

13 February 2026

Committee Secretariat  
Governance and Administration Committee  
Parliament Buildings  
Wellington

Submission via email to [governance.administration@parliament.govt.nz](mailto:governance.administration@parliament.govt.nz)

Dear Committee Secretariat,

## **Submission to the Governance and Administration Select Committee review of the Emergency Management Bill (No 2)**

### **Introduction**

ENA is the industry membership body that represents the electricity distribution businesses (EDBs) that take power from the national grid and deliver it to homes and businesses (our members are listed in Appendix A).

EDBs employ over 7,800 people, deliver energy to more than two million homes and businesses, and have spent or invested \$6.2 billion in network assets over the last five years. ENA harnesses members' collective expertise to promote safe, reliable, and affordable power for our members' customers.

Electricity Networks Aotearoa (ENA) appreciates the opportunity to make a submission on the Emergency Management Bill (No 2) (the Bill). ENA supports the Bill's intent to clarify roles, strengthen coordination and minimise disruption to essential services. We support the Bill and that it improves on both the previous iteration of an Emergency Management Bill and the status quo, in the form of the Civil Defence Emergency Management Act 2002 (CDEMA). The remainder of our submission below responds to a few elements of the Bill where we have either some comments or concerns.

### **Clause 74 - Duties of essential infrastructure providers**

ENA is concerned that clause 74 of the Bill, as drafted, broadens the existing duties in the CDEMA on lifeline utilities to "...be able to function to the fullest possible extent..." to now encompass "...the essential infrastructure...". This is a subtle change but shifts the duty from the functioning of the essential infrastructure provider (i.e. the business that owns/operates the infrastructure) to the functioning of the infrastructure itself (e.g. an electricity network). ENA prefers the framing in the CDEMA, as this prioritises the functioning of the essential infrastructure provider that in turn will be focussed on restoring its infrastructure, and by extension the services that infrastructure provides. From an emergency management perspective, the key concern should be that the responsible entity (the essential infrastructure provider) has the capability to respond to an emergency event and continue to perform its core functions. The functioning of the infrastructure for which it is responsible, while obviously important, is a secondary concern.

A related concern is that clause 7 (1) of the Bill defines essential infrastructure as encompassing infrastructure components, which in turn comprise: assets, information, networks, systems, suppliers, people, and processes.

Should the drafting of clause 74 remain as proposed, this potentially means that the requirement to ensure essential infrastructure “...is able to function to the fullest possible extent...” would encompass suppliers to the EDBs, which are numerous different entities. Some of these suppliers are based overseas (in the case of some plant and equipment manufacturers) and in any case the functioning of these are not necessary for the immediate response to an emergency event.

To address this, we recommend clause 74(a) be reframed to focus on the essential infrastructure provider rather than the infrastructure itself. Suggested wording: “ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.” This aligns with the current CDEMA duty while avoiding an impractical extension of responsibility across all infrastructure components (including suppliers).

### **Clause 95 - Public notification for proposal for regional emergency management plan**

ENA also supports improvements to notification and engagement processes for regional emergency management plans. As currently drafted, clause 95(1)(a) requires public notification and notification to other groups but does not explicitly require notification to essential infrastructure providers who are directly affected by emergency management plan provisions.

To ensure that essential infrastructure providers can meaningfully participate in plan development and review, ENA recommends that clause 95(1)(a) be amended to explicitly include essential infrastructure providers as parties who must receive formal notification of proposed plans.

### **Clause 101 – Consideration of essential infrastructure providers & priority for national standards**

ENA also recommends improvements to clause 101 concerning regional emergency management planning standards. Given that essential infrastructure providers play a central role in both preparedness and response, the Minister should be required to explicitly consider essential infrastructure providers—alongside the public, local authorities, and Emergency Management Committees—when establishing processes for submissions on draft planning standards.

ENA further recommends that the development of nationally consistent approaches to risk identification, categorisation, and hazard definition be prioritised as part of the first tranche of regional planning standards. Consistency in risk methodologies across regions will significantly improve emergency management planning and reduce duplication across multiple regulatory regimes.

### **Clauses 104 and 105 – Sector Response Plans**

#### *Clause 104 – Director-General power to require a sector response plan*

EDBs already maintain extensive resilience, continuity and asset management obligations under Commerce Commission and Electricity Authority regulations. Clause 104 of the Bill allows the

Director-General (DG) to require an organisation to contribute to the development of a sector response plan. We are concerned that:

It is not clear *when* the powers provided under clause 104 would be exercised by the DG – the phrasing in this clause suggests that this could occur *during* the response to a specific emergency event because of the wording “...in the event that an emergency causes...”. In most emergency events that EDBs respond to (e.g. widespread power outages due to network damage caused by extreme weather events) it could be a significant distraction from the task of responding to the emergency itself to have to contribute to the development of a sector response plan.

Furthermore, as electricity is a key input into the provision of many other infrastructure services (e.g. water supply, telecommunications, payment systems, etc) it could be that, under the proposed wording of this clause, EDBs are frequently called upon to contribute to sector response plans during emergency events.

It is not clear to us whether this is the intent of the clause or a result of inadvertent drafting, however, in either case we think it would be preferable that sector response plans can only be developed outside of the response to a specific emergency event, i.e. in the course of routine emergency preparedness planning.

ENA recommends the Bill provide further specificity on the circumstances in which the DG may exercise this power (e.g., only where existing frameworks don't already cover the risk). In addition, the ability to exercise this power *during an event* should be limited.

To address these concerns, we propose:

- Insert an explicit limitation that the Director-General must not require the development of a sector response plan during a state of emergency or transition period.
- Amend clause 74(d) and clause 104(2)(a) so contributions to sector response plans are on a “make all reasonable endeavours” basis.

#### *Clause 105 – Content of sector response plans*

ENA is concerned that for EDBs, clause 105 of the Bill creates uncertainty because they already have duties under existing legislation and regulations relating to cooperation, information sharing, restoration, and safety. EDBs are also required to restore electricity supply safely and efficiently in accordance with the Electricity Act 1992, and to follow coordinated outage management and system emergency obligations under the Electricity Industry Participation Code. Additionally, EDBs have duties under the Health and Safety at Work Act 2015 and the Electricity (Safety) Regulations to ensure the safety of workers and the public during emergency response activities. Without clarification, emergency management plans under clause 105 could duplicate these existing obligations, expand statutory duties beyond what Parliament and sector-specific regulation already provide, or create conflicting requirements.

ENA therefore recommends that clause 105 be amended to specify that sector response plans cannot impose obligations that either duplicate or contradict those already provided for in other legislation or sector-specific regulation.

## Clause 15 – Director-General may give directions

Directions should recognise the operational realities of EDBs, including safety, workforce constraints, and the need to coordinate with other infrastructure providers. EDBs operate complex electricity networks that require careful planning and sequencing to maintain safety and reliability. For example, restoring power after a storm often involves coordinating multiple crews, securing safe access to high-voltage lines, and ensuring that the appropriate part of the network is properly de-energised before work begins. Workforce constraints, such as limited availability of qualified lineworkers or the need to manage fatigue during extended emergency shifts, can affect the speed and order of restoration activities. Directions from the Director-General that require immediate action without regard to these operational realities could conflict with existing duties under the Electricity (Safety) Regulations 2010 or the Health and Safety at Work Act 2015, which oblige EDBs to ensure the safety of workers and the public. Similarly, directions requiring excessive real-time reporting could distract crews from restoration work and create duplication with existing regulatory reporting obligations.

Directions should be proportionate and limited to avoid conflicts with existing statutory duties and regulatory requirements. ENA recommends that the Bill explicitly provide that directions must not duplicate or contradict obligations under other legislation (e.g., Electricity Act, safety regulations); and directions should take account of EDBs' pre-existing emergency response and business continuity arrangements.

## Clause 130 – Access through cordons during an emergency

We support clear and workable provisions that enable authorised essential infrastructure provider staff and contractors to access assets safely during emergencies while maintaining public safety controls.

To resolve recurring cordon access issues, we suggest the insert of a new clause 130(5):  
“Any prohibition or restriction issued under subsection (3) may identify the classes or groups of persons or vehicles that are permitted to access the road or public place, provided that any such persons comply with any identification requirements as set out in the rules.”

## Clause 213 – Rule-making procedures

ENA supports the proposed rule-making procedures defined under clause 213 of the Bill; with one suggested amendment. Subsection (d)(ii) requires that the Minister must have regard to the costs of implementing measures – ENA suggests that this should be expanded to include (or an additional subsection added) to encompass the benefits of any proposed rule-making. In this way, the Minister should be required to consider, and ideally discount, any proposed rule-making that produces marginal or nil benefits.

This could further be addressed by clarifying in clause 212(c) (reporting rules) that any additional reporting requirements made by rules apply only to persons or bodies who already have express reporting obligations under the Bill, and should not extend reporting to essential infrastructure providers who are already subject to extensive sectoral reporting and disclosure regimes.

## Conclusion

ENA broadly supports the Bill, apart from those clauses noted above which we believe need amending. It is important that the Bill introduces as little duplication of reporting with the regulatory regime or sector specific codes as possible. ENA sees this Bill has the potential to strengthen Aotearoa's preparedness and response to emergencies; however, care must be taken to ensure the realities of the operational and technical constraints on essential infrastructure providers are not forgotten.

Do not hesitate to get in touch with ENA if you'd like to discuss any of the points raised in our submission. Please contact Richard Le Gros ([richard@electricity.org.nz](mailto:richard@electricity.org.nz)) in the first instance.

Yours sincerely,



Richard Le Gros  
Policy and Innovation Manager  
Electricity Networks Aotearoa

## Appendix A: ENA Members

Electricity Networks Aotearoa makes this submission along with the support of its members, listed below.

- Alpine Energy
- Aurora Energy
- Buller Electricity
- Centralines
- Counties Energy
- Firstlight Network
- EA Networks
- Electra
- Electricity Invercargill
- Horizon Networks
- MainPower New Zealand
- Marlborough Lines
- Nelson Electricity
- Network Tasman
- Network Waitaki
- Northpower
- Orion New Zealand
- Powerco
- PowerNet (which manages The Power Company, Electricity Invercargill, OtagoNet and Lakeland Network)
- Scangenerator
- The Lines Company
- Top Energy
- Unison Networks
- Vector
- Waipa Networks
- WEL Networks
- Wellington Electricity
- Westpower