

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in New Zealand
A National Law Desk Survey
2012

Acknowledgements

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Executive summary

This report acts as a study on legal preparedness for international disaster response, using the existing NZ legislation on Disaster Risk Reduction (DRR) as a case study. Given the diversity of NZs natural landscape and its relative geographic isolation, New Zealanders are, and will continue to be, at risk from a large range of hazards. Consequently, DRR has become a matter of national concern and this is reflected in the current legislation that governs NZ society. This report hopes to highlight some of the main risks, vulnerabilities, capacities and governing structures that prevail in NZ and shed light on potential models for greater effectiveness for both international and national DRR into the future.

List of abbreviations

ARPDM	ASEAN Regional Programme on Disaster Management
ASEAN	Association of Southeast Asian Nations
CDEM	Civil Defence and Emergency Management
CDEM Act	Civil Defence and Emergency Management Act 2002
DOC	Department of Conservation
DRR	Disaster Risk Reduction
EQC	Earthquake Commission
EPA	Environmental Protection Authority
EWS	Early Warning System
HFA	Hyogo Framework for Action 2005–2015
IDRL	International Disaster Response Law
IFRC	International Federation of Red Cross and Red Crescent Societies
LINZ	Land Information New Zealand
LTA	Local Territorial Authority
MCDEM	Ministry of Civil Defence and Emergency Management
MfE	Ministry for the Environment
MLC	Maori Land Court
MSI	Ministry of Science and Innovation
NES	National Environmental Standard

NIWA	National Institute of Water and Atmosphere
NGO	Non-Governmental Organisation
NHRP	Natural Hazards Research Platform
NZ	New Zealand
NZAid	New Zealand Aid
NZCPS	New Zealand Coastal Policy Statement
OIA	Overseas Investment Act
RMA	Resource Management Act
RPS	Regional Policy Statement
SCRCA	Soil Conservation and Rivers Control Act
UNDP	United Nations Development Programme
UNISDR	United Nations International Strategy for Disaster Reduction

Note: 'Building Regulations 1992' has the same meaning as 'Building Code'

1) Introduction

New Zealand (NZ) maintains a strong national legislative framework for the addressing of DRR. Three core acts promoting risk reduction are the Resource Management Act (RMA) 1991, the Civil Defence Emergency Management (CDEM) Act 2002, and the Building Act 2004.

Despite this, there is other legislation that addresses specific aspects of hazard and risk management, such as the Soil Conservation and Rivers Control Act 1941, Earthquake Commission Act 1993, Local Government Act 2002, the Health and Safety in Employment Act 1992, Conservation Act 1987, Maritime Transport Act 1994, Health Act 1956, Epidemic Preparation Act 2006, Fire Service Act 1975, Forest and Rural Fires Act 1977, the Terrorism Suppression Act 2002, Hazardous Substances and New Organisms Act 1996, and the Biosecurity Act 1993. This legislation underpins a framework of strategies, plans, policies, codes, and practices supporting risk reduction outcomes.

Two main principles underlying the legislative framework are:

- 1) Responsibility of risk management must be as close to the community/individual at risk as possible.
- 2) Planning and actions must be integrated across both national and local levels.

The NZ CDEM framework aims to bring together local risk reduction, central government policies and other national strategies and legislation to advance risk management through the reduction (avoidance and mitigation), enabling readiness (or preparedness) for, response to emergencies, and undertaking holistic, effective recovery. These are what the Civil Defence of NZ refers to as the central '4Rs' of CDEM strategy, which are referred to throughout the formal legislation and other policies.

Additionally, New Zealand acts as a signatory to the Hyogo Framework for Action 2005 – 2015 (HFA) and accordingly, there are regularly scheduled update reports made upon NZ's progress in achieving certain goals within the HFA. This has brought DRR to the forefront of many different Ministries (ie. Ministry

for Civil Defence, Ministry for the Environment), and has thus encouraged active promotion within the legislation and civil society for greater emphasis to be placed upon DRR.

Along with this, NZ is also part of the Association of Southeast Asian Nations (ASEAN) Regional Programme on Disaster Management (ARPD). This is used as a platform for cooperation and collaboration with ASEAN Dialogue Partners and international organisations for matters related to DRR. According to NZAid, \$8million will be invested over 3 years, both at regional and bilateral levels, on DRR activities with ASEAN.

Challenges to risk management remain in NZ however, and these are largely concerned with existing development and historical settlement patterns related to the intensification of land-use and development based on existing use rights, particularly in coastal areas.

The last decade has seen the encouragement and implementation of further advances in DRR. They range from public education programmes at national and local levels (most notably those of the Earthquake Commission (EQC), Ministry of Civil Defence and Emergency Management (MCDEM), and local civil defence emergency management agencies through to risk assessments and mitigation policies, such as the Earthquake Prone Buildings policies required under the Building Act 2004.

There is, however, currently no single allocation of funds that is easily quantifiable. At the national level, based on their functions and responsibilities and agreed statements of intent and budget processes, each central government agency manages its resource requirements, and any new projects not already covered within government agencies' annual baseline funding may be subject to additional budget bids as the need arises. Under the CDEM Act 2002, there is significant decentralisation of risk management responsibility to the local level. In this way, local government has independent powers to fund its DRR activities based on region-specific hazards.

Local territorial authorities (LTAs) (regional, city and district councils) reduce local risks through policy and regulatory planning, technical code standards certification and monitoring, and community asset management. They have the authority to set general and targeted property rates, raise loans, make uniform changes and set user fees for any services provided. The CDEM Act 2002 requires that LTAs establish CDEM Groups across the 16 different regions

in NZ. Each CDEM Group has a senior elected representative from the constituent local authorities, and is supported by a Coordinating Executive Group of their senior managers and local emergency services. This is all part of the wider decentralisation mechanisms of DRR law at the national level.

2) Summary of main natural hazards in New Zealand

Given the diversity of New Zealand's natural landscape (both geologically and meteorologically), and its relative geographic isolation, New Zealanders are, and will continue to be, at risk from a large range of hazards. MCDEM, in accordance to sections 39(1) and 45(b) of the CDEM Act 2002, have developed the National Civil Defence Emergency Management Plan Order 2005, which states that: "examples of emergencies include – a) 'natural'¹ disasters such as flood, storm, cyclone, snow-storm, earthquake, volcanic, geothermal incident, tsunami, landslide, and lahar; and b) non-natural events such as lifeline utility failure."

The Natural Hazards Research Platform (NHRP), a multi-party research platform funded by the Ministry of Science and Innovation (MSI), notes similar natural hazards as nationally important.

The two groupings of natural hazards are noted as those of particular concern to NZ are:

- 1) Geological hazards; and
- 2) Weather (or meteorological) hazards.

These are primarily reported, monitored and analysed in relation to the early warning systems that are already in existence;

¹ **Conceptual note:** 'Natural disaster' here meaning the 'natural hazard', which has the potential, if exposed to a vulnerable society, to result in 'disaster' (see Westgate & O'Keefe, 1976).

- 1) Regional Councils and the National Institute of Water and Atmosphere (NIWA) monitor, model and advise on river flows (flooding), climatic events (droughts), storm surge, sea level rise, and coastal geomorphological processes.
- 2) GeoNet is a project to build and operate a modern geological hazard monitoring system in NZ. It is primarily concerned with the monitoring of earthquakes, volcanic activity, large landslides, tsunami, and the slow deformation that precedes large earthquakes.
- 3) The MetService is contracted by Government to monitor and disseminate information concerning severe weather warnings, outlooks and watch weather forecasts.
- 4) Additionally, NZ receives warnings from the Pacific Tsunami Warning Centre in Hawaii.

National legislation merely provides an overview of the potential hazards that New Zealand faces on a national scale. However, as part of the role of the CDEM Groups and strategies within each of the 16 regions nationwide, there is a ranking process for each council to undertake. Each Regional CDEM strategy outlines and ranks the hazards that each region is most at risk to. In this way, hazard identification and management can be carried out in a context-specific manner, allowing for greater prioritisation of resources in the event of various hazards.

One significant reduction strategy in NZ has been to take advantage of heightened community awareness of, and willingness to act on, local disaster risks following an event. Relevant events overseas may also be used to raise general awareness of disaster risks in the NZ context, for example tsunami risk reduction in NZ has greatly increased since the Boxing Day 2006 Indian Ocean and the 2009 Samoa events. Looking forward, the Canterbury earthquakes (September 2010 and February 2011) have raised awareness and promote further opportunities for earthquake risk reduction nationally, especially in regard to buildings and infrastructure at high risk. These events have also highlighted the broader social and economic implications following from a large scale event.

3) Governmental & law-making structure

New Zealand is a unitary state that is governed based on a centralised law-making parliamentary body. All laws are made at the national level, and then translated and implemented via a hierarchy of legal decision-making structures.

The enactment of the common law system shows that the NZ legal system has not drifted far from the traditions of its prior British colonisers. The NZ legal system is thus one that gives great precedential weight to common law, which is based upon the principle that it is unfair to treat similar facts differently on different occasions. The body of precedent is called 'common law' and it is used to bind future court decisions in the future. In cases where two parties disagree on what the law is, a common law court looks to past precedential decisions of relevant courts and base the current decision upon the reasoning used in a previous decision. However, if the decision is seen to be fundamentally distinct from all previous cases, authority to rule the decision and thus make a new law is given to the judge, thereby making a new precedent that will be used to bind future courts.

The NZ legal system operates within a strict judiciary hierarchy, where there are four primary levels of courts. The Supreme Court of New Zealand, the highest court and the court of last resort which came into existence on 1 January 2004, after the Supreme Court Act was passed and replaced the right of appeal to the Judicial Committee of the Privy Council, based in London. The Court of Appeal is NZ's principal intermediate appellate court and sits below the Supreme Court. It is appointed by the Governor-General of NZ on the advice of the Attorney-General and resolves most appeals. Court of next importance is the NZ High Court, which under the Judicature Act 1908, has general jurisdiction and responsibility. Jurisdiction extends over both civil and criminal and civil matters, and deals with cases at first instance or on appeal from other lower courts and certain tribunals. The lowest level of the judicial system in NZ is the District Court, which can hear civil claims up to NZD\$200,000 and criminal cases involving relatively minor offences. Within the District Court, there is the Employment Court, Environmental Court and the Maori Land Court. Additionally, the Youth Court acts as a specialist division of the District Court that deals with people under the age of 17 who have been charged with criminal offending.

In addition to this, there is no formally codified or entrenched constitution in New Zealand. Instead, laws are set and applied based on a collection of Acts of Parliament (statutes), Treaties, Orders in Council, letters patent, previous court decisions, and unwritten constitutional conventions (Webb *et al.*, 2010).

For a law to be passed through the parliamentary process, it must first appear as a bill, or proposed law, at which point it is examined by parliament legislators, who make amendments before agreeing (through three separate readings in parliament and an appeal for public submissions) on its final form. Once the law has been agreed upon, it is given royal assent from the Governor-General and becomes an official Act of Parliament.

Despite such laws being nationally applicable, there is also a great deal of decentralisation and delegation of governing responsibility in the New Zealand government (Webb *et al.*, 2010). Acts such as the Local Government Act 2002 allow for the devolution of governing authorities to be dispersed amongst 16 broad regions (this is the top tier of local government; the 16 regions of NZ are Northland, Auckland, Waikato, Bay of Plenty, Gisborne, Hawke's Bay, Taranaki, Manawatu-Wanganui, Wellington, Tasman, Nelson, Marlborough, West Coast, Canterbury, Otago, and Southland). These 16 regions are then further divided into 67 different local territorial authorities (LTAs) (13 city councils, 53 district councils and the Chatham Islands Council).

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Supreme Court Act 2004 Local Government Act 2002 Judicature Act 1908	n/a	New Zealand is split into two primary levels of government – central, national government and local government. As New Zealand is a unitary state, the highest level of authority is held by the central government and power is later conferred upon local governments by Parliament (Webb <i>et al.</i> , 2010). New Zealand is divided into sixteen regions, which is then divided into 67 territorial authorities (13 city councils, 53 district councils and the Chatham Islands Council). Additionally, our legal system is structured according to the British common law system. This means that there are four courts involved in the legislative process. From highest to lowest ranking, these are 1) Supreme Court of NZ (created in 2004 to replace the right of appeal to the Judicial Committee of the Privy Council in London); 2) The Court of Appeal; 3) The High Court; and 4) District Courts (including Youth Courts).
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	Local Government Act 2002	s 3, s 10 and s 21	The purpose of this Act is “to provide for democratic and effective local government that recognises the diversity of New Zealand,” (s. 3) which allows for local authorities “to decide which activities they undertake” (s. 3(b)) and also “play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities” (s. 3(d)). The Act, in part 3, outlines the structure and organisation of local

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			government, stating that local authorities in NZ include “regional councils; and territorial authorities” (s. 21(1)). Certain statutes, regulations and policies then delegate various responsibilities to these Local Territorial Authorities (LTAs).
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	Civil Defence Emergency Management Act 2002 Local Government Act 2002	s 12, 13 and 14 Schedule 7, clause 30(1)(b)	Section 12(1)(a) of the CDEM Act 2002 states that in accordance with clause 30(1)(b) of Schedule 7 of the Local Government Act 2002, “within 6 months of the date of CDEM Act commencement, every territorial authority within that region must unite to establish a CDEM Group.” These sections state that “every local authority must be a member of a CDEM Group” (s. 13(1)), and “a territorial authority whose district is completely within the area of a regional council must be a member of the CDEM Group of which the regional council is a member” (s. 14(1)). Additionally, it is the intention and desire of MCDEM to “align local planning with the National CDEM Strategy and Plan” (MCDEM, 2006).
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			New Zealand is currently a member of the Association of Southeast Asian Nations (ASEAN) Regional Programme on Disaster Management (ARPDM), which is used as a platform for cooperation and collaboration with ASEAN Dialogue Partners and international organisations for matters related to DRR. According to NZAid, \$8million will be invested over 3 years, both at regional and bilateral levels, on DRM activities with ASEAN.

2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	CDEM Act 2002 Building Act 2004	 s 71 and 72	Yes, these are primarily outlined in the CDEM Act 2002, which is designed to 1) “improve and promote the sustainable management of hazards...” (s 3(a)); 2) “encourage and enable communities to achieve acceptable levels of risk...” (s 3(b)); and 3) “provide for preparation for emergencies and for response and recovery in the event of an emergency” (s 3(c)). Additionally, sections 71 and 72 in the Building Act 2004 specifically relate to the building of infrastructure on land that is subject to natural hazards, for example, s 71(1)(a) states that “a building consent authority must refuse to grant a building consent for construction of a building... if the building is likely to accelerate, worsen, or result in a natural hazard on that land or any other

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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			property.” However, s 71(3) lists what ‘natural hazards’ are included in this process of building consent allocation – and these are narrowed down only to “a) erosion (including coastal erosion, bank erosion, and sheet erosion); b) falling debris (including soil, rock, snow, and ice; c) subsidence; d) inundation (including flooding, overland flow, storm surge, tidal effects, and ponding); e) slippage.”
6. Is there also a national disaster management policy? Is this established by a law? Provide details.	CDEM Act 2002 National CDEM Plan Order 2005 National CDEM Strategy	s 3(e)	The national strategy reflects the desire to “realise the vision of <i>Resilient New Zealand</i> ,” and provide a platform for integration of local and national CDEM in New Zealand. It is established via the CDEM Act 2002, which in s 3(e), states one of the purposes of the Act is to “provide a basis for the integration of national and local civil defence emergency management planning and activity through the alignment of local planning with a national strategy and national plan.”
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?	CDEM Act 2002	s 5	Yes, the CDEM Act 2002 is applicable and enforceable at the national level. It establishes that DRR must be carried out at the local level by individual territorial authorities, however, the CDEM Act, Plan and Strategy all work to facilitate and integrate DRR plans around the country. (s 5 – “The Act binds the Crown”)
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	CDEM Act 2002; RMA 1991; and Building Act 2004 CDEM Act 2002	s 12, s 13	No, the CDEM Act 2002 applies to all local governments via the power vested in the central national government. Regional Councils are required by law to establish region-specific hazard strategies (via the establishment of a “Civil Defence Emergency Management Group that will address as a “unitary authority to the district alone” (s 12(1)(b)) to address

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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			the hazards that that particular region is most at risk to, however, this is not legally binding and merely works as a model for 'best-practice' in the area. The membership of a CDEM Group is required by law as in s 13(1) "Every local authority must be a member of a Civil Defence Emergency Management Group."
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?	CDEM Act 2002	Part 2 (s 8 to 30)	Part 2 of the CDEM Act alludes to the "Appointment, functions, and powers of persons involved in civil defence emergency management." This merely establishes that Civil Defence Emergency Management Groups are the primary DM institutions in NZ (as part of each LTA). Section 8(2) outlines the responsibilities of the Director of CDEM: "(2) The functions of the Director are to— (a) provide advice to the Minister on matters relating to civil defence emergency management; (b) identify hazards and risks that the Director considers are of national significance; (c) monitor and evaluate the national civil defence emergency management strategy; (d) develop, monitor, and evaluate the national civil defence emergency management plan; (e) develop, in consultation with the relevant persons and organisations that have responsibilities under this Act, any guidelines, codes, or technical standards that may be required for the purposes of this Act; (f) monitor the performance of Civil Defence Emergency Management Groups and persons who have responsibilities under this Act; (g) promote civil defence emergency management that is consistent with the purpose of this Act;

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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			(h) during a state of national emergency, direct and control for the purposes of this Act the resources available for civil defence emergency management.”
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	CDEM Act 2002	Part 2	All DRR policy, strategy and law is implemented 1) on the national level via MCDEM and the NZ National Crisis Management Strategy; and 2) on the local level by LTAs as CDEM Groups.
11. Does the DM law or other law deal with: a. Disaster response ² ? b. Disaster preparedness ³ ? c. Disaster mitigation ⁴ and prevention ⁵ ? d. Disaster risk reduction ⁶ (DRR)? e. If it includes DRR, how is it defined? (include definition) **	CDEM Plan Order 2005 CDEM Act 2002	s 1, s 3(d) s 25	Section 1 of the Plan provides an interpretation of ‘4Rs’ that CDEM in NZ currently focuses on: “In this plan, unless the context otherwise requires— 4 Rs means— (a) reduction (identifying and analysing long-term risks to human life and property from natural or non-natural hazards; taking steps to eliminate these risks if practicable, and, if not, reducing the magnitude of their impact and the likelihood of their occurring); and (b) readiness (developing operational systems and capabilities

² “The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.”

³ “The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.”

⁴ “The lessening or limitation of the adverse impacts of hazards and related disasters.”

⁵ “The outright avoidance of adverse impacts of hazards and related disasters.”

⁶ “The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.”

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here:

<http://www.unisdr.org/we/inform/terminology>.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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			<p>before a civil defence emergency happens, including self-help and response programmes for the general public, and specific programmes for emergency services, lifeline utilities, and other agencies); and</p> <p>(c) response (actions taken immediately before, during, or directly after a civil defence emergency to save lives and property, and to help communities recover); and</p> <p>(d) recovery (the co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term holistic regeneration of a community following a civil defence emergency).”</p> <p>To implement these ‘4Rs’, the central government requires “local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the areas of reduction, readiness, response, and recovery, and encourage co-operation and joint action within those regional groups;” (s 3(d)).</p> <p>**e. ‘DRR’ in NZ statutes is simply referred to as ‘reduction’ (assumed in context of the CDEM Act that this is the reduction of disaster risk) – this definition is provided in section 1 of the Plan (as noted above).</p>
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	CDEM Act 2002		Ministry of Civil Defence and Emergency Management (MCDEM) is primarily concerned with all matters DRR related in New Zealand. The ministry is responsible for the management of the NZ Civil Defence, which coordinates DRR and other DM at the local government level.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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	Acts and Regulation Publications Act 1989	s 17C	MCDEM is also the administrator of the national level CDEM Act, Plan Order and Strategy. This means that they are authorised to make changes to the statute under section 17C of the Acts and Regulation Publications Act 1989.
13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels? a. National? b. Provincial/state? c. Municipal/local?	CDEM Act 2002	s 17(1)(g)	There is no explicit mention of a role for civil society in DM law, other than the fact that it is their responsibility (and responsibility of CDEM Groups) to “promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act.” This applies to national and local levels. As part of NZ’s system of parliamentary democracy, all stages in the law-making process also allows for citizens to submit public submissions. This is to ensure that civil society has a say in the law-making process.
14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels? a. National? b. Provincial/state? c. Municipal/local?	CDEM Plan Order 2005	s. 24(7) s. 43(3)(b)(xiv) and s. 43(1)	Section 24(7), which refers to the responsibilities of police operations in “tracing casualties, evacuees, and missing persons,” also states that “in a large-scale civil defence emergency, the NZ Red Cross may establish a national inquiry centre to help with the processing of inquiries.” The Plan also states that the NZ Red Cross is part of the National Welfare Recovery Co-ordination Group (NWRCG), a group that is required to provide “national-level assistance with welfare” when a “CDEM group cannot meet demand for welfare assistance” (s. 43(1)).
15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for	n/a Human Rights Act 1993	n/a s 21	n/a (There is no specific law in NZ that ensures women have a role and voice in the DM institution – however, as part of NZ’s democratic vision, women are <i>not actively excluded</i> for the law-making process either – under the Human Rights Act 1993, discrimination against people on grounds of “sex, which includes pregnancy and

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
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disaster risk reduction.			whereas the CDEM Strategy (as well as regional DM strategic plans) act more as a set of guidelines that indicate NZ's vision for 'Resilient New Zealand – communities understanding and managing their hazards, and supports broader policy directions for sustainable growth and the safety of citizens and communities' (CDEM, 2011: 5).
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	CDEM Act 2002	s 9(2)(f), s 16(c)	Section 9(2)(f) of the CDEM Act 2002 states that the Director of CDEM must "disseminate information and advice on matters relating to CDEM," and section 16(c) states that members of CDEM Groups are required to "provide to the Group the information or reports that may be required by the Group." – information is readily available, and local governments are required to disseminate such information via annual update reports. The CDEM Act is administered and amended (if needed) by the MCDEM, while the Director of the CDEM GROUP oversight all local policy statements and strategies.
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	n/a	n/a	There are no specific laws in place to implement the goals of the Hyogo Framework for Action (HFA). However, as NZ is a signatory, the director of MCDEM is required every two years to report on NZ's national progress on the implementation of HFA goals.
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What	RMA 1991; Climate Change Response Act 2002	s 7(i) s 3(1)(a)	"The effects of climate change" are specifically referred to in section 7(i) of the RMA as a key part of fulfilling the purpose of the Act. The Climate Change Response Act 2002 acts as a means to "enable

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institutions? What are their designated roles in DRR?		and (b); s 87(1)	NZ to meet its international obligations under the Convention and the Protocol..." (s 3(1)(a)), and "provide for the implementation, operation, and administration of a greenhouse gas emissions trading scheme" (s 3(1)(b)) – in this way, the Act is concerned primarily with the targets of the emissions trading scheme, rather than the issue of climate change adaptation/DRR. Additionally, subpart 3 (section 87(1)) of the Climate Change Response Act 2002 addresses the formation of an 'Environmental Protection Authority' (EPA), whose main function is to "receive, collate and administer data and other information provided by participants" on units of Greenhouse Gas (as known and referred to as 'Kyoto Units'). The Ministry for the Environment (MfE) is the primary governmental body for implementing laws to do with Climate Change.
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.	Climate Change Response Act 2002	Schedule 1	The only way in which Climate Change adaptation intersects with mechanisms for HFA implementation is reference to the United Nations Framework Convention on Climate Change (UNFCCC) in the Climate Change Response Act 2002 (schedule 1), which refers to the need for a transfer of technology, funding and insurance to "developing countries with areas prone to natural disasters" (Article 4, section 8(d)). The MfE is largely responsible for all issues relating to climate change adaptation on a national level and MCDEM generally works on issues relating to DRR and DM. These are largely separate in a legal and pragmatic sense.
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items	NZ 2012 Budget Policy Statement, National Fiscal	n/a	There is currently no single allocation of funds that is easily quantifiable and dedicated for DRR, however, DRR is included in

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	Strategy MCDEM Progress Report on HFA implementation		the national scientific applied-research agenda/budget – the latest research outputs, products and studies can be viewed in the NHRP Interim Research Strategy (2009). However, one of the main objectives of the 2012 fiscal strategy is to fund the rebuild of Christchurch after the 2010/2011 Earthquakes. “Growth will be underpinned by the rebuilding of Christchurch... and the rebuilding of Christchurch will be a key driver of overall domestic activity and is expected to contribute around one percentage point to annual growth in each calendar year from 2012 to 2016.” (Minister of Finance, 2012: 1-2). Additionally, there are catastrophe insurance facilities available in place to deal with major disasters (MCDEM, 2011).
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?	n/a	n/a	n/a
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?	Local Government Act 2002	s 95(1) and s 95(5)(a)	As stated in s 95(1) of the Local Government Act, LTAs are required to “prepare and adopt an annual plan for each financial year.” This must “contain the proposed annual budget and funding impact statement for the year to which the annual plan relates;” (s 95(5)(a)). There is no specific budget allocation for DRR to local governments, and LTAs have independent responsibility and power to fund their own CDEM activities.
Part Two. Responsibility, accountability and liability for natural disaster risk reduction			
The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons’ rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.			

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
A. Constitutional Rights & Guarantees for the Population			
<p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <p>a. DRR in general?</p> <p>b. Safety /Life</p> <p>c. Right to Food?</p> <p>d. Right to adequate shelter or housing?</p> <p>e. Non-discrimination, (and other relevant civil and political rights)?</p> <p>f. Livelihoods, Health (and other economic, social and cultural rights)?</p> <p>g. Compensation for losses due to natural disasters?</p> <p>h. Information?</p>	<p>NZ Bill of Rights Act 1990</p> <p>CDEM Act 2002</p> <p>Human Rights Act 1993, NZ Bill of Rights Act 1990</p> <p>Resource Management Act (RMA) 1991</p> <p>CDEM Act 2002</p>	<p>s 8</p> <p>s 85</p> <p>Part 2</p> <p>s 6(e)</p> <p>s 107</p>	<p>a. There is no explicit mention of peoples' rights to DRR in any legislation.</p> <p>b. NZ Bill of Rights Act 1990 section 8 states that "no one shall be deprived of life except on such grounds as are established by law and are consistent with the principles of fundamental justice."</p> <p>c./d. Section 85(1)(d) and (e) both relate to the provision of food and shelter in the event of a disaster – "provide for the relief of distress, including emergency food, clothing, and shelter;" and "provide for the conservation and supply of food, fuel, and other essential supplies."</p> <p>e. All civil and political rights are accounted for in part 2 (Civil and Political Rights) of the NZ Bill of Rights Act 1990 – these are encompassed under 'Life and Security of the Person', 'Democratic and Civil Rights', 'Non-discrimination and minority rights' and 'Search, arrest, and detention'.</p> <p>f. The Human Rights Act 1993 and NZ Bill of Rights Act 1990 both give mention to people having the right to health, regardless of social or cultural affiliation. Cultural rights in reference to indigenous rights for Maori to land and other natural resources is stated in the Resource Management Act 1991 – in particular, section 6(e), with "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:" as being a 'matter of national importance' and central to the achievement of the purpose of the Act.</p> <p>g. Section 107 of the CDEM Act refers to issues of compensation if property is requisitioned in the event of a disaster. This is controlled by the "National Controller, any constable, or a person authorised by the National Controller or constable,"</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>	NZ Bill of Rights Act 1990	Part 2	<p>The NZ Bill of Rights is a general Act that works “(a) to affirm, protect, and promote human rights and fundamental freedoms in New Zealand; and (b) to affirm New Zealand’s commitment to the International Covenant on Civil and Political Rights.”</p> <p>Part 2 relates to civil and political rights of the individual person – if any of these are breached, individuals may take the matter to court and the issue will be ruled by a court of competent jurisdiction.</p> <p>There are no financial limitations – however, District Courts in NZ have jurisdiction over all civil cases up to and including NZD\$200,000. Usual legal fees apply, and these cannot be covered via social welfare, therefore the poorest people will most likely not be able to remedy the costs of taking government breaches to Court.</p>
B. Liability & Insurance			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?	CDEM Act 2002	Sections 107 to 110	Sections 107 to 110 in part 7 of the CDEM Act 2002 refer to issues of compensation and liability in the event of an emergency.
28. Are government agencies liable for	CDEM Act 2002	Sections 107 to	Government agencies are not liable in failing to warn and make erroneous warnings – however, if there has been physical and

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?		110	direct loss in the event of an emergency, the injured party may seek redress and compensation. These actions are to be make individually to the Crown/CDEM.
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?	n/a	n/a	There does not appear to be any mention of legal immunity for government agencies in regards to erroneous warning – any and all disputes related to DRR are to be heard and determined by courts of relevant jurisdiction. This applies to both a governmental and private level.
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	n/a	n/a	n/a (see above)
31. Are private persons (individual or corporate) liable for damage caused to others from their property during	n/a	n/a	n/a (see above)

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?	CDEM Act 2002	s 107 – 110	<p>Entitlement to compensation from the effects of a disaster are outlined in sections 107 to 110 of the CDEM Act 2002.</p> <p>Section 109(6) in particular reads: “(6) Any claim for compensation brought against the Crown or a Civil Defence Emergency Management Group— (a) may only be brought for direct loss or damage suffered in relation to property; and (b) may only be brought in respect of uninsured loss or damage that does not exceed the replacement value of that property; and (c) may not be brought by any insurer in relation to any person who has insured against the loss or damage.”</p> <p>Section 110 later reads that unless the claim for compensation is somehow related to the aforementioned points, CDEM and the Crown are protected from liability.</p>

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
34. Does this law specify how management of this risk is financed? If so, describe.			Costs incurred for the purpose of land drainage are administered by the LTA from ratepayers.
35. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	Land Drainage Act 1908	Part 1 s 29:1	The laws do not specify liability. (b) Under the Land Drainage Act “the owners of, and all other persons having any less estate or interest in, any land or water taken or used by the Board for the purposes of this Act, or damaged or injuriously affected by the construction or maintenance of any works by the Board for the purposes of this Act, shall be entitled to compensation in respect thereof from the Board” (Part 1 s 29:1).
36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			The laws do not specify the regulation of storm risk mapping.
37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:			The laws on storm risk do not specifically outline participation in early warning, risk mapping however any community member has the right to appeal proposals to the LTA.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			Provisions for EWS for storm risk in these laws could not be found.
39. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			n/a (see above)
B. Earthquake/Tsunami?			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Building Act 2004	Part 2 s 121-133	There is a mandatory and binding building code and provisions for dangerous, earthquake prone buildings (Building Act Part 2 s 121-133). In accordance with the Building Act 2004 there is a legally binding Building Code that sets out regulations to reduce the impact of earthquakes: <ul style="list-style-type: none"> • General structure and durability • Fire safety • Access routes • Safety of users • Services and facilities e.g. water supply, hygiene, waste. (Building Code 1992, Schedule 1)
		Part 2 s 131	Every LTA is required to adopt a policy on dangerous, earthquake-prone buildings (Part 2 s 131).
	RMA 1991	Part 3 s 9	The RMA covers the use of land that is subject to earthquake risk (Part 3 s 9).
	Building Regulations 1992	Schedule 1	A LTA has the responsibility to enforce building regulations under the Building Act and administer building and resource consents for developments/alterations/reclamations to earthquake-prone buildings or land at risk of earthquake damage.
41. Does this law specify how management of this risk is financed? If so, describe.	Building Act 2004	Part 2 ss 53, 58 Part 3 s 220 4a	In terms of building consents and building standards for earthquake risk reduction, it is up to individual owners of buildings to finance earthquake risk reduction of buildings to comply with national building standards. The payment of a building levy is required to the chief executive of a building consent authority by the applicant of the consent which must be then paid to the LTA (Part 2 ss 53, 58). If a LTA carries out building work on default, the “the owner of

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?		Part 6 s 44A 2a	s 44A). The LIM report must contain information relating to any statutory classification of the land, conditions on the land including but not limited to: “potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants” (Part 6 s 44A 2a). LIM reports are the responsibility of the LTA.
44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 	Local Government Act 2002	Part 4 s 40 1h Part 6 s 78:1 Part 6 s 78:3 Part 6 s 82 Part 6 s 81 1a, 1b	<p>A national law on participation could not be found. However under the Local Government Act a local authority must prepare a governance statement on consultation policies (Part 4 s 40 1h).</p> <p>“A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter” (Part 6 s 78:1). However, “A local authority is not required by this section alone to undertake any consultation process or procedure” (Part 6 s 78:3). See also consultation Part 6 s 82.</p> <p>A local authority must also “establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority and consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority” (Part 6 s 81 1a, 1b).</p> <p>No groups of people are excluded for consultation in terms of women, cultural, ethnic, vulnerable, socially isolated or poor people.</p>
45. Does this law provide for Early Warnings Systems (EWS) for this	Building Regulations 1992	Schedule 1 Clause F7	EWS are set out only under the DM law for earthquake/tsunami. However under the Building Act there are regulations that require

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
risk? If so, does it require community involvement in EWS?			buildings to have provisions for means of warning for people to escape in the event of an emergency (Building Regulations, Schedule 1 Clause F7).
46. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			Provisions in a law for community involvement in (a), (b) or (c) could not be found. Access to warnings and information is regulated under the DM law.
C. Fire?			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Building Regulations 1992 Building Act 2004	Clause C1 to C6 Part 2 ss	Under the Building Regulations provisions to reduce the risk of fire. These regulations include structural stability in fire, building materials, building height and design to mitigate external vertical fire spread, escape routes, effective means of giving warning of fire, place of safety, access and safety for fire fighting operations, means for people with disabilities to escape, signs, fire fighting equipment in building, evacuation procedure (See clause C1 to C6). A LTA is required to implement compliance of building regulations for the prevention of fire by acting as a building consent authority. The LTA must provide the New Zealand Fire Service a copy of certain consent applications which they can give advice on provision for means of escape from fire and the needs of authorised fire fighting

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Forest and Rural Fires Act 1977	46-47 Part 2 s 25 Pg. 4	personnel (Building Act Part 2 ss 46-47). The Forest and Rural Fires Act 1977 regulates “the safeguarding of life and property by the prevention, detection, control, restriction, suppression and extinction of fire in forest and rural areas and other areas of vegetation” (pg. 4). The Act sets out fire control operations to “Control of spread of fire to State areas, forest areas, and specially protected property” (Part 2 s 25).
48. Does this law specify how management of this risk is financed? If so, describe.	Building Regulations 1992 Forest and Rural Fires Regulations 2005	 Part 2 s 39	Individual owners of buildings must comply with fire safety and prevention regulations under the Building Regulations 1992. The Ministry of Primary Industries manages crown forests in New Zealand. For forest/rural fires control operations a fire authority must adopt a fire plan involving reduction (Part 2 s 39). It is unclear how this management is financed under this Act.
49. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	Building Act Forest and Rural Fires Regulations 2005 Forest and Rural Fires Act	Part 2 s 17 Part 5 s 365 Part 2 s 116B Part 2 s 18	Under the Building Act 2004 it is an offence to not take preventative, warning and risk reduction measures for fire set out in the Building Regulations 2005 (Part 2 s 17). Building owners who do not comply have civil liability to fines (s 365). Offence to use building with inadequate means of escape from fire (s 116(b)). Under the Forest and Rural Fires Regulations, every person who commits an offence under these regulations is liable to a fine. It is the responsibility of every Rural Fire Authority to take fire control measures including; the observation of weather and the assessment of fire hazard, the giving of warnings of fire hazard conditions and the giving of any information available in relation to fire hazard conditions (Forest and Rural Fires Act Part 2 s 18). Under the Forest and Rural Fires Act: “No action or proceedings

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
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	1977	Part 4 s 57 (1) Part 4 2 57 (2) Part 4 s 61(1)(g) Part 4 s 61	shall be brought against the Crown or the National Rural Fire Authority or any Fire Authority or any officer, servant, or employee of any of them to recover damages for any loss or damage due to the failure or neglect of the Crown or the National Rural Fire Authority or the Fire Authority to make, or their negligence in making, adequate provision in good faith for fire control” (Part 4 s 57(1). And “No member of a Fire Authority shall be personally liable for any act done or omitted by the Fire Authority or any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the Fire Authority” (Part 4 2 57 (2). It is an offence under the Forest and Rural Fires Act to supply false information (Part 4 s 61: 1g). Any person who commits an offence under this Act is liable to either imprisonment for a certain period or a fine and shall be liable for any costs, loss or damage incurred (see ‘Offences’ Part 4 s 61).
50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Forest and Rural Fires Act 1977	Part 2 s 18	These laws do not specify the regulation of risk mapping. It is an obligation of all Rural Fire Authorities to supply information on fire hazard conditions and warnings (Forest and Rural Forest Act Part 2 s 18).
51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts	Forest Act 1949	Part 6 s 129 Part 3A s 67D(1)(b)(i)(A)	The Forest Act recognises the Maori customary titles to land as specified in the Te Ture Whenua Maori Act 1993 (Part 6 s 129). Restrictions on the use of forest on specified Maori Customary land can be made by an order in council (Part 3A s 67D (1)(b)(i)(A). These Acts are to give effect to the Treaty of Waitangi and must provide consultation with the tangata whenua of the area. “Any person or organisation having any interest in the decision

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 		Part 3 A s 67Q	<p>greater than the public generally may, within 15 working days after the date on which the decision is notified under section 67G of this Act, appeal against a decision of the Secretary” (Part 3 A s 67Q).</p> <p>No community members are actively excluded from having a voice including women, cultural, ethnic groups etc due to the democratic government system in New Zealand.</p>
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	<p>Building Regulations 2005</p> <p>Forest and Rural Fires Act 1977</p>	<p>Schedule 1 Clause F7</p> <p>Part 2 s 18).</p>	<p>Under the Building Act all buildings are required to have a EWS implemented (Schedule 1 Clause F7). Community involvement is not prescribed in the Building Act.</p> <p>Rural Fire Authorities have an obligation to monitor weather conditions and assessment of fire hazard and give warnings of fire hazard conditions (Part 2 s 18).</p>
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological 			<p>Information on community involvement in EWS for fire hazard could not be found.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
data and analysis)?			
D. Floods?			
54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	RMA 1991 NZCPS SCRCA 1941 Land Act 1948	Part 5 s 59 Part 3 s 13 Policy 25-27 Part 3 Part 7 s 126(1). Part 3 s 45	Flood risk reduction is incorporated into various acts. Flood mitigation and management is regulated at local level government (LTA). A LTA must prepare regional plan and policy statements to deal with natural hazards such as flooding (Part 5 s 59). The RMA sets out restrictions on the use of river and lake beds (Part 3 s 13). Under the RMA a New Zealand Coastal Policy Statement must give effect to the act which sets out policies on development, subdivision and land use in the coastal environment as a high risk site (NZCPS policy 25-27). In every catchment district there is a catchment board of elected representatives (SCRCA Part 3) that will function to “minimise and prevent damage within its district by floods and erosion” (SCRCA Part 7 s 126(1)). There may be joint work done for river protection works to safeguard from “injury from floods, river encroachment, or otherwise” (Part 3 s 45).
55. Does this law specify how management of this risk is financed? If so, describe.			Specifications on how flood management is financed could not be found in these various laws.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			<p>authority” (s 81(1)(a)).</p> <p>No community members are actively excluded from having a voice including women, cultural, ethnic groups etc due to the democratic government system in New Zealand.</p>
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			Provisions for EWS could not be found in these various national laws.
<p>60. If communities are involved in EWS, does this law provide that they:</p> <p>a. Assist in the design of local and community EWS?</p> <p>b. Establish or maintain EWS?</p> <p>c. Provide information for the EWS?</p> <p>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			n/a
E. Heat/cold waves?			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility.			No specific law on heat/cold waves could be found

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
At what level(s) of government is this regulated?			
62. Does this law specify how management of this risk is financed? If so, describe.			n/a
63. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			n/a
64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			n/a
65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for			n/a

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<p>participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			n/a
67. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			n/a
68. Describe form of regulation, and			n/a

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institutional responsibility.			
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Biosecurity Act 1993	s 54 s 56 s 71 s 81 s 83 s 84	The Biosecurity Act provides for the effective management or eradication of pests and unwanted organisms (Part 5 s 54). A minister “may prepare a proposal for a national pest management strategy” (s 56). However the implementation of a national pest strategy is not mandatory and is only essential if the Minister believes the benefits to having a pest strategy outweigh the costs. A regional council or any other person may prepare a proposal for a regional pest management strategy (s 71). The LTA must implement the regional pest management strategy (s 81). Regional councils can join together to create a joint pest management strategy (s 83). Every pest management strategy must implement a management agency to have responsibility for implementation of the strategy. Management agencies include a LTA, regional council, department or body corporate (s 84). There are only 3 Pest Management Strategies for New Zealand: Biosecurity (National American Foulbrood Pest Management Strategy) Order 1998, Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Order 1998 and Biosecurity (National (South Island) Varroa Pest Management Strategy) Order 2005.
70. Does this law specify how management of this risk is financed? If so, describe.	Biosecurity Act 1993	s 61 s 87	A pest management strategy must only be implemented if the benefits outweigh the costs of implementation. The strategy may require external funding (s 61). A national pest management strategy shall impose obligations and costs on the Crown according to its tenor (s 87). “The Governor-General may, by Order in Council made on the recommendation of a Minister, impose a levy payable to a management agency for the purposes of wholly or partially

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		s 90 s 92 s 97 s 99B	funding the implementation of a pest management strategy” (s 90). Levies can only be enforced by order in council of the Minister has consulted likely persons affected by the imposition of a levy and that persons opposing the levy imposition have had adequate opportunity to express their views (s 92). “To the extent only that a regional pest management strategy provides for that strategy to be wholly or partially funded from the proceeds of a rate, the strategy may be funded—(a) from the proceeds of a general rate set and assessed under the Local Government (Rating) Act 2002; or (b) from the proceeds of a targeted rate set and assessed under that Act; or (c) partly from the proceeds of the general rate and targeted rate” (s 97). See also ‘limitation on expenditure (s 99B).
71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	Biosecurity Act 1993	57(1)(b)(a) s 69(b) s 69(b)(3) s 157 s 154 b(i),(ii),(iii)) and (b) s 154(d) s 154(ma) s 154	A pest management strategy made by order in council may include rules such as prohibit certain activities or uses (s 57(1)(b)(a) and s 69(b). A rule may specify that a breach in the rule is an offence (s 69(b)(3)). Every person who commits an offence against the Act or regulations set out under the Act is liable on conviction to imprisonment, a fine (Part 8 s 157). Offence include (a) False or misleading information (Part 8 s 154 b(i),(ii),(iii)) and (b) Failure to comply to requirements under the Act (s 154 (d)) and Failure to inform Ministry of organism not normally seen or detected in New Zealand (Part 8 s 154 (ma)) and Failure to comply with a regional pest management strategy rule (s 154)).
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is	Biosecurity Act 1993	Part 4 s 44	No regulation for risk mapping of insect infestations could be found. But the regulation of information relating to insect infestation risk is outlined in the Biosecurity Act where every person has a duty to Ministry of organism not normally seen or detected in New Zealand (Part 4 s 44) to reduce the risk of

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?		Part 5 2 62	infestations of unwanted organisms. The Minister also must publicly notify a proposed national pest management strategy (Part 5 2 62).
73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?	Biosecurity Act 1993	Part 5 s 57 c(v) Part 5 s 73 Part 5 s 62 2(b) Part 5 s 57: 2	A proposal for a strategy may be necessary if there is a potential threat to the “relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and taonga” (Part 5 s 57 c(v)). During the preparation of a proposed regional pest management strategy, a regional council shall consult— (a) those Ministers whose responsibilities may be affected by the strategy; and (b) local authorities that may be so affected; and (c) the tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga”(Part 5 s 73). A regional council may also consult any other person and every person has a right to make a submission on a proposed regional pest management strategy and has the right to be heard at an inquiry (Part 5 s 62 2(b)). Any person may appeal in writing to the Minister for a proposal for a national pest management strategy if their responsibilities might be adversely affected by an organism in respect of Part 5 s 57: 2. No community members are actively excluded from having a voice including women, cultural, ethnic groups etc due to the democratic government system in New Zealand.
74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			Provisions for EWS could not be found in this Act.

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		Part 6 s 44A 2a	report must contain information relating to any statutory classification of the land, conditions on the land include potential erosion, falling debris or slippage (Part 6 s 44A 2a). TA are responsible for identifying the risk that are relevant in their area and adopting plans, policies and strategies on these risk. Therefore landslides are regulated at the local level.
77. Does this law specify how management of this risk is financed? If so, describe.			Specifications of how landslide management is financed could not be found.
78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			Details on attributing liability for landslide risk on a national scale could not be found.
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Local Government Official Information and Meetings Act 1987	s 4(a)(2)(a)	Just as any other risk, the Local Government Official Information and Meetings Act dictates that information on hazard risk attributed to potential erosion, falling debris or slippage for a particular land must be included in a land information memorandum (LIM) (s 44(a)(2)(a)). LIM reports are distributed by the LTA.
80. Does this law provide for consultation and/or participation			Provisions for consultation about landslide risk could not be found. No community members would be actively excluded from having a voice including women, cultural, ethnic groups etc due to the

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<p>about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ol style="list-style-type: none"> Women? Different cultural or ethnic groups? Vulnerable groups, including children, older persons, persons with disabilities? Socially isolated groups and the very poorest people? 			democratic government system in New Zealand.
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			Provisions for EWS for landslide hazards could not be found in national law (other than the DM law).
82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ol style="list-style-type: none"> Assist in the design of local and community EWS? Establish or maintain EWS? Provide information for the EWS? Have direct and timely access to relevant warnings and data on 			n/a (see above)

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emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
H. Volcanoes?			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			A specific national level law (that is not the DM law) for volcanic risk reduction could not be found.
84. Does this law specify how management of this risk is financed? If so, describe.			n/a (see above)
85. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			n/a (see above)
86. Does this law regulate the collection and distribution of information on			n/a (see above)

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hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			
87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			n/a (see above)
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			n/a (see above)
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:			n/a (see above)

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<ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <ul style="list-style-type: none"> a. Rain and river water storage, distribution and conservation measures? b. Development and maintenance of ground water extraction, storage and distribution? <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>	RMA 1991	<p>Part 4 s 30 c (iii)</p> <p>Part 4 s 30 e</p> <p>Part 4 s 30</p>	<p>There are no national laws on risk reduction directly relating to drought or related famine. The Federated Farmers New Zealand is a national organisation supporting the farming and agricultural sector. They provide support for water storage in case of drought and other mitigation schemes but this however is not national legislation.</p> <p>The RMA requires the maintenance of the quantity of water in water bodies (Part 4 s 30 c(iii). And the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including (i) the setting of any maximum or minimum levels or flows of water: (ii) the control of the range, or rate of change, of levels or flows of water” (Part 4 s 30 e). A LTA can put in place rules in a regional plan to control the taking or use of water (Part 4 s 30 (fa)). However these regulations are not specifically in provision for drought</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
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		(fa) Part 3 s 14	preparedness. There is no current legislation on food security. There are restrictions on the use of water under the RMA (Part 3 s 14). However, there is no national risk management strategy in facing food security or desertification.
91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular: a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated? b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government? c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?			n/a
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			n/a
93. Do the above laws or mandates			n/a

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			n/a
J. Other food security risks?			
95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change,	The Biosecurity Act 1993	s 54	The Biosecurity Act provides for the effective management or eradication of pests and unwanted organisms (s 54). However the Biosecurity Act does not explicitly specify the risk to food sources rather “economic well-being, the viability of threatened species of organisms, the survival and distribution of indigenous plants or

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<p>such as inundation of agricultural land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>		<p>s 57(c)</p> <p>s 56</p> <p>s 71</p> <p>s 81</p> <p>s 83</p> <p>s 84</p>	<p>animals, or the sustainability of natural and developed ecosystems, ecological processes, and biological diversity; or soil resources or water quality; or human health or enjoyment of the recreational value of the natural environment” (s 57 c). For biosecurity risks a minister “may prepare a proposal for a national pest management strategy” (s 56). However the implementation of a national pest strategy is not mandatory and is only essential if the Minister believes the benefits to having a pest strategy outweigh the costs. A regional council or any other person may prepare a proposal for a regional pest management strategy (s 71). The LTA must implement the regional pest management strategy (s 81). Regional councils can join together to create a joint pest management strategy (s 83). Every pest management strategy must implement a management agency to have responsibility for implementation of the strategy. Management agencies include a LTA, regional council, department or body corporate (s 84).</p>
96. Does the above law or mandate specify how management of food security is financed? If so, describe.			n/a (Food security is not specifically mentioned)
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?			n/a (Food security is not specifically mentioned)
98. Does the above law or mandate provide for community consultation			n/a (Food security is not specifically mentioned)

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<p>and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
Part Three. Early Warning, Hazard Mapping and Risk Information			
A. Early Warning			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <ul style="list-style-type: none"> a. If so, does this include institutional mandates on EWS? b. Which institution(s) are involved and what are their mandates on EWS? c. Is there legal provision for 	National CDEM Plan Order 2005	Part 8, s 62	<p>(a) Under the National CDEM Plan Order 2005 “The national warning system establishes a process for the receipt of general warnings and communication of civil defence emergency management related information for warning purposes at all hours by MCDEM and MCDEM maintains the national warning system to issue civil defence warnings received from responsible agencies” (Part 8, s 62). “National warnings must be provided by MCDEM to CDEM Groups, local authorities, Police, certain government departments, lifeline utilities, and certain broadcasters.” (Part 8, s 62).</p> <p>(b) “CDEM Groups are responsible for (a) disseminating national</p>

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community-based early warning data collection? Describe.	National CDEM Strategy 2008 National CDEM Plan Order 2005	pg. 7 s(2)(b)	warning data collection. However community responsibility and participation are included in the goals in the National CDEM strategy it is recognised that these are “best developed at the local level” (National CDEM Strategy, p.g 7) so responsibility for community level engagement is devolved to CDEM groups and local/regional authorities. Each CDEM group must be supported by “ the involvement of communities of interest at all levels” (National CDEM Plan Order, s(2)(b))
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.	National CDEM Plan Order 2005	s 66 and s 68	Provisions under the regulation require information and EWS “to be timely, relevant, consistent, and reliable. It is understood that information may not, owing to the circumstances, be absolutely accurate, but it will be based on the best data available at the time” (s 66). It is required to “use normal communication methods and additional emergency communications methods in the order of their availability and effectiveness at the time, namely-(i) the Internet; and (ii) fax; and (iii) voice communication (for example, telephone, satellite phone, or radio); and (iv) courier.” (see part 8, s 68).
103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as: a. geographical coverage of telecommunications to include remote and/or at-risk areas? b. priority access to communications	-	-	There are no regulations in terms of DRR within the telecommunications Act. There is however provisions for response and recovery under the CDEM Act 2002 for support services. (a) The Rural Broadband Initiative (RBI) is a national government initiative aimed at improving the quality and coverage of telecommunications infrastructure and broadband services throughout New Zealand. There will also be extended cellphone coverage. The partners in the Rural Broadband Initiative have been meeting regional stakeholders including: local authorities, economic development agencies, iwi and Maori entities. The RBI is

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<p>technology for at-risk communities and responders to disaster?</p> <p>c. access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d. Support for early warning systems?</p>			<p>expected to roll out within the next 5 years.</p>
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>	<p>Telecommunications Act 2001</p> <p>RMA 1991</p>	<p>Part 15 s 375(1)(a):iv.</p> <p>Part 15 s 418(3c).</p>	<p>There are no restrictions imposed in the Telecommunications Act 2001 for certain telecommunication equipment.</p> <p>However in the RMA 1991 outlines permitted activities that must be included in a district plan (Part 15 s 375,1(a): iv) that “will not cause or contribute to the occurrence of—(i) any significant change to the movement of water or sediment in the river or lake; or (ii) any erosion or natural hazard; or (iii) any adverse effect to the bed of the river or lake; and will not adversely affect the carrying out of any other lawful activity in respect of the river or lake” (Part 15 s 418(3c)).</p>
B. Risk identification, assessment and monitoring			
<p>105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their</p>			<p>There is no centralised system for collecting and collating all hazard information and risk data.</p>

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mandate?			
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?			<p>Regulation for the collection and publication of seismological, meteorological and climatic data could be not found under national law. However institutes are in place for this monitoring of seismological, meteorological and climatic data.</p> <p>Regional councils and the National Institute of Water and Atmosphere (NIWA) monitor, model and advise on river flows monitor, model and advise on river flows (flooding), climatic events (droughts), storm surge, sea level rise, and coastal geomorphologic processes. Climate and weather-related event forecasting is increasingly becoming more accurate, with services tailoring information that enables people and businesses to undertake preparedness steps such as moving farm stock.</p> <p>GeoNet is a project to build and operate a modern geological hazard monitoring system in New Zealand. GeoNet comprises a network of geophysical instruments, automated software applications and skilled staff. It detects, analyses and informs responses to earthquakes, volcanic activity, large landslides, tsunami, and the slow deformation that precedes large earthquakes.</p> <p>The MetService is contracted by Government to monitor and disseminate free, via website and other media, severe weather warnings, outlooks and watch forecasts. Select organisations, and others using a paid for service, may also receive direct notice. New Zealand receives advisories and warnings from the Pacific Tsunami Warning Centre in Hawaii, and has commenced with installation of a local sea level monitoring network. Local public alert systems have been upgraded in many areas over the last 18 months.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
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107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	Statistics Act 1975		Base population statistics are collected five yearly by Statistics New Zealand, with data available at different scales often down to small mesh-blocks (Statistics Act 1975).
Part Four. Regulation of the Built Environment			
The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
A. Building Codes			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	Building Act 2004		The National building Act (Building Act 2004) devolves responsibility of implementation to a "building consent authority" that can be a Territorial Authority (LTA), a Regional Authority or other. "The building consent authority will, on issuing the consent, notify the consent to,— (a) in the case of an application made by, or on behalf of, the Crown, the appropriate Minister and the Surveyor- General; and (b) in the case of an application made by, or on behalf of, the owners of Māori land, the Registrar of the Maori Land Court; and (c) in any

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	Building Regulations 1992		other case, the Registrar-General of Land.” (p. 91) Under the Building Act a mandatory Building Code (Building Regulations 1992) sets out national building standards and rules for all constructions.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			n/a
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	Building Act 2004 Building Regulations 1992		There is a mandatory and binding building code related to the “Limitations and restrictions on building consents: Construction of building on land subject to natural hazards” (Building Act 2004, s 71) and provisions for dangerous, earthquake prone and insanitary buildings (section 121). In accordance with the Building Act 2004 there is a legally binding Building Code that sets out rules for: <ul style="list-style-type: none"> • General structure and durability • Fire safety • Access routes • Safety of users • Services and facilities e.g. water supply, hygiene, waste. (Building Code 1992, Schedule 1)
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?	Building Act 2004	Part 2, s 40, s 41, Schedule 1.	Individual buildings must get consent to be constructed/altered. “Buildings not to be constructed, altered, demolished, or removed without consent: A person must not carry out any building work except in accordance with a building consent” Part 2, s 40). Building consent is not required in some cases (see s 41 and schedule 1). The LTA has the responsibility to provide building consents.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to:</p> <p>a. New buildings?</p> <p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p>	Building Act 2004	section 90	(A) LTA or building consent authorities have the responsibility for building inspections. Inspections by building consent authorities: "Every building consent is subject to the condition that agents authorised by the building consent authority for the purposes of this section are entitled, at all times during normal working hours or while building work is being done, to inspect (a) land on which building work is being or is proposed to be carried out; and, (b) building work that has been or is being carried out on or off the building site; and (c) any building" (s.90).
	Health Act 1956	s 128	- "Power of entry and inspection: For the purposes of this Act any medical officer of health, or any health protection officer, or any other person authorised in writing in that behalf by the medical officer of health or by any local authority, may at all reasonable times enter any dwelling, house, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorised under or pursuant to this Act." (Health Act 1956, part 7, s. 128).
	Building Act 2004	sections 108, 109, 110, 111, 112, 113, 114, 116B	- (B,C) Renovations or alterations to buildings are strictly regulated. The TA will only grant building consent for alterations if the building will still provide (i) means of escape from fire (ii) access and facilities for persons with disabilities (if this is a requirement in terms of section 118) and (iii) continue to comply with the other provisions of the building code to at least the same extent as before the Alteration (see section 112). Owners of buildings are required to supply an Annual building warrant of fitness (see s. 108) Old buildings must continue to obtain an annual WOF. The TA must consider recommendation to amend compliance schedule (see s.

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			109). Buildings with specified intended lives are regulated if the specified building is “intended to have a life of less than 50 years” (see s. 113). Written notice must be give to the LTA if an owner intends the change of use, extension of life, or subdivision of buildings. The LTA has the right to deny consent if the building will not comply with standards (see s. 114). It is an offence to use buildings for use for which it is not safe or not sanitary, or if it has inadequate means of escape from fire (s. 116B).
113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?	Building Act 2004 Building (Infringement offences, fees and forms) Regulations 2007	Sections 108; 114; 116B; 128 sections 124-127 128; Section	Under the building Act 2004 includes regulations for “Building infringement offences, fees and forms 2007” (Building Regulations 2007, schedule 1). Offences in not complying to sections such as; an annual building warrant of fitness; change of use, extension of life, or subdivision of buildings; or using buildings for use for which it is not safe or not sanitary, or if it has inadequate means of escape from fire result in fines (see Building Act 2004, s 108, 114, 116(b), 128) For dangerous, earthquake-prone, or insanitary buildings the LTA has the authority to put up fences, signs to prevent people approaching the buildings and issue notice of work required to be carried out or apply to the district authority to carry out work themselves including demolition (see Building Act 2004, sections 124-127). The LTA can Prohibit use of dangerous, earthquake-prone, or insanitary buildings (Building Act 2004, s 128) The LTA has responsibility to enforce codes and penalties: The Territorial authority must adopt policy on dangerous, earthquake-prone, and insanitary buildings within its district. “The policy must state—

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		131 Schedule 1.	(a) the approach that the territorial authority will take in performing its functions under this Part; and (b) the territorial authority's priorities in performing those functions; and (c) how the policy will apply to heritage buildings." (Building Act 2004, s 131)
114. Do the building regulations have special standards or requirements for: a. schools? b. hospitals? c. fire stations? d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?	Building Code 1992	Clause A3	Under the Building Act 2004 there is a standards association that sets out nationwide standards for building practice. (a) Schools are classified as importance level 3 in The Building Code 1992); " <i>Buildings</i> of a higher level of societal benefit or importance, or with higher levels of risk-significant factors to <i>building</i> occupants." (Clause A3) (b,c) Hospitals and fire stations are classed as importance level 4 "Buildings that are essential to post-disaster recovery or associated with hazardous facilities" (Clause A3, Building Code 1992). (d) Also included in importance level 4 are "Buildings intended by the owner to contribute to emergency preparedness, or to be used for communication, and operation centres in an emergency, and other facilities required for emergency response."
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.	Building Act 2004	Schedule 2, Section 118	Special requirements for the construction or alteration of buildings to which members of the public can be admitted must provide "access and facilities for persons with disabilities to and within buildings." This includes commercial buildings, hotels, police stations, restaurants etc (see Schedule 2, s. 118). The Building regulations 1992 set out regulations that buildings with large capacity of people are classed as importance level 3 (Schedule 1, pg. 30).

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	Building Regulations 1992	Clause G 5.2.1(c) Clause G.3.2(b) Clause G5.3.4	Building Regulations 1992 requires; functional requirement “accessible spaces and facilities” (Clause G 5.2.1(c), “all building elements constructed with materials which are free from hazardous substances which could cause contamination to the building contents” (Clause G.3.2(b); “Where reception counters or desks are provided for public use, at least one counter or desk shall be <i>accessible</i> ” (Clause G5.3.4).
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	Building Act 2004 Building (Definition of Restricted Building Work) Order 2011)	Clause 5	Regulations on the construction or alteration of a small to medium apartment building are included in the definition of a restricted building work. “Building work of a kind to which this clause applies is declared to be building work that must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise that kind of building work.” (clause 5, Building (Definition of Restricted Building Work) Order 2011)
117. Do the building laws/regulations include small self-built constructions? Identify & describe.	Building Act 2004 Building (Definition of Restricted Building Work) Order 2011)	Clause 5	Restricted building work as above also includes “the primary structure of a house” and “the external moisture-management system of a house.” This is work that “must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise that kind of building work.” (Clause 5, Building (Definition of Restricted Building Work) Order 2011).
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated?	Building Act 2004		Building regulations do not differ between urban and rural settings. Any information to the contrary could not be found.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
c. other?			
119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?	Building Regulations 1992	Clause A3	Included in the Building Regulations 1992 are emergency and transitional shelter as a building importance level 4 (Clause A3, pg. 31).
120. Do the building laws/regulations include: a. Inspections? b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)? If so, what form of regulation and which institution(s) have responsibility for this?	Building Act 2004 Building (Specified Systems, Change the Use, and Earthquake prone Buildings) Regulations 2005	s 90 Schedule 1	<ul style="list-style-type: none"> LTA have the responsibility for building inspections. Owners of buildings are required to supply an Annual building warrant of fitness (see s 108). Inspections by building consent authorities: "Every building consent is subject to the condition that agents authorised by the building consent authority for the purposes of this section are entitled, at all times during normal working hours or while building work is being done, to inspect" (s 90) Regulations for the safety of buildings are detailed in Building (Specified Systems, Change the Use, and Earthquake prone Buildings) Regulations 2005: Schedule 1). Under the Building code regulations for buildings must provide a means of escape, warning of fires, fire safety system to limit spread of fire (see Schedule 1, clause C1-5)
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).	Building Act 2004		

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122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?			In the aftermath of the Canterbury earthquakes the building code is continuing to be examined.
B. Land Use Planning Laws			
The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	RMA 1991	Part 4 s 30-31 Part 5 s 60 Part 4 s 24 Part 3 ss 9-13	The RMA is the national legislation for the regulation of natural resources. Under the RMA LTAs are responsible for the control of land use planning (see Part 4 s 30-31). The RMA requires each LTA to provide a regional policy statement (Part 5 s 60). The Minister for the Environment has the authority to regulate the RMA under Part 4 s 24. The RMA regulates land use and puts restrictions on certain types of land, activities and sets out requirements of resource consents (Part 3 ss 9-13).
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?	RMA 1991 Wellington RPS 2010	Part 4 s 30(c):iv Policy 28: Table 8a, page 74	Land Use planning is regulated at the local level by a LTA. Under the RMA national (provincial/state) law dictates the “control of the use of land for the purpose of—the avoidance or mitigation of natural hazards” (Part 4 s 30(c):iv). A local level example policy is under the Wellington Regional Policy Statement: “Avoiding subdivision and inappropriate development in areas at high risk from natural hazards – district and regional plans” (Policy 28: Table 8a: 74).

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>125. Does the land use planning and/or zoning law include processes for:</p> <p>a. Formal release of land for new developments?</p> <p>b. Approval of each new urban development?</p> <p>c. Approval of major commercial developments?</p>			<p>The RMA gives power to LTA to create district plans and rules that can an activity may be: “a permitted activity; or (b) a controlled activity; or (c) a restricted discretionary activity; or (d) a discretionary activity; or (e) a non-complying activity; or (f) a prohibited activity” (Part 5 s 77A(2)).</p>
<p>126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?</p>	<p>RMA 1991</p> <p>NZCPS 2010</p>	<p>Policy 25, 26, 27</p>	<p>The RMA sets out the regulation for “the control of the use of land for the purpose of—(iv) the avoidance or mitigation of natural hazards” (Part 4 s 30(c):iv). These controls are then set out by district or regional rule for high risk sites by a LTA.</p> <p>“If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a controlled activity, a resource consent is required for the activity” (Part 6 s 87A(3)). Under the RMA a New Zealand Coastal Policy Statement must give effect to the act which sets out policies on development, subdivision and land use in the coastal environment as a high risk site (NZCPS policy 25-27). “Regional policy statements, regional plans and district plans must give effect to this NZCPS “ (p.7).</p>
<p>127. Does the planning / zoning law include public open space for evacuation?</p>	<p>RMA 2001</p> <p>Wellington RPS 2010</p>	<p>s 4.1, p.g.103 Method</p>	<p>There are no regulations for open space for evacuation purposes but public open space can be included in regional plans for example the Wellington RPS Policy 54: “Maintaining a compact, well designed and sustainable regional form – consideration” (s 4.1, p.g.103) under which consideration for “gaps and opportunities to</p>

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		40, p.g 41	improve integration and use of public open space” (Method 40, p.g 41).
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			There is no requirement for allocation of land for emergency or transitional shelter.
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?			The planning law (RMA 2001) does not include these provisions however the Building Act 2004 does include regulations on infrastructure in developments and the requirements of building consents (see The Built Environment of this report).
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?	Building Regulations 1992	Schedule 1, Clause D1	There is no national law that includes regulations on street widths. However the Building Regulations 1992 has regulations on access routes in terms of buildings (Schedule 1, Clause D1). The width of streets can be regulated at the local level however. For example, following an earthquake in Napier, New Zealand in 1931, regulations for the widening of streets was implemented.
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?			There is no difference between urban and rural setting in the extent of regulations and the level at which regulations are governed.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			n/a
C. Land tenure			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law? b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?	<u>Land Transfer Act 1952</u> Cadastral Survey (Compulsory Lodgement of Digital Cadastral Survey Datasets) Order 2007		The majority of privately owned land in New Zealand is subject to the <u>Land Transfer Act 1952</u> . The Act sets out how title to land must be issued provide for the registration of interests in land against land titles give a guarantee of title by the State. Land Information New Zealand (LINZ) is a government department responsible for administering land Title registration. The Registrar-General of Land, part of LINZ's <u>Policy and Regulatory Group</u> , develops standards and sets an assurance programme for the land rights registration system. (b) 'Landonline' is NZ's database for land title and survey information- online service enables surveyors, lawyers and other land professionals (including Territorial Authorities) to search and lodge survey plans and titles electronically. A licence must be purchased to use Landonline services. However non-land professionals can order titles not through Landonline. Landonline integrates New Zealand's geodetic, cadastral, and land titles data. The 100% electronic lodgement of all land title transactions is mandatory under the Cadastral Survey Order 2007. LINZ makes Landonline data available via <i>e-search</i> , Landonline Bulk Data Extract and the Landonline Standing Orders Report.
134. Are there institutions mandated to survey land and/or register title? Does this mandate:	Land Transfer Act 1952		LINZ administers the survey system primarily to provide for the accurate identification of boundaries for land tenure purposes. LINZ maintains cadastral survey records for all tenure systems, including freehold and leasehold (Land Transfer Act 1952), Māori land and

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<p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>			<p>Crown land.</p> <p>There is no requirement for community participation.</p>
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p>	OIA 2005		<p>Anyone is able to purchase and own land in New Zealand. There are no groups of people that are excluded. Women, ethnic/religious groups all have rights to purchase and own land. If a non-resident (A foreign person who has not have citizenship) wants to buy a farm or a property over a certain land size and value, or is next to or adjoins lakes, rivers, sea coast or Historical, protected or special interest land, then the New Zealand Government and The Overseas Investment Office will need to approve all such purchases (OIA 2005)</p>
<p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.</p>			<p>Land in NZ is either “General land” or “Maori land”. General land is governed by the Land Transfer Act 1952 and is administered by Land Information New Zealand (LINZ). Maori land may also be administered by LINZ but subject to the jurisdiction of the Maori Land Court. The MLC gains its jurisdiction from the Te Ture Whenua Maori Act 1993 which also deals with customary rights and title. Most Maori land has a title issued by LINZ – but noted as “Maori land”. There is very little “Customary” land (i.e. no title) left in NZ.</p>
<p>137. Is there any legal recognition of traditional or customary law and</p>			<p>(See above)</p>

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practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.			
138. Is there legislation or case law that recognises land tenure as a result of occupation, such as: a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)? b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?	Land Transfer Act 1952		(a/b) There is no legislation on adverse possession or 'squatters' rights. The Land Transfer Act 1952 specifically provides that: "...no title...right, privilege or easement, ...shall be acquired by possession or user adversely to ...the registered proprietor" (Part 3 s 64). There is one exception set out in Part 4 s 79 of that Act – where the person claiming the land was occupying it, and is rightfully entitled to it, since a title to that land was first issued. There are two recent cases on this topic: Wanganui District Council v Tangaroa, and Cotton v Keogh (attached).
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?			If the land in question is designated as Maori land the jurisdiction of the MLC is paramount. Under the Te Ture Whenua Maori Act 1993 The Maori Land Court "shall have jurisdiction to make, in accordance with section 136 or section 137, a status order declaring that any land shall cease to be Maori customary land or Maori freehold land and shall become General land" on condition that "the land is beneficially owned by not more than 10 persons as tenants in common; and (b) neither the land nor any interest is subject to any trust (other than a trust imposed by section 250(4)); and (c) the title to the land is registered under the Land Transfer Act 1952 or is capable of being so registered; and (d) the land can

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			be managed or utilised more effectively as General land; and (e) the owners have had adequate opportunity to consider the proposed change of status and a sufficient proportion of the owners agree to it” (Part 6 s 136). See also Part 6 s 137.
140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include: a. risk reduction from natural disasters? b. land to be kept for evacuation or emergency or transitional shelter?	The Public Works Act 1981		The Public Works Act 1981 gives the Crown (i.e. Government) the right to compulsorily acquire land (Part 2 ss 15A-16). Acquisition of land is not specified for the purposes of risk reduction or for evacuation, emergency or transitional shelter.
141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals? a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers? b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?			Land tenure disputes involving general land are determined by the general courts. Those involving Maori land are determined by the MLC. Both sets of Courts have offices and courthouses throughout the country. Legal aid is generally available for disputes over general land – subject to normal legal aid rules and criteria. The Legal Aid Scheme is a Government fund for providing people with legal help when they cannot afford to hire a lawyer to represent them. Legal aid is available for people facing criminal charges, those with a civil legal issue or family dispute, as well as for Waitangi Tribunal claims.
D. Informal and precarious settlements			

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<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and</p>			<p>A law for slums or informal settlements could not be found.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
livelihoods of residents who are evicted or relocated?			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>	Building Regulations 1992	<p>Clause G5.1 (b)</p> <p>Clause G1.2</p> <p>Clause G12.1 (a)</p>	<p>Laws for informal settlements or slums could not be found in New Zealand. However the building code of New Zealand regulates settlements as buildings or 'habitable space' in order to mitigate the formation of slums in the first place. The Interior environment of a habitable space is regulated under the Building Regulations (1992) to:</p> <ul style="list-style-type: none"> • "Safeguard people from injury or loss of amenity caused by inadequate activity space"(Clause G5.1 (b)). • "Buildings shall be provided with appropriate spaces and facilities for personal hygiene" (Clause G1.2). • To "safeguard people from illness or injury caused by contaminated water" (Clause G12.1 (a)).
144. Does any law require that informal settlements are included in:			Laws could not be found that include consideration to informal settlements in EWS or DRR.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a. Early Warning Systems? b. Community based DRR education and training?			
145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements? a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)? b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?			Legislation could not be found on informal settlements and tenure rights.
E. Urban Water and Flood Management			
146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?	RMA 1991 Resource management (NES of sources of human drinking water) Regulations 2007	Part 12 s329 Part 3 s 14 Part 3 s 15 Part 5 s 69, s 70	The RMA sets out a national environmental standard (Regulations 2007) for sources of human drinking water under Part 5 ss 43, 44). This is a national requirement but the responsibility to regulate water is with LTAs. Each regional, city or district council must enforce the same standard. The NES requires councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. Specifically it sets out for regional councils to: <ul style="list-style-type: none"> • decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment (Regulation 6-8 NES). • be satisfied that permitted activities in regional plans will

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Health Act 1956	Part 2A s 96J-69ZX	<p>not result in community drinking water supplies being unsafe for human consumption following existing treatment (Regulation 9-10 NES).</p> <ul style="list-style-type: none"> place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water (Regulation 11-13). <p>The Health Act requires drinking water standards to be in place and regulates and provides duties for drinking water suppliers (Part 2A s 96J-69ZX).</p>
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?	CDEM Plan Order 2005 CDEM Act 2002 Health Act 1956	Part 5 s 30 Part 2A s 69Z	<p>The Ministry of Health works closely with Civil Defence. Under the CDEM Plan Order 2005 District Health Boards (DHBs) are “required to develop and maintain a plan for significant incidents and emergencies” (See part 5 s 30). Health services are required to participate in preparing a national CDEM plan under section 63 of the CDEM Act. The Ministry of Health has “certain emergency powers that are available during public health emergencies relating to drinking water”</p> <p>Under the Health Act every drinking water supplier must prepare a “a public health risk management plan in relation to that drinking-water supplier’s drinking-water supply” (Part 2A s 69Z).</p>
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	RMA 1991	Part 5 s 59	<p>Flood mitigation and management is classified under the meaning of “natural hazard” under the RMA and responsibility is devolved to LTAs. LTAs must prepare regional plan and policy statement to “to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region” (Part 5 s 59). Under the</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	NZCPS SCRCA Land Act	Policies 25-27	<p>RMA a New Zealand Coastal Policy Statement must give effect to the act which sets out policies on development, subdivision and land use in the coastal environment as a high risk site (NZCPS policy 25-27).</p> <p>SCRCA: In every catchment district there is a catchment board of elected representatives (SCRCA Part 3) that will function to “minimise and prevent damage within its district by floods and erosion” (SCRCA Part 7 s 126(1)).</p> <p>Land Act: There may be joint work done for river protection works to safeguard from “injury from floods, river encroachment, or otherwise” (Part 3 s 45).</p>
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?	Wellington RPS 2010	Policy 28, 50	<p>Flood mitigation is the responsibility of LTAs (i.e. local level government). For example; Wellington RPS sets out a policy on “Avoiding subdivision and inappropriate development in areas at high risk from natural hazards” (Policy 28, p.g 140) which includes “hazard areas on floodplains” (p.141). Under Policy 50: Minimising the risks and consequences of natural hazards the Wellington region sets out:</p> <ul style="list-style-type: none"> • “The need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas” (Policy 50: i). • “The potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event”(Policy 50: b).
Part Five. Regulation of the Natural & Rural Environment			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
A. Human Risks in Environmental Change			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Conservation Act 1987 RMA 1991		The Department of Conservation (DOC) is responsible for the administration of the Conservation Act for the purpose of the conservation of natural and historical resources. Under the RMA 1191 the Environmental Protection Authority (EPA) is established to have the functions of providing: “technical advice to the Government and Crown entities on any matter related to its functions under an environmental Act: (ii) to provide administrative assistance (including secretarial services) to a person or group of people appointed by the Minister to provide advice or report on any matter related to its functions under an environmental Act: (iii) to contribute to and co-operate with international forums and carry out international obligations related to its functions under an environmental Act” (Part 2 s 13).
151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock?	Conservation Act 1987 RMA 1991		(a) Human safety through environmental management is covered in the RMA rather than the Conservation Act. The Conservation Act mainly focusses on the protection of the environment and historical resources for the purpose of preserving these resources. The RMA provides the sustainable management of the natural and physical resources “in a way, or at a rate, which enables people and communities to provide... for their health and safety” (Part 2 s 5 (2)). (b) The preservation of livelihoods “to promote the benefits to

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			<p>present and future generations” (Part 2 s 6) and especially in preserving the environment from an indigenous perspective which represents the tangata whenua of an area.</p> <p>(c) There is no food security strategy/policy or law in New Zealand as of yet however there is a recognition in particular political parties that New Zealand needs to develop a strategy.</p>
152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	RMA 1991 Conservation Act 1958	Part 6 s 88 Schedule 4 Part 3B	<p>Under the RMA in order to obtain resource consent for an activity that impacts the environment, an EIA must be provided to the consent authority (Part 6 s 88 and Schedule 4).</p> <p>See also Part 3B of the Conservation Act: “Concessions.”</p>
153. If there are EIAs, do the criteria include: <ul style="list-style-type: none"> a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)? 			<p>Matter to be considered in an EIA include:</p> <p>(a) Human risk factors:</p> <ul style="list-style-type: none"> • “Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted”(Schedule 4 s 1(h) • “any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects.” (Schedule 4 s 2(a) • “any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations.” (Schedule 4 s 2(d). <p>(b) Natural hazards:</p> <ul style="list-style-type: none"> • “any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of

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			hazardous substances or hazardous installations.” (Schedule 4 s 2(f)).
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?	RMA 1991	4 s 30(f) 4 s 30(d):ii 4 s 30(d):v	The RMA regulates the exploitation of natural resources for the purpose of avoiding or mitigating natural hazards by: <ul style="list-style-type: none"> • “the control of discharges of contaminants into or onto land, air, or water and discharges of water into water” 4 s 30(f). • “the extraction of sand, shingle, shell, or other natural material from, the coastal marine area, to the extent that it is within the common marine and coastal area” 4 s 30(d):ii). • “any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances” 4 s 30(d):v). This regulation is the responsibility of LTA and is set out in regional/district plans that give effect to this Act.
B. Forests			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	Forests Act 1949 Forest and Rural Fires Act 1977		The leading authority on forest management is the Ministry of Primary Industries (MPI). The ministry formed from the merger of the Ministry of Agriculture and Forestry, the Ministry of Fisheries and the New Zealand Food Safety Authority.
156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as: a. prevention of wildfires? b. deforestation and erosion	Forest Act 1949 Forest and Rural Fires Act 1977	Pg. 4 Part 2 s25	The Forest Act 1949 requires the preparation of sustainable forest management plans for the sustainable use of indigenous forests and requires a permit to authorise specified activities on indigenous forests. (a) The Forest and Rural Fires Act 1977 regulates “the safeguarding of life and property by the prevention, detection, control,

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<p>relevant to prevention of landslides and floods?</p> <p>c. other hazards, (such as encroachment by wildlife into agricultural land or villages)?</p> <p>Describe the scope.</p>	Forest Act 1949	Part 3A s 67D, DA and DB Schedule 2 s 8 Part 3A s 67O:3B	<p>restriction, suppression and extinction of fire in forest and rural areas and other areas of vegetation” (pg. 4). The Act sets out fire control operations to “Control of spread of fire to State areas, forest areas, and specially protected property” (Part 2 s25).</p> <p>(b) The Forest Act sets out provisions for the control of sawmilling and felling (Part 3A s 67D, DA and DB). For the protection of forest a sustainable management plan must provide: “Any necessary measures to be taken to protect the forest, and, in particular, to protect the regenerating forest from pest, stock, fire and other threats” (Schedule 2 s 8). These provisions do not specify particular hazards (apart from fire) as for the purpose of these provisions. The felling of beach coupe is regulated in respect to considering the impact it would have on erosion risk (Part 3A s 67O:3B).</p> <p>(c) Other hazards are not specified in the Forest Act.</p>
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?	Forests Act 1949 Te Ture Whenua Maori Act 1993 Treaty of Waitangi Act 1975	s 67D(1)(b)(i)(A) (ii) s 129	<p>The Forest Act recognises the Maori customary titles to land as specified in the Te Ture Whenua Maori Act 1993 (s 129).</p> <p>Restrictions on the use of forest on specified Maori Customary land can be made by an order in council (Part 3A s 67D(1)(b)(i)(A)). These Acts are to give effect to the Treaty of Waitangi.</p>
158. Does the law provide for use, conservation or management of forests and their resources by communities?	Forests Act 1949	s 67(q) s 67(g)	<p>There is generally no provision for community management of forests in New Zealand however “any person or organisation having any interest in the decision greater than the public generally may, within 15 working days after the date on which the decision is notified under section 67G of this Act, appeal against a decision of the Secretary” (s 67(q)). The secretary is required to notify any “approval, amendment, or exemption by a notice in writing to the</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			owner and by a notice to the public published in one or more daily newspapers circulating in the area concerned" (s 67(g)).
C. Rivers and watercourses			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	RMA 1991 Conservation Act 1987 Soil Conservation and Rivers Control Act (SCRCA) 1941		The RMA sets out restrictions on the use of river and lake beds (Part 3 s 13). DOC administers the control and conservation of watercourses under the Conservation Act. Specific rivers are managed by the LTA in which they situate. In every catchment district there is a catchment board of elected representatives (SCRCA Part 3) that will function to "minimise and prevent damage within its district by floods and erosion" (SCRCA Part 7 s 126(1)).
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as: a. Riverbed management relevant to flood prevention and mitigation? b. Water storage and distribution for human, agricultural and industrial consumption in rural areas? Describe the scope.	Soil Conservation and Rivers Control Act 1941 RMA 1991 Land Act 1948 Conservation Act 1987 RMA 1991	s 14 3b ss 128-133	The SCRCA states the objectives of the Act for: (a) <ul style="list-style-type: none"> • The prevention and mitigation of soil erosion (Part 1 s 10b). • The prevention of damage by floods (Part 1 s 10c). The land Act states that there may be joint work done for river protection works to safeguard from "injury from floods, river encroachment, or otherwise" (Part 3 s 45). The Conservation Act sets out some watercourse areas that are esplanade reserves that serve the purpose of maintaining rivers and lakes for the mitigation of hazards (Part 10 s 2 229(i) and (v)). (b) The RMA contains restrictions relating to the use of water. However, these restrictions do not apply to a person taking fresh water for the reasonable needs of an individual's animals for drinking water, provided it does not or is not likely to have an adverse effect on the environment (s 14 3b). The RMA provides both for emergency measures of control to

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
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			meet a temporary serious shortage of water and for the conservation of water. Saving or conservation of water may result from general provisions applicable to water permits where an operative regional plan under the Act sets rules relating to (among other things) maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality, and the regional council considers it appropriate to review the conditions of the permit to enable the levels, flows, rates, or standards set by the rule to be met (ss 128-133).
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?			The RMA, Conservation Act and SCRCA give effect to the Treaty of Waitangi and recognise the “protection of protected customary rights” RMA part 2 ss 6g, 8) and regulations must be consistent with the provisions of the Treaty of Waitangi. River management recognises representing the interests of the tangata whenua of an area and “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga” (RMA part 2 s 6e). For example regulations may— <ul style="list-style-type: none"> • “provide for freshwater fishing for the purposes of customary food gathering by Māori, and for access to the places where such customary food gathering may be undertaken” (Conservation Act part 6 s 48B 3a). • Membership of the New Zealand Conservation Authority must consist of “2 persons appointed after consultation with the Minister of Maori Affairs” (Conservation Act Part 2A s 6D 1a).
162. Does the law provide for use, conservation or management of rivers and their resources by	Conservation Act 1987	s 6(p)(1)(b) s 49	The Appointment of membership of conservation boards gives regard to “the local community including the tangata whenua of the area” (Conservation Act s 6(p)(1)(b)). Where the Minister of Conservation gives public notice of an intention under the Act, any

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communities?			person has the right to make objection and submissions on the proposal to the director-general (s 49).
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?	n/a		There are no national laws on risk reduction relating to drought. The Federated Farmers New Zealand is a national organisation supports the farming and agricultural sector. They provide support for water storage in case of drought and other mitigation schemes but this however is not national policy.
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?	RMA 1991	s 229	Under the RMA esplanade reserves are protected for the purposes of maintaining and enhancing the functioning of watercourses and mitigating natural hazards (s 229).
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?	RMA 1991	s 14	There is no current legislation on food security. There are restrictions on the use of water under the RMA (s 14). However, there is no national risk management strategy in facing food security or desertification.

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>See Question 107</p> <p>Although there is not national legislation, community level access to the data is available through a national disaster information webpage. Statutory national and local plans are open to public submission during preparation, are approved and managed by political representatives of communities, and are made publicly available while in force (most easily accessible through the relevant agencies' websites). Any member of the public can access hazard information for a particular parcel of land by way of a LIM report issued by the council (see Question 44).</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>See Question 108</p> <p>Population data is accessible through the Statistics New Zealand website (http://www.stats.govt.nz).</p>
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p>Education Act 1989</p> <p>Under the Health and Safety in Employment Act 1992</p>	<p>Section 5</p>	<p>The Education Act sets out National education guidelines which have five components: National Education Goals, Foundation Curriculum Policy Statements, National Curriculum Statements, National Standards, National Administration Guidelines. Disaster education can be included in the school curriculum but is not compulsory.</p> <p>Under the Health and Safety in Employment Act 1992 schools are responsible for complying with the Ministry of Education <u>Health</u></p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
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			and Safety Code of Practice for State and State-Integrated Schools (attached). Under section 5 of this code schools have a duty to hazard management and mitigation. Under the National Administration Guideline 5 schools must “provide a safe physical environment for students” (http://www.minedu.govt.nz/nag).
169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR? a. If so, which authorities and what are they required to do? b. In particular does it require DRR education in schools?	National CDEM Plan Order 2005 Civil Defence Emergency Management Act 2002	s 56 s 17(g)	Under ‘Readiness’ in the National CDEM Plan Order A National Public Education Strategy: ‘Strategic Framework for the National CDEM Public Education Programme 2006 – 2015’ (see attached) seeks to “seeks increased individual and community awareness and acknowledgement of all hazards, and improved preparedness to cope in a civil defence emergency; and aims to increase community awareness, understanding, and participation in civil defence emergency management” (Part 7 s 56). CDDEM Groups are responsible for implementing strategies or public education and awareness. This is a requirement under the Civil Defence Emergency Management Act for “within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act” (s 17(g)).

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?	National CDEM Strategy 2008		See above (Question 170). The National CDEM Strategy that gives effect to the Civil Defence Emergency Management Act outlines goals for achieving the purpose of the Act as: "Increasing community awareness, understanding and preparedness and participation in emergency management" (Pg. 9 Goal 1).
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?	National CDEM Plan Order 2005	s 43(3) s 47(1) s 72(5)	Under the National CDEM Plan Order ascribes the New Zealand Red Cross the function of a welfare agency in time of emergency (s 43(3)). The New Zealand Red Cross operates as a support agency for "inquiry and identification of people affected by the emergency when this function has to be coordinated at a national level" (s 47 (1)). And The New Zealand Red Cross "will provide, on request by the Police, a national inquiry centre to answer inquiries about people in the impact area (s 72(5)). The New Zealand Red Cross does not hold any legislative stakes In DRR education and awareness within the National CDEM Plan Order 2005 or Civil Defence Emergency Management Act 2002.
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?	National CDEM Plan Order 2005	s 51(1)	The National CDEM Plan Order designates risk management to "form part of normal business operations" (Part 7 s 51 (1). The purpose held for Civil Defence Emergency Management Act and the National CDEM Strategy is to build a "resilient New Zealand."
173. Does any law provide for community-level results in DRR, such			Legislation on incentives, disincentives, community involvement in land-use planning or community education about building codes

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
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as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes?			could not be found.

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