



31 October 2023

Governance and Administration Committee
Parliament Buildings
Wellington

Emergency Management Bill

Tēnā koutou

1. Safeguarding Children supports the Emergency Management Bill (**Bill**). However, we believe that the Bill needs to be strengthened to specifically protect children and young people. We welcome opportunity to submit our views on the Bill.
2. Safeguarding Children supports the intentions of the Emergency Management Bill (**Bill**) and the legislative goal to provide outcomes for communities that are disproportionately affected by emergencies. Noting the unique challenges faced by children and young people in emergencies, we believe that the Bill should ensure that specific protections for children and young people are planned for in advance of an emergency occurring.
3. Our submission sets out the three key areas where we think changes could be made. Specifically, the Bill could ensure that:
 - (a) children's needs are specifically provided for in EMC plans;
 - (b) EMCs consult with people with special knowledge of children's needs in emergency situations when creating an EMC plan; and
 - (c) a representative for children is appointed to each Emergency Management Co-ordinating Executive (**EMCE**).
4. As elaborated on in this submission, we believe that these modest inclusions would significantly improve the Bill's ability to deliver a robust emergency management system that provides for the unique needs of children and young people in emergency situations.
5. We note that the Bill recognises and provides for the needs of Māori in emergency situations in a robust manner. Our proposals mirror these provisions where appropriate.

Safeguarding Children's experience

6. Safeguarding Children is a registered charity dedicated to preventing child abuse. We are a leading safeguarding and child protection education, consultancy, and child advocacy provider in Aotearoa New Zealand. We work across every sector that provides services for children and young people and with members of the community. Our vision is that the children and young people of Aotearoa New Zealand are safe from abuse and neglect.
7. Safeguarding Children has trained over 49,500 New Zealanders on preventing, recognising, and responding to child abuse and neglect. We provide specific training on the development of child protection policies to assist organisations in responding appropriately to child wellbeing and safety situations. Our experience in child protection

matters has resulted in us working with organisations such as the Ministry of Education, Oranga Tamariki, and other Crown entities.

Support for the Bill

8. We are pleased to see that the Bill acknowledges that emergency events disproportionately impact some population groups, including children. We support the Bill's requirement that Emergency Management Committees (**EMCs**) identify and engage with disproportionately impacted populations, and engage with them to address their needs in EMC plans.

Specific provision for children's needs in the Bill

9. Safeguarding Children is concerned that the Bill does not go further and specifically provide for children's needs.

Children's vulnerabilities

10. Children are particularly vulnerable in emergencies. In emergency situations, children can be separated from their families and lose their other support systems (such as schools).¹ These care structures are critical for a child's safety and development. Loss of these care structures can place a child at greater risk of abuse, both psychological and physical.² It can also significantly impair children's access to health care, education, and other critical public services.³
11. Children are also much more likely to suffer acute illnesses and mental health symptoms following a disaster.⁴ This is because of both the size and strength of children's bodies, and also because children will invariably not be equipped to keep themselves safe and seek help during an emergency.⁵
12. The cumulative effect of these risks is that children's overall wellbeing and development are vulnerable to significant impairment in both the short and long term following a disaster.

Providing for the needs of children and young people

13. While there are many risks to children and young people in emergency situations, these risks can be reduced through specific emergency preparedness before an emergency occurs. We ask that the Bill specifically provide for children's needs to be considered in emergency planning to reduce children's particular vulnerabilities. We believe this is necessary because of the uniqueness of challenges faced by children in emergency situations, which differ from the challenges faced by other vulnerable groups. For example, if children are separated from their families, this not only takes away a critical support system, but also impacts children's abilities to access basic needs, such as health care, in a way not experienced by adult populations.
14. To this end, we believe that modest changes to the Bill could have the significant impact of ensuring that children's needs are specifically considered and planned for in advance

¹ R L Coley "Understanding the Impacts of Natural Disasters on Children" (13 August 2020) Society for Research in Child Development <srcd.org>.

² Child Protection Cluster "What is Child Protection in Emergencies?" (2014) Child Rights Resource Centre <resourcecentre.savethechildren.net>.

³ Amjad Saleem "The Risks to Children When Disaster Strikes" (26 August 2020) Fair Observer <fairobserver.com>.

⁴ Centers for Disease Control and Prevention "Caring for Children in a Disaster: How are Children Different from Adults?" (1 September 2020) <cdc.gov>; Disaster Preparedness Advisory Council "Ensuring the health of children in disasters" (2015) 136 Pediatrics 1407 <publications.aap.org>; R L Coley "Understanding the Impacts of Natural Disasters on Children" (13 August 2020) Society for Research in Child Development <srcd.org>.

⁵ Centers for Disease Control and Prevention "Caring for Children in a Disaster: How are Children Different from Adults?" (1 September 2020) <cdc.gov>.

of an emergency occurring. This would also be consistent with the aim of the Bill to “provide outcomes for communities that are disproportionately affected by emergencies”,⁶ and the Bill’s explanatory note.

15. To effect this, the Bill should require that:
 - (a) EMCs specifically address the needs of children and young people when developing an EMC plan; and
 - (b) EMC plans provide for specific arrangements to address the needs of children and young people in emergency situations.

Defining “children and young people”

16. For the Bill to specifically provide for children and young people, “children and young people” must be defined in the interpretation clause, cl 5. We suggest that this definition be consistent with the definitions of “children” and “young people” in the Oranga Tamariki Act 1989 and the Children and Young People’s Commission Act 2022.⁷
17. We propose that cl 5 be amended to include the following:

Children and young people means persons under the age of 18 years, and persons aged 18 years or over but under 25 years if they are, or have been, in care or custody.

The role of EMCs

18. EMCs are made up of local authorities within the EMC’s area, as well as one or more Māori members.⁸ EMCs are tasked with identifying and managing hazards and risks and coordinating emergency management within their area. The role of EMCs is set out at cl 29 of the Bill.
19. We believe that, to ensure children’s needs are adequately considered, one of the roles of EMCs should be to identify the needs of children and young people in relation to emergency management in the EMC’s area and develop plans to address those needs.
20. We propose that cl 29 should be amended to insert a new paragraph, in between what is presently cl 29(1)(i) and (j). This could read as follows:
 - (1) The role of an Emergency Management Committee is to –

...

(ia) identify the needs of children and young people within its area in relation to emergency management and develop plans to address those needs:

...
21. This provision mirrors the approach taken in the Bill at cl 29(1)(h) to address the needs of Māori. It promotes preventative efforts to minimise harm to children in emergencies, rather than mere responsive action.

⁶ New Zealand Parliament “Emergency Management Bill” (19 July 2023) <parliament.nz>.

⁷ Oranga Tamariki Act 1989, s 2; and Children and Young People’s Commission Act 2022, s 7.

⁸ Emergency Management Bill, cl 25.

Content of EMC plan

22. Clause 73 of the Bill sets out what an EMC plan must provide for. Among other things, this includes the hazards and risks to be managed by the EMC, and the strategic planning for management of and recovery from those hazards and risks.
23. We believe that, to be consistent with the aims of the Bill, EMC plans should be required to provide for arrangements that address the needs of children and young people in emergency situations. Responding effectively to a community's needs in an emergency is challenging. We believe that this challenge can be improved with appropriate emergency response planning, particularly for vulnerable groups, including children and young people. Requiring EMC plans to provide for arrangements addressing the needs of children and young people would ensure that these needs are not overlooked when an emergency occurs and are managed efficiently and effectively.
24. We propose that cl 73 should be amended to insert a new paragraph in between what is presently cl 73(1)(k) and (l). This could read as follows:
- (1) An emergency management committee plan must state and provide for –
- ...
- (ka) arrangements for addressing the needs of children and young people, as identified by the Committee, during all stages of emergency management:*
- ...
25. This provision would ensure that the needs of children and young people are not forgotten at any stage in an emergency, hopefully reducing the impact of the emergency on children and young people.

Ensuring that children's needs are adequately considered

26. We believe that further consideration needs to be given to how EMCs will consider and provide for children's needs. For EMCs to adequately assess the needs of children and young people in their area, they must be properly informed of the unique needs of children and young people in emergency situations.
27. To ensure this, we believe the Bill should include a requirement for EMCs to consult with suitably trained representatives for the needs of children and young people. Such representatives are particularly important as many children struggle or are unable to communicate what they feel, experience, and need in challenging situations, and so need an adult who understands their needs to assist them and advocate on their behalf.
28. Appreciating that such representatives must be available for the EMC to consult locally, a suitably trained representative for children's needs may include a representative from Oranga Tamariki, a paediatrician, a Police officer with experience working with children, a teacher, or any other person who has undertaken Safeguarding Children's Child Protection Training.

Engagement with a representative for children's needs

29. Clause 76 of the Bill requires that before an EMC approves an EMC plan, the EMC must engage with representatives of communities likely to be disproportionately impacted in emergency events in the EMC's area. Noting that there is not usually a clear "representative" for children and young people, we believe that this provision could be

strengthened to ensure that appropriate representatives for the needs of children and young people are consulted.

30. We propose that cl 76 should be amended as follows:

(1) Before approving a proposed new or revised emergency management committee plan and Emergency Management Committee must –

(a) engage in the development of the new or revised plan with –

...

(iii) a representative for the needs of children and young people; and

31. This provision mirrors the approach taken in the Bill at cl 76(1)(a)(ii) for engagement with Māori. The provision deliberately does not specify who might qualify as an appropriate representative for children and young people to give EMCs some flexibility to find an appropriate local representative.

Representative for children on Emergency Management Co-ordinating Executives

32. We note that the Bill seeks to improve emergency management across the four stages of risk reduction, readiness, response, and recovery. We believe that the Bill could be strengthened to ensure that the needs of children and young people are considered at all four of these stages.

33. An effective way to ensure this would be to appoint a representative for the needs of children and young people to each EMCE. EMCEs are made up of senior representatives of local authorities and emergency services and are tasked with advising the EMC and implementing and overseeing the EMC's work.⁹

34. We suggest that a representative from Oranga Tamariki be appointed to each EMCE as a representative for the needs of children and young people. This representative could ensure that the unique needs of children and young people in emergencies are identified and addressed when the EMCE is advising the EMC. Noting the advisory and oversight responsibilities of the EMCE, we believe it is appropriate to specify that representatives from Oranga Tamariki assume these roles to ensure that guidance specific to the needs of children and young people is being provided by a suitably trained person.

35. To this end, we propose that cl 33 be amended to insert a new paragraph, in between what is presently cl 33(1)(f) and (g). This could read as follows:

(1) An Emergency Management Committee must appoint and maintain an Emergency Management Co-ordinating Executive consisting of –

...

(fa) a member of Oranga Tamariki as a representative for children and young people;

...

⁹ Emergency Management Bill, cl 33 and 34.

Final comment

36. We are grateful for the opportunity to share our views on this Bill. We believe that, with the simple inclusions outlined in this submission, the Bill has the ability to significantly improve emergency preparedness in New Zealand and protect our most vulnerable.
37. Thank you for your consideration.

Yours faithfully

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CEO, Safeguarding Children