

To:

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
Wellington



Submission on the Emergency Management Bill (No 2)

From:

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Executive Summary

1. Te Tira Whakamātaki supports the need for comprehensive reform of Aotearoa New Zealand's emergency management framework. However, we do **not** support the Emergency Management Bill (No 2) as currently drafted.
 2. The Auckland Anniversary Floods and Cyclone Gabrielle exposed systemic weaknesses in the emergency management system, including chronic underinvestment in readiness, inequitable impacts on Māori and vulnerable communities, fragmented governance, and over-reliance on local government capacity and community goodwill.
 3. The Government Inquiry into the North Island Severe Weather Events recommended a decisive shift toward funding readiness, improving the flow of response and welfare funding, and strengthening Māori and community capability before emergencies occur.
 4. While the Bill improves structural clarity and certain governance settings, it does not sufficiently implement these core funding and equity recommendations. In particular:
 1. It expands obligations without embedding statutory funding mechanisms.
 2. It recognises Māori participation without embedding mana whenua authority.
 3. It retains a reactive funding model in a climate-disrupted context.
 4. It relies on volunteer and marae capacity without strengthening legal and financial protections.
 5. Significant amendments are required to align responsibility with resourcing, embed mana whenua authority in governance structures, and enable anticipatory funding mechanisms triggered before formal declarations.
 6. Te Tira Whakamātaki therefore **recommends targeted amendments** to ensure:
 - Funding flows align with readiness obligations
 - Mana whenua authority is embedded in governance structures
 - Pre-event activation funding is legislatively enabled
 - Accredited volunteers and marae are legally protected
 - Controller flexibility reflects large-scale event realities
 7. With these amendments, the Bill could deliver a modern, equitable, and climate-responsive emergency management system. Without them, it risks entrenching a reactive and under-resourced model that recent events have already shown to be inadequate.
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1. About Te Tira Whakamātaki

8. Te Tira Whakamātaki is an independent Māori environmental organisation committed to protecting taonga, strengthening Indigenous governance, and supporting whānau, hapū, and iwi to exercise rangatiratanga and kaitiakitanga.
9. Our work spans environmental protection, policy advocacy, and Māori-led responses to complex system challenges, including biodiversity loss, freshwater degradation, climate change, disaster risk, and community resilience.
10. We are the home of Hono: the Māori Emergency Management Network, Aotearoa's first Māori-led emergency management network, supporting iwi, hapū, marae, and Māori practitioners to prepare for, respond to, and recover from emergencies.
11. We approach emergency management reform from a kaupapa Māori and systems perspective. For us, effective emergency governance must be:
 - ecologically durable in the face of escalating climate risk,
 - constitutionally grounded in Te Tiriti o Waitangi,
 - capable of protecting taonga and communities across generations, and
 - structurally stable rather than politically adjustable.
12. Emergency management legislation is not merely operational machinery. It determines how risk is governed, how communities are resourced, and whose authority is recognised when crises occur. It must therefore be structurally sound.

2. Context and Purpose of the Bill

13. The Emergency Management Bill (No 2) replaces the Civil Defence Emergency Management Act 2002 and implements aspects of the Government's response to the North Island Severe Weather Events Inquiry.
14. The Inquiry found that Aotearoa New Zealand's emergency management system suffers from:
 - chronic underinvestment in readiness and reduction,
 - inequitable outcomes for Māori and other vulnerable communities,
 - fragmented governance and unclear accountability, and
 - over-reliance on local government capacity and community goodwill.
15. Events such as the Auckland Anniversary Floods and Cyclone Gabrielle demonstrated that these weaknesses are not theoretical. Marae opened as evacuation centres before formal declarations. Iwi authorities coordinated welfare distribution and communications. Volunteers mobilised without financial certainty. Funding mechanisms were slow and administratively burdensome.

16. The Inquiry explicitly recommended a shift toward funding readiness, improving the flow of response and welfare funding, and strengthening Māori and community capability before emergencies occur.
17. While the Bill improves structural clarity and national direction, it does not sufficiently implement these funding and equity recommendations. In particular, it expands duties without embedding corresponding resourcing mechanisms and strengthens engagement requirements without embedding shared governance authority.
18. While the Bill is a necessary legislative update, its current drafting does not adequately resolve the structural failures identified by the Inquiry.

3. Funding and Cost Shifting Concerns

3.1 Lack of Statutory Funding Mechanisms

19. The Bill raises minimum standards and expands planning, reporting, and coordination obligations across the system. However, it does not establish new statutory funding streams for readiness or reduction.
20. This creates a structural imbalance between responsibility and resourcing.
21. The Regulatory Impact Statement acknowledges that additional costs will fall largely on local authorities and essential infrastructure providers, with potential cost-of-living impacts for communities. In practice, this risks further cost-shifting to councils, ratepayers, marae, and volunteers.
22. The Bill therefore creates enforceable obligations without enforceable resourcing. In its current form, this structural imbalance is a primary reason Te Tira Whakamātaki cannot support this Bill.
23. If emergency management is to shift from reactive reimbursement to anticipatory readiness, funding mechanisms must be embedded in statute rather than left to discretionary budget processes.

3.2 National Climate and Disaster Readiness Funding Context

24. The absence of statutory funding in the Bill must be considered alongside recent reductions in national investment in climate and disaster preparedness.
25. The discontinuation of the Climate Emergency Response Fund, which had allocated approximately \$6 billion to climate-related response, recovery, and resilience initiatives, represents a material shift in national preparedness settings. While not all of that funding was dedicated to emergency management, it reflected a broader commitment to climate adaptation and risk reduction.

26. Its removal increases the significance of the Bill's funding gaps.
27. In this context, the Bill risks entrenching a model where responsibility for managing climate-driven emergencies is increasingly devolved to local authorities, iwi, and communities, while national funding commitments are reduced.
28. **This approach is inconsistent with the Inquiry's findings that underinvestment in readiness contributed directly to worse outcomes during the North Island Severe Weather Events.**

3.3 Pre-event activation funding and readiness liquidity

29. The Inquiry made clear that the current system is overly reactive, with funding primarily triggered after formal declarations.
30. Recent severe weather events demonstrated that response capability must often be mobilised before declarations are made. Forecasting systems now provide credible warnings days in advance. Access to operational capital within 24–48 hours before impact can significantly improve outcomes.
31. Marae and iwi authorities activated pre-emptively during Cyclone Gabrielle, often without certainty of reimbursement or legal protection.
32. Planning improvements alone are insufficient if operational liquidity is not available at the moment of risk.
33. Te Tira Whakamātaki submits that the legislation should enable a pre-authorised activation funding mechanism, triggered by defined forecasting thresholds.
34. Such a mechanism would:
 - enable rapid deployment of resources prior to formal declaration
 - reduce administrative delays during early response phases
 - support marae, iwi authorities, local authorities, and volunteer groups to scale up readiness
 - align funding flows with modern forecasting capability
35. Without legislative enablement of pre-event activation funding, the system remains biased toward reimbursement rather than preparedness.

4. Māori Governance and Te Tiriti o Waitangi

4.1 Participation Versus Rangatiratanga

36. The Bill strengthens requirements to engage with iwi Māori and recognises the role of marae and Māori organisations during emergencies.

37. However, this recognition is framed primarily as participation rather than shared authority.
38. Iwi Māori are not consistently provided with defined decision-making roles on Emergency Management Committees, nor does the Bill require co-governance arrangements or provide appointment rights to mana whenua.
39. Recent events demonstrate that Māori infrastructure and leadership are relied upon operationally. Yet this operational reliance is not matched by structural embedding of authority.
40. This approach falls short of Te Tiriti o Waitangi principles of partnership and active protection, and continues a pattern where Māori knowledge, infrastructure, and capacity are relied upon during crises without being embedded in governance or resourced in advance. This reflects a structural imbalance in which Māori capacity is relied upon without corresponding authority or resourcing.
41. Without structural embedding of mana whenua authority, the Bill falls short of giving practical effect to Te Tiriti o Waitangi, and this remains a substantive barrier to our support. This governance gap is a second substantive reason Te Tira Whakamātaki cannot support the Bill as currently drafted.

4.2 Recognition of Mana Whenua Authority

42. The Bill refers broadly to iwi Māori engagement. Greater precision is required to ensure representation reflects mana whenua status within specific rohe.
43. Emergency governance and response arrangements must recognise that mana whenua authority derives from whakapapa and territorial relationships.
44. The Bill should provide that:
 - mana whenua are identified and engaged according to their rohe.
 - appointment of iwi representatives to governance bodies is determined by mana whenua.
 - engagement processes are structured to avoid duplication or confusion during response activities.
45. Clarity strengthens operational effectiveness and upholds Te Tiriti principles in practice.

4.3 Reliance on Māori Capacity Without Resourcing

46. Marae frequently function as evacuation centres, welfare hubs, and coordination points during emergencies.
47. The Inquiry recognised that narrow reimbursement criteria and cumbersome processes created inequity and financial strain.

48. The Bill does not resolve these issues. It does not provide direct funding pathways for marae readiness, nor does it guarantee timely reimbursement for Māori organisations providing welfare and response functions.
49. This risks perpetuating a model where Māori capacity is relied upon during crisis but insufficiently resourced in advance.

5. Operational Authority and Volunteer Protection

50. Volunteer civil defence groups and accredited responders are central to front-line response capacity.
51. Recent events showed that volunteers often acted in good faith prior to formal declarations.
52. While the Bill strengthens accountability mechanisms, greater clarity is required to ensure volunteers can act decisively and confidently without fear of liability.
53. Specifically:
 - Legal protections should clearly extend to actions taken in good faith during pre-declaration or undeclared emergencies.
 - Accredited volunteer responders should have defined statutory authority enabling necessary response functions, without operational hesitation.
 - Liability protections must be robust enough to prevent hesitation in urgent life-safety decisions.
54. Ambiguity during early activation phases can delay intervention and increase harm. Strengthening statutory protections improves confidence, reduces hesitation, and enhances early intervention capability.

6. Governance Structure and Controller Flexibility

55. In large-scale emergencies such as Cyclone Gabrielle, reliance on a single controller within a unitary authority can create communication bottlenecks and delay decision-making.
56. The Bill should explicitly enable the appointment of multiple district controllers where event scale and geographic spread require distributed authority.
57. Greater flexibility would improve agility and allow for faster localised statutory action.

7. Alignment with Other Reforms and Regional Planning Capacity

58. The Bill increases expectations for regional emergency management plans at a time when local government faces fiscal constraints, structural reform, and workforce shortages.

59. Frequent legislative change and evolving national standards create cumulative implementation pressure.
60. Without dedicated funding and technical support, planning risks becoming compliance-driven rather than operationally effective.
61. If higher standards are required, implementation support must be embedded to ensure quality, consistency, and timely completion.

8. Recommendations

62. Te Tira Whakamātaki recommends that the Committee amend the Bill to:
 1. Include statutory funding mechanisms for readiness and reduction proportionate to climate-driven risk.
 2. Establish legislative enablement for pre-event activation funding triggered by credible forecasting thresholds.
 3. Embed mana whenua authority through defined appointment rights and governance roles.
 4. Provide direct funding pathways and timely reimbursement mechanisms for marae and Māori response providers.
 5. Strengthen statutory protection and defined authority for accredited volunteer civil defence groups, including in pre-declaration situations.
 6. Enable flexibility in controller appointments to improve operational responsiveness.
 7. Provide dedicated funding and technical support for regional emergency plan implementation.

9. Conclusion

63. Te Tira Whakamātaki supports reform of Aotearoa New Zealand's emergency management system. However, we do not support the Emergency Management Bill (No 2) in its current form.
64. While the Bill improves structural clarity, it does not yet sufficiently align responsibility with resourcing, embed mana whenua authority within governance structures, or provide the anticipatory funding and operational protections required in a climate-disrupted future.
65. Without stronger alignment between responsibility and resourcing, clearer recognition of mana whenua authority, and enhanced statutory protections for volunteers and marae, the system risks remaining reactive and inequitable in the face of escalating climate risk.

66. An emergency management framework for the 21st century must:
- fund readiness before disaster strikes
 - embed authority where capacity is relied upon
 - protect volunteers and marae who act in good faith
 - align governance structures with modern climate realities
67. With the amendments outlined in this submission, the Bill could deliver a modern, equitable, and anticipatory emergency management framework capable of meeting future risk. Without them, it risks entrenching the structural weaknesses that recent severe weather events have already exposed.
68. Te Tira Whakamātaki urges the Committee to strengthen the Bill accordingly - so that it supports resilient communities, upholds Te Tiriti o Waitangi, and delivers an emergency management system that is fair, anticipatory, and structurally sound.

Ngā mihi nui,

Anaru Shadbolt

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