



## **TCF submission to the Governance and Administration Committee**

### **Emergency Management Bill (No.2)**

**12 February 2026**

#### **Introduction**

1. Thank you for the opportunity to make a submission on the [Emergency Management Bill \(No.2\)](#) (the Bill). This submission is provided on behalf of the New Zealand Telecommunications Forum (TCF).
2. The TCF is the telecommunications sector's industry body which brings the industry and key stakeholders together to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent over 90 percent of New Zealand telecommunications customers. Our members include network operators, retail service providers and the companies that own and operate cell towers.
3. The telecommunications sector provides essential infrastructure and services that New Zealanders rely on in normal times and during emergencies. Providers of telecommunications networks are recognised as lifeline utilities under the Civil Defence and Emergency Management Act 2002 (the Act), and are classed as essential infrastructure providers in the Bill.
4. The TCF runs the Telecommunications Emergency Forum (TEF), the sector coordinating entity required under section 60(2) of the National Civil Defence Emergency Plan Order 2015. The TEF coordinates emergency response across the sector when emergency events impact national or regional communications. The TEF is also a conduit between its members and the National Emergency Management Agency (NEMA), other government departments, regional lifeline groups, and other infrastructure sectors.

#### **General comments**

5. The TCF is broadly supportive of the Bill, which has the potential to strengthen New Zealand's preparedness and response to emergencies. We note that while robust planning and preparedness are essential, no infrastructure system can be engineered to avoid all

disruption. The inherent variability and unpredictability of emergency events mean that outages will, at times, be unavoidable. We are also operating in a system of systems, with interdependencies between telecommunications and other essential infrastructure such as electricity and roading.

6. With this context in mind the Bill should:
  - a. Focus on enabling providers to restore services quickly and safely, rather than attempting to eliminate every potential risk (which is impossible).
  - b. Provide a framework that facilitates collaboration. Because responding to an event requires collaboration across many parties, the legislative framework needs to preserve the ability of essential infrastructure providers to act and collaborate during an emergency. Too much prescription can hinder timely and practical decision-making.
  - c. Enable essential infrastructure providers to respond to the specific circumstances of the event. Flexibility is needed as no two events are the same.
  - d. Take account of the realities of the operational and technical constraints on essential infrastructure providers.

#### Summary of submission points

7. The TCF welcomes the proposed changes to clarify responsibilities at national, regional and local levels. But we think further clarity is needed concerning the definitions of essential infrastructure.
8. Our submission recommends minor amendments to enable essential infrastructure providers and emergency management committees to work together more effectively in the identification of hazards and risks, through a standardised process. We also propose some process tweaks to enable sector knowledge and expertise to be better utilised in the development of sector plans, guidance, and in the making of regulations and rules concerning essential infrastructure.
9. This table summarises our submission points by clause. The rationale for each proposal is set out in the corresponding sections of the submission.

Subject	Clause	Proposed amendments or clarity sought
Meanings of essential infrastructure	7	<ol style="list-style-type: none"> <li>1. We seek clarity on whether the new definitions of essential infrastructure, which replace the concept of lifeline utility, will (a) extend the type of infrastructure providers subject to the emergency management regime (as proposed during consultation), or (b) effectively change the nature of the duties for existing lifeline utilities.</li> <li>2. Suppliers should be removed from the definition of</li> </ol>

		infrastructure components.
Powers of Director-General	15(3)	1. Directions from the Director-General should not duplicate or contradict obligations under existing legislation, and should take account of pre-existing emergency response and business continuity arrangements.
	15(4)(d)	1. Require consultation with impacted essential infrastructure providers when making guidelines, codes or technical standards concerning their emergency management plans. 2. Clarify that the scope of the power is to specify the matters that must be addressed in a plan.
	15(4)	1. Require the Director-General to issue guidelines, codes or technical standards concerning the information that emergency management committees (and others) can request from essential infrastructure providers, as well as the format it can be requested in. 2. Require consultation with impacted essential infrastructure providers and those seeking information when the guidance, code or standard is being made.
Role of local authority members of emergency management committees	42(2)(a)(i)	1. Specify that councils identifying and assessing hazards and risk must coordinate any information requests to essential infrastructure providers through the emergency management committee.
Regional lifelines groups		1. Seek clarity on whether regional lifelines groups will continue to exist as distinct entities separately from emergency management committees. If they are to remain, their role, authority and accountability must be defined. 2. Require emergency management groups and regional lifeline groups to work in a coordinated manner with central oversight.
Regional plans	90	1. Require Director-General guidance or standards for plan making and information requests to essential infrastructure providers to be available to emergency management committees for a specified period before they have to produce their new plans.
Sector response plans	104	1. Existing sector response plans should be adopted if they meet the requirements in the legislation and any guidance.

		<ol style="list-style-type: none"> <li>Sector coordinating entities should be given the option to lead the development of sector response plans.</li> </ol>
Information requests	170 171	<ol style="list-style-type: none"> <li>Amend clauses 170 and 171 so that requests to essential infrastructure providers are constrained by or in line with any guidance, codes or technical standards produced by the Director-General under clause (15(4)).</li> </ol>
Regulation making powers re matters in essential infrastructure plans	210(1)(c) 210(2)	<ol style="list-style-type: none"> <li>The regulation-making power in 210(1)(c) should only be used if the Director-General has first used the power in clause 15(4)(d) to issue guidelines, codes or technical standards about matters to be addressed in a plan, and that approach has not achieved the necessary outcome.</li> <li>Consultation with impacted essential infrastructure providers should be mandatory.</li> <li>Specify that the regulations should be outcome focused.</li> </ol>
Rules	211	<ol style="list-style-type: none"> <li>In deciding whether to make a rule, the Minister should consider both costs and benefits.</li> <li>There should be an explicit requirement to consult impacted essential infrastructure providers.</li> <li>Clarify that the ability to make rules about performance standards cannot be interpreted to allow rules about essential infrastructure planning for emergency levels of service.</li> </ol>
Resourcing		<ol style="list-style-type: none"> <li>To achieve the expected uplift in the emergency management system, legislative change will need to be accompanied by increased resourcing. We recommend the Committee seek a briefing on how new requirements will be resourced.</li> </ol>

## **Definitions of essential infrastructure**

10. Clause 7 of the Bill contains new definitions for essential infrastructure, essential infrastructure provider, infrastructure components and essential services. We make two sets of comments on the definitions. One to clarify the impact of the definitions and the other concerning the inclusion of suppliers in infrastructure components.

### *Relationship between the definitions and the scope of the duties*

11. During the policy consultation process it was explained that the move from the concept of lifeline utility to that of essential infrastructure was to enable more essential services (such as supermarkets and money supply) to be brought into the emergency management system. We are seeking clarity that:
- a. The new definitions of essential infrastructure are just the principles that will enable the responsible minister to include new essential infrastructure providers in schedule three, and
  - b. The definitions themselves do not change the duties of existing lifeline utilities, and that the updated duties are specified in clause 74.
12. We recommend the Committee seek advice from officials on this question and that the advice is shared with essential infrastructure submitters. If the intent is that the duties are changed as a result of the definitions then essential infrastructure providers should have the opportunity to submit again.
13. It is very important that essential infrastructure providers have clarity on this question given that the scope of Director-General and ministerial powers is increasing.

### *Inclusion of suppliers in infrastructure components*

14. We submit that suppliers should not be included in the definition of essential infrastructure components. Telecommunications network operators rely on offshore suppliers for some plant and equipment, and would not be able to control the supply chain in an emergency.

## **Power of the Director-General to give directions**

15. Clause 15(3) allows the Director-General to give directions. These directions should recognise the operational realities of telecommunications and other essential infrastructure providers who operate complex networks and need to comply with sector specific regulations and duties, including under the the Health and Safety at Work Act 2015. Directions should be proportionate and avoid conflicts with existing statutory duties and regulatory requirements.

## **Powers of the Director-General to make guidelines, codes and technical standards**

16. Clause 15(4) allows the Director-General to issue guidelines, codes and technical standards. We comment on the essential infrastructure specific aspect in (4)(d) and suggest an addition to the list in (4).

*Powers in relation to essential infrastructure plans*

17. Sub-clause 4(d) would enable the Director-General to issue guidelines, codes or technical standards for the development of emergency management plans by essential infrastructure providers (and others). We submit that 4(d) be amended to:
- a. Require consultation with impacted essential infrastructure providers (and other parties required to make plans). Consultation with the relevant essential infrastructure providers would ensure vital industry knowledge and practice was considered in the development of guidance, codes or technical standards. It would also ensure that guidance, codes or standards were workable in practice.
  - b. Clarify the scope. At the moment the scope is very broad - to issue guidelines etc on “the development of plans”. It is not clear whether this would be about the process for developing a plan, the matters that must be considered, or if it would be more prescriptive and impact essential infrastructure providers’ operational response during an emergency. The latter would be problematic as NEMA does not have the necessary technical expertise across essential infrastructure sectors. It is important that guidance, codes or technical standards not constrain a sector’s ability to deal with an emergency effectively. We therefore propose that the power be limited to the matters that must be addressed in a plan, leaving essential infrastructure providers to apply their expertise on how best to deal with them.

*An additional power for the Director-General to require standardisation in information requests to essential infrastructure providers*

18. Telecommunications network operators (and the TCF itself) routinely receive information requests from a range of agencies, including NEMA, CDEM groups, councils and regional lifelines groups. The requests are for information including hazards, risks and the location of infrastructure. No two requests are the same in terms of the information or data being requested, and the format it is being requested in (including mapping and GIS). In some cases there are misunderstandings about what the information supplied actually means for the requestor. There are also challenges in getting consistent information from requestors about the hazards in their regions that would inform the responses.
19. Regional variation in information requests is a major problem for national infrastructure networks providing services in multiple regions. Resourcing requests for different types of information in different formats is cumulatively resource intensive and diverts focus from important emergency preparedness work. The people who need to respond to the requests are the same people who work on emergency preparedness and managing the restoration of networks when they are affected by emergency events. It is in everyone’s interest that the process for information provision is as efficient as possible.
20. Clause 170 of the Bill will enable emergency management committees (and others) to make information requests to essential infrastructure providers. We anticipate emergency management committees using this power to make requests for information to fulfil their functions to “identify and assess hazards and risks” (under clauses 28(2)(a)(i) and 27(1)(1))

and to reflect this in their regional emergency management plans (as required in clause 91(1)(b)).

21. Clause 170(2)(a) will enable each emergency management committee to make their own determination about what information it thinks it needs from essential infrastructure providers. And clause 171(2)(a) will enable each committee to determine what form it wants the information to be provided in.
22. As drafted, the Bill will enable inefficient information requests to continue. We therefore propose that:
  - a. Clause 15(4) be expanded to add an express power for the Director-General to issue guidelines, codes or technical standards to standardise the information that emergency management committees (and others) can request from essential infrastructure providers, as well as the format it can be requested in. Ideally this should be a mandatory requirement, not an optional power, so may need to be dealt with separately.
  - b. Any guidelines, codes or technical standards developed by NEMA to standardise the information provision process should be developed in consultation with essential infrastructure and emergency management committees. The telco sector is already developing ideas for this as part of its work to develop a sector response plan. An alternative approach is that the sector response plans (clauses 104 and 105) specify requirements or standards for information provision.
  - c. Clause 170 would also need to be amended to constrain or direct information requests when such guidance, codes or standards had been issued by the Director-General. We discuss this later in the submission.
23. While (4)(f) already includes a catch all for the Director-General, for “any other matters”, we think it is important to call out the standardisation of information requests to give this matter some priority under the new system.

### **Functions and powers of emergency management committees, local government and regional lifeline groups in relation to hazard and risk information**

24. As noted above in our suggested addition to the powers of the Director-General, we have concerns about different regions taking bespoke approaches to information requests to essential infrastructure when they are collecting information about hazards and risks and developing regional emergency management plans.
25. We are also concerned that requests for information about hazards and risks to essential infrastructure will not be limited to emergency management committees. While the Bill attempts to address this, by specifying that that hazard and risk identification process is at the emergency management committee level, and giving the committee the lead role in multi-member situations, councils who are members of a committee have a role in assisting the committee to identify and assess the hazards and risks relevant to them (in clause

42(2)(a)(i)). Councils are therefore likely to make information requests to essential infrastructure. To address this we propose that:

- a. the Bill specifies that councils in exercising that hazard and risk role must coordinate any information requests through the emergency management committee.
26. In addition to requests from emergency management committees and councils, regional lifeline groups currently do vulnerability assessments and seek information from essential infrastructure providers for these. Neither the Bill or the Act speak to the role of regional lifelines groups in vulnerability assessments. However existing Director-General guidelines (DGL 16/14, page 22) refer to regional lifelines groups doing vulnerability assessments every 5-6 years. We note it must be resource intensive for councils contributing to both emergency management committees and regional lifelines groups.
27. Clear direction is needed on whether regional lifeline groups will continue to exist as distinct entities separate from emergency management committees. If they are to remain, then we propose that:
- a. The role, authority and accountability of regional lifeline groups must be explicitly defined to avoid duplication and confusion.
  - b. Central coordination and disciplined collaboration be mandated. The Bill should require emergency management groups and regional lifeline groups to work together in a coordinated and structured manner.
  - c. There should be centrally managed oversight of regional lifeline groups, who should not be able to issue uncoordinated information requests to essential infrastructure providers. All information requests, reporting and engagement with essential infrastructure should be aligned, prioritised, and channelled through agreed coordination mechanisms. This will ensure a single, consistent operational picture, and reduce unnecessary burden on essential infrastructure providers.

### **Regional plans**

28. Clause 90 requires emergency management committees to prepare and approve emergency management plans.
29. Emergency management committees will need guidance from NEMA on how to meet the new requirements for emergency management plans. It is unclear when NEMA will make this guidance available, and councils will need time to consider it.
30. We therefore propose that Bill specify that new plans must be completed within a specified period following the release of the Director-General guidance or standards on plan making and information requests to essential infrastructure.

## **Sector response plans**

31. Clause 104 provides that the Director-General can develop sector response plans for essential infrastructure providers. We can see value in the Director-General having responsibility for leading the development of sector plans when the sector in question is not able to do so. However, we submit that:
- a. Where a sector-developed plan already exists, and it meets the requirements in clause 105 concerning the content of plans and any guidance developed by the Director-General, that plan should be adopted and approved as the sector response plan under clause 104. This may require the Director-General and the sector-coordinating entity to work together to agree any necessary amendments.
  - b. Where a sector doesn't already have a plan, but has a sector coordinating entity and wishes to develop the sector plan, it should be given the option to do so. The plan would be developed in consultation with NEMA and be approved by the Director-General. The Director-General would continue to consult with other parties under clause 104(3).
32. The rationale for these proposals is that if the sector already has a sector coordinating entity and experience working together to prepare for and during an emergency, it will have more knowledge than NEMA about what needs to happen in that sector during an emergency. This approach would be more efficient for both essential infrastructure sectors and for NEMA. It would also be less resource intensive for NEMA.

## **The power to require information**

33. Clause 170 enables the Director-General, emergency management committees, and others to (among other things) require information from essential infrastructure providers. Each emergency management committee will be able to determine what information it wants from infrastructure providers, the only limitation being that they consider it reasonably necessary to carry out emergency management. Under clause 171 the requestor can specify the form and the timeframe.
34. As operators of national infrastructure networks our members are concerned about the lack of standardisation across emergency management committees in terms of the information that can be requested and the range of different formats. While 170(2)(c) says the information must be capable of being provided without unreasonable difficulty and expense, the concern is the cumulative impact of multiple different requests for information in different formats.
35. In our submission point on clause 15(4) we have proposed that the Director-General be given an express power to make guidelines, codes or technical standards to standardise the information emergency management committees can request from essential infrastructure providers, and to standardise the format in which it is provided.

36. We also propose that clauses 170 and 171 are amended so that any requests to essential infrastructure providers are constrained by or in line with any guidance, codes or technical standards produced by the Director-General.

### **Civil liability**

37. We welcome the introduction of new protections from civil liability in clause 210, and the inclusion of persons acting under the direction of a person performing functions, duties or powers under the Act.

### **Regulation making powers**

38. Clause 210(1)(c) enables regulations to be made “prescribing matters that an essential infrastructure provider, or class of essential infrastructure providers, must address in a plan developed in accordance with section 74(b)”.

39. This regulation-making power is broad in scope, and it wasn’t clear from the consultation process what was lacking in existing plans that might be required under regulation. Section 13.3 of the Legislation Design and Advisory Committee [guidelines](#) says that officials should have a clear idea of the scope and content of secondary legislation when an empowering provision is being developed.

40. We propose that:

- a. The 210(1)(c) regulation making power only be used if the Director-General has first used the power in clause 15(4)(d) to issue guidelines, codes or technical standards about matters to be considered in a plan, and that approach has not achieved the necessary outcome. Voluntary approaches and guidance should be a first step.
- b. Consultation with impacted essential infrastructure operators should be required. Clause 210(2) does not make this mandatory, with the Minister only required to consult the persons and organisations they think appropriate.
- c. The regulation-making power includes guiding principles, set out in legislation, for example that it should be outcomes focused and not overly prescriptive. An example of an overly prescriptive approach (which was included in the withdrawn Emergency Management Bill No. 1) is prescribing “planning for emergency levels of service” standards (discussed further below).

### **Rules**

41. Clause 212 enables the Minister to make rules for various matters. In most cases these are operational matters that are quite rightly dealt with through rules. Such as forms, operating practices, training, and matters concerning early warning systems. However, we have some concerns about the inclusion of “performance standards” in paragraph (1)(b), and whether it could be interpreted to allow the Minister to make rules concerning essential infrastructure planning for emergency levels of service (PELOS).

42. PELOS was included in Emergency Management Bill No.1. Submissions from the telecommunications and other essential infrastructure sectors, and advice from the Ministry of Business Innovation and Employment, was that PELOS would not achieve the goal to provide assurance of performance during and after an event. Rather it would hamper the ability to operate and collaborate during an emergency. This is because of:
- a. the significant number of assumptions and caveats operators would need to make when setting standards around restoration times
  - b. matters that are beyond the control of the essential infrastructure provider
  - c. the fact that every event will be different
  - d. the unintended consequences of needing to dedicate focus and resources to address something specified in a standard rather than being able to respond to what is happening in a real event.
43. The Government made a policy decision not to include PELOS in the Bill this time round. We are seeking assurance that it will not be reintroduced through the use of the rule making power in clause 212(1)(b). If the advice from officials is that it could, then the Bill should be amended to exclude the possibility.
44. We propose:
- a. The Minister is required to consider the benefits of any proposed rule-making. Assessing both costs and benefits should lead to the discounting of any proposed rule-making that produces marginal or nil benefits. Clause 213(1)(d)(ii) only requires consideration of costs.
  - b. Any proposed rule making that directly impacts essential infrastructure should expressly require consultation with impacted essential infrastructure operators (not just the persons or groups the Minister thinks fit).
  - c. The inclusion of a provision that clarifies that rules cannot constrain an essential infrastructure provider in its operational response to an emergency, or undermine sector collaboration during an event. In other words, the rule cannot substitute a provider's decision making about its network during an emergency.
  - d. The Committee seeks advice from officials about whether PELOS could be enabled through clause 212(1)(b), and make this available to essential infrastructure submitters.

### **Prioritisation of essential infrastructure**

#### *Priority access to affected areas to fix infrastructure*

45. One of the difficulties telco network operators have faced in extreme weather events in recent years is getting priority access to affected areas to fix affected infrastructure and refuel generators. Technicians and contractors have sometimes been denied access through

cordons, or not able to get essential equipment on transport into those areas, as telecommunications was not considered to be essential by the people managing cordons and coordinating the response.

46. NEMA's 2025 consultation document sought views on options to address the issue of access. The TCF view was that prescribing an ID system through regulations would over complicate things. The other option - clarifying that access can be restricted to any class or group of persons (as has been done in clause 130 of the Bill) - will not solve the problem. Our preferred option was national guidance and training on managing cordons. While the Bill will enable NEMA to develop this guidance, the issue is whether they will have the resources to prioritise this.

### **Resourcing questions**

47. The Bill makes some very positive changes to the emergency management system, providing stronger recognition for communities and clarifying responsibilities at the national, regional and local levels. As part of this NEMA will have new powers and there will be heightened or new responsibilities for emergency management committees and essential infrastructure providers.
48. While it is not the role of legislation to determine how these new responsibilities will be resourced, the success of much of the legislative change will depend on the system being appropriately resourced and the necessary guidance and training being made available. The Government's investment and implementation roadmap notes while there has been an in principle decision, getting the necessary resources will depend on the availability of new funding through future budgets. Local Government New Zealand has said that while it supports the new requirements for councils, some regions will need financial support.
49. We recommend that the Committee commission a briefing from officials on resourcing requirements (for NEMA, councils and essential infrastructure) and how these will be met. If this briefing is sought it should be shared with all submitters.

### **Closing remarks**

50. The TCF would welcome the opportunity to speak to this submission when hearings are held. In the meantime, please contact [kim.connolly-stone@tcf.org.nz](mailto:kim.connolly-stone@tcf.org.nz) in the first instance if there are any questions.