



Fire and Emergency New Zealand (Local Advisory Committees) Regulations 2018

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 2nd day of July 2018

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 188 of the Fire and Emergency New Zealand Act 2017—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Internal Affairs.

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Schedule 1
Transitional, savings, and related provisions

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Regulations

1 Title

These regulations are the Fire and Emergency New Zealand (Local Advisory Committees) Regulations 2018.

2 Commencement

These regulations come into force on 3 August 2018.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Fire and Emergency New Zealand Act 2017

LAC means a local advisory committee established, or to be established, in accordance with section 15 of the Act.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Membership of LACs

- (1) An LAC must have—
 - (a) a chairperson; and
 - (b) a deputy chairperson; and
 - (c) at least 3 other members.
- (2) Despite subclause (1)(c), the board may decide that a particular LAC may have no more than 2 other members in addition to its chairperson and deputy chairperson.
- (3) The board may make a decision under subclause (2) only if considers it appropriate to do so, having regard to the size of the local area in relation to which the LAC has responsibilities.

6 Procedure to be followed in appointing LAC member

- (1) Before appointing an LAC member, the board must—
 - (a) publish a notice—
 - (i) calling for nominations to be sent to the board; and
 - (ii) specifying the process for submitting a nomination and the address or addresses to which a nomination must be sent; and

- (iii) specifying the closing date and time for nominations; and
 - (b) consider every nomination received by the closing date and time for nominations.
- (2) The board may at any time and on 1 or more occasions publish a subsequent notice extending the closing date and time for nominations specified under subclause (1)(iii).
- (3) The board must select the member to be appointed from among the nominations considered under subclause (1)(b).
- (4) A notice required by subclause (1) must be published—
 - (a) in the *Gazette*; or
 - (b) in 1 or more daily newspapers circulating in the local area within the boundaries of the LAC; or
 - (c) on an Internet site maintained by, or on behalf of, the board; or
 - (d) in any other manner that the board thinks appropriate.

7 Appointment of LAC member

- (1) The board appoints or reappoints an LAC member by giving written notice of the appointment to the member concerned.
- (2) A notice under subclause (1) must state—
 - (a) the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and
 - (b) the term of the appointment; and
 - (c) any conditions of the appointment.
- (3) As soon as practicable after appointing an LAC member, the board must—
 - (a) notify the chief executive of the Department of Internal Affairs of the appointment; and
 - (b) publicly notify the appointment.

8 Term of office of LAC member

- (1) The term of appointment of an LAC member is the period, not exceeding 3 years, that the board determines at the time of appointment.
- (2) The board may reappoint an LAC member for further terms, in each case not exceeding 3 years, as the board determines.
- (3) The board may reappoint an LAC member without having to comply with the procedure set out in regulation 6.

9 Resignation of LAC member

- (1) An LAC member may resign at any time by written notice to the board signed by the member.

- (2) The resignation is effective 28 days after the board receives the notice, or at any later time specified in the notice.

10 Circumstances in which LAC member may be removed from office

- (1) The board may remove an LAC member from office if the board is satisfied that the member—
- (a) has, for any reason, displayed an inability to perform the functions of that office; or
 - (b) has neglected his or her duties, including in particular where the member's attendance, conduct, or performance at meetings of the LAC has not been satisfactory; or
 - (c) has failed to perform his or her functions in accordance with the operating principles developed by the board under section 17 of the Act; or
 - (d) has been convicted of a criminal offence punishable by imprisonment and the board considers that the conviction reflects on the fitness of the member to hold office.
- (2) When the board decides to remove an LAC member from office, the Board must immediately serve written notice of its decision on the member.
- (3) The removal from office takes effect from the time of service on the member of the notice referred to in subclause (2), unless the notice provides otherwise.

11 Filling vacancy in membership of LAC

- (1) If a vacancy occurs on an LAC that leaves the LAC with fewer than the requisite number of members, the board must, as soon as is reasonably practicable, fill the vacancy by appointing another person as an LAC member in accordance with regulations 6 and 7.
- (2) If a vacancy occurs on an LAC that does not leave the LAC with fewer than the requisite number of members, the board may decide not to fill the vacancy.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 3 August 2018, are made under section 188 of the Fire and Emergency New Zealand Act 2017 (the **Act**).

The regulations specify the requirements for appointing LAC members and notifying the membership of an LAC.

Regulation 3 defines the terms Act and LAC.

Regulation 4 and *Schedule 1* provide for transitional, savings, and related provisions. (There are no such provisions at the time of the making of these regulations but if the regulations are amended in the future, any transitional, savings, and other provisions relating to the amendments will be inserted in *Schedule 1*).

Regulation 5 provides that an LAC must have a chairperson, a deputy chairperson, and at least 3 members (5 members in total). However, the board of Fire and Emergency New Zealand (the **board**) can decide that, because of the size of the local area in relation to which an LAC has responsibilities, that particular LAC may have no more than 4 members in total.

Regulation 6 requires the board, before appointing an LAC member, to give public notice of the requirements for submitting a nomination, including the closing date and time for nominations. An appointment must be made from among the persons nominated.

Regulation 7 provides that an LAC member is appointed when the member receives written notice of the appointment, which must state the date on which the appointment takes effect, the term of the appointment, and any conditions of the appointment. As soon as practicable after appointing an LAC member, the board must notify the chief executive of the Department of Internal Affairs and publicly notify the appointment.

Regulation 8 provides that an LAC member may be appointed for a term not exceeding 3 years, but may be reappointed for any further term or terms.

Regulation 9 provides that an LAC member may resign by giving at least 28 days' written notice to the board.

Regulation 10 sets out the circumstances in which the board may remove an LAC member. These circumstances include that the member has failed to perform his or her functions in accordance with the operating principles developed by the board in accordance with section 17 of the Act.

Regulation 11 provides that a vacancy in the membership of an LAC that leaves the LAC with fewer than the requisite number of members must be filled by the board appointing another member in accordance with *regulations 6 and 7*.

**Fire and Emergency New Zealand (Local Advisory
Committees) Regulations 2018**

2018/113

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These regulations are administered by the Department of Internal Affairs.

Wellington, New Zealand:

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