

Departmental Disclosure Statement

Emergency Management Bill (No 2)

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 National Emergency Management Agency (NEMA).

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

28 November 2025

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Part One: General Policy Statement

Overview

The Emergency Management Bill (No 2) replaces the Civil Defence Emergency Management Act 2002 (the **CDEM Act**). It retains New Zealand's existing philosophy for emergency management, which is based on–

- consideration of all hazards (things that could cause, or substantially contribute to the cause of, an emergency) – including those caused by natural processes, human activity, or a combination of both;
- taking an end-to-end risk management approach – managing the risk from hazards to an acceptable level requires action across the “4 Rs” of risk reduction, readiness, response, and recovery;
- all parts of society playing a role – risks should be managed by those who are best placed to manage them, at the lowest appropriate level.

This Bill builds on the legislative framework established by the CDEM Act. Its changes seek to–

- strengthen the role of communities and iwi Māori in emergency management; and
- provide for clear responsibilities at the national, regional, and local levels; and
- enable a higher minimum standard of emergency management; and
- minimise disruption to essential services; and
- ensure agencies have the tools to do their jobs effectively when an emergency happens.

Background

The Minister for Emergency Management established a Government Inquiry into the Response to the North Island Severe Weather Events (the **Inquiry**) in 2023. The Inquiry found that New Zealand's emergency management system was not fit-for-purpose as it lacks the capacity or capability to deal with significant emergencies that affect multiple regions at once.

The Inquiry and past reviews have also highlighted that New Zealand has not achieved the whole-of-society approach to emergency management that Parliament envisaged when the CDEM Act was passed in 2002.

The Inquiry's report is available at <https://www.dia.govt.nz/Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events>.

The Government considered the Inquiry's recommendations and released its vision to strengthen disaster resilience and emergency management in October 2024. The Government's response to the Inquiry is available at <https://www.dPMC.govt.nz/publications/strengthening-disaster-resilience-and-emergency-management>.

The Bill implements the parts of the Government's response that require legislation and addresses a range of other issues identified with the CDEM Act.

Stronger recognition for communities and iwi Māori

Recognition that some communities face greater risk

Emergencies disproportionately affect some population groups because they have existing vulnerabilities or specific needs or live in places that are more exposed to hazards. These populations may include rural communities, culturally and linguistically diverse communities, seniors, disabled people, children, and those experiencing socio-economic deprivation or isolation.

The Bill requires the Director-General of Emergency Management and Emergency Management Committees to identify communities that may be disproportionately affected by emergencies and engage with representatives of those communities during the development of emergency management plans.

Strengthening the role of iwi Māori

Iwi and other groups that represent Māori have unique knowledge, skills and resources to contribute across the 4 Rs. For example, iwi Māori have an understanding of hazards and risks that is grounded in centuries of local knowledge, and use their capacity, networks, and resources to care for displaced people. The Bill formally recognises the roles iwi Māori play in emergency management by–

- requiring Emergency Management Committees to appoint 1 or more Co-ordinating Executive Group members with knowledge of the interests and values of local Māori communities:
- requiring Emergency Management Committees to engage with and involve representatives of iwi and Māori in the development of regional emergency management plans:
- requiring the Director-General to engage with and seek advice from representatives of iwi and Māori in the development of the national emergency management plan.

Strengthening the role of the community

Many people and community groups wish to contribute their skills, information, and other resources during and after an emergency. Of note, rural communities have strong local networks, people, and equipment to support relief efforts. The Bill seeks to ensure these contributions are accommodated by requiring Emergency Management Committees to–

- appoint 1 or more Co-ordinating Executive Group members with knowledge, experience, or expertise in the interests and needs of rural communities in the Group's area:
- consider appointing 1 or more Co-ordinating Executive Group members who have connections with communities relevant to emergency management:
- use their regional emergency management plans to address how offers of assistance from people and communities will be managed in an emergency.

Clearer responsibilities at the national, regional, and local levels

Changes to roles at the national level

The Bill makes the following changes to national level roles:

- The chief executive of the administering department becomes the Director-General of Emergency Management. This change reflects the establishment of the National Emergency Management Agency as an autonomous departmental agency with its own chief executive. The Director-General will continue to delegate their emergency management response and recovery functions and powers to the National Controller and National Recovery Manager as appropriate.
- To provide for greater situational awareness, the Director-General is given a new role to advise and inform the Minister about situations that have the potential to become an emergency (as defined in this Bill).
- The Bill formalises and clarifies the concept of “lead agencies”, being central government agencies responsible for planning and co-ordinating the response to emergencies arising from specific hazards. This change seeks to reduce ambiguity about who is ultimately in charge during an emergency.

Changes to roles at the local government level

Local authorities play key roles in the emergency management system, both as individual organisations and as Emergency Management Committees (formed by the local authorities in each region). The Bill places more emphasis on local authorities’ roles within their own geographic and functional areas of responsibility by–

- creating distinct roles for Emergency Management Committees and their local authority members, with specific arrangements applying to offshore islands (where the Minister of Local Government is the territorial authority);
- making mayors primarily responsible for declaring states of local emergency and transition periods within their own districts;
- creating a line of accountability between territorial authority chief executives and District and Local Controllers and District and Local Recovery Managers, and giving these chief executives an explicit mandate (which can then be delegated) to coordinate resources made available for the purposes of the Act.

Targeted amendments to statutory planning documents

The national emergency management plan and regional emergency management plans set out key responsibilities. To enable these responsibilities to be kept up to date more easily, the Bill provides for targeted amendments to be made without a full review process.

Mechanisms to lift minimum standards and enforce compliance

Emergency management rules

The Bill provides for a greater level of national direction by empowering the Minister to make rules prescribing technical, operational, procedural, or operational matters. Rules are intended to create a more flexible regulatory framework and replace some matters that can currently be prescribed through regulations made by Order in Council.

Stronger national direction for regional emergency management plans

Regional emergency management plans are key instruments for implementing Emergency Management Committees’ responsibilities and driving action across the 4 Rs at the local government level. The Bill seeks to improve the quality of these plans by empowering the Minister to–

- create standards that set mandatory requirements for the structure, format, or content of regional emergency management plans:
- direct an Emergency Management Committee to commence a full or partial review of its plan:
- require amendments to a proposed regional emergency management plan if, in the Minister’s view, the plan would otherwise fail to meet the requirements of the Act or the national emergency management plan.

The Bill also introduces a new requirement for regional emergency management plans to set out how animals will be managed during an emergency.

Mechanisms to ensure compliance

The Bill empowers the Director-General of Emergency Management to issue compliance orders to address the contravention of requirements under the Bill (when enacted). Compliance orders are intended to provide an escalating framework for intervention when statutory responsibilities are not being met.

The Bill also increases the maximum penalties for prosecutable offences (which are carried forward from the CDEM Act), to align with the penalties for similar types of offending in other comparable legislation.

New arrangements for infrastructure that provides essential services

Essential infrastructure providers (referred to as lifeline utilities in the CDEM Act) are entities whose infrastructure provides services that support basic human needs and underpin the normal functioning of society. The Bill introduces a principles-based approach to recognising new essential infrastructure providers and creates new requirements to—

- address any matters prescribed through regulations in their plans for functioning during and after an emergency:
- contribute to the development of sector response plans initiated by the Director-General of Emergency Management.

The Bill also clarifies that technical advice required from an essential infrastructure provider cannot be used for enforcement purposes.

Changes to declarations, powers, and protections

Declaration processes

To ensure local authorities have appropriate access to powers in a concurrent emergency, the Bill enables national and local states of emergency or transition periods to be in force over the same geographic area at the same time, where necessary to deal with different emergency events.

The Bill modernises the process to declare a state of emergency or transition period by enabling statutory forms to be completed with electronic signatures.

Changes to emergency response and recovery powers

The CDEM Act’s state of emergency and transition period powers have been carried over to the Bill, with several changes as follows—

- The Bill creates a new power to enter premises where necessary to take urgent measures to mitigate unnecessary pain or suffering to an animal.
- Regional Controllers are given direct access to certain state of emergency powers, consistent with those that may be exercised by Regional Recovery Managers during a transition period. These powers currently sit with Civil Defence Emergency Management Groups but are normally delegated to Controllers in practice.
- The Bill clarifies that when a road or public place is closed during a state of emergency or transition period, access may still be granted to any class or group of persons.

Limitation of civil liability

Early warnings can save lives and reduce the risk to property in an emergency. To address existing barriers to issuing timely warnings, the Bill introduces a new protection from civil liability for loss or damage that is due (directly or indirectly) to the issue of, or failure to issue, a warning.

The Bill also makes it more explicit that protection from civil liability covers any person acting under the direction of a person performing functions, duties, or powers under the Act (where the loss or damage is due directly or indirectly to a state of emergency or transition period).

Increased oversight for use of powers

The powers available during a state of emergency or transition period may limit normal freedoms where this is justified to deal with the significant consequences of an emergency. The Bill increases oversight of the use of these powers by requiring Controllers to provide a written report to the Director-General of Emergency Management following the termination of a state of emergency. A similar reporting requirement already exists for transition periods.

If the report relates to a state of national emergency, the Director-General must provide a copy of the report to the Minister, and the Minister must present it to the House of Representatives as soon as practicable.

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?	YES
<p>Ministerial Review: <i>Better Responses to Natural Disasters and Other Emergencies</i>, November 2017. Available at https://www.dpmc.govt.nz/publications/ministerial-review-better-responses-natural-disaster-and-other-emergencies</p> <p>The Government response to the Technical Advisory Group recommendations: <i>Delivering Better Responses to natural disasters and other emergencies</i>, August 2018. Available at https://www.dpmc.govt.nz/sites/default/files/2018-08/natural-disasters-emergencies-government-response-tag-report.pdf</p> <p>The Government Inquiry into the Response to the North Island Severe Weather Events: <i>Report of the Government Inquiry into the Response to the North Island Severe Weather Events</i>, April 2024. Available at https://www.dia.govt.nz/Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events</p> <p>The Government's response to the Report of the Government Inquiry into the Response to the North Island Severe Weather Events: <i>Strengthening disaster resilience and emergency management</i>. October 2024. Available at https://www.dpmc.govt.nz/publications/strengthening-disaster-resilience-and-emergency-management</p>	

Relevant international treaties

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

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Regulatory Impact Statement: Strengthening New Zealand's Emergency Management Legislation. National Emergency Management Agency (NEMA), 15 July 2025. Available at https://www.civildefence.govt.nz/assets/Uploads/documents/proactive-release/pr-eco-25-sub-0117-em-legislative-reform.pdf</p>	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>Quality assurance of the regulatory impact assessment was delegated to, and undertaken by, the Department of Internal Affairs.</p>	

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
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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
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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?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
<p>Refer to pages 122 to 127 of the Regulatory Impact Statement: Strengthening New Zealand's Emergency Management Legislation.</p> <p>Available at https://www.civildefence.govt.nz/assets/Uploads/documents/proactive-release/pr-eco-25-sub-0117-em-legislative-reform.pdf</p>	

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?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
<p>Refer to the response to question 2.5 above.</p> <p>(a) Overall, the level of effective compliance with the obligations and standards in the Bill is expected to be high, which will produce net benefits for New Zealand – international research indicates that every \$1 invested in resilience and disaster preparedness reduces economic impacts by 4:1 to 13:1 (U.S. Chamber of Commerce [2024] The Preparedness Payoff).</p> <p>(b) Monitoring and enforcing compliance with regulations and rules will require increased assurance effort from NEMA with associated costs, but (see above) this cost is expected to be more than balanced by the benefits of improved performance in the sector. The new scheme for Compliance Orders has potential for increased regulator effort and associated administrative costs from the issue of orders, instigation of civil proceedings and prosecution for offences. However, based on evidence from other schemes and knowledge of the sector, Compliance Orders are expected to be used sparingly, and are not expected to graduate to civil proceedings or prosecutions for offences in the short term.</p>	

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?
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The Bill achieves better alignment with the Sendai Framework for Disaster Risk Reduction 2015-2020 (<https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>) by ensuring that groups representing people who are more likely to be negatively impacted by emergencies have the opportunity to participate in planning. The Sendai Framework emphasises the importance of including such groups in the assessment of disaster risk and in the designing of implementation plans.

The proposals in the Bill are compatible with New Zealand's obligations under international conventions, treaties and declarations.

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?

A Treaty Impact Assessment was undertaken. Refer to pages 199 to 121 of the Regulatory Impact Statement: Strengthening New Zealand's Emergency Management Legislation.

Available at <https://www.civildefence.govt.nz/assets/Uploads/documents/proactive-release/pr-eco-25-sub-0117-em-legislative-reform.pdf>

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?	YES
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The advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report by the Attorney-General, is expected to be available on the Ministry of Justice website upon introduction of the Bill and such advice, or reports, will be accessible on the Ministry website at: <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/section-7-reports/>

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)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
<p>The Bill carries over existing the offences in the CDEM Act. See Subpart 3 of Part 5 of the Bill. The penalties for these offences (established in 2002) have been reviewed for consistency with similar provisions in other pieces of current legislation and have, in all but one case, been raised accordingly. Penalties have increased from \$5,000 for an individual and \$50,000 for a body corporate to within a range up to a maximum of \$50,000 for an individual and \$150,000 for a body corporate.</p> <p>A new offence has been created to support the establishment of a scheme for Compliance Orders – see Subpart 2 of Part 5 of the Bill. Under the proposed scheme, the Director-General of Emergency Management is authorised to issue a Compliance Order to address matters of non-compliance with legislative requirements under the Act. Failure to comply with a Compliance Order is an offence with a penalty on conviction of \$75,000 for an individual and \$150,000 in any other case.</p> <p>The Compliance Order scheme includes provision for the Director-General of Emergency Management to instigate civil proceedings in the District Court to compel compliance with a Compliance Order.</p> <p>The whole, or any part, of a Compliance Order is subject to appeal to the District Court.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>The Ministry of Justice has been consulted throughout the development of the policy and drafting of the Bill. The Ministry's Offences and Penalties Vetting team was consulted on the relevant provisions and, where appropriate, amendments were made to the Bill to reflect the Ministry's advice.</p> <p>In relation to the scheme for Compliance Orders, the Ministry prefers a pecuniary penalty to the current proposal of a fine on conviction.</p>	

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
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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>In April 2025, Cabinet agreed to release a discussion document seeking feedback on the reform objectives, issues with the status quo, and options to address them. Public consultation was open from 15 April to 20 May. NEMA received 324 submissions, the majority of which were substantive. The public consultation was supported by targeted engagement with stakeholders and iwi Māori.</p> <p>Of the total submissions, 231 were from organisations ranging from councils, CDEM Groups, iwi Māori, volunteer organisations, businesses (including primary industries, lifeline utilities and insurers), interest groups such as animal welfare organisations, and groups representing parts of the community such as disabled people, older people, and rural communities.</p> <p>The majority of submitters who commented on the reform objectives either supported them or provided conditional support. Submitters generally agreed with the issues set out in the discussion document and supported one or more legislative options that have since been drafted into the Bill. More information on submitter feedback is provided in the Regulatory Impact Statement supporting the Bill available at:</p> <p>https://www.civildefence.govt.nz/assets/Uploads/documents/proactive-release/pr-eco-25-sub-0117-em-legislative-reform.pdf.</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?	YES
<p>The targeted engagement noted above included:</p> <ul style="list-style-type: none"> • testing draft policy with CDEM Groups, CDEM Group officials, local authority chief executives, the National Iwi Chairs Forum, and central government agencies, and • keeping a wide range of stakeholders informed of key developments (eg release of Cabinet papers and the discussion document) and offering to meet with interested parties – many stakeholders such as essential infrastructure providers and the science sector took up that offer. <p>NEMA officials met with the Legislation Design and Advisory Committee (LDAC) in August 2025 to discuss three matters:</p> <ul style="list-style-type: none"> • New rule-making powers - LDAC recommended that officials clearly determine which matters are intended to carry legislative obligations and which are better suited to guidance as it is critical to ensure legal clarity, enforceability, and accessibility for users. LDAC also recommended that rules are drafted by PCO and are published on the New Zealand Legislation website. • A new scheme for Compliance Orders – LDAC recommended that NEMA consider alternative compliance mechanisms that better align with the intended softer regulatory approach, such as an endorsing regime, audit, certification, or approval processes. If a harder approach is desired, LDAC recommended that NEMA consider a directive power to require non-complying agencies to take specified steps to comply with obligations under the Act. • The legislative mechanism for identifying essential infrastructure providers (EIPs) – LDAC agreed with NEMA's status quo approach, to use regulations to modify the Schedule in the Act that identifies EIPs. <p>LDAC's advice was considered in the development of final policies.</p>	

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
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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
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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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?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

The Bill introduces a new strict liability offence for failure to comply with a Compliance Order – see Subpart 3 of Part 5 of the Bill.

The Compliance Order scheme has been established in the Bill because the Director-General has limited powers of intervention under the current CDEM Act to address inadequate performance against statutory obligations under the Act (outside of a state of emergency or a transition period). This leaves the emergency management system vulnerable to underperformance or failure, despite the high-consequence nature of emergencies.

The offence for failure to comply with a Compliance Order is necessary to support the integrity of the Compliance Order scheme and ensure that orders achieve their purpose of compliance with legislative requirements.

Safeguards built into the regulatory scheme include a right of appeal of any aspect of a Compliance Order (Subpart 5 of Part 5). The scheme also provides for the Director-General to instigate civil proceedings in the District Court to seek an order compelling compliance with a Compliance Order (Subpart 2 of Part 5). This provides for further scrutiny of an order, and time to comply, before prosecuting an offence becomes a consideration. In the context they are expected to be used, a person who fails to comply with a Compliance Order will be in the best position to provide a “reasonable excuse” to justify apparent wrongdoing.

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	YES
<p>The Bill carries over the existing protection from civil liability that is provided in the CDEM Act for loss or damage relating to a state of emergency or transition period. The Bill clarifies that this protection covers any other person acting under the direction of a person performing or exercising a function, duty, or power under the Bill.</p> <p>The Bill also extends protection from liability in civil proceedings to persons who issue (or fail to issue) warnings in accordance with the Bill, provided the act or omission does not constitute bad faith or gross negligence – Subpart 4 of Part 5.</p> <p>This provision is necessary to ensure that warnings providers can undertake critical emergency management functions without being constrained by the threat of civil litigation.</p>	

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
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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?	YES
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Regulations to specify Emergency Infrastructure Providers

Schedule 3 of the Bill lists the entities or classes of entities that are essential infrastructure providers with duties under the Bill. The list of essential infrastructure providers may be amended by Order in Council (Subpart 3 of Part 2 of the Bill). The CDEM Act similarly provides for a Schedule of lifeline utilities (which become “essential infrastructure providers” in the Bill) that may be amended by Order in Council.

In this case, enabling secondary legislation to amend a Schedule in the empowering Act proposes minimal constitutional risk because the substantive policy – what constitutes essential infrastructure, and the legal test for making this determination in specific cases – would be set by Parliament. Amendments by Order in Council would have a narrow effect: modifying the list of entities determined by applying the test set in the Act. For an entity (or class of entities) to be recognised, the Minister must be satisfied that:

- it is responsible for infrastructure components
- these infrastructure components are necessary to deliver an essential service
- the service provided by the infrastructure underpins or is necessary for public order, public safety, public health, national security, or the functioning of the economy or society of the whole or part of New Zealand.

Other safeguards relating to the power to amend the list of essential infrastructure providers include requirements that the Minister consider any potential negative implications, effects or costs, considers New Zealand’s relevant international obligations, and consults with the Director-General and persons that will be substantially affected by the recommendation.

Exemption for essential infrastructure providers

The Bill carries over provision for the Minister to exempt an essential infrastructure provider or class of essential infrastructure providers from provisions of the Act relating to essential infrastructure, either in whole or in part.

To make an exemption, the Minister must be satisfied that the application of the provisions is not appropriate for that provider or class of providers. The Minister may also impose any conditions on the exemption that the Minister sees fit. Exemptions are made by notice in the Gazette. An exemption for a class of entities is secondary legislation.

Exemption from application of rules

The Bill authorises the Minister for Emergency Management to make secondary legislation in the form of rules – Subpart 6 of Part 5. Rules will be used to prescribe matters of technical, operational, procedural and administrative detail relating to obligations set out in the Act or regulations made under the Act. This may include prescribing standards, operating practices, training and competency requirements, and reporting requirements.

The Bill provides the Director-General with the power to grant exemptions from rules to named persons, classes of persons and organisations. An exemption for a class of persons is secondary legislation. This power is necessary to ensure that legislative requirements can be tailored to meet geographic variability. Safeguards relating to the power of exemption from rules include that the power may only be exercised if the Director-General is satisfied that the power is no broader than reasonably necessary and is not inconsistent with the purpose of the Act. Exemptions may only be granted for a period of less than three years and must be notified in the Gazette at least every three months. The Bill also provides that, when the Minister makes a rule, the rule itself may specify that it cannot be subject to an exemption.

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
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Power to make regulations

The scope of the regulations enabled in the Bill (Subpart 6 of Part 5) has been reduced in comparison to the CDEM Act with the introduction of the scheme for making rules (see

below). Purposes that were within the scope of regulations under the CDEM Act that have been transferred to the scope of rules include: prescribing matters relating to the provision of warning systems; prescribing levels of competence or standards to be met by persons carrying out emergency management functions; prescribing technical standards, performance standards, operating procedures, training systems and qualifications; prescribing forms; and providing for the identification and promotion of emergency management services.

The Bill introduces a new power to make regulations prescribing matters that one or more classes of essential infrastructure provider must address in their plans for functioning during and after an emergency. The power to set mandatory requirements through regulations is intended to provide for a backstop where increased guidance and assurance prove inadequate to achieve an acceptable minimum standard of planning by essential infrastructure providers.

Power to make rules

The Bill empowers the Minister to make secondary legislation in the form of rules as noted in the response to question 4.7 above. Rules will be used to prescribe matters of technical, operational, procedural and administrative detail relating to obligations set out in the Act or regulations made under the Act. The scheme for rules is designed to promote greater clarity, consistency and enforceability in national guidance, using a legislative tool that is more flexible and responsive than regulations and more suitable for technical detail.

Safeguards relating to the power to make rules include requirements for the Minister to give public notice of rules, consult interested persons, and have regard to the purposes of the Act and the costs of implementing the measures proposed in the rule.

Refer also to commentary in 4.7 above.

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
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