose and local authority duties include risk reduction and readiness. We recommend that the Bill should ensure these functions are the primary focus of local government emergency management, and they are matched by clear, deliverable planning and capability mechanisms. Risk reduction and readiness should not only be considered primarily as operational powers that activate only during response and transition to recovery.
13. Purpose and objectives should explicitly prioritise life safety (Part 1, sections 3–13; s3(b))  
Council submits that the Bill’s purpose and objectives should explicitly and consistently prioritise the protection of human life (not just property), including ensuring s3(b) and related objectives are framed to reflect life-safety primacy across the Act.
14. We note that Section 3 refers to the four wellbeing, which is inconsistent with the Government’s direction for the Local Government (System improvements) Amendment Bill.
15. Objectives are overly open-ended and should be drafted as clear, measurable outcomes (Part 1, sections 3–13)  
Council submits that the Bill’s stated objectives should be drafted in a way that is specific and outcome-focused (avoiding broad terms such as “support”, “encourage”, “provide” without defined thresholds), to reduce interpretive risk and enable consistent assurance, monitoring, and accountability.
16. Modernise “risk” and clarify the precautionary approach, including how science/advice is used (Part 1, ss 3–13; s13)  
Council recommends that the Bill is clearer about the core risk concepts (including any definitions of “risk” and the section 13 precautionary approach) to align with contemporary risk management practice, and explicitly describe how best available science, monitoring, and technical advice are to inform risk decisions and planning to ensure consistent application nationally.

## **Role, Clarity, and Consistency**

17. Lead agency clarity for each “happening/hazard” (s69–s70; s83 cross-reference)  
The Council supports the Bill including clarity on the role of lead agencies. We recommend that the process and criteria for identifying lead agencies by particular hazard (via the national emergency management plan) is transparent and consistently applied, so councils can plan for interoperability and avoid uncertainty during emerging events. It should also include lead agencies for scenarios where there are multiple hazards. This will save time and debate when timing is critical. There is a risk that different hazards, lead agencies and local arrangements will mean the ‘response’ to emergencies is inconsistently applied.
18. Director-General monitoring of Emergency Management Committees and compliance with the Act – “how” is unclear (s14(e) and (i))  
Council supports the Director-General ensuring compliance, and submits that the Bill should require a transparent monitoring framework (metrics, reporting cycle, and escalation settings) to support the Director-General’s EMC performance monitoring function and provide certainty for councils. The Council welcomes further discussions on how this will be achieved.
19. Local Controllers for unitary authorities are recognised, but consistency issues remain (s58; s121; s170)  
To avoid ambiguity and operational gaps in unitary authority arrangements, we recommend that the Bill should consistently recognise Local Controllers (unitary context) across definitions and powers (including information-gathering).
20. The Bill establishes Regional/District/Local Controller roles and appointment architecture (ss51–58).  
Council submits that Controller role naming and descriptions should be aligned with interagency (NZ Police, FENZ, St Johns) operational doctrine (including common incident management practice) to reduce confusion across emergency services and council teams during multi-agency events.
21. Broad rules power increases “secondary legislation” reliance and potential unfunded mandates (s212)  
Council submits that the breadth of the Minister’s rules power warrants consultation, impact assessment, and cost-allocation principles, to manage the risk of unfunded local government obligations created through secondary instruments. We welcome further discussion around any proposed rules and/or secondary legislation.
22. Mayoral declaration responsibility – support and safeguards  
Council supports mayoral declaration powers and we recommend these be supported by clear decision safeguards, including documented operational advice and minimum training and exercising expectations for elected members.

23. Director-General guidance should not be artificially limited to “strategic” matters (s15(4)(c))  
Council submits that s15(4)(c) should be amended to remove or qualify any limitation to “strategic” guidance, as effective national guidance may need to cover operationally-relevant expectations (e.g., minimum operational arrangements, assurance requirements, and interoperable practices) to achieve consistent capability outcomes.
24. Enable cross-boundary Controller operations and clarify geographic limits on exercising powers (ss51–58; s57)  
Council submits that the Bill should explicitly support inter-district deployment and cross-boundary operation of Controllers under appropriate authorisation (including where directed/assigned), and remove ambiguity that could confine Controllers to their “home” district and impede surge support, mutual aid, and regional interoperability.
25. Clarify accountability when Controllers act under instruction/direction, including responsibility for decisions (s194(4))  
Council submits that s194(4) should be clarified to set out how responsibility attaches when District/Local Controllers are acting under the instruction of a Regional Controller (or within an EMC framework), including clear accountability for decisions, documentation expectations, and how this interacts with territorial authority responsibility and liability settings.
26. Lead agency triggers and recovery application (ss69–76)  
Council recommends clearer thresholds/triggers for when a lead agency “has responsibility” (including how this is communicated and applied locally), including for multi-hazard events. Council also recommends lead agency arrangements explicitly address recovery where relevant to avoid handover gaps, role confusion, and accountability ambiguity.
27. Section 71(2) requires covered persons (including local authorities) to take “all necessary steps”.  
Council submits that the “all necessary steps” obligation should be supported by clear standards and proportionality guidance, to reduce uncertainty about what constitutes compliance for councils with varying capability and risk exposure.
28. “Specified person” power to require structural assessments during emergency should sit with Controllers (s121; s135)  
The Bill proposes (acknowledging the current Act also has an equivalent section (section 91)) that a specified person (as defined in s121 of the Bill, being controllers and constables) may direct the owner of a structure to obtain an assessment of the structure. Council submits that high-impact property direction powers (including structural assessment directions) should be exercised by authorised Controllers (or under explicit Controller delegation), with Constable use limited to - urgent life-safety circumstances only and not directing assessments of structures.
29. Constable powers in transition/recovery are significant and should be tightly framed (s165; s159 concept)  
Council submits that transition/recovery powers (including directing structural assessments at owner expense) should be exercised by authorised Recovery Managers only, with constable powers limited to clearly defined thresholds and subject to explicit authorisation settings. In recovery the ‘life-

risk' has passed and constables no longer need extraordinary emergency powers. The Police Act provisions enable constables to undertake the appropriate policing roles.

30. Information-gathering powers omit Local Controllers (s170)  
Information-gathering powers are made available to National, Regional and District Controllers. We consider that these powers should also be available to Local Controllers (unitary context) where they are directed to exercise controller powers, to avoid operational delay and uncertainty. We recommend Local Controllers be added to this section.
31. Regional Controllers direct and coordinate, local controllers do not (s56 and s57).  
Council submits the Local Controller should have the ability to 'direct' also. It is unclear why there is a discrepancy here. There should be consistency between Regional, District and Local controllers.

### **Role of the Chief Executive**

32. District Controller appointment of liability (s52(2)-(3))  
Council notes the expanded chief executive role and submits that clear delegations, liability boundaries, and funded implementation guidance are required to manage increased accountability and risk.
33. The CE would be responsible for the District Controller function as well as BAU and advising the mayor – this could lead to divided focus and roles. It could compromise CEs oversight of the bigger picture i.e. long-term goals for a long-term emergency. The response could be seen as aligned with Council policy and potentially undermine public faith in CE. Having the ability to delegate is useful, however we note that some councils may not be resourced to deliver this.
34. Council submits that s52(2)-(3) should be amended to avoid settings that effectively position the Chief Executive as the default operational Controller (or create ambiguity), and should clarify whether a Chief Executive can decline appointment, what the fallback pathway is, and how separation of executive accountability from operational command is protected in high-consequence emergencies.
35. Council supports continuity of command appointments (s52(2)-(3)). We recommend that where chief executives must appoint District Controllers, the Bill (or more likely, the associated standards or rules) should specify minimum competencies and assurance given the role's high consequence decision-making.
36. Chief executive duty to coordinate resources outside emergencies (Clause 44)  
Council supports the intent of Clause 44, but recommends commencement be tied to publication of practical implementation guidance and adequate lead-in time. Council also recommends considering inclusion of regional council chief executives (or clear justification for their exclusion), to ensure consistent resource coordination arrangements across the system.

## **Central Government funding needed to support transition**

37. Implementation depends on instruments outside the Bill (EMSIP/EMSOS crosswalk request) (s15(4); s83; s100; s212)  
Council submits that the Department should publish an EMSIP/EMSOS-to-Bill implementation crosswalk, showing which Bill obligations will be delivered through Director-General guidance, Ministerial planning standards, national plans, and rules, so local government can assess cost, capability, and compliance impacts. These system improvement processes require funding which should be through central government budgets to ensure greater consistency, e.g for controller training.
38. Cost-sharing default – equal vs fair shares  
Council submits that equal cost-sharing is not equitable in Canterbury and recommends a proportional default based on population, risk, or asset exposure until an agreed apportionment is in place.
39. Compliance orders, rules, and standards  
Council submits that compliance and secondary-legislation powers should be subject to proportionality, graduated enforcement, and strong cost-impact safeguards to avoid unfunded mandates on local government.
40. Workforce capacity and sustainability are assumed, not enabled  
Council submits that the Bill assumes there is an existing capacity of skilled Controllers, Recovery Managers, and emergency management specialists, without addressing known workforce constraints, burnout risk, or requirement for surge capacity. Without a clear workforce development and accreditation approach, implementation expectations will be greater than what can be practicably achieved.
41. Funding and affordability of new duties (implementation equity risk)  
Council supports uplift in national consistency, but the Bill increases enforceable local government obligations without a funding mechanism. We recommend an affordability approach, including central government co-funding for new duties and national tools/templates to reduce duplication and uneven implementation across councils.
42. Regional plan content obligations and timeframes  
Council supports additional plan content requirements but submits that realistic timeframes, standard templates, and implementation funding are needed to manage the increased planning and engagement workload. The additional requirements for comprehensive plans and increased engagement, as well as increased compliance, should be funded by central government to ensure councils can achieve this.

## Implementation

43. Staged commencement creates implementation workload and timing risk (s2)  
Council submits that the Bill's staggered commencement (including delayed commencement for key operational and compliance settings) should be supported by clear transition guidance, lead-in time, and resourcing to avoid uneven readiness across the system.
44. Local authority planning duty vs statutory "plan products" (s42; s90; s5; s27)  
Council submits that the Bill should more clearly allocate accountability between regional statutory planning (EMC) and council-level (local) operational planning, to ensure response and recovery arrangements are explicit at the level where delivery occurs. This should also include the functions of multi-member EMCs.
45. "Emergency management plan" is defined as national or regional only. (Subpart 4)  
We note that subpart 4 of the Bill is titled Local and sector plans. However, only regional emergency management plans are referred to in Subpart 4. We recommend that each local emergency management area, in most cases a local authority or local/community board or partnership of these, should be required to develop their own local/district emergency management plan, as a component of the respective regional emergency management plan.
46. Centralisation via ministerial plan influence and standards (s96; s100)  
Council submits that Ministerial direction and planning standards powers should be balanced with co-design expectations, transparency, and impact assessment, to maintain local adaptability and national consistency. We welcome further discussion on this.

## Infrastructure

47. Failure to recognise essential services  
Council submits that although there are powers to amend the providers listed in Schedule 3 in the Bill, the Bill fails to fully recognise services proven to be critical in recent emergencies, particularly during COVID-19. Council recommends that waste management, food supply and distribution, financial services, aviation and maritime navigation, and river management must be recognised in the Bill as essential services.
48. Clarification of Council Infrastructure Components Scope (s7(1); Schedule 3)  
It is unclear whether the definition of "infrastructure components" is intended to encompass the full range of council-provided assets, systems, information, people, and processes beyond roading and water services, including (but not limited to) housing, community and welfare facilities, property assets, and associated information systems, to ensure consistent interpretation and application across local government. We recommend this is clarified in the Bill.

49. Essential infrastructure provider (EIP) participation in planning (s74(e))

Council submits that the Bill should clarify expectations for EIP participation in regional planning and local coordination, including information-sharing and resourcing implications, to ensure EIP duties translate into practical regional (and local) preparedness.

## **Community**

50. Define “community” and “disproportionately affected community” and provide guidance (s5; s94; s91(1)(k))

Council supports strengthening community participation and planning for those who may be disproportionately affected in emergencies. However, without clearer definitions and practical guidance, engagement obligations risk becoming process-heavy and inconsistent, and may create avoidable compliance exposure for councils. Council recommends clearer definitions and practical implementation guidance so engagement expectations remain

51. Community engagement may become process-heavy without proportionality (s94)

Council supports engagement with disproportionately affected communities and submits the Bill or supporting plans should include practical guidance so engagement requirements remain outcome-focused and scalable to risk and community capacity.

52. We note that the Bill’s explanatory note recognises that some communities face greater risk includes rural communities, culturally and linguistically diverse communities, seniors, disabled people, children, and those experiencing socio-economic deprivation or isolation. However, the strengthening the role of communities section only refers to appointing CEG members for rural communities and otherwise just states ‘communities relevant to emergency management’, it’s not clear if this would cover all of the other at-risk and potentially disproportionately affected communities previously mentioned. We recommend that this section is widened to include other at-risk and vulnerable communities.

## **Role of Māori communities**

53. CEG representation requirements – Māori, rural, and community roles

Council supports broader representation on CEGs and EMCs. We submit that these roles must be clearly defined and adequately resourced to avoid unfunded governance and engagement costs for councils. It should not fall on councils to fund these governance and engagement costs, nor should Mana whenua and Mātā waka representatives be expected to sit on CEG level committees at their own cost. These representatives are often voluntary appointments by their communities, so their participation should have funding support from Central Government.

54. We recommend a specific mana whenua role appointed by iwi to this CEG role as well as a role for Māori (i.e. Māori who live in the effected region but whakapapa elsewhere, referred to as “Mātā waka”), where this additional representation is appropriate. In the Explanatory Note of the draft Bill section entitled “Strengthening role of iwi Māori”, bullet points 2 and 3 mention engaging with and involving representatives of “Iwi” and Māori” in developing

regional EM plans and the national EM plan. This distinguishes between Mana whenua and Mātā waka communities.

55. Mana whenua hold the guardianship responsibilities over their environment and of their iwi membership in all aspects of EM, therefore belong at the CEG decision-making table. There are also some non-environmental aspects of emergency responses where it is appropriate to have additional Māori representation at CEG level, particularly if/when the emergency poses significant risk to non-mana whenua Māori communities eg tsunami risk to the people of the Aranui/Wainoni/Linwood suburbs of east Christchurch. This Mātā waka representative could represent the welfare interests of the Mātā waka community and should be appointed by the group they represent. Neither would ever claim to represent the best interests of the other, and Mana whenua is always deferred to by Mātā waka in matters of the environment and in the cultural, linguistic and historical knowledge guardianship of the region.

### **Other**

56. Volunteers and good faith responders – clarify protections and council expectations  
Council recommends clarifying protections for volunteers and good faith responders where formal “direction” may not be practically available, supported by guidance on council volunteer management and health and safety expectations. This will reduce uncertainty and support consistent community response arrangements.
57. Plan requirements for offers of assistance and animals require practical guidance (s91(1)(l)–(m))  
Council supports including arrangements for offers of assistance and animal welfare. However, these obligations will require national guidance and templates, including roles, liability and health and safety expectations, and interoperability with partner agencies. Council recommends realistic implementation timeframes and resourcing to deliver these arrangements safely and consistently.
58. Police Act and Defence Act not named as relevant legislation in Schedule 2  
Council submits this legislation is relevant and should be added under Schedule 2.
59. Lessons management  
Council submits that under c15(4) that a ‘coordinated lessons management process’ is added. This will support emergency management operations to be improved for future events.