HAWKE'S BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

13 February 2026

Governance and Administration Committee
Parliament Buildings
Wellington

via email to: ga@parliament.govt.nz

EMERGENCY MANAGEMENT BILL (NO2) – SUBMISSION FOR HAWKE'S BAY REGIONAL COUNCIL

Preamble

As a regional council, the Hawke's Bay Regional Council (HBRC) has a number of varying roles and responsibilities in relation to emergency management, including:

a) administering authority for: a. the Hawke's Bay Civil Defence Emergency Management Joint Committee (HBCDEM Joint Committee) b. the HBCDEM Coordinating Executive Group (CEG)
b) employer of staff within the Hawke's Bay Emergency Management Office
c) a local authority supporting responses to, and recovery from, emergency incidents
d) a provider of professional technical expertise, data and advice for a range of hazards and risks in Hawke's Bay and
e) a manager of multi-million-dollar valued flood and drainage scheme assets across Hawke' Bay.

We have focussed our submission on those key issues relevant to HBRC's role and responsibilities.

As administrative authority for the HBCDEM Joint Committee, HBRC has real-life experience and challenges of funding gaps following the Group's response and role in recovery from Cyclone Gabrielle's damage, disruption and tragic loss of lives in February 2023.

The HBCDEM Joint Committee is overseeing a HBCDEM 'Transformation Strategy' and programme of subsequent works over the next three years. To support this 'transformation,' HBRC is investing $875,000 over two years as HBCDEM's administering authority. This transformation has been a step-change in our region's inter-agency readiness for the next major emergency management response.

Without significant resourcing, local emergency management readiness will be limited and sub-optimal. The Bill as proposed sets up substantial amounts of work that requires stronger funding partnerships with central government for the benefit of communities, particularly given the Government's proposals to cap annual increases in rates.

Post-Cyclone Gabrielle Reviews

Various independent reviews were commissioned following Cyclone Gabrielle. Those directly relating to HBRC's activities include:

a) Hawke's Bay Independent Flood Review (HBIFR)
b) Government Inquiry into the Response to the North Island Severe Weather Events
c) HBCDEM Response to Cyclone Gabrielle, and
d) Review of the Management of the Wairoa River Bar by HBRC.

Over 50 recommendations feature in those reviews and HBRC has an extensive programme of work to address those recommendations. Some have already been completed, many are underway, and several require further analysis and associated funding to be progressed further. HBRC has a significant programme of capital works to enhance our communities' resilience to flooding events. Those works are the biggest investments in drainage and flood management infrastructure the region has seen for many decades.

Submission points

1. HBRC supports need for modernising legislation for emergency management. The Bill's overall intent is supported.
2. The EM Bill must be aligned with parallel reforms such as resource management, water services, local government funding and climate adaptation policy. Each of these are likely to deal with hazards (or certainly at least natural hazards) in different ways for different purposes – some with a longer-term horizon than others.
3. To be successful, the new emergency management system needs to be workable, affordable and deliverable, particularly for local councils and their communities.
4. Significant new responsibilities are proposed in the Bill with no additional funding being proposed. Without sustainable funding, increasing costs will fall on councils, ratepayers and communities. However, at the same time, local government is facing rating caps. Without additional funding sources, there is risk of undermining the successful delivery of the new system.
5. Much of the Bill's focus is on Response and Recovery phases (two of the '4Rs'). Other reforms and affordability of those reforms risk reducing councils' ability to fund emergency preparedness (i.e. readiness and risk reduction initiatives).
6. We support clear roles and responsibilities of key organisations and agencies in the emergency management system. However, we do have some concerns about super-sizing responsibilities of the multi-member emergency management joint committees to "lead" identification and management of hazards and risks. We are not convinced that EMCs and/or CEGs are the most appropriate entities for overseeing ***all*** the relevant matters for proactively identifying and managing risks locally and in a region. Longer-term climate adaption and risk reduction require broader skillsets, expertise and leadership than those typically associated with emergency preparedness and response. We think the Bill needs amendment to clarify the relationship between local authority hazard identification and a joint committee's role in assessing and managing hazards and risks in each region. These roles relate back to the need for alignment of reforms referred to in point 2 above.
7. We support strengthening the roles of iwi Māori and communities in the emergency management system. This supports locally led and regionally coordinated emergency management in Hawke's Bay. However, these roles should not rely on goodwill alone. Effective participation requires dedicated funding and adequate resourcing.
8. We consider the Bill should be amended so EMCs benefit from iwi Māori participation. If EMC membership continues to be limited to local authority members, iwi Māori involvement could be strengthened by amending Clauses 24–26. These amendments should allow EMCs to co-opt a person with strong knowledge of local Māori perspectives, Māori communities, and their interests, (similar to Clause 39(2)(f) for CEGs). We acknowledge that the responsibilities of co-opted EMC members may differ from those of local authority members, such as funding obligations or representation on CEGs.
9. HBRC supports modernised powers and declarations but still think verbal declarations made before a witness should still be a valid form.

10. HBRC supports the Bill's approach whereby Chief Executives of councils are not automatically, nor expected to be, appointed as Controller and/or Recovery Manager. In emergencies, Chief Executives are still required to lead their councils through activation of their respective business continuity plans. The Controller and Recovery Manager roles require focus and particular skillsets.

11. It is unclear why chief executives of regional councils are omitted in Clause 44 (role of chief executives). Chief executives of regional councils also have a key role in coordinating resources for emergency management readiness – at least for their own business continuity purposes, but also as a provider of critical infrastructure (e.g. river management, stopbanks, drainage and flood control) plus some key community services (such as passenger transport).

12. We support the Bill's proposals regarding civil liability protections but think those should be extended to **good-faith** preparatory actions taken **before** a formal declaration is made.

13. HBRC supports the Bill recognising essential infrastructure providers and providers of essential services. Our experiences in recent severe weather events tell us essential services and essential infrastructure are key to supporting communities' resilience and bounce-back. Nevertheless, we still recommend that the Bill must explicitly include at least the following within the meaning of 'essential infrastructure' and 'provider' of these:

    - River management and flood protection
    - Local airports and aerodromes (such as Wairoa and Bridge Pa).

14. Other specific clauses we support in the Bill include:

    - Clause 13 – a precautionary approach to dealing with hazard uncertainty is important. We think secondary legislation (e.g. Regulations) could elaborate on what a precautionary approach could look like in relation to certain types of hazards.
    - Clause 30 and Clause 38 – the expectation for all members to share costs of administering and servicing activities of a multi-member joint committee, unless otherwise agreed by all members.
    - Clause 37 – continuance of regional councils being the administering authority for multi-member joint committees.
    - Clause 38 and others – no requirement for funding commitments to be specified ***in*** Group Plans but can be agreed by joint committee members and recorded in other formats.
    - Clause 45 – reimbursement or payment of councils' costs incurred in connection with an emergency.
    - Clause 88 – enablement of targeted amendments to regional emergency management plans rather than prompting an entire plan review process.
    - Clause 203 – immunity from civil claims relating to issuing (or failing to issue) a warning about a hazard, regardless of whether in an emergency or not.

Recommendations

We recommend the Committee consider further amendments to the Bill to:

A. amend Clauses 24-26 plus others as necessary, so membership of EMCs can include a person who is co-opted by the EMC because that person has expertise and knowledge of local perspectives of Māori, Māori communities and their interests (similar to Clause 39(2)(f)).

B. amend Clause 27 so that the role of EMCs complement, rather than trump, the roles of local authorities in terms of identification of risk and hazards (including natural hazards and those exacerbated by climate change).

C. amend Clause 29 or similar so that members of EMCs specifically have the power to co-opt additional members who would contribute crucial insights and expertise for the EMC's roles and responsibilities, such as co-opting at least one person similar to Clause 39(2)(f).

D. amend Clause 44 or similar to carefully consider whether and why chief executives of regional councils are excluded given that coordination of regional resources would directly support the work of EMCs.

E. amend Clause 202 or similar to extend civil liability cover for instances where people act in good faith without official direction under a Declaration.

F. amend the Bill so that when preparing a regional emergency management plan for assessing and managing risks, Emergency Management Committees must at least have regard to any relevant Regional Spatial Plan, Future Development Strategy or similar spatial planning instruments, plus any relevant National Adaptation Plan.

G. amend Clause 7 and Schedule 3 so that definitions of essential infrastructure and essential infrastructure provider at least specifically include:

a. River management, flood mitigation, and their respective providers (e.g. regional councils) and

b. Regional airports and aerodromes, and their respective aviation authorities (for example, Wairoa and Bridge Pa).

H. enable a declaration to be made verbally before a witness, in exceptional circumstances where other forms of declaration may be impractical.

Thank you for the opportunity to make this submission on the Emergency Management Bill (No2).

We do wish to be heard in support of this submission.

Yours sincerely

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