

The Chairman of Council

9 February 2026
2pm

Supplementary Report

Pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, it is recommended that the following items be dealt with under Notification of Urgent Business

⇒ **Item 1 – Submission to the Government and Administration Select Committee**

The reason that this item was not included on the agenda papers is because the request for the submission was not received until after the closing date for the preparation of agenda items.

The reason that this item cannot be delayed is because the closing date for the Government and Administration Select Committee to receive submissions is 15 February 2026 and this is the only Council meeting prior to that date.

R Phillips
Chief Executive

RECOMMENDATIONS IN COUNCIL REPORTS ARE NOT TO BE CONSTRUED
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL

Report – Submission to the Government and Administration Select Committee

Objective ID: [click here to enter the Objective ID. Work from Objective. No copies](#)

Report by: Marcus Roy

Approved by: Rob Phillips, Chief Executive

Purpose

To seek approval from Council to lodge the proposed submission to the Government and Administration Select Committee.

Recommendation

It is recommended that Council resolve to:

1. receive the report
2. direct staff to draft and submit Environment Southland's submission to the Government and Administration Select Committee based on the key points as outlined in this report and as discussed at the meeting.

Background

The Government and Administration Select Committee is currently consulting the public on changes to the Emergency Management Bill. The consultation closes on Sunday 15 February 2026.

The key proposals are to:

- Replace the **Civil Defence Emergency Management Act 2002** with a modern emergency management framework.
- Clarify **roles and accountabilities** across central government, regional groups and councils.
- Introduce **higher minimum standards** for risk reduction, readiness, response and recovery.
- Strengthen **national leadership and oversight**, including expanded powers for NEMA.
- Require stronger **alignment of national, regional and local emergency management planning**, with increased expectations on councils and partners.

Attached is Environment Southland draft submission

Attachments

Objective reference (A1402458)

Our Reference: A1402458

5 February 2026

Governance and Administration Committee
Parliament Buildings
Wellington

Environment Southland's Submission on the Emergency Management Bill (No 2)

Introduction

1. The Southland Regional Council, trading as Environment Southland (Environment Southland), welcomes the opportunity to participate in the consultation on the Emergency Management Bill (No 2). This Council plays a critical role in preparing for and managing emergencies across Southland. As the regional authority, it is responsible for flood risk management, infrastructure governance, catchment and drainage management and regional hazard monitoring and warning. The Council also provides the technical advice that underpins emergency management planning and operations. In terms of active emergency management, it supports and governs Emergency Management Southland, jointly with the Southland councils.
2. Environment Southland supports many aspects of the Bill and agrees that strengthening the emergency management system is increasingly urgent considering more frequent and severe weather events¹. We recommend refinements to ensure the Bill better reflects the realities of slow onset and flood related emergencies commonly experienced in Southland. We note that the Bill gives limited attention to long-term climate resilience and the reduction function, which is increasingly important for Southland.
3. Environment Southland acknowledges and supports that several aspects of the Bill reflect feedback provided during consultation on the National Emergency Management Agency's April 2025 discussion document and represent meaningful improvements to the emergency management system. These include:
 - Clearer authority and accountability settings: Emergency powers vested in Controllers and retention of mayoral declaration roles.
 - Modernised declaration and transition process: Electronic and verbal options, and clearer recovery phases.
 - Essential infrastructure framework: Broader, principles-based approach to lifeline utilities.
 - Community and iwi Māori engagement: Mandated engagement in planning and decision-making structures.
 - Animal welfare powers: Clear authority to prevent unnecessary suffering during emergencies.

¹ Department of Internal Affairs. (2024, April 23). Report of the Government Inquiry into the Response to the North Island Severe Weather Events (p. 14). [https://www.dia.govt.nz/diawebsite.nsf/Files/Government-Inquiry-into-Severe-Weather-Events/\\$file/Report-of-the-Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Government-Inquiry-into-Severe-Weather-Events/$file/Report-of-the-Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events.pdf)

4. In preparing this submission, Council has focused on matters that are of direct relevance to the role of regional councils, particularly where the Bill relies on regional technical expertise, infrastructure governance and coordination capacity to achieve its objective.
5. In summary, the key points of this submission are:
 - Strong support for the intent of the Bill to strengthen national coordination, clarify authority during emergency response and recovery, and modernise declaration and transition arrangements.
 - Support for the Bill's operational framework, with recommendations to better reflect the realities of managing slow onset, flood related and climate driven emergencies common in Southland.
 - Recommendation to explicitly recognise flood banks and flood protection works as essential infrastructure, ensuring statutory clarity, national consistency and alignment with the National Policy Statement for Infrastructure.
 - Recommendation to clearly define the professional role, responsibilities and minimum capability expectations of Group Offices and Group Managers and to strengthen provisions for iwi partnership by amending clause 39(2)(f) to ensure representation reflects mana whenua authority and expertise.
 - Recommendation to clarify expectations, authority and liability settings for the management of undeclared emergencies, including early-stage monitoring, coordination responsibilities, and the resourcing and protection of councils and community volunteers involved in early response.
 - Recommendation that implementation of the Bill be supported by clear national guidance, staged transition arrangements, and appropriate resourcing to ensure regional councils, iwi partners and community-based response structures can meet the strengthened requirements.

To further illustrate our support for the Bill, we note that recent emergency events have demonstrated the importance of clear national leadership, coordinated multi-agency response arrangements and updated powers that reflect contemporary operational realities. The Bill's strengthened declaration processes, improved clarity around decision-making authority and modernised approach to transition periods will support more consistent approaches across regions. We also support the emphasis on community and iwi partnership obligations, which align with existing practice in Southland and helps ensure locally grounded knowledge is incorporated into emergency planning and response. We note that these improvements will become increasingly important as climate-driven hazards intensify, requiring decision-making frameworks that can operate effectively in a dynamic, climate-altered environment.

Essential Infrastructure

6. Environment Southland recommends that the Bill explicitly recognise flood banks and associated flood protection works as essential infrastructure. Flood banks play a critical role in safeguarding life, property, economic activity and essential services during emergencies.
7. We consider that flood infrastructure already meets the criteria of 'essential infrastructure' because the Bill defines this as infrastructure necessary to deliver an essential service, one that supports "*public order, safety, health, national security, and the functioning of the economy and*

society”.² For rural Southland communities, which can be isolated during emergencies due to geographic remoteness, limited network redundancy and reliance on single lifeline utility providers, well-functioning flood banks are critical to maintaining access, reducing disruption and supporting community resilience. Given Southland has the highest proportion of rural communities in the country, failures in flood infrastructure have a disproportionately severe impact across the region. As a significant primary sector region, Southland’s economic output is closely tied to the functioning of flood protection infrastructure, meaning failures in these systems can have region-wide economic impacts in addition to social effects.

8. Explicit recognition of flood banks as essential infrastructure would deliver several important benefits. It would clarify councils’ responsibilities and powers for managing, maintaining and upgrading these assets, reducing ambiguity during emergency response and recovery, particularly where rapid access to land, emergency works or prioritised repair is required. It would also strengthen the basis for national resilience funding and prioritising flood protection upgrades within regional infrastructure programmes.
9. Recognition is also important for alignment with national direction. The National Policy Statement for Infrastructure (NPS-I) identifies flood control and protection works carried out by or on behalf of local authorities as “*additional infrastructure*,” emphasising the national importance of these assets and the need for consistent guidance on their development, management and maintenance.³ Aligning the Bill with the NPS-I would support integrated hazard risk planning and climate adaptation efforts across the emergency management and resource management systems.
10. The increasing frequency and severity of extreme weather events makes it essential that climate adaptation assets such as flood banks are maintained to a high standard and recognised as core resilience infrastructure. Explicit recognition within the Bill would help ensure that these assets receive appropriate prioritisation, support coordinated planning with other infrastructure providers (such as transport, power and water networks), and minimise long-term recovery costs for councils and communities. Clearer integration of climate adaptation within the emergency management framework would help ensure these long-term resilience assets are consistently prioritised across regions.

Recommendations:

- *Explicitly include flood control and protection works (including flood banks) within the Bill’s definition or schedule of essential infrastructure, to ensure statutory clarity, national consistency, and alignment with the National Policy Statement for Infrastructure.*

Group Offices, Group Managers

11. Environment Southland supports the Bill’s approach of clearly locating formal emergency powers and decision-making authority with authorised office holders such as Controllers, Mayors, Ministers and the Director-General. However, the Bill understates the critical role that Group Offices and Group Managers play in enabling the emergency management system to function effectively at a regional level.
12. Emergency Management Committees (EMCs) rely on more than administrative support as they depend on specialised professional capability to provide the analysis, planning and coordinated operational functions needed for effective emergency management. A dedicated Group Manager and a professionally staffed Emergency Management Office deliver this capability, providing professional advice to EMCs and Executive Groups, coordination of multi-agency programmes, risk

² Emergency Management Bill (No 2) (236-1), cl 7.

³ Ministry for the Environment. (2025, December 18). National Policy Statement for Infrastructure 2025 (p. 4).

and hazard intelligence, planning, readiness, community engagement, iwi partnership support and operational integration. Describing this work as “*administrative and related services*” (cl. 38(2)) does not reflect the technical, strategic and operational responsibilities required to meet the increasing complexity of emergency management.

13. Over the last twenty years, the role of Group Offices has evolved substantially. Increasingly frequent and severe weather events, climate-driven compounding hazards and the heightened demand on professional emergency management capability have expanded the depth and scope of regional responsibilities. Southland’s geographic size, dispersed rural population and infrastructure vulnerabilities further amplify the need for a well-resourced professional Office with the capability to support emergency management before, during and after events. As these pressures intensify, sustained capability in long-term risk reduction and climate adaptation becomes an essential component of effective regional emergency management.
14. To ensure the emergency management system has the capability it needs, the Bill should explicitly recognise the role of Group Offices as a professional function, not only an administrative one, and ensure that administering authorities are empowered and resourced to maintain the capability, capacity and technical leadership expected of EMCs.

Recommendations:

- *Define the role, responsibilities and minimum capability expectations for Group Offices and Group Managers through mandated national guidance or standards, reflecting their professional and technical functions.*
- *Recognise Group Offices as professional emergency management units rather than administrative support services and provide for appropriate resourcing to reflect the increasing complexity and climate-related demands on EMCs.*

Iwi Māori Participation

15. Environment Southland recommends strengthening clause 39(2)(f). The reference to appointing individuals able to reflect “*local perspectives of Māori*” is not clear and risks enabling representation that does not reflect recognised mana whenua authority. Representation at the governance level must be grounded in partnership and in the authority of mana whenua, particularly given their demonstrated capability and essential contributions during recent emergencies across the motu.
16. Environment Southland also supports legislated protection of taonga Māori within the emergency management system. Clear statutory expectations help ensure that emergency planning and response processes recognise and respect sites, values and assets of cultural significance. Early and proactive planning is essential to achieving culturally appropriate responses and supporting engagement with mana whenua in ways that uphold their role and responsibilities.
17. Environment Southland also observes that while iwi and rūnanga already contribute significantly to emergency management planning, response and community resilience in practice, the Bill does not materially strengthen the statutory basis for this involvement. Recent emergency events around the motu have highlighted the vital role that marae and iwi-led support networks play in welfare provision, coordination and community assistance. In Southland, facilities such as Murihiku Marae have been developed with community resilience functions in mind, reflecting their ongoing commitment to supporting responses where needed. Providing clearer legislative direction on how iwi involvement is to be recognised within governance and decision-making

structures would better reflect existing practice and support more consistent engagement across regions.

18. Environment Southland also recommends that the Bill acknowledge the important role marae play during emergencies, particularly in providing community support, welfare services and a place for people to gather and organise. In Southland, Murihiku Marae has recently undergone a significant redevelopment that strengthens its ability to serve as a community hub, reflecting Waihōpai Rūnaka's intention that it be a safe and welcoming place for whānau and the wider community.⁴ The loss or disruption of marae can have significant long-term social and economic impacts, particularly for communities that rely on these facilities as central gathering and support hubs. Ensuring that the emergency management system supports the ability of marae such as Murihiku to contribute during emergencies would better reflect their established role in community response and strengthen iwi partnership in practice.
19. Regional emergency events also highlight the value of local cultural knowledge in emergency contexts. For example, Te Rūnaka o Awarua engaged closely with emergency services during the 2022 Awarua–Waituna wetlands fire, providing place-based insights on environmental and cultural considerations relevant to the incident.⁵ Strengthening the statutory basis for iwi involvement would help ensure that this established practice is consistently reflected in governance, planning and decision-making processes across the emergency management system.

Recommendations:

- *Provide practical mechanisms and resourcing to support strong, consistent iwi partnership, ensuring governance representation reflects mana whenua authority and expertise.*
- *Amend clause 39(2)(f) to ensure representation is grounded in mana whenua authority, rather than the broader and less precise "local perspectives of Māori."*
- *Include clear legislative expectations for the protection of taonga Māori and for early planning processes that support culturally appropriate emergency responses.*
- *Recognise the role of marae in supporting community response and welfare during emergencies and ensure emergency management arrangements enable marae such as Murihiku to operate effectively in this capacity without compromising their ability to serve their communities.*

Management of Undeclared Emergencies and Liability Settings

20. Environment Southland supports the Bill's intention to provide clearer authority and stronger coordination arrangements during declared emergencies and transition periods. However, many emergency events in Southland, particularly slow-developing or weather-related situations, require early monitoring, technical assessments and interagency coordination before a declaration is made. These early stages are often operationally significant, yet the Bill provides limited clarity on how this period should be managed.
21. For regional councils, ambiguity in the undeclared emergency space can create uncertainty about when to initiate coordination, what level of support is expected, and how early actions should be

⁴ Te Rūnanga o Ngāi Tahu. (2023, June 07). Murihiku Marae reopening a proud moment for Waihōpai Rūnaka. <https://ngaitahu.iwi.nz/connect-2/connect/news-and-stories/murihiku-marae-reopening-a-proud-moment-for-waihopai-runaka/>

⁵ Fire and Emergency New Zealand. (2022, July 21). "I take my hat off to them". <https://portal.fireandemergency.nz/notices-news-and-events/news/i-take-my-hat-off-to-them/>

framed. Unclear thresholds for early intervention can raise potential liability implications for councils and affect community members involved in local response efforts, such as Community Response Groups. This includes situations where action is taken without clear statutory backing, and where action is expected but not clearly mandated. This reflects Southland's reliance on community-led readiness and local response capability, where early engagement is often necessary to reduce emerging risk. This issue is particularly relevant for slow-building, climate-related events where early pre-declaration action is critical to reducing escalating risk. These risks may involve threats to human life and safety, risks to public health, and potential damage to property, infrastructure and essential services. Clearly identifying these risks supports more timely early-stage action.

22. While the Bill strengthens liability protections for authorised persons during declared emergencies and for hazard warnings at any time, it provides limited guidance on the early, pre-declaration period when councils are often making time critical decisions. Without clearer expectations or protections, councils may face uncertainty about their role, responsibilities and the basis on which early actions are undertaken. This can lead to hesitation, inconsistent practice across regions, and a mismatch between public expectations and the tools available.
23. Uncertainty also exists around how the costs of early monitoring, coordination or preventative actions undertaken during undeclared emergencies should be managed. Regional councils may need to initiate additional work before a declaration is made, and clearer guidance on how such activities are to be supported or recovered would help ensure consistent practice and avoid uncertainty for councils and communities.
24. Providing greater clarity on the management of undeclared emergencies would help ensure that regional councils can take timely, proportionate steps to reduce emerging risks. It would also support national consistency, reduce uncertainty for councils and partner agencies and ensure early coordination aligns with the intent of the emergency management system.
25. Further clarity would also assist with managing the early stages of undeclared emergencies, where staff, partner agencies, volunteers and community members may begin taking action as conditions develop. Clear expectations around Health and Safety obligations and duty-of-care requirements during these initial phases would support consistent, safe mobilisation. Recent national events have shown that structured early monitoring and timely coordination can significantly improve situational awareness and reduce risk during slow-onset hazards. For example, during Cyclone Gabrielle, the Tairāwhiti CDEM Group began internal monitoring as early as 4 February 2023, with consistent meteorological modelling confirming likely regional impacts by 6 February. This led to early activation of the Incident Management Team and public preparedness messaging from 9 February, several days before the cyclone reached the region, demonstrating the importance of clear expectations and processes for early, pre-declaration action.⁶ Slow-onset events occurring in Southland and other regions further highlight the benefits of clear guidance for pre-declaration coordination to help reduce risks to people, property and essential services.

Recommendations:

- *Clarify expectations and thresholds for coordination during undeclared emergencies to support early, risk-based action and improve national consistency, including the role and protections of community volunteers involved in early response activities.*

⁶ Gisborne District Council. (2023). Cyclone Gabrielle Timeline.

https://www.gdc.govt.nz/data/assets/pdf_file/0018/52407/CDEM-Timeline-15May23-pdf.pdf

- *Ensure the legislative framework appropriately recognises and supports the early emergency management functions undertaken by regional councils before a formal declaration is made.*
- *Provide clearer guidance on how activities undertaken by councils during undeclared emergencies should be managed, supported and resourced, including consideration of broad organisational liability settings.*
- *Clarify how reasonable, early-stage activities undertaken by councils during undeclared emergencies may be funded or recovered, to avoid uncertainty for councils and communities.*
- *Strengthen national guidance so that early-stage emergency management activities are consistent, proportionate and aligned with the overall intent of the Bill.*

Implementation and Resourcing Requirements

26. The successful implementation of the Bill will depend on clear national direction, staged transition arrangements, and sustained resourcing to ensure that new responsibilities can be met by regional councils, iwi partners and community response structures. While the Bill introduces strengthened expectations for engagement, planning, readiness, coordination and integration, without a coherent implementation pathway these expectations risk exceeding the capacity of those required to deliver them.
27. For Southland, implementation challenges are heightened by region-specific factors, including a large geographic area, dispersed rural communities, and the potential for isolation when key transport routes or communication links are disrupted. The region also relies heavily on community-led readiness and Community Response Groups as part of early local response. These groups, alongside iwi partners and the Group Office, are central to Southland's emergency management system, yet their capability depends on consistent support, training, coordination and resourcing. Climate-driven pressures and the increasing need for specialised emergency management expertise further underscore the need for a well-supported implementation programme.
28. A significant implementation risk is that emergency management is funded almost entirely by local government. The Bill, as drafted, places an unacceptable and untenable level of additional funding burden on local government, particularly if future constraints on council revenue, such as potential caps on rates, are introduced. If this occurs, regional emergency management capability could be severely restricted. Without adequate staffing, training, infrastructure readiness and community engagement, the goals of the Bill could not be achieved, increasing risk to life, property and community resilience, especially in regions like Southland where emergency events are frequent, widespread and slow-developing. To ensure the intent of the Bill can be delivered, these functions must be funded by central government, rather than relying on already constrained local government revenue.
29. Ensuring that implementation requirements are aligned with the resources available to regional and local authorities will be essential to achieving the intent of the Bill. Future constraints on council revenue, including any limits on rating capacity, may influence the ability of councils to meet strengthened statutory obligations within expected timeframes. Additionally, changes within the wider local government system may affect how councils organise and collaborate to support regional emergency management arrangements. The Bill currently creates a structural misalignment by placing expanded responsibilities on councils without providing the means to fund them, resulting in an untenable burden on local government. To address this, the additional responsibilities introduced by the Bill must be funded by central government, supported by clear national guidance, phased transition periods and attention to long-term capability and resourcing needs.

30. To achieve the Bill's objectives, the implementation process must recognise the operational realities of regional emergency management, the additional responsibilities placed on councils and iwi, and the need for practical, well sequenced national guidance that supports local delivery. Insufficient clarity or resourcing during transition risks inconsistency across regions, reduced system performance and erosions of the Bill's intent. A clear, well-resourced implementation plan is therefore essential to supporting an effective and equitable transition.

Recommendations

- *Provide early, practical national guidance to support implementation, including clear timeframes, transitional expectations and supporting material to assist councils and communities to plan effectively.*
- *Ensure implementation is supported by appropriate resourcing, recognising additional responsibilities placed on regional councils, iwi partners and community-based response structures across Southland.*
- *Ensure the emergency management system is supported by a sustainable and secure funding framework, recognising that the Bill places an unacceptable and untenable level of additional funding burden on local government, and that these functions must be funded by central government rather than relying on constrained local government revenue or any future limits on rating capacity.*

31. Council thanks the Committee for considering this submission and looks forward to future opportunities for collaboration.