SUBMISSION ON

The proposed Emergency Management Bill

20 May 2025

To: National Emergency Management Agency (NEMA)
Name of Submitter: Horticulture New Zealand
Supported by: Hawke's Bay Fruitgrowers' Association Inc., Hawkes Bay Vegetable Growers Association, New Zealand Apples & Pears Inc.,

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Horticulture™ New Zealand
Ahumāra Kai Aotearoa

OVERVIEW

Submission structure

1. **Part 1:** HortNZ's Role
2. **Part 2:** Executive Summary
3. **Part 3:** Our Submission

Our submission

Horticulture New Zealand (HortNZ) thanks the National Emergency Management Agency (NEMA) for the opportunity to submit on the proposal. We welcome the opportunity to discuss our submission with NEMA and collaboratively work to good emergency management outcomes.

The details of HortNZ's submission and decisions we are seeking are set out in our submission below.

PART 1

HortNZ's Role

Background to HortNZ

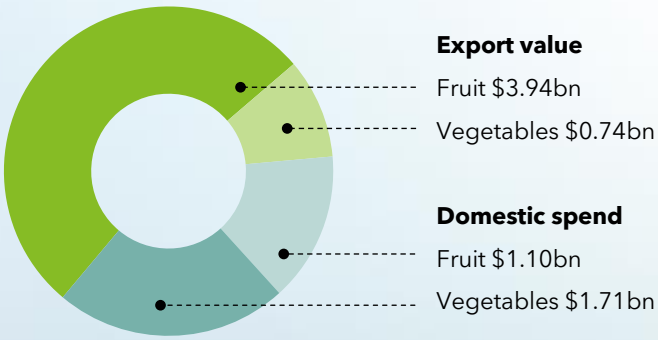
HortNZ represents the interests of approximately 4,200 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruits and vegetables. The horticultural sector provides over 40,000 jobs and is valued at ~$7.48 billion (2023/24).

There are approximately 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



Industry value $7.48bn

Total exports $4.67bn
Total domestic $2.81bn

Source: Stats NZ and MPI

HortNZ's Involvement in Civil Defence and Emergency Management

On behalf of its grower members, HortNZ takes an interest in emergency management regulations, planning, and operations. As well as advocating on behalf of growers, HortNZ and other horticultural industry groups work to raise the awareness of fruit and vegetable growers about the roles they can play in risk reduction and emergency readiness, response and recovery.

PART 2

Executive Summary

HortNZ welcomes the proposed Emergency Management Bill and advocates for greater consideration and integration of the primary industries, including horticulture, into New Zealand's emergency management framework. Drawing from our industry's experience during Cyclone Gabrielle, this submission identifies critical shortcomings in the existing Civil Defence Emergency Management (CDEM) system and provides targeted feedback to the proposed reforms to improve resilience, coordination, and response.

We identified key gaps and concerns in the proposed options include the lack of formal recognition of horticulture as essential service deserving appropriate prioritisation for essential infrastructure (lifeline utilities), insufficient inclusion of industry expertise in emergency planning processes, unclear roles and responsibilities for agencies like MPI before, during and after an emergency event, and the absence of legal protections and compensation mechanisms for community-led emergency actions (spontaneous volunteers). Case studies underscore the economic and human costs of these gaps.

HortNZ supports options that:

- Prioritize and includes food-producing sectors in infrastructure planning.
- formalize public-private collaboration, and
- streamline emergency powers.

The submission recommends a principles-based definition of essential infrastructure, strengthened protection for spontaneous responders, and clearer national standards for risk and resilience planning, while preserving regional flexibility. These changes aim to better prepare communities and safeguard New Zealand's food security during future emergencies.

PART 3

Submission

1. General comments

Our submission is informed by the experience of HortNZ, other horticultural organisations and growers. We have interviewed and sought feedback from our affiliated horticultural organisations who were either impacted by the North Island Weather Events or involved with response and recovery activities.

This submission responds directedly to the consultation questions that are most relevant to horticulture.

2. Issue 1: Meeting the diverse needs of people and communities

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

We agree that communities have diverse needs, some parts can be covered with more established solutions while other parts require more unique considerations to sustain their functionality in society during and after an emergency. While we agree with the importance to support those with pre-existing vulnerabilities and those people more exposed to hazard, we consider that primary industries, such as horticulture, are also essential parts of the community with unique requirements. The current proposal does not sufficiently consider or address the unique needs of horticulture operations or other primary industries, and how emergencies affect them in disproportionate ways, including how risks can be reduced, or preparedness and recovery options be increased.

Primary industries, in particular horticulture operations in more rural regions, is often affected disproportionately compared to other parts of the community due to its often-isolated location and the nature of the operation. Farms and orchards are often more exposed to natural hazards. While exposed to a large variety of meteorological events, including intense rainfall, extreme winds, flooding, landslips or unseasonal frost all pose high risks to the industry, the devastating impact of Cyclone Gabriel on the horticulture section, including vegetables, apple and kiwifruit, has shown the vulnerability of that community. The cyclone has non-discriminately erased annual production of vegetables and long-established plants, such as fruit trees and vines, a loss of production capacity that will require years to recuperate. Horticulture operations and its economic contribution relies on plant health and access to timely logistics for processing and transporting of the perishable produce, both affected through large-scale emergencies.

Given that horticulture operations are an integral part of regional communities, and substantial economic driver in those regions, the needs of these community is not considered, neither are ways they can support CDEM efforts prior, during and after such

events. Further, the lack of acknowledgement and understanding of the horticulture industry and growers' infrastructure can lead to substantial increase in recovery costs.

2.2. 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 prefer Option 3 to "Require CDEM Group plans to include how people and communities that may be disproportionately affected will be planned for", and Option 2 to "Develop guidance on meeting diverse needs" to support option 3.

Consideration and inclusion of community needs at all levels into emergency management, and especially those who do not fit the generic model is elementary for an increased community resilience. The diverse needs of all parts of a community must be considered and should be integrated into effective CDEM planning and preparedness.

3. Issue 3: Strengthening and enabling community participation in emergency management

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

We agree that the integration of community skills, knowledge and resources into the formal emergency management system is complicated and often ineffective. The best possible outcomes for preparation (risk reduction, readiness and resilience) and response and recovery following an adverse event are often not achieved to an acceptable level. Given that the CDEM Act states that emergency management is everyone's responsibility in New Zealand, everyone should have the opportunity to contribute their abilities and capabilities.

Issue 3 is strongly linked to Issue 1 in how all parts of the community can best be integrated into the Emergency Management system to achieve resilience.

3.2. 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 prefer Option 3 to "Require CDEM Group plans to state how the Group will manage offers of resources from the public". This option will provide structure and clarity. We further consider that Option 2 to "Develop and update guidance and strengthen public education" should support the mandated structure of Option 3 and its implementation.

We acknowledge that Option 3 imposes higher upfront costs for CDEM Groups but consider that the additional level of clarity and long-term benefit justifies that investment.

HortNZ's Role in the Aftermath of Cyclone Gabrielle

When Cyclone Gabrielle tore through New Zealand, it devastated some of the country's most important horticultural regions. Many growers faced severe damage to land, crops, and infrastructure, while entire communities were left without power, water, or road access.

In the wake of the disaster, HortNZ played a vital role in supporting the sector's response and recovery. While not formally part of Civil Defence structures, in some regions HortNZ became part of the central coordinating body, working closely with regional Civil Defence Emergency Management (CDEM). In some regions this also included industry partners like New Zealand Apples & Pears Inc. (NZAPI), the Hawke's Bay Fruitgrowers' Association (HBFA) and the Hawke's Bay Vegetable Growers Association (HBVGA).

Leveraging its national network and longstanding relationships within the industry, HortNZ divided responsibilities with other industry groups to ensure that all growers in the affected areas were contacted and connected to the support they needed. HortNZ, together with these groups, received funding to help support these activities.

The organization mainly acted as the liaison between growers and the government, helping to convey accurate and timely information both ways.

HortNZ also gathered on-the-ground intelligence by collecting feedback from growers and affiliated organisations. This information was crucial for directing recovery resources and informing government decisions. The organisation provided key data, such as the size and scope of regional horticulture operations and crop information, to help inform aid distribution. Further HortNZ provided feedback on governments proposed response package and enabled these to be communicated to growers through facilitating events and sharing through HortNZ's communication channels.

Beyond coordination and advocacy, HortNZ showcased the role of growers as first responders. Many growers were among the first to act—ensuring people were accounted for and using their own equipment to clear roads, deliver supplies, and even conduct aerial rescues, often at personal and financial risk.

Recognizing the food safety risks posed by extensive flooding, HortNZ led early assessment efforts in affected horticultural areas. In collaboration with NZGAP, United Fresh, and NZ Food Safety, the organization initiated a national project to map food safety risks and develop a comprehensive, pre-planned response framework for future natural disasters.

Case Study 1: Consequences of Not Integrating the Community into Emergency Planning

Background

Cyclone Gabrielle caused significant damage across the Gisborne region, exposing vulnerabilities in local infrastructure systems including power, water, roads, and communications. A local, large-scale vegetable grower witnessed firsthand the systemic failure and lack of integration between private sector capabilities and formal Civil Defence and Emergency Management (CDEM) planning.

Impact on Industrial Operations

Despite not being formally included in the regional Civil Defence group, the grower's operation played a critical role in the emergency response by supplying dam water to households. Ironically, the same operation was unable to use this water for its own crops due to a missing certification assuring the level of water quality to be used in food processing, a regulatory barrier. Additionally, food production services were deprioritized by CDEM in emergency allocations of water and power.

Through these actions, the grower's operation experienced a three-week production halt, causing over $10 million in losses. Perishable crop operations require immediate processing and transportation, making any delay economically impactful. This situation was not isolated, with other producers in the region facing similar impacts, amplifying the economic consequences across communities.

Systemic Vulnerabilities

Although the complete loss of infrastructure during the cyclone was severe, similar outages occur with increasing frequency including the severe flooding in March 2022, Heavy rain events in November 2023 with strong winds and during Cyclone Hale (January 2023), just prior to Cyclone Gabrielle. This reflects the broader issue of inadequate infrastructure resilience and emergency preparedness in Gisborne. Critical dependencies on single lines of supply, with a single road to Auckland that frequently is affected and inaccessible due to landslides, especially in power and transport, make the region highly vulnerable.

Conclusion

The case of the grower's operation illustrates the severe economic and social consequences of excluding critical community actors from emergency planning. This experience highlights the need for collaborative disaster preparedness strategies that leverage private sector capabilities and prioritise essential industries. Future policy must ensure that local expertise and resources are not only acknowledged but actively integrated to strengthen regional resilience.

Case Study 2: The Importance of Community Input in Emergency Management

Background

In the aftermath of Cyclone Gabrielle, significant lessons were learned regarding the coordination of horticultural sectors in emergency response. The Horticultural Advisory Group (HAG), comprised of sector leaders and technical experts, was established in Hawke's Bay. This platform offered structured support and coordination for horticultural stakeholders, distinct from the broader Rural Advisory Group which was dominated by pastoral interests and supporting the centralized CDEM efforts.

Importance of Sector-Specific Coordination

The formation of HAG provided an effective avenue for real-time coordination, information exchange, and collaborative response. This was crucial, as horticultural needs during emergencies differ significantly from those of pastoral sectors or the primary function of the CDEM Groups to preserve lives. HAG enabled growers to express specific needs and contribute meaningfully to regional decision-making. That included voicing where resources were most needed and should be allocated, where to source resources and how to recover from the cyclone.

Regional Coordination and Institutional Support

Regional grower associations should be formally recognized, supported, and centrally funded. These entities already play critical roles, not only in disaster response, but in labour governance, biosecurity, and extension services. Their effectiveness during Cyclone Gabrielle illustrates their value in resilience planning and emergency management. Only when regional CDEM groups work in partnership with the community, industry bodies, local businesses, rather than in isolation

Gap Identification and Preparedness

One major gap during the Cyclone Gabrielle response was the lack of accurate, up-to-date grower information. Some landowners, particularly those not actively farming or involved in lifestyle operations, were not connected to formal support channels. This limited outreach delayed assistance and hampered coordination.

Access to geospatial grower data and contact details is essential for rapid emergency and biosecurity responses. However, any move toward mandated data sharing must carefully balance the need for accuracy with concerns around privacy, data protection, and commercial confidentiality.

Horticulture as Essential Service

Based on its importance for local food security and regional economies, particularly the rural economy, horticulture should be recognised as essential service, elevating its status in emergency planning and ensuring it receives priority in resource allocation through lifeline utilities. While horticulture operations are not fulfilling a function that would fall under the definition of "lifeline utilities", prioritisation for adequate resource allocation, power and water supply in the event of an emergency, would support the immediate and long-term recovery of the sector.

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

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

We agree that in the event of an emergency event, people, businesses and communities are often the first to respond and fulfil a crucial role in saving lives, protect livelihoods, and reduce further adverse impacts, often without regard for their own health, wellbeing, personal costs, or those of their businesses.

Often, essential infrastructure like roads, power or water lines are damaged by natural hazards, impairing accessibility to affected areas and delaying formal response involvement and activities. While that may differ between regions through geographic variety, formal response officials must prioritize where to focus their efforts first and more often do not have the full oversight on the impact in different areas.

Communities are often the first ones rebuilding essential infrastructure like access to roads, water supply or basic electricity before an official response is even activated. While these activities should be organized in a coordinated and practical way, these first actions by the community often speed up access to impacted areas, prevent further damage and save lives. These community-led actions, from spontaneous volunteers, must be protected from civil liabilities for loss or damage, rather than incentivising inaction. Protection of civil liabilities for acting in good faith to respond to an emergency supports everyone's obligation to manage their own risks and help their community in an emergency.

Again, this issue is strongly linked to Issue 1 in how all parts of the community can be best integrated into the emergency management system to build resilience.

4.2. 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 prefer Option 2 to "Provide for protection from civil liability for loss or damage", in the circumstances where people were unable to seek or be given direction from a response official and if emergency management actions have been undertaken in good faith.

We consider the role of spontaneous volunteers, as identified under the National CDEM Plan 2015, are most crucial in an emergency and request recognition and protection. Leaving those vulnerable that see the opportunity to help and immediately spring into actions may otherwise disincentive the principal objective of the CDEM Act.

We further agree with the risk-benefit assessment for option 3, that potential costs for labour during a response may incur unpredictable and unsustainable costs.

4.3. Are there any other options that should be considered?

We consider that the formal structure for when and why someone acting in an emergency response situation and under direction of a Controller or constable can seek compensation for losses or damage should be made clearer.

Further, we consider that if someone acts in good faith in comparable circumstances but where they were unable to seek or be given direction by a Controller or constable, and experience damage or losses to property, they should also be eligible for compensation under the discretion of the decision-makers. Those acting quickly in an emergency response should not be disadvantaged due to their courage.

Further we consider broadening the CDEM Groups activities, to integrate stronger integration and training on all civil defence matters of local businesses and communities during readiness planning so if an emergency eventuates, more people are prepared to act the right way. Such training can provide essential skills that built resilience broadly. For example, when integrating and training a local horticultural operation, that operation can better support response and recovery efforts through their business-related skills, local knowledge, equipment if needed. Through better integration into the CDEM system, starting the planning and readiness phase, community will gain knowledge on the most efficient and practical way to support a CDEM Group and may not accidentally hinder formal response activities.

Case Study 3: Spontaneous Volunteers Aerial Rescue During Cyclone Gabrielle

Background

On 13 February 2023, Cyclone Gabrielle struck the Hawke's Bay region, triggering catastrophic flooding across the region. Among the severely impacted zones was a local horticultural operation. As water levels rapidly rose, overwhelming existing infrastructure and communication networks, timely, ground-based emergency response was significantly delayed or rendered impossible. Quick actions were needed to save lives in the community.

Community Action

A local horticultural business owner, recognising the imminent danger to his community, took swift independent action. With large parts of his orchard already inundated, he initiated an emergency response using his business helicopter—normally deployed for aerial crop spraying. In collaboration with his pilot, and in the absence of formal directives or coordination from civil authorities, he began rescuing community members stranded on rooftops and in attics. The impromptu rescue team successfully evacuated over 100 people, many in dire circumstances and often under extreme weather conditions. The helicopter, with a four-person capacity, ferried people to higher ground or directly to the Bridge Pa aerodrome in cases of severe injury. The team also entered structurally compromised homes to extract vulnerable and elderly residents. In many circumstances there were no other forms of rescue for these people, many of whom had been on rooftops or otherwise trapped for many hours.

Systemic Gaps

Throughout the initial rescue period:

- Communication systems were largely inoperative. Civil Defence lacked real-time situational awareness.
- Resource allocation decisions at the official rescue coordination centre restricted support, including access to critical aviation fuel.
- Institutional support was absent. No formal mechanisms were in place to authorize, protect, or reimburse such spontaneous volunteer operations.
- Financial and legal protections were non-existent. Operational costs for the helicopter reached $30,000 per day for multiple days, all borne personally by the operators, with no insurance, reimbursement, or indemnity from liability.

Continued Support Activities

Post-evacuation, the same team continued to serve the region alongside CDEM by delivering generators and other critical supplies to isolated rural areas. Despite exhaustion of personal resources, operations persisted due to local donations and sheer determination.

Conclusion

The actions taken by the Waiohiki grower and his pilot during Cyclone Gabrielle exemplify extraordinary community leadership and civic responsibility. However, their experience also underscores the urgent need for institutional frameworks that empower and protect such efforts. Supporting community responders, rather than hindering them through bureaucracy and risk exposure, should be a core principle in modern emergency policy planning.

5. Issue 7: Keeping emergency management plans up to date

In this section, we discuss the role of MPI and how it links to the roles of other regulators under the Resource Management Act (RMA) 1991.

- The role of MPI in readiness and response for those matters it is identified as lead agency for in the CDEM Plan, and
- The role of MPI, horticultural levy bodies and district associations in response and recovery.

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

We agree with the analysis that because updating emergency management plans is administratively burdensome, it can be difficult to make changes that reflect lessons from recent emergencies, changing responsibilities, or the latest understanding of the hazard and risk environment. We think lessons have been learned from recent events and would like to see the CDEM plan updated to reflect these.

While keeping CDEM plans up to date is critical for overall preparedness, CDEM readiness cannot be managed by theory and should be expanded to include training opportunities and scenario exercise to simulate possible real-life events. It is paramount that key members of the community, such as primary industry operations, are integrated. CDEM plans should include volunteer training options and requirements to emphasise its necessity. Further, CDEM plans should include better defined processes how to effectively communicate during a response and how to best integrate already existing community-representative groups, such as regional Horticulture Advisory Groups (HAG) in the horticulture sector, into the CDEM system.

5.1.1. MPI INVOLVEMENT IN NATURAL HAZARDS

MPI has lead responsibility for food safety, droughts and plant and animal pests. In these areas, MPI has plans and processes in place, and HortNZ is involved with MPI in readiness activities related to these domains. MPI also has a role in linking with primary industry for emergencies, even when it is not the lead agency, such as during the North Island Weather Events of 2023.

For meteorological hazards such as flooding, snow, and hail, MPI is not the lead agency, but it has a role in coordinating response and recovery. For horticulture, while droughts impact growers, there are limited options to managing the risk of drought. The main natural hazard that impacts horticulture is flooding, as well as wind and hail. Because MPI is not the lead agency, readiness planning and accessing support for the primary industry for these events is less clear, even though the impacts from these events can be as significant or more significant for the primary industry than drought. In addition, the focus of MPI seems to be set on the arable sector while other sectors, such as horticulture, are not considered.

We would like to see the CDEM provide a clearer role for MPI in readiness, response and recovery for all natural hazards that impact the primary industry, including flooding.

5.1.2. THE ROLE OF PRIMARY INDUSTRY BODIES

Some primary industry bodies are named in the CDEM Plan such as Federated Farmers, but HortNZ, and the other horticultural product groups, such as New Zealand Apples and Pears or regional Horticulture Advisory Groups (HAG), are not currently named in the CDEM Plan. HortNZ and the other horticultural groups are called upon by MPI and Regional CDEM to assist with coordinating recovery for the horticultural industry. This role should be formally recognised within the CDEM

5.1.3. EMERGENCY POWERS

The CDEM is not clear about the role of the Ministry for the Environment (MfE), Regional and District Councils in anticipating that some activities that are prohibited in plans or consents may be required during or after emergencies. These bodies should be responsible for developing Orders in the Council ahead of time that can be brought into force rapidly. We would like to see this responsibility clearly articulated and enforced.

5.2. 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. The National CDEM Plan isn't required to be made by Order in Council, but it retains its legislative status (legislative). This option would simplify the process to develop and amend the National CDEM Plan and potentially enable a more flexible format.

We think there are changes required to the CDEM now, and that the process for making changes is probably hindering that. However, we think the CDEM needs to retain its legislative status.

Case Study 4: Strengthening Emergency Management through Effective Planning

Background

The response to Cyclone Gabrielle highlighted the strengths of community-driven efforts but also exposed systemic weaknesses in emergency preparedness, coordination, and policy alignment.

In the aftermath, a structural reform is needed to embed resilience into emergency planning—particularly for the horticulture sector, which proved essential but was insufficiently supported. The response actions emphasized the lack of sufficient preparation and scenario planning, the reactive nature of government support, communication failures, and the need for strengthened local networks.

The overarching message is clear: readiness must be planned by the whole-community, practiced and institutionalized—just as has been done with biosecurity protocols.

Despite the horticulture sector's critical role in national food security and disaster response, it lacks formal recognition, planning support, or legal protections during emergencies.

The response to Cyclone Gabrielle revealed several policy and operational gaps:

- Lack of pre-established emergency resources and training scenario-preparedness training for sector-specific disruptions.
- Insufficient communication infrastructure in rural and disconnected regions.
- Delayed, opaque funding mechanisms for recovery.
- One-size-fits-all business continuity planning requirements that overwhelm small producers, especially if mandated.

Key issues and gaps

1. Lack of clear decision-making structure and accountabilities

Government agencies showed insufficient accountability for roles and responsibilities resulting in inconsistent decisions for frontline operations and duplication in information requests, overwhelming affected growers already pressured by the imminent impacts of the emergency.

2. Lack of effective preparedness

Government agencies had no ready-made frameworks for funding (relief or recovery), communication, or operational response tailored to the horticulture sector or other primary industries. This contrasted with well-developed biosecurity protocols, such as those for fruit fly outbreaks. Systematic planning and scenario-based preparedness training could build a level of resilience far better than isolated, theoretical planning activities.

3. Insufficient local empowerment

District grower associations played a pivotal role in the response, yet lacked formal mandates, resources, or access to emergency systems, despite their community trust and logistical capabilities.

4. Failures in communication and coordination

Conventional communication systems failed, forcing responders to rely on text messages, Starlink internet, and physically delivered updates. No multilingual, low-tech alternatives were available. Information distribution was largely reliant on email communication to distribute information, often not reaching impacted communities effectively.

5. Horticulture not recognized as critical infrastructure

Despite contributing directly to food security, horticulture was not prioritized in emergency operations or funding decisions, limiting its ability to maintain operations or protect assets.

6. Rigid business continuity planning (BCP) requirements

A uniform BCP requirement, regardless of business size or capability, risked penalizing small-scale producers unable to meet complex standards.

7. Delayed recovery funding

Unclear criteria and slow approval processes for recovery funding increased stress and delayed operational recovery.

Conclusion

While community resilience and improvisation filled many of the systemic gaps during Cyclone Gabrielle, the experience underscored a broader need to institutionalize best practices and rethink the role of key primary industries, such as horticulture, in national emergency planning. For that planning to be efficient, CDEM Group plans must gain the flexibility to be kept up to date and practiced. Biosecurity protocols and scenario exercises offer a successful model of readiness that can be adapted for broader emergency use. Formalizing relationships, clarifying authority, and ensuring sector-specific integration into emergency systems will significantly improve future response capacity.

Cyclone Gabrielle served as a wake-up call: food systems and local responders cannot be afterthoughts in national or regional emergency planning. The horticulture sector, with its deep local networks and critical role in food supply, must be equipped with the legal recognition, resources, and coordination structures necessary to meet future crises.

6. Issue 8: Stronger national direction and assurance

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

We agree the monitoring and assurance of the emergency management system need to be strengthened and that appropriate powers and authority should be provided to set standards and fulfil an assurance function.

6.2. 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 prefer Option 4 to "Give the Director the function of monitoring the performance of the emergency management system", and Option 2 to "Provide the Director with the power to issue compliance orders if the Director reasonably believed that a party was breaching a legal requirement under the Act".

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

6.3.1. EMERGENCY POWERS.

One area that would benefit from greater national consistency is a clear requirement for MfE, Regional and District Councils to anticipate events that will require activities to take place in response in recovery that are normally prohibited in consents and regional plans and to create protocols for using emergency powers and develop Order in Council ahead of emergencies.

During the recovery from Cyclone Gabrielle, considerable mixed waste accumulated on orchards. The waste was made up of orchard trees, support structures and other materials deposited from upstream including fencing. Some of this waste was not possible to separate, and the volume of the waste meant it was not possible to dispose of it in landfill. The mixed waste included materials that the council prohibits burning in normal circumstances. There was a clear need to burn this material onsite. An Order in Council was eventually granted that enabled burning of this waste to occur. However, the process for developing this Order in Council required considerable work for the horticulture industry and growers to explain the issue. During this process, our perception was that the Hawke's Bay Regional Council regulatory function was ill-prepared to consider that different risks in an emergency warrant a different approach to enable recovery. The process of developing this Order in Council during recovery was damaging to social cohesion. In our view, there are many activities that can be anticipated and planned for, so Orders in Council are ready to go when they are needed in the recovery phase.

6.3.2. FOOD SAFETY

Under the National CDEM Plan, MPI have the lead role for food safety emergencies. MPI has plans that guide their work in this area. The MPI website provides some information for the public and businesses, although that information is focused more on risks to individuals – for example, eating defrosted food following electricity outages – rather than managing systemic food safety risks to the food system, related to the risk of large scale contamination of the fresh food supply.

We saw during Cyclone Gabrielle an increased risk to fresh food due to extensive flooding of lands that are vital for the supply of produce for New Zealanders. Impacts on food safety from a large volcanic event could be similarly anticipated. New Zealand is too geographically isolated to import a supply of fresh vegetables for our population. Over 70% of the fruits and vegetables consumed by New Zealanders, by spend, are produced domestically.[1] If a significant growing region experiences large floods or a volcanic eruption, that could cause widescale food safety risks to a significant proportion of New Zealand's food supply.

During the response to Cyclone Gabrielle, there was a fragmented approach to managing risks to food safety with lack of clarity about roles and responsibilities. In response to this event, HortNZ, New Zealand Good Agricultural Practice (NZGAP), and United Fresh have been working together with the aim of mapping the New Zealand fresh produce food safety system and developing a collaborative project alongside NZ Food Safety (MPI), Fresh Produce Safety Centre and Food Safety Science and Research Centre, to ensure in future events the food safety system is better prepared. This is an industry-led initiative,

[1] Fresh-Facts-2024---Online-Version.pdf

and while we anticipate NZ Food Safety will be supportive of the activity, we think that NZ Food Safety would benefit from clearer expectations and oversight about how it should prepare and coordinate readiness, response and recovery activities for wide scale food safety events triggered by natural hazards.

7. Issue 9: Strengthening local hazard risk management

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

We agree that local hazard risk management is an integral part of CDEM Group plan implementation, in particular to reduce risks. We also agree that there is inconsistency in implementing local hazard risk management between regions that may lead inconsistent results and practices that may worsen the adverse impact during an emergency event that could have been prevented. It is likely that the ambiguity on the objective, to achieve an "acceptable" level of risk and the uncertainty on accountability, who will manage which risk, amplifies that inconsistency.

In addition, there is a lack of awareness of the importance of mitigating certain risks and which mitigation measures should be prioritised. These short comings indicate a lack of or improper use of risk assessment tools across authorities with the likelihood of inactions and possible devastating outcomes.

We consider the ambiguity on what an "acceptable" level of risk is to be a major drawback to efficient risk mitigation and requires national standardisation and guidance.

7.2. 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 prefer strengthening non-legislative Options 2, "To provide clearer guidance about what it means to achieve an "acceptable" level or risk", and 3, to "Update guidance and strengthen assurance of CDEM Group plans".

While we expect that CDEM groups align with national standards on "acceptable" levels of risks and possible mitigation measures, local and regional authorities require the flexibility to determine how to prioritize hazard risk mitigation needs and available resources based on local knowledge. However, this is an outcome-focused approach resulting in risk prevention and a level of central oversight might be required to ensure implementation.

If mandated, we would expect a better integration of consistent hazard risk management actions into CDEM Group plans and processes, however, this would incur intensive resources and costs, that is possible better spent on the CDEM Groups and implementation of risk mitigation measures.

We believe that CDEM Groups, by the nature of their existence, intend effective risk management and strive to mitigate risk hazards especially when the community is more integrated into the CDEM Group planning.

Further, we would like to see guidance developed that clarify management of competing priorities, or direct conflicts of priorities, also with other legislations and initiatives. For example, when considering biodiversity and a healthy river flow which however has been identified as risk hazard of flooding to downstream horticulture operations through a intentionally unmaintained or minimal maintenance of that riverbed. Will the necessary risk reduction measure under the CDEM act take precedent over preservation? Or a situation where compliance to the RMA hinders necessary risk mitigation work being done in a timely manner, due to the lack of an efficient exemption or fast assessment process. It is pivotal to consider this aspect and overlaps to other agencies' priority and include a process to address these possible conflicts with clear objective and accountability.

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

It is important that CDEM activities achieve a level of consistency across different CDEM Groups and that those can be measured against national standards so that the overall objective in the 4Rs (risk reduction, readiness, response and recovery) can be achieved. While the level of hazard risk mitigation options might differ regionally or locally, the standard of risk management and accountability should be provided and be consistent across all regions.

Lack of clarity on roles and responsibility as well as expectations will lead to inconsistent and inadequate community resilience.

It might be necessary to establish a temporary mandate the adoption and implementation of mandated framework until the necessary level of consistency has been achieved.

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

The lack of shared resources and information, adherence to non-standardised methodologies (incl. risk assessment tools), and insufficient funding of CDEM Groups may lead to deprioritisation of emergency preparedness.

Consideration must be given how to effectively and safely share information and to adopt suitable digitalisation tools for the purpose of CDEM planning.

7.5. Are there any other options that should be considered?

The CDEM Act could enable the appointment of an accountable role within the CDEM groups, i.e. a hazard risk manager, that ensures risk reduction activities are undertaken where possible and that could further administer an emergency management asset

register that encompasses all local or regional assets that are available in the event of an emergency. Given that most CDEM groups contain of volunteers and chronically underfunded, such a role should be centrally funded and could function as direct delegate to the Director of NEMA. This function would also enable the regional groups to be more active in adopting pre-arranged and coordinated system, aligning regional plans with national directions and utilizing the existing networks more efficiently in the readiness phase of an emergency rather than scrambling for actions in response to an emergency.

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

The flood protection system is critical to protection of life and property, but it is a neglected function with unsustainable funding streams and old and fragmented legislative direction. An overhaul of this system is overdue.

The Soils Conservation and Rivers Control Act 1941 and the Land Drainage Act 1908 are very old legislation. There is a lack of clarity around the relationship of these Acts to Councils' regulatory and planning functions under the RMA and national adaptation planning under the Climate Change Response Act (CCRA) 2002. The current reform of the RMA and review of local government structures and funding present an opportunity to reflect on the flood protection at a system level. Reform of the flood protection system must be progressed alongside and integrated with the RM 3 reform that is currently under way.

Case Study 5: When local knowledge of hazards remains unheard

Background

With the catastrophic damaged caused by Cyclone Gabrielle across Hawke's Bay, it exposed critical flaws in the operational capacity and responsiveness of the Civil Defence Emergency Management (CDEM) framework. This case study draws from a firsthand account by a local vegetable grower and long-standing volunteer, who was directly affected by the disaster.

Despite the existence of national emergency response frameworks and protocols, during the immediate aftermath of Cyclone Gabrielle:

- Communication between Civil Defence and local landowners was minimal or non-existent.
- Decision-making was centralized and unresponsive to the realities on the ground and did not integrate/include direct engagement with local key businesses.
- Bureaucratic obstacles (e.g., resource restrictions, permit requirements) hindered practical and urgent actions.

Community Action

The local vegetable grower experienced extensive flooding, exacerbated due to poor gravel maintenance of the local riverbed. The grower had identified the hazard well before the cyclone, repeatedly offering to carry out the necessary work to address the risk. However, these offers went unanswered, no action was taken, and the lack of response ultimately led to damage and disruption that might have been prevented.

While critical evacuation, restoration and prioritization decisions were made without community consultation or input by locals during the response, the same lack of engagement and knowledge integration has also been instrumental in the disaster preparedness and planning phase. But the cyclone showed that the lack of clear mechanism for locals to contribute insights or expertise during the response phase.

Practical decisions, such as reusing flood-deposited shingles to repair roads to enable quicker access to impacted roads were blocked by bureaucratic concerns about contamination.

Inactions in risk hazard management, without the regulatory support to do what's necessary to mitigate the risks identified in a centralized plan, driven by CDEM, proved frustrating for the region.

Systemic Gaps and Key Issues

- Inaction on timely risk reduction by centralized CDEM group
- Lack of integration of local knowledge in risk management and underutilisation of local assets
- No formal register of local heavy equipment, skills, or resources existed
- Farmers and businesses who were willing and able to assist were not officially engaged or mobilized.

Conclusion

This case study underscores a key lesson: **disaster resilience depends not only on central planning, but on empowered local response capacity**. This integration of local knowledge and expertise should be integrated into emergency management at all phases, including local risk hazard management. The firsthand experience reveals the effectiveness of locally led action and the need for a Civil Defence system that is **more flexible, more inclusive, and more grounded in local realities**.

Incorporating these insights into an updated CDEM framework and plans can build a system that truly protects lives, livelihoods, and infrastructure—especially in rural and high-risk regions.

Cyclone Gabrielle served as a wake-up call: food systems and local responders cannot be afterthoughts in national or regional emergency planning. The horticulture sector, with its deep local networks and critical role in food supply, must be equipped with the legal recognition, resources, and coordination structures necessary to meet future crises.

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

Our comments in this section relate specifically to taonga Māori during and after emergencies.

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

We agree that loss of cultural heritage can compound the negative effect of emergencies on individuals and communities. We agree that Māori also have a special relationship with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga, recognised in the Treaty of Waitangi.

We agree that overlooking the importance of taonga Māori in emergency response can hinder effective collaboration, communication, and engagement with Māori stakeholders, compromising the overall effectiveness and inclusivity of emergency management efforts; however, a balance needs to be struck, because if engagement with Māori during a recovery or response phase is seen to slow down or compromise the effectiveness of the response, it risks scapegoating Māori for lack of timely action, and reducing social cohesion.

8.1.1. RESPONSE PHASE

The joint approach between ECAN and Nga Tahu for Lake Waihora openings has been causing disquiet amongst some land users impacted by recent storms. This is illustrated

by commentary in social[2] and mainstream media[3]. In the Lake Waihora case, there is a planned approach with clear criteria and decision making and water levels that relate to a consent conditions. We support this planned approach. However, in an emergency, the RMA provides for the use of emergency powers. These emergency powers allow necessary action to be taken outside of the normal consent conditions. It may be that the best decision for Lake Waihora was made in May, but it is unclear whether the Lake Waihora opening decision-making process allows for a timely decision to be made about how and when it is appropriate to use emergency powers, rather than to operate within the normal consent conditions process if it seems with weather forecasts, that sea conditions will not allow opening to occur once the water level conditions that trigger opening are met. In an emergency, sometimes activities that do not meet consent conditions or prohibited activities in District and Regional Plan need to occur, but a lack of pre-planning that anticipates and plans for these decisions, is undermining trust in the system, this issue is discussed in this submission under issue 8, in relation to the orders in council for burning waste.

8.1.2. RECOVERY PHASE

The Severe Weather Emergency legislation, under Section 331B gave powers to landowners to undertake emergency preventive of remedial works. This clause is absolutely necessary for growers on the Heretaunga flood plains, to clear obstructions, replace culverts and remove silt. However, the legislation also included clause 331(B) 3. that that activity would not be permitted on culturally significant land without written permission from iwi or hapu, and that permission would need to be sought 20 working days prior to the activity. The legislation also defined culturally significant land as land that adjoins an area identified as a stator acknowledgement. There were no clear maps that would identify exactly where these are, are, but the maps on HBRC site indicate they include vast areas of land adjacent to rivers meaning the clause empowering to undertake emergency preventative and remedial works was illusory. The orders in Councils that followed this Legislation some months later refined these requirements to make them workable, but for several months there was a feeling that the legislators were completely out of touch with the needs and reality of impacted landowners and the capacity of iwi and hapu, who were themselves impacted and heavily involved in the recovery. This clause caused stress, diminished social cohesion and prevented action being taken that was later determined to be permitted.

8.2. 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 prefer Option 3. Māori have an important role to play in readiness, response and recovery and this should be clearly provided for and planned for. We would like to see an obligation under this legislation to pre-plan and agree the approach prior to a response and recovery and including a clear expectation around the process when rapid decisions

[2] Deon Swiggs - Te Waihora/Lake Ellesmere was opened to the... | Facebook. Accessed 14/05/25.
[3] Selwyn mayor announced state of emergency from Wellington | RNZ News

must be made using emergency powers, to ensure Māori are not unfairly blamed for slow response and recovery.

It is easy to anticipate that culvert and bridges will be washed out and need to be replaced in recovery, that gravel will accumulate and need to be cleared, from drains and small streams to allow conveyance, and large-scale land movement will result in sediment deposition that may need to be removed from land. We would like to see these matters planned for in the readiness phase, and a requirement placed on MfE and Councils and overseen by NEMA, so this planning occurs. For example, following cyclone Gabrielle the Severe Weather Emergency Recovery (Resource Management–Hawke's Bay Rural Recovery Works) Order 2024, was eventually developed and provided workable requirements for what activities could be permitted including, requirements to manage impacts on cultural effects. For example, there was a requirement that the rural recovery works must be undertaken in such a way as to avoid, if reasonably practicable, or minimise adverse effects on culturally significant land, and a requirement, if human remains or archaeological items were found to notify iwi as well as other responsible organisations. This order in council came into force in September 2024, 6 months after the event, and 5 months after the unworkable requirements for 20 working days' notice and permission from iwi before undertaking remedial or preventative emergency works on large areas of private rural land on floodplains. In future events, we would like to see the workable conditions that were eventually developed in this Order in Council to become standard clauses within Orders in Council that are consulted on ahead of time, and ready to be stood up rapidly after an event.

There is a risk with a pre-planning approach, that the conditions and expectations that may seem workable in a non-emergency time are developed. IT is important that these Order in Council are developed with lessons learned of what was necessary and possible following events and take into accounts the risks that occur in emergencies – including the stress that people are under in the events, and the need to factor that into what is an appropriate response.

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

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

We agree with the three identified key problems, relating to the restoration of essential infrastructure.

9.1.1. ACCESS TO FOOD REQUIRES HIGHER PRIORITY

The domestic food supply chain is an essential consideration in the immediate aftermath of an emergency event that must gain higher priority in the decision-making process for essential infrastructures' resource allocation. The ability to recover quickly from the impacts of any natural hazard is largely influenced by the ability to regain normal social functionality of an impacted region, which includes normal food supply chain and the economic drivers of that region, and the country.

In the event of disruption to essential infrastructure such as roads, prioritisation for repairs to essential infrastructure and lifeline utilities should consider the importance of that

infrastructure for our food supply. For instance, if a slip on a road is preventing a large amount of fresh vegetables from reaching supermarkets, that will cause food shortages for an already vulnerable population recovering from an emergency event. It will also lead to price increases in other parts of the country given the interconnected nature of New Zealand's domestic supply chain, as we saw after Cyclone Gabrielle. This has an impact on social cohesion and wellbeing.

The impact of adverse weather events, such as cyclones, heavy rainfall, flooding and droughts, affect the production, processing, transportation and retail of fruits and vegetables, and therefore pose a risk to New Zealand's domestic food supply as well as the economy.

Over 70% of the fruits and vegetables bought by New Zealanders (by value) were produced in New Zealand.[4] It is not possible to import enough fruits and vegetables to feed our population due to the country's geographic isolation and the perishable nature of fresh produce.

Food insecurity is already pervasive in New Zealand, linked with poor physiological health outcomes and psychological distress.[5] The 2023-24 "Annual Report on the Child and Youth Strategy" found that an astonishing 27% of New Zealand children face food insecurity,[6] which is only exacerbated during emergency events.

We acknowledge that the food supply chain may be secondary to the immediate preservation of lives during a disaster but cannot be neglected or forgotten in the immediate recovery efforts as well as during the preparedness planning and risk reduction planning phase.

9.2. 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?

For issue 11.1, we prefer option 3 to Replace the lifeline utilities framework with an expanded, principles-based definition of "essential infrastructure". A principles-based definition enables more flexibility in updating secondary legislation and enables the expansion of services and service providers. Also, the terminology of "essential infrastructure" more aligns with internationally equivalencies, such as "Critical infrastructure" and "Essential services", and therefore provides more consistency.

For issue 11.2, we would prefer option 2, to increase assurance of lifeline utilities' business continuity plans while also supporting option 3, to introduce financial penalties and enable detailed business continuity planning requirements to be set through regulations. While we rather prefer non-mandatory guidance and information being made available, the failure to plan responsibly and efficiently, and therefore possibly not be able to carry

[4] United Fresh, Plant & Food Research. "Fresh Facts 2024". (p. 33)
[5] The association of food security with psychological distress in New Zealand and any gender differences, Social Science & Medicine 2011
[6] New Zealand Government. 2023/24 Annual Report on The Child and Youth Strategy / the Child and Youth Wellbeing Strategy and the Child Poverty Related Indicators. July 2023 to June 2024.

out the necessary essential services in the event of an emergency, may have detrimental impact. To ensure the resilience of a community, and restoration of essential functions of society quickly, failure to comply with the requirements of the necessary contingency plan for identified lifeline utilities, should have consequences.

For issue 11.3, we prefer option 3 to Explicitly require CDEM Groups to involve the lifeline utilities in their areas in the development of CDEM Groups plan and option 2 to Strengthen assurance and develop standards and guidance. While option 3 is a mandated integration of lifeline utilities, with the risk of increase financial and administrative burden to those lifeline utilities, option 2 could support the integration through consistent standards and minimum requirements that can reduce these burdens. We would also support option 5, to Strengthen information sharing protections, to enable protective measures for better data sharing possibilities.