



# Submission template: Strengthening New Zealand's emergency management legislation

## Submitter information

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## About Orion

Thank you for the opportunity to make this submission.

Orion New Zealand Limited (Orion) owns and operates the electricity distribution infrastructure in Central Canterbury, including Ōtautahi Christchurch. Our network is both rural and urban and extends over 8,000 square kilometres from the Waimakariri River in the north to the Rakaia River in the south; from the Canterbury coast to Arthur's Pass. We deliver electricity to more than 228,000 homes and businesses through our network on 90,000 power poles, 14,300km of lines and cables, 52 zone substations and 5,800 distribution substations. We are New Zealand's third largest Electricity Distribution Business (EDB).

Our principal subsidiary is Connetics and their core business is the design, construction and maintenance of overhead power lines and underground cables and associated equipment. Specialists in electrical distribution, Connetics supports Orion with the design and build expertise to maintain and develop our network and provides these services to other electricity distribution businesses around New Zealand. Together Orion and Connetics make up the Orion Group.

Under the existing Civil Defence Emergency Management Act 2002 (CDEMA), Orion is a lifeline utility, and must ensure it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency. We must be across the 4Rs of reduction, readiness, responsiveness and recovery in order to meet this obligation. Our community is increasingly dependent on our electricity distribution service, so it's essential we identify and manage our key risks. Our community especially depends on electricity during and after High Impact Low Probability (HILP) events such as major earthquakes or storms.

We continue to prepare for future natural disasters and emergencies, and our Asset Management Plan 2024<sup>1</sup> and Asset Management Plan Update 2025<sup>2</sup> summarises the steps we are taking to manage our key operational risks in relation to natural disasters and other risks.

We support the submission of Electricity Networks Aotearoa.

## Consultation questions

### Objectives for reform

The Government's proposed objectives for reform are to:

- strengthen community and iwi Māori participation in emergency management
- provide for clear responsibilities and accountabilities at the national, regional, and local levels
- enable a higher minimum standard of emergency management

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<sup>1</sup> See <https://www.oriongroup.co.nz/assets/Our-story/Publications/Orion-AMP-2024.pdf>

<sup>2</sup> See <https://www.oriongroup.co.nz/assets/Our-story/Publications/Orion-AMP-2025.pdf>

- minimise disruption to essential services
- ensure agencies have the right powers available when an emergency happens.

*Refer to pages 8–9 of the discussion document to answer the question in this section.*

**1. Have we identified the right objectives for reform?**

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

Insert response

## **Objective 1: Strengthening community and iwi Māori participation**

### **Issue 1: Meeting the diverse needs of people and communities**

We have identified options to ensure the emergency management system better meets the diverse needs of communities, with a particular focus on those who may be disproportionately affected during an emergency.

*Refer to pages 10–13 of the discussion document to answer the questions in this section.*

**2. Do you agree with how we have described this problem?**

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

Insert response

**3. Are there other reasons that may cause some people and groups to be disproportionately affected by emergencies?**

In addition to customers that are medically dependent on electricity, we note that some of our customers are geographically remote. Whilst remote customers may not be more exposed to hazards than other customers, if they do suffer an outage during an emergency, it may take longer for electricity to be restored to those customers.

**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?**

Please explain your views.

Orion supports option 2 which is to develop guidance on meeting diverse needs. As pointed out, this allows CDEM Groups to have flexibility in how they work with their communities and different infrastructure owners. Guidance also needs to go hand in hand with public education so that communities (including those with diverse needs) know how they might contribute and what realistic assistance will be available to them when the time comes. We recommend that the publication <https://www.civildefence.govt.nz/assets/Uploads/documents/publications/guidelines/best-practice-guides/community-engagement/bpg-04-10-community-engagement.pdf> is also updated/rewritten.

We note that good understanding of unique community needs, particularly those associated with location and hazards, requires good data on risk for different geographical areas.

Ongoing development of a central, open source, publicly funded dataset of hazards and associated risks is vitally important, so more efficient emergency planning can be carried out based on a 'single source of truth'.

**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?**

Please explain your views.

No comment.

**6. Are there any other options that should be considered?**

Please explain your views.

No comment.

## **Issue 2: Strengthening and enabling iwi Māori participation in emergency management**

We have identified options to recognise the contributions made by iwi Māori in emergency management, to the benefit of all people in New Zealand.

*Refer to pages 13–16 of the discussion document to answer the questions in this section.*

**7. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

No comment.

**8. Have we accurately captured the roles that iwi Māori play before, during and after emergencies?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

No comment.

**9. 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?**

Please explain your views.

No comment.

**10. How should iwi Māori be recognised in the emergency management system?**

Please explain your views.

No comment.

**11. What should be the relationship between Civil Defence Emergency Management (CDEM) Groups and iwi Māori?**

Please explain your views.

No comment.

**12. What should be the relationship between Coordinating Executive Groups and iwi Māori?**

Please explain your views.

No comment.

**13. What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?**

Please explain your views.

Insert response

**14. Are there any other options that should be considered?**

Please explain your views.

No comment.

### **Issue 3: Strengthening and enabling community participation in emergency management**

We have identified options to improve communities' ability to participate in emergency management. This includes making it easier for individuals, businesses, and other community organisations to offer resources to the "official" emergency response.

*Refer to pages 16–18 of the discussion document to answer the questions in this section.*

**15. Do you agree with how we have described this problem?**

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

Insert response

**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?**

Please explain your views.

Orion prefers option 2 (non-legislative): develop and update guidance and strengthen public education. We think flexibility is the key here so that CDEM groups can develop appropriate relationships and formal arrangements with community groups that will be in place before an emergency occurs. Specifically requiring CDEM Groups to define when and how they will accept offers of resource from their communities may be too limiting in the face of an emergency. As pointed out in the Report of the Government Inquiry into the Response to the North Island Severe Weather Events "We observed that the response to the severe weather

*events was most effective where communities and entities were involved in readiness activities and knew what was expected of them when the emergencies started.”<sup>3</sup>*

**17. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 4: Recognising that people, businesses and communities are often the first to respond in an emergency**

We have identified options to address barriers that may stop people, businesses, and communities from acting during an emergency.

*Refer to pages 18–19 of the discussion document to answer the questions in this section.*

**18. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

It is unclear to Orion how these options will work in the electricity distribution sector. There are strict controls on who may carry out work on electrical installations and Orion would not allow unauthorised persons to work on the Orion network. For further information about the risks associated with working on electrical infrastructure please see <https://www.worksafe.govt.nz/topic-and-industry/electricity/> and also see the Electrical and Gas Accidents Annual Report 2023.<sup>4</sup>

**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?**

Please explain your views.

We support option 1 – the status quo – as it relates to the Orion distribution network. Given the safety risks involved with our network (and distribution networks as a whole), our position is that there needs to be strict controls on who may carry out work on electrical installations. However, we are open to option 3 in conjunction with option 1 so that persons undertaking actions at the direction of a Controller or Constable (acting on advice from the infrastructure owner) would be eligible for compensation for labour costs in certain circumstances.

**20. Are there any other options that should be considered?**

Please explain your views.

No comment.

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<sup>3</sup> See [https://www.dia.govt.nz/diawebsite.nsf/Files/Government-Inquiry-into-Severe-Weather-Events/\\$file/Report-of-the-Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Government-Inquiry-into-Severe-Weather-Events/$file/Report-of-the-Government-Inquiry-into-the-Response-to-the-North-Island-Severe-Weather-Events.pdf)

<sup>4</sup> <https://www.worksafe.govt.nz/topic-and-industry/energy-safety/electrical-and-gas-accidents/electrical-and-gas-accidents-2023-annual-report/>

## Other problems relating to this objective

### 21. Should we consider any other problems relating to community and iwi Māori participation?

Please explain your views.

No comment.

## Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels

### Issue 5: Clearer direction and control during an emergency

We have identified options to make it clearer who is in charge of the operational response to an emergency.

Refer to pages 20–25 of the discussion document to answer the questions in this section.

#### 22. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

#### 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?

Please explain your views.

Orion supports option 3 which is "(legislative): require Group Controllers (local emergency) or the Director (national emergency) to be the "Control Agency". Orion considers that it is important for there to be a single point of accountability.

#### 24. Are there any other options that should be considered?

Please explain your views.

No comment.

#### 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?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

No comment.

### Issue 6: Strengthening the regional tier of emergency management

#### Issue 6.1: Resolving overlapping CDEM Group and local authority roles and responsibilities

We have identified options to ensure it is clear what CDEM Groups and each of their local authority members are responsible for.

Refer to pages 26–28 of the discussion document to answer the questions in this section.

#### 26. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference



Please explain your views.

Insert response

**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?**

Please explain your views.

Orion supports option 2 (legislative): provide distinct responsibilities for CDEM Groups and their local authority members. We support strengthening the performance of CDEM Groups and local authorities by reducing duplication of effort, whilst also maintaining flexibility. We would need to see more detail about option 3 and in particular how the funding would be decided in conjunction with Councils' Long Term Plans.

**28. Are there any other options that should be considered?**

Please explain your views.

No comment.

**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?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

Insert response

**Issue 6.2: Providing for clear and consistent organisation and accountability for emergency management**

We have identified options to ensure CDEM Groups are organised effectively, with clearer lines of accountability.

*Refer to pages 28–31 of the discussion document to answer the questions in this section.*

**30. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

**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?**

Please explain your views.

Orion supports option 4 retain flexibility but make the chief executive of each local authority hold the role of Controller and Recovery Manager (legislative). A clear line of authority is important but this option retains flexibility for CDEM Groups and local authorities to decide, in consultation with their communities, what organisational, employment and accountability arrangements work for them.

**32. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 6.3: Strengthening the performance of Coordinating Executive Groups**

We have identified options to strengthen how Coordinating Executive Groups provide advice to and implement the decisions of their CDEM Groups.

*Refer to pages 31–32 of the discussion document to answer the questions in this section.*

**33. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

Insert response

**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?**

Please explain your views.

No comment.

**35. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 7: Keeping emergency management plans up to date**

We have identified options to make it easier to update the National CDEM Plan and CDEM Group plans, reflecting changes to roles and responsibilities.

*Refer to pages 33–34 of the discussion document to answer the questions in this section.*

**36. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

Insert response

**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?**

Please explain your views.

Orion supports option 2 (legislative) enable targeted, “more than minor” amendments to the National CDEM Plan and CDEM Group plans. The National CDEM Plan is a nationally important document and there should be a clear legislative process for making and approving that document. However, we support a simplified amendment process for updating roles and responsibilities, and new hazards and changes in risk profile or agency

responsibility. The Discussion Document provides no further detail on how option 3 would be implemented so we are not able to further comment on option 3.

**38. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Other problems relating to this objective**

**39. Should we consider any other problems relating to responsibilities and accountabilities at the national, regional, and local levels?**

Please explain your views.

No comment.

## Objective 3: Enabling a higher minimum standard of emergency management

### Issue 8: Stronger national direction and assurance

#### Issue 8.1: Strengthening the Director's mandate to set expectations and monitor performance

We have identified options to enable a wider range of mandatory standards to be set, and strengthen the Director's ability to provide assurance about the performance of the emergency management system.

*Refer to pages 36–37 of the discussion document to answer the questions in this section.*

#### 40. Do you agree with how we have described this problem?

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

We are not convinced that there is a problem in this regard (and in particular for EDBs), and the Discussion Document does not provide evidence of such a problem.

#### 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?

Please explain your views.

Orion supports option 1 – the status quo but if the Government is minded to make a change then Orion supports 2 “(non-legislative): Increased guidance and strengthened governance”. It is not immediately clear to us how options 3 or 4 would apply in the context of EDBs which are regulated under the Commerce Act 1986 and governed by the Electricity Industry Act 2010. Distribution businesses are subject to high expectations regarding reliability, performance, and resilience — either through formal regulatory settings or through governance obligations.<sup>5</sup> If the Government were to enable a wider range of mandatory standards to be set through rules or give the Director the function of monitoring the performance of the emergency management system, it is not clear how this is going to reflect on the existing responsibilities of distribution businesses or the role of other regulatory agencies. Furthermore, there is no clarity about how the costs of meeting additional mandatory standards will be met. This is particularly pertinent for distribution businesses that are subject to price quality regulation under Part 4 of the Commerce Act 1986. (Orion is subject to such regulation.)

#### 42. Which aspects of emergency management would benefit from greater national consistency or direction?

Please explain your views.

No comment.

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<sup>5</sup> As referred to in the submission by Electricity Networks Aotearoa.

**43. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 8.2: Strengthening the mandate to intervene and address performance issues**

We have identified options to better ensure those with legal emergency management responsibilities are meeting them sufficiently.

*Refer to pages 37–39 of the discussion document to answer the questions in this section.*

**44. Do you agree with how we have described this problem?**

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

As above, we are not convinced that there is a problem in this regard (and in particular for EDBs), and the Discussion Document does not provide evidence of such a problem.

**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?**

Please explain your views.

Orion supports option 1 – the status quo. There is not enough detail provided about options 2 and 3 to make a sensible assessment of what is proposed or how it would apply to entities that are already subject to significant oversight. (For example for EDBs, such as the Commerce Commission's Information Disclosure and DPP/CPP regimes, which cover resilience, asset management, and service quality.<sup>6</sup>)

**46. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 9: Strengthening local hazard risk management**

We have identified options to strengthen the way CDEM Groups and their members manage the risk of hazards in their areas, including by using CDEM Group plans more effectively.

*Refer to pages 39–42 of the discussion document to answer the questions in this section.*

**47. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

Insert response

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<sup>6</sup> See the submission of Electricity Networks Aotearoa.

**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?**

Please explain your views.

Orion supports option 2 “(non-legislative): Provide clearer guidance about what it means to achieve an “acceptable” level of risk”. We like this approach where all parties are provided with clear expectations about what good looks like but it also enables regional and local flexibility.

**49. What is the right balance between regional flexibility and national consistency for CDEM Group plans?**

Please explain your views.

We agree with the submission of Electricity Networks Aotearoa where they say “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.”

**50. What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?**

Please explain your views.

There is a wide array of local government planning instruments and for some regions there are several territorial authorities. Coordination across organisations and documents can be complex and require a high degree of support. Timeframes for the preparation and finalisation of various policies and plans do not often coincide with each other and sometimes do not coincide with Long Term Plans or Annual Plans. As we mentioned at question 4 ongoing development of a central, open source, publicly funded dataset of hazards and associated risks is vitally important, so more efficient emergency planning can be carried out based on a ‘single source of truth’.

**51. Are there any other options that should be considered?**

Please explain your views.

No comment.

**52. Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

See our comment above at questions 4 and 50 in relation to the development of a central, open source, publicly funded dataset of hazards and associated risks.

## Issue 10: Strengthening due consideration of taonga Māori, cultural heritage and animals during and after emergencies

### Issue 10.1: Considering taonga Māori and other cultural heritage during and after emergencies

We have identified options to ensure the impacts of emergencies on taonga Māori and other cultural heritage is considered appropriately.

*Refer to pages 43–45 of the discussion document to answer the questions in this section.*

#### 53. Do you agree with how we have described this problem?

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

No comment.

#### 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?

Please explain your views.

No comment.

#### 55. Are there any other options that should be considered?

Please explain your views.

No comment.

### Issue 10.2: Considering animals during and after emergencies

We have identified options to ensure the impacts of emergencies on pets, working animals, wildlife, and livestock is considered appropriately.

*Refer to pages 45–47 of the discussion document to answer the questions in this section.*

#### 56. Do you agree with how we have described this problem?

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

No comment.

#### 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?

Please explain your views.

No comment.

**58. Noting that human life and safety will always be the top priority, do you have any comments about how animals should be prioritised relative to the protection of property?**

Please explain your views.

No comment.

**59. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Other problems relating to this objective**

**60. Should we consider any other problems relating to enabling a higher minimum standard of emergency management?**

Please explain your views.

No comment.



## Objective 4: Minimising disruption to essential services

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

#### Issue 11.1: Narrow definition of "lifeline utility"

We have identified options to extend emergency management responsibilities to a broader range of infrastructure that provides essential services.

*Refer to pages 50–52 and Appendix C of the discussion document to answer the questions in this section.*

**61. Do you agree with how we have described this problem?**

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

The narrow definition of lifeline utility in the Civil Defence Emergency Management Act 2002 has not kept pace with modern developments.

**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?**

Please explain your views.

We support option 3 which would replace the lifeline utilities framework with an expanded, principles-based definition of "essential infrastructure" (legislative). The legislation will be able to keep pace with modern developments and not require amendment to update the definition.

**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?**

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

Electricity distribution services should be listed as essential infrastructure. Communities are increasingly reliant on electricity for all aspects of their day-to-day life. As the Discussion Document states the interdependencies and interconnectedness were illustrated during Cyclone Gabrielle, where outages quickly cascaded across electricity, telecommunications, roading, water services, and fuel infrastructure.<sup>7</sup>

**64. If you think other essential services should be included in the list in Appendix C, what kinds of infrastructure would they cover?**

Please explain your views.

No comment.

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<sup>7</sup> See page 49 of the Discussion Document.

**65. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 11.2: Strengthening lifeline utility business continuity planning**

We have identified options to ensure lifeline utilities have planned effectively for disruption to their services.

Refer to pages 52–54 of the discussion document to answer the questions in this section.

**66. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

We do not consider that EDBs suffer from a lack of pre-event planning. Our existing obligation under the Civil Defence Emergency Management Act 2002 requires us to ensure that we are to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

In any event, we note that section 54Q of the Commerce Act 1986 states that all electricity lines companies are subject to information disclosure regulation. The Electricity Distribution Information Disclosure Determination 2012 provides that such businesses must provide details of risk policies, assessment and mitigation in their Asset Management Plans including

- strategies used to identify areas of the network that are vulnerable to high impact low probability events and a description of the resilience of the network and asset management systems to such events; and
- details of emergency response and contingency plans.

**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?**

Please explain your views.

Orion favours option 2 "(non-legislative): increase assurance of lifeline utilities' business continuity plans". No two EDBs are the same in terms of size, geography, customer density, and exposure to natural hazards. Increased guidance and monitoring of lifeline utilities' business continuity planning will better enable these businesses to draft and prepare their own business continuity plans.

We do not support the imposition of financial penalties referred to in options 3 and 4. Ultimately the costs of any such penalties would be borne by consumers. As noted in the Australian Emergency Management Arrangements "*Essential service providers and critical infrastructure owners and operators are ultimately responsible for determining and discharging their own legal obligations and managing risks to their operations that might have a material, financial, legal or reputation impact on themselves and others.*"<sup>8</sup>

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<sup>8</sup> See Australian Institute for Disaster Resilience (2023) Australian Emergency Management Arrangements East Melbourne, Australia

**68. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 11.3: Barriers to cooperation and information sharing**

We have identified options to strengthen cooperation and information sharing between lifeline utilities, CDEM Groups, and other agencies.

*Refer to pages 54–57 of the discussion document to answer the questions in this section.*

**69. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

No comment.

**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?**

Please explain your views.

Orion supports options 1 to 4. However, we support option 5 if there are clear provisions that provide sufficient protections for all parties involved. For example, in our submission on the Emergency Management Bill in 2023 we said that the clause that was under consideration then would benefit from further analysis as to the type and quantity of information required. We also said that we would have expected there to be protection from liability relating to the sharing of the information by the critical infrastructure entity. Furthermore, no liability should attach to the critical infrastructure entity where it shares personal information. (This is not necessarily covered by Information Privacy Principle 11 or section 24 of the Privacy Act 2020).<sup>9</sup> There are times when Orion could enhance its responsiveness if we had access to personal contact information and building and insurance assessments.

**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 way to achieve coordination at multiple levels?**

Please explain your views.

No comment.

**72. Are there any other options that should be considered?**

Please explain your views.

No comment.

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<sup>9</sup> See <https://www.oriongroup.co.nz/assets/Our-story/Submissions/Other/Orion-submission-emergency-management-bill-Nov-2023.pdf>

## Issue 12: Strengthening central government business continuity

We have identified options to ensure central government organisations have planned effectively for disruption to their services. This includes options to expand the range of central government organisations recognised in the Act.

*Refer to pages 57–60 of the discussion document to answer the questions in this section.*

### 73. Do you agree with how we have described this problem?

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

Insert response

### 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?

Please explain your views.

No comment.

### 75. Are there any other options that should be considered?

Please explain your views.

No comment.

## Other problems relating to this objective

### 76. Should we consider any other problems relating to minimising disruption to essential services?

Please explain your views.

No comment.

## Objective 5: Having the right powers available when an emergency happens

### Issue 13: Managing access to restricted areas

We have identified options to improve the way cordons are managed.

*Refer to pages 61–63 of the discussion document to answer the questions in this section.*

#### 78. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Access for our staff and contractors to our sites during an emergency is of utmost importance to make assessments and provide for repairs.

#### 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?

Please explain your views.

Orion supports option 3 (secondary legislation): prescribe the form of identification passes through regulations. Once this system is up and running, it should provide faster access to restricted areas, and give comfort that only those persons authorised to do so are entering restricted areas. We think accreditation that applies in a nationally consistent way will also be helpful. Orion has provided staff to assist other EDBs when emergencies have been declared in their areas. For example, we were able to provide assistance to North Island communities in the aftermath of Cyclone Gabrielle.<sup>10</sup>

We presume that the identification passes system will be similar to that used during the Christchurch Earthquakes for access to the Central City Red Zone. Passes were required to pass through the cordon for the central city, presumably issued under section 45 of the Canterbury Earthquake Recovery Act 2011.

#### 80. Are there any other options that should be considered?

Please explain your views.

No comment.

### Issue 14: Clarifying who uses emergency powers at the local level

We have identified options to ensure emergency powers sit with the most appropriate people at the local government level.

*Refer to pages 63–65 of the discussion document to answer the questions in this section.*

#### 81. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

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<sup>10</sup> See <https://www.oriongroup.co.nz/our-story/the-latest/cyclone-gabrielle-recovery>

Please explain your views.

Confusion over legislative powers leads to delays and costs while parties seek legal advice as to what they can and can't do, and who can do what. In attempting to access or accessing property to effect repairs during an emergency we may encounter any number of issues that need to be resolved. It may be difficult to know which consenting authority may authorise particular action and whether this comes under the powers of the Controller. For safety purposes we may require the closure of roads or the railway corridor to effect repairs. Speeding up the ability to close roads with road controlling authorities and KiwiRail could enhance our ability to more quickly restore service.

**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?**

Please explain your views.

Orion supports option 2 (legislative): tidy up existing functions and powers related to CDEM Groups, Controllers, and Recovery Managers. Removing duplication, confusion and inconsistencies around functions and powers of CDEM Groups, Controllers and Recovery Managers will lead to faster and more effective emergency response and recovery.

**83. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Issue 15: Modernising the process to enter a state of emergency or transition period**

We have identified options to remove the requirement for a physical signature to declare a state of emergency or give notice of a transition period.

*Refer to pages 65–66 of the discussion document to answer the questions in this section.*

**84. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

**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?**

Please explain your views.

Orion supports option 2 (legislative): enable authorised persons to use electronic signatures where it is possible to do so (for example electricity and internet are not disrupted). Orion also supports option 3 (legislative): enable authorised persons to declare a state of emergency verbally if electricity and internet communications are not available. Where a verbal declaration is given, there should be a subsequent written record kept of the details of the declaration.

**86. Are there any other options that should be considered?**

Please explain your views.

See above.

**Issue 16: Mayors' role in local state of emergency declarations and transition period notices**

We have identified options to make mayors' role in local state of emergency declarations and transition period notices more explicit.

*Refer to pages 66–68 of the discussion document to answer the questions in this section.*

**87. Do you agree with how we have described this problem?**

☐ Yes ☐ No ☒ Not sure / no preference

Please explain your views.

Insert response

**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?**

Please explain your views.

No comment.

**89. Are there any other options that should be considered?**

Please explain your views.

No comment.

**Other problems relating to this objective**

**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?**

Please explain your views.

No comment.

**Other comments**

**91. Do you have any other comments relating to reform of New Zealand's emergency management legislation?**

Insert response