ENA submission on the discussion document: Strengthening New Zealand's Emergency Management Legislation

Submission to the National Emergency Management Agency

DATE
13 May 2025

NAME OF SUBMITTER
Electricity Networks Aotearoa

INDUSTRY/AREA OF INTEREST
Utilities/infrastructure

CONTACT
Sophie Tulley

ADDRESS
Level 5, Legal House
101 Lambton Quay
Wellington 6011

TELEPHONE
0272541030

EMAIL
sophie@electricity.org.nz

āhuarangi.
kiritaki.
mahi ngātahi.

climate.
customers.
collaboration.

Contents

Introduction

Electricity Networks Aotearoa (ENA) appreciates the opportunity to make a submission to the National Emergency Management Agency on the discussion document *Strengthening New Zealand's emergency management legislation.*

ENA represents the 29 electricity distribution businesses (EDBs) in New Zealand (see Appendix B – ENA Members) which provide local and regional electricity networks. EDBs employ 7,800 people, deliver energy to more than two million homes and business and have spent or invested over $6 billion in the last five years.

EDBs are critical to New Zealand's emergency response and recovery capabilities. As providers of essential infrastructure, EDBs play a critical role in maintaining public safety and restoring community function following disasters. We support the intent of this legislative reform and welcome the opportunity to contribute to a more resilient, better-coordinated emergency management system.

Executive summary

Clear chains of command and coordination within the civil defence structure are essential for EDBs to operate and restore their networks effectively during emergencies. We support the proposed reforms aimed at clarifying responsibilities within civil defence groupings during both local and national emergency responses. For EDBs, delays or confusion about who holds decision-making authority can undermine the effectiveness of actions to protect public safety and restore electricity network services. Some EDBs (mainly the larger EDBs) have adopted the Coordinated Incident Management System (CIMS)[1]. A consistent, unified approach to civil defence leadership and direction, which integrates with EDBs' existing operational protocols and safety requirements, will significantly enhance response capability.

We support the intent of Objective 4 to minimise disruption to essential services. EDBs already operate under detailed asset management and resilience frameworks, and we welcome efforts to better integrate these with emergency management planning. However, any new obligations—particularly around resilience planning, service continuity and restoration expectations, or data sharing—must be practical, clearly defined, and aligned with existing regulatory requirements. The effectiveness of these measures depends on ensuring they are proportionate to the risks and issues they mitigate, and not administratively duplicative.

We strongly support proposals to provide civil liability protections for people acting in good faith during emergencies. EDB field staff are often among the first to respond to hazards, taking urgent action to safeguard the public and infrastructure before formal states of emergency are declared. Legal clarity in this area will enable confident, timely responses and reduce risk aversion in critical situations.

We also support proposals to improve collaboration between infrastructure providers and emergency management agencies, particularly at the regional level. EDBs are committed to engaging in joint planning and coordination efforts. However, these engagement processes must remain manageable, and outcome focused. Two-way communication, clear expectations, and respect for commercially sensitive information are essential for this collaboration to be effective and enduring.

---

[1] Energia Limited. (2023, July 13). *Electricity distribution sector Cyclone Gabrielle review report* (Report prepared for the Electricity Networks Association), 28. https://www.ena.org.nz/assets/ENA-EDB-Cyclone-Gabrielle-Review-Report-ISSUED-13-Jul-23-1197.pdf

ENA's responses to the specific consultation questions raised in the discussion document are provided in **Appendix A** of this submission.

Appendix A – ENA comments

QUESTION	ENA COMMENTS
1. Have we identified the right objectives for reform?	ENA supports the proposed objectives, particularly the emphasis on minimising disruption to essential services and ensuring appropriate powers are available during emergencies.
Issue 1: Meeting the diverse needs of people and communities	
2. Do you agree with how we have described this problem?	Yes. Although the discussion document does not specify what is meant by different 'needs' or that communities may value resilience/readiness, investment or recovery options differently for reasons unrelated to demographic or geographic population differences or hazard differences
3. Are there other reasons that may cause some people and groups to be disproportionately affected by emergencies?	Yes, some consumers are medically dependent on electricity.
4. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA supports both **Option 2: Develop guidance on meeting diverse needs** and **Option 3 (legislative): Require CDEM Group plans to include how people and communities that may be disproportionately affected will be planned for**. ENA recommends the development of a national guidance framework that can be utilised by CDEM Groups, iwi, and other stakeholders, promoting consistency and a more inclusive approach to emergency management planning.
5. What would planning look like (at the local and national levels) if it was better informed by the needs of groups that may be disproportionately affected by emergencies?	Planning should acknowledge that rapid restoration isn't always possible in large scale outages. It would be great if planning required collaboration with electricity distributors (alongside other critical infrastructure providers) as this will ensure plans and expectations are realistic for those disproportionately affected by emergencies.
6. Are there any other options that should be considered?	ENA has no comment to make.
Issue 2: Strengthening and enabling iwi Māori participation in emergency management	
7. Do you agree with how we have described this problem?	ENA has no comment to make.
8. Have we accurately captured the roles that iwi Māori play before, during and after emergencies?	Iwi Māori contribute significantly to local electricity resilience as often marae serve as emergency hubs with backup generation. Some EDBs work with iwi Māori on resilience planning before emergencies such as co-developing distributed energy solutions for isolated or high-risk communities.
9. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have	The focus should be on improving planning, coordination, and mutual understanding at the regional level, rather than creating new structures that might inadvertently add compliance costs or complicate infrastructure response efforts. We support approaches that strengthen

identified? Do you have any preferred options?	collaboration while respecting the operational realities of emergency response and infrastructure restoration. We see merit in **Option 4: requiring CDEM Groups to engage with iwi Māori during plan development** and **Option 5: requiring national-level Māori input into strategy**, provided that these mechanisms focus on improving planning and coordination, not creating unrealistic service expectations.
10. How should iwi Māori be recognised in the emergency management system?	ENA has no comment to make.
11. What should be the relationship between Civil Defence Emergency Management (CDEM) Groups and iwi Māori?	ENA has no comment to make.
12. What should be the relationship between Coordinating Executive Groups and iwi Māori?	ENA has no comment to make.
13. What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?	ENA has no comment to make.
14. Are there any other options that should be considered?	ENA has no comment to make.
Issue 3: Strengthening and enabling community participation in emergency management	
15. Do you agree with how we have described this problem?	We would also encourage the description to emphasise that pre-event engagement and planning are where community contributions can be most effectively integrated as no matter how well organised the system, trying to manage offers in the heat of a response effort is much more challenging.
16. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA is supportive of the goal to better integrate and enable community participation in emergency management. In terms of the options presented, ENA prefers **Option 2: Develop and update guidance and strengthen public education**. This option strikes a balance between fostering community participation and maintaining flexibility for CDEM Groups to manage resources and offers in a way that reflects the unique needs and circumstances of each emergency. Community organisations, marae, schools and local businesses are already partners in resilience at the grassroots level through informal arrangements for backup power generators and local welfare support. Strengthening guidance to help formalise these arrangements without imposing rigid legislative requirements would help improve coordination.

	ENA would recommend that this guidance be developed in close collaboration with CDEM Groups, iwi, businesses, and other key stakeholders, ensuring that it is practical, inclusive, and aligned with existing emergency management frameworks.
17. Are there any other options that should be considered?	ENA has no comment to make.
Issue 4: Recognising that people, businesses and communities are often the first to respond in an emergency	
18. Do you agree with how we have described this problem?	It would be useful to clarify that even where communities have skills and resources to offer, EDB infrastructure restoration work must only be carried out by EDBs as it is subject to strict safety, operational and technical requirements.
19. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA supports **Option 2: Provide for protection from civil liability for loss or damage (legislative)** in principle. However, it is critical for our sector, that this is clearly limited to those who are acting under the direction of the electricity distributor – as they are employees or contractors of the EDB.

When damaged or disrupted, EDB infrastructure can present a significant public safety risk and actions must comply with regulatory requirements (e.g. under the Electricity Act, Electricity (Safety) Regulations and relevant Electrical Codes of Practice). Liability protections in relation to electrical work on EDB infrastructure must be explicitly limited to EDB employees or authorised contractors. Allowing members of the public with general electrical knowledge to intervene may pose serious health and safety risks.

ENA also supports **Option 3: Enable compensation for labour costs (legislative).** |
20. Are there any other options that should be considered?	ENA has no comment to make.
21. Should we consider any other problems relating to community and iwi Māori participation?	ENA has no comment to make.
Issue 5: Clearer direction and control during an emergency	
22. Do you agree with how we have described this problem?	The lack of clarity around command and control during emergencies is challenging for EDBs who often work across agency boundaries.

Ambiguity about who is leading the operational response, especially during the early stages of an emergency or when no state of emergency has been declared, can delay action.

We particularly agree with the observation that the current model does not always work well in complex, multi-hazard, or multi-region events, or where the wider consequences (such as welfare or infrastructure impacts) require just as much attention as the hazard itself. |

23. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA sees benefit in **Option 3 (legislative): Require Group Controllers (local emergency) or the Director (national emergency) to be the "Control Agency".** Having a single recognised entity with overarching responsibility improves clarity especially when multiple hazards and agencies are involved. However, considering a broader range of emergencies like pandemics, we consider that others beyond the CDEM Groups or the Director would be more appropriate leaders. CDEM Groups or the Director would take more of a supporting role in the instance of a pandemic, with the relevant central government organisation leading the response. Where this is the case, **Option 2** may be more appropriate.
24. Are there any other options that should be considered?	ENA has no comment to make.
25. Do you think more fundamental changes are needed to the way direction and control works during the response to an emergency? If so, why?	ENA has no comment to make.
Issue 6.1: Resolving overlapping CDEM Group and local authority roles and responsibilities	
26. Do you agree with how we have described this problem?	Yes.
27. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	We support a move away from the status quo and see clear benefits in adopting **Option 2: (distinct responsibilities for CDEM Groups and local authorities)** alongside aspects of **Option 3: (accountability for funding and delivery of CDEM Group decisions).** To maximise the benefit of either option, we recommend clear definitions of responsibilities and accountability mechanisms; formalised requirements for CDEM Groups to engage with critical infrastructure providers in the development and review of Group Plans; assurance that infrastructure realities (e.g. service restoration priorities, constraints and risk tolerances) are considered and acknowledged in planning. It should also be clarified that any "levels of service" expectations in emergencies are aspirational, not performance guarantees.
28. Are there any other options that should be considered?	ENA has no comment to make.
29. Do you think more fundamental changes are needed to the way emergency management is delivered at the local government level (for example, the CDEM Group-based model)? If so, why?	Stronger direction on roles, and accountability for responsibilities is required for all local authorities and lifeline utilities at the regional level. CDEM contributing members need to be accountable for their role and delivery of their duties.
Issue 6.2: Providing for clear and consistent organisation and accountability for emergency management	

30. Do you agree with how we have described this problem?	Yes.
31. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	Our preferred option is **Option 3: Make the CDEM Group responsible for organising emergency management functions (legislative)**. This would create consistent structure across regions which would help EDBs (who operate across multiple regions) better engage with the Group. ENA
32. Are there any other options that should be considered?	ENA has no comment to make.
Issue 6.3: Strengthening the performance of Coordinating Executive Groups	
33. Do you agree with how we have described this problem?	Yes.
34. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA has no comment to make.
35. Are there any other options that should be considered?	ENA has no comment to make.
Issue 7: Keeping emergency management plans up to date	
36. Do you agree with how we have described this problem?	ENA has no comment to make.
37. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA supports **Option 2: Enable targeted, "more than minor" amendments to the National CDEM Plan and CDEM Group plans (legislative).** On its own this option makes updates easier but it doesn't guarantee that updates will happen. We recommend adding a defined review cycle into this option.
38. Are there any other options that should be considered?	ENA has no comment to make.
39. Should we consider any other problems relating to responsibilities and accountabilities at the national, regional, and local levels?	An additional issue that should be considered is the lack of a structured time-bound review cycle linked to operational readiness assessments and major event reviews. Plans fall out of date with the latest information on evolving risks and without a review cycle any lessons learned and latest information may not feed into the planning process.
Issue 8.1: Strengthening the Director's mandate to set expectations and monitor performance	
40. Do you agree with how we have described this problem?	ENA has no comment to make.

41. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	Given that many EDBs are already subject to price-quality regulation, it is important to recognise that the imposition of additional mandatory standards under **Option 3: Enable a wider range of mandatory standards to be set through rules** could increase regulatory burden. At the same time, EDBs that are not subject to price-quality regulation are held accountable through alternative mechanisms, such as consumer and community trust governance structures, which provide strong oversight and a direct line of accountability to customers. Both types of EDBs are subject to high expectations regarding reliability, performance, and resilience — either through formal regulatory settings or through governance obligations. We support both **Option 3: Enable a wider range of mandatory standards to be set through rules** and **Option 4: Monitoring performance**, assuming a robust process to identify and develop relevant rules that add value not cost, and to clarify obligations on all parties to support monitoring. However, care must be taken to avoid duplicating existing accountability frameworks.
42. Which aspects of emergency management would benefit from greater national consistency or direction?	ENA sees that standardising methodologies risk assessments and hazard mapping would improve comparability and coordination across local and national planning processes. Having a single authoritative source of data and methodology would help local authorities and CDEM Groups make better, evidence-based decisions without needing to duplicate efforts or commission bespoke risk assessments.
43. Are there any other options that should be considered?	ENA has no comment to make.
Issue 8.2: Strengthening the mandate to intervene and address performance issues	
44. Do you agree with how we have described this problem?	The problem is not clearly described. EDBs are already subject to robust performance oversight through existing regulatory frameworks, such as the Commerce Commission's Information Disclosure and DPP/CPP regimes, which cover resilience, asset management, and service quality. We do not see a clear need for additional intervention mechanisms targeting EDBs under the Emergency Management Bill. Any perception of underperformance by EDBs should be addressed through the established regulatory system, or energy trust processes, not through duplicative or conflicting mechanisms under emergency legislation.
45. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	Options that introduce new intervention powers, particularly compliance orders (Option 2) or expanded Ministerial direction (Option 3), risk duplicating or undermining existing regulatory obligations for EDBs. This could create confusion, regulatory overlap, and potential legal uncertainty about which standards apply during or after an emergency event. If these powers are introduced, they should be explicitly limited in scope to avoid applying to regulated infrastructure providers already overseen by an independent regulator.

	Our strong preference is to maintain the status quo for regulated infrastructure providers such as EDBs. Performance concerns related to infrastructure services are already well-managed through the Commerce Commission and should not be second-guessed through a parallel emergency management framework. The focus should be on setting clear expectations and monitoring performance.
46. Are there any other options that should be considered?	ENA has no comment to make.

Issue 9: Strengthening local hazard risk management	
47. Do you agree with how we have described this problem?	As mentioned previously in this submission, there are overlaps with current regulations, standards, and planning processes for essential services like electricity. Effective CDEM planning requires strong coordination between local government and essential service providers, but this is hindered by differing legislative and planning frameworks. Another contributing factor is the inadequate sharing of information about hazards, risks, and response measures.
48. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	We support non-legislative improvements first, including: • Option 2 (clearer guidance on "acceptable" risk) and • Option 3 (updated plan guidance and strengthened assurance processes). Clear expectations, aligned with risk management practices under other legislation (e.g. RMA, Building Act, Commerce Act), will help drive consistency without undermining regional flexibility. It should be noted that during Cyclone Gabrielle affected EDB networks had inherent redundancy in critical areas, and those areas stood up well during the cyclone. This shows the benefit of EDB security and network hardening investment planning.[2] Strengthening local hazard risk management must reflect the regulatory environment and cost–benefit realities many EDBs face. We have concerns about Option 4 (prescribing plan content via secondary legislation) and Option 5 (strengthening Ministerial powers). These carry risks of over-centralisation, inflexibility, and unintended duplication of existing responsibilities — especially for regulated infrastructure providers. Any regulatory prescription would need to avoid setting static or overly detailed requirements that don't account for local nuance or practical delivery constraints.
49. What is the right balance between regional flexibility and national consistency for CDEM Group plans?	National guidance should set minimum expectations (e.g. consistent approaches to risk assessments, critical infrastructure coordination, and integration with other planning instruments), but should not prescribe uniform solutions.

---

[2] Energia Limited. (2023, July 13). *Electricity distribution sector Cyclone Gabrielle review report* (Report prepared for the Electricity Networks Association), 3. https://www.ena.org.nz/assets/ENA-EDB-Cyclone-Gabrielle-Review-Report-ISSUED-13-Jul-23-1197.pdf

50. What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?	Misaligned planning cycles make integration with long-term plans and district plans difficult. There is also no mandate or accountability mechanism to ensure integration occurs in practice.
51. Are there any other options that should be considered?	ENA has no comment to make.
52. Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?	ENA has no comment to make.
Issue 10.1: Considering taonga Māori and other cultural heritage during and after emergencies	
53. Do you agree with how we have described this problem?	ENA has no comment to make.
54. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	We **support Option 2: Develop guidance on considering taonga and other cultural heritage (non-legislative)** as a practical and low-barrier first step. This would: • Help clarify expectations for how infrastructure providers and emergency planners can work with iwi and hapū in ways that respect cultural heritage during response and recovery. • Support better coordination between CDEM Groups and infrastructure providers (like EDBs), by embedding a shared understanding of cultural risk considerations. • Promote more meaningful partnership with Māori without imposing inflexible or prescriptive compliance obligations. **Option 3 Strengthen planning expectations through secondary legislation (legislative)** could be appropriate over time.
55. Are there any other options that should be considered?	Establishing a shared cultural risk register, maintained with iwi/hapū input, to help identify and proactively protect critical heritage sites or practices at risk in an emergency.
Issue 10.2: Considering animals during and after emergencies	
56. Do you agree with how we have described this problem?	ENA has no comment to make.
57. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA has no comment to make.
58. Noting that human life and safety will always be the top	ENA has no comment to make.

priority, do you have any comments about how animals should be prioritised relative to the protection of property?	
59. Are there any other options that should be considered?	ENA has no comment to make.
60. Should we consider any other problems relating to enabling a higher minimum standard of emergency management?	ENA has no comment to make.

Issue 11: Reducing disruption to the infrastructure that provides essential services

Currently, there is a lack of clarity and alignment in sector-specific regulations (notably, the Electricity Industry Participation Code) about the powers and responsibilities of EDBs to manage such network emergencies, including issuing operating limits and coordinating load management with retailers and aggregators.

We suggest that the Agency use the Emergency Management Bill to set a clear expectation that agencies with sector-specific regulatory powers (such as the Electricity Authority) manage their legislative instruments in a way that is consistent with the objectives of the Bill.

For example, this could include encouraging the Electricity Authority to:

- Update the Code definitions to clearly distinguish between network emergencies and system (grid) emergencies and ensure that both are treated as legitimate triggers for emergency powers and coordination obligations.

- Clarify that distributors have the authority to proactively manage all forms of controllable load and distributed energy resources during network emergencies — not just traditional hot water load.

- Align Code provisions with the broader emergency management framework so that critical infrastructure providers can take prompt and proportionate action to prevent small-scale incidents from escalating into larger service disruptions.

We note that we have previously made related recommendations to the Electricity Authority through its Code Review Programme (Programme 6 – Proposal 2)[3]. In our view, the Emergency Management Bill presents an important opportunity to reinforce the need for consistent and future-fit emergency management powers across all infrastructure sectors, including electricity.

Encouraging sector-specific regulators to manage their legislative instruments in a way that is consistent with the objectives of the Bill would have significant benefits. EDBs affected by Cyclone Gabrielle spent $149m on vegetation management over FY2018 to FY2022 but out-of-zone trees remain a major constraint on resilience. The current rules (Electricity (Hazards from Trees) Regulations 2003) make it difficult for lines companies to act early to prevent tree-related power outages — and don't require landowners or forestry operators to remove trees they own that clearly pose a risk to power lines. The result is what we saw during Cyclone Gabrielle where the largest cause of outages was out-of-zone tree damage to overhead lines. These out-of-zone tree outages interrupted supply to 68,000 customers at the

---

[3] Electricity Networks Aotearoa, *Submission to the Electricity Authority on Code Review Programme Number Six: September 2024*, 1 October 2024, available at: https://www.ena.org.nz/assets/DMSDocuments/2024-10-1-code-review-six-submission.pdf

cyclone's peak.[4] Minister Watts announced changes to these regulations in April 2025; however further changes are needed.[5]

We continue to advocate for large tree-owning entities—such as councils and commercial forestry owners—to carry full legal, financial, and operational responsibility for managing vegetation that poses a risk to critical infrastructure, such as power lines.

Issue 11.1: Narrow definition of "lifeline utility"	
61. Do you agree with how we have described this problem?	ENA has no comment to make.
62. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	We support **Option 3: Replace the lifeline utility framework with a principles-based definition of "essential infrastructure"**. The current list captures core lifeline utilities but should be expanded to reflect the interdependent and digitised nature of modern infrastructure systems. However, we would caution that the definition should only be broadened slightly. Too many organisations being required to attend CDEM Group meetings and an increase in topics that need to be considered (especially where some topics are not of critical significance), may hinder productivity of the group.
63. If we introduced a principles-based definition of "essential infrastructure", are there any essential services that should be included or excluded from the list in Appendix C of the discussion document?	Electricity distribution should remain explicitly listed as an essential service in Appendix C. EDBs are responsible for delivering electricity to over 2.2 million connections across New Zealand, as well as being integral to the functioning of other critical services, including healthcare, water supply, and telecommunications. The 2023 review of the sector's response to Cyclone Gabrielle affirmed the importance of EDBs in emergency situations and their role in maintaining societal functions. Therefore, their inclusion as essential services is justified and necessary.
64. If you think other essential services should be included in the list in Appendix C, what kinds of infrastructure would they cover?	ENA has no comment to make.
65. Are there any other options that should be considered?	ENA supports the comments made by Powerco in their submission on this question.
Issue 11.2: Strengthening lifeline utility business continuity planning	
66. Do you agree with how we have described this problem?	Broadly, yes. However, the description could better recognise that many lifeline utilities — including EDBs — have already made significant investments in continuity planning, and that current performance is not uniformly weak across sectors. The problem statement could differentiate between lack of capability in some sectors or organisations versus lack of visibility and coordination at a system level.

[4] Energia Limited. (2023, July 13). *Electricity distribution sector Cyclone Gabrielle review report* (Report prepared for the Electricity Networks Association), 26. https://www.ena.org.nz/assets/ENA-EDB-Cyclone-Gabrielle-Review-Report-ISSUED-13-Jul-23-1197.pdf

[5] New Zealand Government. (2025, May 14). *Protecting New Zealand's energy infrastructure* [Press release]. https://www.beehive.govt.nz/release/protecting-new-zealands-energy-infrastructure

67. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA strongly prefers **Option 2: Increase Assurance Through Non-Legislative Measures**. This option offers the greatest opportunity for targeted improvement and proportional oversight while maintaining the flexibility necessary for each utility to respond to their unique operating environments and risk profiles. EDBs vary significantly in size, geography, customer density, and exposure to natural hazards. A non-legislative approach enables sector-specific and risk-based guidance, rather than a "one-size-fits-all" mandate that may not be appropriate or feasible for all EDBs.
	Introducing financial penalties or prescriptive legal standards (as in Options c and d) would likely impose significant administrative and compliance costs, which could ultimately be passed on to consumers. Many EDBs already integrate continuity planning into asset management, cyber security, and regulatory disclosures.
	We support greater national coordination and visibility of business continuity risks — particularly given the growing interdependence between sectors (e.g. energy, telecommunications, water, transport). However, this can be achieved through enhanced reporting, national guidance, and strategic monitoring without prescribing rigid legislative standards.
	• The Director of Civil Defence Emergency Management could, for example, publish an annual State of Lifeline Resilience report, highlighting trends, systemic issues, and lessons learned, without naming individual utilities unless warranted.
	• This would improve transparency while avoiding unnecessary reputational risk or duplication of regulatory oversight already performed by agencies like the Commerce Commission.
68. Are there any other options that should be considered?	ENA has no comment to make.
Issue 11.3: Barriers to cooperation and information sharing
69. Do you agree with how we have described this problem?	ENA has no comment to make.
70. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA supports **Option 3: Explicitly require CDEM Groups to involve the lifeline utilities in their areas in the development of CDEM Group plans.**
71. Because emergencies happen at different geographical scales, coordination is often needed at multiple levels (local and national). Do you have any views about the most effective	ENA considers that effective coordination between local and national levels in emergency management is critical to reducing the duration and impact of disruptions to essential services such as electricity. Coordination mechanisms must be clearly defined, consistently applied across regions, and embedded in emergency management legislation and practice. While EDBs already work with CDEM Groups in many regions, the nature and quality of these relationships varies considerably. Legislative requirements for EDB involvement in Group

way to achieve coordination at multiple levels?	planning and Coordinating Executive Groups (CEGs) would help standardise this practice and ensure essential expertise is available during planning, response, and recovery phases.
72. Are there any other options that should be considered?	ENA has no comment to make.
Issue 12: Strengthening central government business continuity	
73. Do you agree with how we have described this problem?	Yes. While EDBs are incentivised to operate their networks in a safe, efficient, and reliable manner, they cannot guarantee continuous electricity supply, even to critical facilities. Government agencies must: • Identify and assess their critical infrastructure dependencies • Invest in backup systems (e.g., diesel generators, UPS units) • Maintain fuel supply contracts and testing protocols • Engage with their local EDB about outage priorities and restoration protocols
74. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA has no comment to make.
75. Are there any other options that should be considered?	ENA has no comment to make.
76. Should we consider any other problems relating to minimising disruption to essential services?	Yes. One significant issue is the increasing frequency and severity of extreme weather events, which challenge the resilience of electricity distribution networks.
Issue 13: Managing access to restricted areas	
78. Do you agree with how we have described this problem?	Yes. ENA strongly supports reforms that clarify and facilitate timely access for EDBs to restricted areas during and after emergencies. Access is often the single most critical enabler of network restoration following major hazard events. Without it, crews cannot assess damage, prioritise work, or safely restore power to communities and other lifeline services. While there are informal arrangements between some CDEM Groups and EDBs to allow access for essential restoration work, these practices are not standardised or guaranteed.
79. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA sees **Option 3: (prescribing the form of identification passes through regulations)** as the best choice. This option provides a clear, enforceable system for managing restricted access during emergencies, ensuring that only accredited personnel from essential services, such as EDBs, are granted access to restricted areas. During Cyclone Gabrielle access restrictions (due to the roading network's failure) made restoring electricity supply to the last 5% of

| | customers difficult and time-consuming.[6] The establishment of a formal accreditation and identification pass system addresses this need for rapid, unimpeded access to restore electricity services in emergency situations. By making it an offence to falsely claim accreditation, this option helps mitigate the risk of unauthorized access, ensuring that resources are prioritised for essential service restoration. Additionally, the regulatory framework ensures consistency and certainty across regions, which is crucial for EDBs operating in multiple areas. While there may be some administrative burden associated with obtaining accreditation, the benefits of a well-defined, legally recognised process far outweigh the potential delays, enabling quicker restoration of services and a more efficient response in emergency situations.

ENA also supports **Option 4 (legislative): Clarify that access can be restricted to any class or group of persons** as this could explicitly provide powers for all electricity distributors and their contractors. |
|---|---|
| *80. Are there any other options that should be considered?* | ENA has no comment to make. |
| **Issue 14: Clarifying who uses emergency powers at the local level** | |
| *81. Do you agree with how we have described this problem?* | Yes. |
| *82. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?* | We support the proposed legislative changes under **Option (2): Tidy up existing functions and powers through legislative reform** as a necessary and pragmatic step to modernise the CDEM framework. Clarity in who does what — and when — will reduce delays, improve coordination with lifeline utilities, and ultimately lead to faster and more effective emergency response and recovery. |
| *83. Are there any other options that should be considered?* | ENA has no comment to make. |
| **Issue 15: Modernising the process to enter a state of emergency or transition period** | |
| *84. Do you agree with how we have described this problem?* | Yes. |
| *85. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?* | ENA supports **Option 2 (legislative): Enable authorised persons to use electronic signatures** as a first step. If internet supply is disrupted, then **Option 3 (legislative): Enable authorised persons to declare a state of emergency verbally** should be enabled. |
| *86. Are there any other options that should be considered?* | ENA has no comment to make. |

---

[6] Energia Limited. (2023, July 13). *Electricity distribution sector Cyclone Gabrielle review report* (Report prepared for the Electricity Networks Association), 19. https://www.ena.org.nz/assets/ENA-EDB-Cyclone-Gabrielle-Review-Report-ISSUED-13-Jul-23-1197.pdf

Issue 16: Mayors' role in local state of emergency declarations and transition period notices	
87. Do you agree with how we have described this problem?	ENA has no comment to make.
88. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?	ENA has no comment to make.
89. Are there any other options that should be considered?	ENA has no comment to make.
90. Are there any circumstances where Controllers or Recovery Managers may need other powers to manage an emergency response or the initial stages of recovery more effectively?	ENA supports granting Controllers and Recovery Managers specific powers to facilitate rapid restoration of essential services. For instance, during widespread outages, expedited access to affected areas and the ability to coordinate with utility providers are crucial.
Other comments	
91. Do you have any other comments relating to reform of New Zealand's emergency management legislation?	ENA has no comment to make.

Appendix B – 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
- Electra
- EA Networks
- Firstlight Network
- Horizon Energy Distribution
- MainPower NZ
- 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)
- Scanpower
- The Lines Company
- Top Energy
- Unison Networks
- Vector
- Waipa Networks
- WEL Networks
- Wellington Electricity Lines
- Westpower