

Departmental Disclosure Statement

Civil Defence Emergency Management Amendment Bill (No 2)
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Civil Defence & Emergency Management (MCDEM).

MCDEM certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

26 July 2017

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Part One: General Policy Statement

This Bill amends the Civil Defence Emergency Management Act 2002 (**the principal Act**) to provide that the national civil defence emergency management strategy (**National CDEM Strategy**) remains in place until 9 April 2019.

The principal Act requires the Minister of Civil Defence to have a National CDEM Strategy in place at all times. The current National CDEM Strategy expires on 9 January 2018.

The Government appointed a technical advisory group to identify improvements in New Zealand's response to natural disasters and other emergencies. This Bill extends the period of time for which the existing National CDEM Strategy remains in effect to provide time for the Government to consider the technical advisory group findings before finalising a new National CDEM Strategy.

The Bill adds a provision to Schedule 1AA (transitional, savings, and related provisions) of the principal Act allowing the current National CDEM Strategy to remain in effect until 9 April 2019.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
<i>Treasury confirms that the proposals in this briefing are exempted from a Regulatory Impact Assessment as they have no or minor impacts on businesses, individuals or not-for-profit entities.</i>	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	N/A

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The overall costs and benefits are uncertain at this stage. There are potential opportunity costs from delaying the introduction of a new National Civil Defence Emergency Management Strategy. There are also potential benefits from waiting until the Technical Advisory Group complete its review to identify improvements in New Zealand's response to nature disasters and other emergencies and the Government to consider the review findings.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
<i>Not applicable.</i>

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?
<i>MCDEM's analysis did not identify any inconsistencies with the principles of the Treaty of Waitangi.</i>

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	NO
<i>The Bill does not change the rights or freedoms in the New Zealand Bill of Rights Act 1990.</i>	

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

3.4.1. Was the Ministry of Justice consulted about these provisions?	NO
<i>Not applicable.</i>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO
<i>Not applicable.</i>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>There has been limited time for formal consultation. The following agencies have been informed: the Treasury; Ministries of Business, Innovation and Employment; Justice; Foreign Affairs and Trade; Health; Social Development; Transport, and Education; Ministries for the Environment; Primary Industries; and Culture and Heritage; Departments of Internal Affairs, and Conservation; Te Puni Kōkiri; Maritime New Zealand; Land Information New Zealand; New Zealand Defence Force; New Zealand Fire Service; New Zealand Police; State Services Commission; and the Earthquake Commission.</p> <p>No concerns were raised with the Ministry of Civil Defence & Emergency Management.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO