

Civil Contractors New Zealand submission on the Emergency Management Bill (no 2)

Contact: **Alan Pollard**
Chief Executive
Civil Contractors New Zealand
PO Box 12013
Wellington

Date: 15 February 2026

About Civil Contractors New Zealand

Civil Contractors New Zealand is an industry association representing the interests of more than 500 contractor organisations, including large, medium, and small businesses in civil engineering, construction, and general contracting. We also have more than 300 associate members who provide products, support, and services to contractor members.

Our members build and maintain horizontal infrastructure such as roads, bridges, tunnels, dams and power stations, water networks, telecommunications cables and electricity lines, sport and recreation facilities, national defence facilities ports and airports.

These are services a modern and developed economy must have to compete efficiently in world markets and to deliver high living standards for all New Zealanders.

CCNZ has a national office and 12 branches covering the length and breadth of New Zealand. Our members undertake \$10 to \$12b in projects each year and keep about 60,000 people employed.

Introduction

Civil contractors literally shape the earth around us. They play a critically important role in shaping the health, wealth and wellbeing of our communities and our environment. In the recent severe weather events, civil contractors became first responders, mobilising as soon as the storms hit to save lives, protect property, and stabilise affected land and infrastructure.

Our members have been significantly impacted by the recent severe weather events in many towns, cities and regions across the country, committing teams to support response and recovery efforts. Contractors have responded following the Christchurch and Kaikoura earthquakes, cyclones, fires and floods across the country, including Cyclone Gabrielle.

Civil contractors are inevitably some of the first responders in a natural disaster, conducting work such as clearing debris from bridges during flooding, clearing slips and fallen trees,

constructing stop banks to prevent inundation of properties, repairing damage to transport and water networks, supporting rescue efforts and clearing silt.

We note that civil contractors are often the ones who putting equipment and businesses on the line in an emergency, working during these events to prevent loss of life and damage to property, and following these events to repair damage. Many contractors have contributed significant time, effort and resource to response and recovery efforts in recent years.

While the Bill improves engagement and planning structures for communities, rural networks, iwi, and essential infrastructure providers (all positive steps in response to the inquiry following Cyclone Gabrielle), it still doesn't recognise the role of contractors or provide specific recognition or legal protection to them in their role as first responders in natural disasters.

The bill leaves open the possibility for more explicit recognition or protection but does not provide it directly in its text. It should instead recognise and provide for the risks contractors face in responding in emergency response actions.

Recommendations/Executive Summary

We recommend that the role of civil contractors in emergency response is better codified in the EM Bill.

We make this recommendation because it is inevitable that contractors will be involved in almost all forms of emergency response to natural disasters, working to save lives and prevent and restore damage to infrastructure and property.

List of recommendations:

- Recognise the key role of contractors in emergency response
- Provide for rapid mobilisation and operational clarity
- Provide legal and financial protections in good faith
- Establish better funding and pre-event arrangements
- Engage with genuine partner status and ongoing consultation

Detailed feedback

Civil Contractors New Zealand (CCNZ) has made consistent submissions on past iterations of the Emergency Management Bill, and to related emergency and natural hazards consultations.

Our main concerns centre on clearly recognising contractors in emergency response, embedding them in planning/command structures, ensuring rapid mobilisation, providing legal and financial protections when acting in emergencies, and supporting consistent, practical operational arrangements.

We appreciate the provisions for emergency civil works are codified in the Resource Management Act, which allows for action to protect risk to lives and property, and that these provisions underpin what's possible under the EM Bill. It is appropriate that these laws and the proposed Public Works Amendment Bill align.

However, the EM Bill does deal with issues that are critical for contractors. Many of CCNZ's core concerns could be met if the 2025 Bill codifies their partner/emergency responder status, provides explicit legal/financial status and protection, embeds fast-track procurement processes, and enshrines ongoing, structured consultation.

The Regulatory Impact Statement confirms the Government is aware of these submissions, and several options remain open. All require careful drafting and monitoring to ensure the knowledge, equipment and expertise of civil contractors is genuinely embedded, not just an afterthought.

While the intention may be for specific groups to be unnamed in the primary legislation, (there is some truth that this can become an excuse for authorities to consulting only with named groups), we would argue that contractors should be named alongside lifeline authorities. While these authorities have a clear leadership role in an emergency, civil contractors will inevitably be involved as first responders, and required to work for their clients and communities through response and recovery, from landslides and flooding to fires and earthquakes.

We have included detailed descriptions of how these issues can be addressed in the 2025 Bill, including suggested clauses, below:

Community and Sector Engagement

- The Bill requires Emergency Management Committees to consider and appoint members with local knowledge, including those with expertise in rural communities, and to include mechanisms in regional plans for receiving and managing offers of community assistance during emergencies. This implicitly includes civil contractors where their expertise and resources are available. But, rather than implying, it should explicitly include civil contractors.
- The Bill acknowledges that all parts of society best able to manage risk at the lowest level should participate in emergency response, and that local people, often contractors, are well placed for immediate action (*Emergency Management Bill (No 2) 236-1*).

Essential Infrastructure Providers

- The Bill introduces the concept of “essential infrastructure providers” (formerly “lifeline utilities”), requiring these entities to plan and coordinate with emergency management authorities. Businesses such as civil construction companies may be engaged by, or act as, these providers. But while civil contractors play a pivotal role in emergency response and recovery, their role is not directly legislated apart from their obligations to ensure continuity of services (*Emergency Management Bill (No 2) 236-1*).

Emergency Powers and Liability

- The Bill modernises and extends emergency powers for authorised officials—controllers, recovery managers, and essential infrastructure providers. However, the protections from prosecution or civil liability are mainly focused on those authorised under national or local declarations, not directly on private sector contractors acting

in a first responder capacity unless formally engaged or authorised (*Emergency Management Bill (No 2) 236-1.*)

- Past submissions by Civil Contractors New Zealand and Infrastructure New Zealand proposed explicit legal protection for contractors taking emergency action (such as absolving them from prosecution for urgent works in life/property-saving situations).

These recommendations highlighted unresolved concerns from Cyclone Gabrielle (2023), where contractors risked prosecution for lifesaving work that did not fully comply with usual resource consent conditions. However, the Bill's text does not adopt these suggested immunity clauses as standing statutory protections.

Regulation-Making Powers

- The Bill allows the government to make emergency response regulations after major events, which *may* include specific exemptions or protections for contractors.

However, this is case-by-case and post-event by regulation, not in the core statute itself. This approach is counter-intuitive, as relevant discussions may not be possible during an emergency, and are likely to compound pressure during a natural disaster or other emergency event. We would argue that there are provisions and protections that should be codified ahead of time, to ensure work can continue smoothly and without confusion and unnecessary negotiation, in the case of an emergency.

How CCNZ's Past Concerns Could Be Met in the Proposed 2025 Emergency Management Bill

The 2025 Bill, and proposals summarised in the Regulatory Impact Statement: Strengthening New Zealand's emergency management legislation, reflect progress on many—but not all—of CCNZ's concerns. Here's how those could be addressed in the 2025 Bill:

1. Recognise the key role of contractors in emergency response

CCNZ's Concern: Contractors are often first responders and have the capability and equipment to respond to emergencies – for instance moving earth and reinforcing stop-banks in the case of a flood or other severe weather event. Yet there's no formal, early-stage recognition or systematised engagement in emergency structures. This is instead left to organic relationships between clients such as councils, NZTA and other infrastructure providers and the contracting market, which has the capability and equipment to respond.

How the 2025 Bill could address this:

- Strengthen the role of "communities and those best placed to manage risk," which may include explicit requirements in Emergency Management Committee or CEG composition to engage with and ensure input from groups like CCNZ or local civil contractors.
- Introduce explicit references in the Bill's provisions and regional/emergency management plans to consult and commission civil contractors (and their representative bodies) in line with their core infrastructure function.

2. Provide for rapid mobilisation and operational clarity

CCNZ's concern: Mobilisation of contractors is sometimes delayed by unclear authority or absence in planning or risk-aversion amongst decision makers. This can cause delays resulting in significant issues, such as flooding from a reluctance to accept the need to clear a culvert or open a sand bar.

How the 2025 Bill could address this:

- Codify in the Bill (not just in regulations or plans) that civil contractors be included as operational partners from the earliest response stages.
- Clarify in regional and national plans how CCNZ and its members will be identified, mobilised, funded, led, and indemnified when emergencies occur. This would adopt lessons from alliance-based approaches, as recommended by CCNZ. This could be supported by mandated engagement mechanisms in CDEM planning.

3. Provide legal and financial protections in good faith

CCNZ's Concern: Contractors routinely bear risk of prosecution or uncompensated costs for rapid lifesaving actions taken in good faith, especially where emergency works may breach normal planning, consent, or environmental rules.

How the 2025 Bill could address this:

- Build into the Bill broad, good faith "protection from liability" clauses for contractors acting at the direction of authorised emergency officials, not just those with statutory authority. This approach will allow contractors and authorised officials to act swiftly in case of emergency. While the provisions for action sit within the Resource Management Act, these can be applied with good national direction for specific and appropriate disaster response and recovery in the EM Bill.
- Guarantee timely, fair compensation for reasonable emergency costs borne by contractors, with mechanisms clearly set in primary law (not just plans/regulations).

4. Establish better funding and pre-event arrangements

CCNZ's concern: Lack of upfront funding and procurement arrangements hinders swift contractor mobilisation.

How the 2025 Bill could address this:

- Mandate advance funding, contracting and pre-approved procurement arrangements for critical infrastructure partners such as CCNZ members, using models proven post-Christchurch (SCIRT) and Kaikōura (NCTIR).
- Include these requirements in the Bill's objectives or as specific duties for CDEM Groups and principal response agencies.

CCNZ supports the continuation of the provision allowing the Crown to reimburse councils and water organisations for expenses incurred in emergency management activities. Given the capacity and resourcing constraints facing councils, this reimbursement mechanism

enables essential work required to support communities during emergencies.

5. Engage with genuine partner status and ongoing consultation

CCNZ's concern: Policy and legislative processes risk written exclusion of key infrastructure capabilities and knowledge held by contractors.

How the 2025 Bill could address this:

- Include an ongoing statutory consultation requirement with CCNZ and other contractor representative bodies in both plan development and legislative review.
- Ensure CCNZ participates in operational debriefs, reviews, and amendments to emergency planning, to keep systems current and practical.

Proposed Clauses to Address and Codify CCNZ's Five Key Concerns in the 2025 Emergency Management Bill

To embed CCNZ's concerns into legislation, the following are model clause proposals, each addressing a specific point. These are written in legislative style and draw directly from the recommendations and context in your provided sources.

1. Recognition and Inclusion of Civil Contractors as Essential Partners

Clause: Statutory Recognition of Civil Contractors

“Every Emergency Management Committee and Coordinating Executive Group established under this Act, in fulfilling their duty to ensure effective emergency preparedness and response, must include at least one representative with operational knowledge and experience as nominated by Civil Contractors New Zealand or a regional civil contractor body.

The contribution of civil contractors shall be formally recorded in all local, regional, and national emergency management plans, and their early mobilisation explicitly planned for in pre-event and immediate response protocols.”

2. Rapid Mobilisation and Operational Clarity

Clause: Priority Mobilisation and Authority for Contractors

“In the event of an emergency or sudden event presenting imminent risk to life, health, property, or critical infrastructure, civil contractors recognised under this Act must be engaged as operational partners from the earliest levels of command.

“Emergency management plans must detail clear processes for the identification, mobilisation, direction, funding, and protection of contracted civil emergency responders, in consultation with their representative bodies.

All regional and national recovery plans must embed contractor alliance models and procurement frameworks, enabling immediate action.”

3. Legal Protections and Indemnity for Good-Faith Emergency Works

Clause: Non-Liability for Good Faith Emergency Action

“Any contractor, subcontractor, or their employee acting in good faith, and under the direction or authorisation of a competent emergency management authority during an emergency or transition period, shall not be prosecuted or held civilly liable for acts or omissions reasonably necessary to preserve life, property, or critical infrastructure, notwithstanding other statutory, regulatory, or consenting requirements.

This protection shall extend to actions that would otherwise contravene the Resource Management Act 1991 or any other enactment, provided said actions are not reckless or grossly negligent.”

4. Advance Funding and Pre-Event Contractual Arrangements

Clause: Pre-Arranged Emergency Contractor Frameworks

“All Emergency Management Committees must establish advance funding mechanisms and pre-event procurement contracts with infrastructure and civil construction partners, in consultation with their representative national and regional bodies.

Contracts must provide for fair and prompt compensation for works reasonably undertaken in response to emergencies, based on standard industry terms, and budgets for such mobilisation must be reviewed and reported annually.”

5. Ongoing Consultation and Continuous Partnership

Clause: Mandatory Consultation with Contractor Bodies

“The Minister, Director, and all Emergency Management Committees must undertake regular, meaningful consultation with Civil Contractors New Zealand and other representative bodies during the development, implementation, and review of all emergency management legislation, plans, and operational guidelines.

Infrastructure construction contractor bodies shall have rights of participation in post-event reviews and must be invited to contribute to any legislative or regulatory amendments relevant to infrastructure response and recovery.”

These clauses, if adopted, would directly address the long-standing CCNZ concerns and codify contractors’ critical partnership role in national resilience, as per ministerial and sector submitter recommendations. This will have significant benefit for New Zealand’s communities, ensuring efficient, well-equipped and practical response in the case of emergencies and national disasters.

Conclusion

Thank you for the opportunity to make this submission. We would be happy to provide any further information if required.

We would also be happy to appear in person to support this submission.

Kind regards,



Alan Pollard
Chief Executive
Civil Contractors New Zealand Inc.



Principal Business Partner