

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title and commencement.</p> <p style="text-align: center;"><i>United Fire Districts.</i></p> <p>2. Constitution of united fire districts. Consequential repeal.</p> <p>3. Fire Boards in united fire districts. Consequential repeal.</p> <p>4. Contributions in aid of Board of united fire district.</p> <p>5. Board of united fire district to take over assets and liabilities of existing Fire Boards.</p> <p>6. Section 46 of principal Act (relating to payment for property taken over from local authority by Fire Board) may be modified in its application to a united fire district.</p> <p>7. Special provisions as to Auckland Metropolitan Fire District.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>8. Consent of Minister to be a condition precedent to poll of rate-payers for constitution of fire district within metropolitan area.</p> | <p>9. Financial officers of Board required to give security.</p> <p>10. Amending provisions as to disqualification of members of Board.</p> <p>11. Altering date of biennial elections and appointments. Repeal.</p> <p>12. Board to submit estimate of annual expenditure to Minister. Repeal. Consequential amendment of section 26 of principal Act.</p> <p>13. Amounts levied for depreciation to be paid to Capital Expenditure Fund.</p> <p>14. Section 27 of principal Act amended.</p> <p>15. Amending provisions as to borrowing powers of Fire Boards.</p> <p>16. Extension of protection afforded by section 52 of principal Act.</p> <p>17. Altering date of annual meeting.</p> <p>18. Notification of approval of by-laws to be gazetted.</p> <p>19. Fire Board may undertake protection from fire of property outside its district. Repeal.</p> <p>20. Fire Board may offer reward for information as to false alarms, &c.</p> |
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1932, No. 26.

Title.

AN ACT to amend the Fire Brigades Act, 1926.

[9th December, 1932.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement.

1. (1) This Act may be cited as the Fire Brigades Amendment Act, 1932, and shall be read together with

and deemed part of the Fire Brigades Act, 1926 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and thirty-three.

United Fire Districts.

2. (1) For the purposes of this section the expression "a united fire district" means a fire district constituted in accordance with this section, comprising, whether in one continuous area or not, the districts or defined portions of the districts of two or more local authorities.

Constitution of
united fire
districts.

(2) Every united fire district shall be constituted by the Governor-General, by Order-in-Council, on application in that behalf made to the Minister jointly by the several local authorities whose districts, in whole or in part, are proposed to be included in the united fire district :

Provided that where the district of any such local authority is a fire district constituted under the principal Act the application in respect of such district shall be made by the Fire Board instead of by such local authority.

(3) No area that is not within a fire district shall be included in a united fire district constituted under this section unless, prior to the making of the application, a proposal that the said area be included in a united fire district has been duly carried by a majority of the valid votes recorded at a poll of ratepayers within that area, taken in accordance with the provisions of the Local Elections and Polls Act, 1925.

(4) On receipt of an application that complies with the foregoing requirements of this section for the constitution of a united fire district, the Minister shall send notice of the application to every local authority whose district (being a fire district under the principal Act) it is proposed to include, in whole or in part, in the united fire district, and shall give to such local authority a sufficient opportunity to make such representations as it thinks proper with respect to the proposal.

(5) If, after consideration of the representations, if any, made by any local authority as aforesaid, and of such other matters as he considers relevant, the Minister is of opinion that a united fire district should be constituted, the application shall be referred to the Governor-General in Council, and thereupon the Governor-General, by Order in Council, may declare the area to which the

application relates (with or without alteration as he thinks fit) to be a united fire district as from a date to be specified in the Order in Council in that behalf, and shall assign a name to the united fire district so constituted.

Consequential
repeal.

(6) This section is in substitution for section seven of the principal Act, and that section is hereby accordingly repealed.

Fire Boards in
united fire
districts.

3. (1) The Fire Board of a united fire district shall consist of—

(a) One member to be appointed by the Governor-General :

(b) Such number of members (being not less than two or more than four) as may be fixed in that behalf by the Governor-General by Order in Council, to be elected to represent the local authorities whose districts or any part of whose districts are within the united fire district :

(c) A number of members (equal to that elected under the last preceding paragraph to represent local authorities) to be elected by the insurance companies carrying on business in the united fire district.

(2) By the Order in Council constituting a united fire district, or by a subsequent Order in Council, the Governor-General may prescribe the number of members to be elected to represent the local authorities referred to in paragraph (b) of the last preceding subsection, and may also prescribe the method of election.

Consequential
repeal.

(3) This section is in substitution for section fourteen of the principal Act, and that section is hereby accordingly repealed.

Contributions in
aid of Board of
united fire
district.

4. Where any united fire district constituted under the foregoing provisions of this Act includes the City of Auckland, the City of Wellington, the City of Christchurch, or the City of Dunedin, there shall, in lieu of the sum payable in accordance with the provisions of section twenty-six of the principal Act, be paid annually to the Board of the united fire district out of moneys to be appropriated by Parliament for the purpose such sum, not exceeding four hundred pounds, as may from time to time be prescribed in that behalf by the Governor-General in Council.

5. On the coming into existence of the Board of a united fire district, as provided for in section twenty-one of the principal Act, the Board of every other fire district which is included in the united fire district shall be dissolved, and thereupon all real and personal property of every description vested in any such Board shall vest in the Board of the united fire district without conveyance or assignment, for the estate and interest of the dissolved Board therein, subject to all charges, encumbrances, or other estates or interests then affecting the same, and all the contracts, engagements, debts, liabilities, and powers of any such Board shall become the contracts, engagements, debts, liabilities, and powers of the Board of the united fire district.

Board of united fire district to take over assets and liabilities of existing Fire Boards.

6. (1) Notwithstanding anything to the contrary in section forty-six of the principal Act, the Board of a united fire district may, in respect of any property vested in or transferred to that Board by virtue of the said section, agree with the local authority as to the time and manner within which and the conditions subject to which payment for such property shall be made, and every such agreement on confirmation by the Governor-General in Council shall be binding on the parties thereto.

Section 46 of principal Act (relating to payment for property taken over from local authority by Fire Board) may be modified in its application to a united fire district.

(2) Any agreement made for the purposes of section forty-six of the principal Act and this Act may provide for the taking-over by the Board of the united fire district of any loan liabilities or other liabilities of a local authority incurred in respect of the acquisition of any property, and for the taking-over of any sinking fund held in respect of any such loan.

7. (1) There is hereby constituted, as from the thirty-first day of March, nineteen hundred and thirty-three, a united fire district, to be known as the Auckland Metropolitan Fire District, comprising the City of Auckland, the boroughs of Mount Eden, Mount Albert, Newmarket, Onehunga, and One Tree Hill, the road districts of Mount Roskill and Mount Wellington, and the town district of Ellerslie.

Special provisions as to Auckland Metropolitan Fire District.

(2) With respect to the united fire district hereby constituted and to the Fire Board thereof the following special provisions shall apply:—

(a) Two members of the Board shall be elected to represent the Auckland City Council, and two

- members shall be elected to represent the other local authorities whose districts are within the united fire district.
- (b) The Governor-General by Order in Council may prescribe the time and method of election of the members referred to in the last preceding paragraph, save that, in the case of the election of members to represent the local authorities other than the City of Auckland, each such local authority shall be entitled to one vote for each complete one hundred thousand pounds of the capital value of the rateable property in its district, as appearing in the valuation roll for the time being in force.
- (c) There shall be paid annually to the Board, in manner provided by section twenty-six of the principal Act, the sum of four hundred pounds per annum, in lieu of the amount that would be payable in terms of that section.
- (d) All land, buildings, plant, and other property used at the date of the constitution of the Board for public fire-prevention purposes in the boroughs of Mount Eden and Mount Albert and the Mount Wellington Road District respectively, and the plant and other property (not being land or buildings) used only for public fire-prevention purposes at that date in the Borough of One Tree Hill and the Town District of Ellerslie, shall be vested in the Board on the first day of April, nineteen hundred and thirty-three.
- (e) The Board shall, on the first day of April, nineteen hundred and thirty-three, take over the liabilities hereinafter specified in respect of loans raised by the respective local authorities for fire-prevention purposes, and shall also take over all sinking funds held in respect of such loans, namely :—
- (i) An amount of five thousand one hundred and fifteen pounds, being portion of the Number 17 Loan, raised by the Mount Eden Borough Council :

- (ii) An amount of two thousand eight hundred and ninety-one pounds sixteen shillings and tenpence, being portion of the Number 25 Loan, raised by the Mount Eden Borough Council :
- (iii) An amount of seven thousand pounds, being the 1925 Fire Brigade Loan, raised by the Mount Albert Borough Council :
- (iv) An amount of six hundred and fifty pounds, being part of the Fire Brigade Loan, 1922, raised by the Ellerslie Town Board.
- (f) The Board shall execute and issue to the respective local authorities debentures secured on all the assets and revenues of the Board for the several amounts hereinbefore specified, the terms of the debentures being such that the local authorities will be entitled to receive from the Board by virtue thereof amounts not less than the amounts payable by such local authorities by way of principal, interest, or otherwise in respect of the indebtedness of such local authorities for the several amounts specified as aforesaid :
- (g) The Board shall, in accordance with section forty-six of the principal Act, pay to the local authorities hereinafter mentioned, on account of the land, buildings, plant, and other property vested in the said Board by virtue of this section, the amounts following, namely :—
- (i) To the One Tree Hill Borough Council the sum of five hundred and fifty-five pounds, and to the Mount Wellington Road Board the sum of seven hundred pounds one shilling and eightpence, being the cost price of the property transferred to the Board from those local authorities respectively :
- (ii) To the Mount Eden Borough Council and the Mount Albert Borough Council, in respect of land, plant, and other property transferred from those local authorities respectively and not acquired out of loan-moneys, an amount to be determined by a valuation of such property to be made in each case by the

Superintendent of the Auckland City Fire Brigade, the Inspector of Fire Brigades, and a representative of the Council concerned.

(3) Except as otherwise provided in this section, the provisions of the principal Act and the foregoing provisions of this Act, as to united fire districts and the Boards thereof, shall apply to the Auckland Metropolitan Fire District and the Auckland Metropolitan Fire Board.

(4) Notwithstanding anything to the contrary in section forty-six of the principal Act, no land, buildings, plant, or other property shall vest or be deemed to have vested in the Mount Albert Fire Board or the Mount Eden Fire Board by virtue of the said section.

Miscellaneous.

Consent of Minister to be a condition precedent to poll of ratepayers for constitution of fire district within metropolitan area.

8. Notwithstanding anything to the contrary in subsection four of section three of the principal Act, a poll of ratepayers shall not be taken by any local authority pursuant to that subsection, except with the prior consent of the Minister, if any part of the district of that local authority is within fifteen miles of the Chief Post-office in the City of Auckland, Wellington, Christchurch, or Dunedin.

Financial officers of Board required to give security.

9. Every officer in the service of a Board who, by virtue of his office, is entrusted with the custody or control of moneys of the Board, shall give to the Board security for such sum and in such manner and form as the Board may require for the faithful performance of his duties and for the due accounting for and payment of all moneys which come into his charge, custody, or control in the course of his official duties.

Amending provisions as to disqualification of members of Board.

10. Section sixteen of the principal Act is hereby amended by repealing paragraph (f) of subsection one, and substituting the following paragraph:—

“(f) Any person who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager) in any contract made by the Board, if the payment made or to be made by or on behalf of the Board in respect of any such contract or contracts exceeds ten pounds in the case of

any contract, or twenty-five pounds altogether in any financial year, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds in any financial year :

“ Provided that an interest in any loan raised by the Board, whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a disqualification under this paragraph :

“ Provided also that no employee of an insurance company or of the State Fire Insurance Office shall be disqualified from being elected or appointed as a member of any Board by virtue of his receiving from such company or office any remuneration, whether by way of salary, bonus, commission, or otherwise :

“ Provided further that no person shall be disqualified from being elected or appointed as a member of any Board by virtue of his being concerned or interested in any contract made before his election or appointment, if before such election or appointment his obligation under such contract has been performed and the amount to be paid by or on behalf of the Board has been fixed ; and any payment made thereafter by or on behalf of the Board pursuant to such contract shall not operate to disqualify such person from continuing to hold office or be taken into account for the purpose of computing the amount that may lawfully be paid to him as a member of the Board in the same financial year in respect of any contract or contracts.”

11. (1) Except as otherwise provided in the principal Act, the election and appointment of members of every Fire Board shall take place in the month of May in

Altering date
of biennial
elections and
appointments.

every alternate year, commencing in the year nineteen hundred and thirty-three.

Repeal.

(2) This section is in substitution for section twenty-three of the principal Act, and that section is hereby accordingly repealed.

Board to submit estimate of annual expenditure to Minister.

12. (1) Every Fire Board shall on or before the twenty-eighth day of April in each year submit to the Minister for his approval an estimate in the prescribed form of the probable expenditure necessary for the administration of the principal Act within the fire district for the year commencing on the first day of April of that year.

(2) The Minister may, if he thinks it necessary so to do, require the Board to amend the estimate, and no such estimate shall have any force or effect until approved by the Minister.

(3) Every such estimate shall include not only the amount of recurrent annual expenditure, but also the amount of capital expenditure necessary for the purchase of land, the erection of buildings, or for any other purpose contemplated by the principal Act save that with the consent of the Minister, and after compliance with the requirements of the Local Government Loans Board Act, 1926, as to the borrowing of moneys, the amount of any such capital expenditure incurred in any year may be apportioned and extended over a period of years.

(4) Every such estimate may include amounts to be expended by the Board for all or any of the following purposes :—

- (a) For providing in any building, the property of the Board, means of recreation for members of the brigades under the control of the Board :
- (b) For the payment of the reasonable and actual expenses of members of such brigades attending any demonstration or conference of the United Fire Brigades' Association, or of the New Zealand Branch of the British Institution of Fire Engineers :
- (c) For the payment of the reasonable and actual expenses of members of the Board attending any conference of Fire Boards, and of an appropriate proportion of the actual and reasonable costs of such conference :

and may also include—

- (d) An amount for unauthorized expenditure not exceeding twenty-five pounds in the case of the Fire Board of any fire district with a population exceeding twenty thousand, and not exceeding ten pounds in the case of any other Fire Board:
- (e) An amount representing the estimated depreciation for the year of the buildings, plant, and equipment, the property of the Board:
- (f) Any other expenditure or appropriation provided for in the principal Act:

but shall not include any expenditure to be made out of loan-moneys or trust-moneys.

(5) Every estimate made pursuant to this section shall also include the amount of any deficiency in the revenues of the Board for the preceding financial year, and the amount of the deficiency so estimated shall be deemed to form part of the expenditure of the Board in the year to which the estimate relates.

(6) From the amount of expenditure estimated in accordance with this section there shall be deducted the estimated receipts of the Board during the same year (other than special loan-moneys and trust-moneys, and the contributions payable and to be levied for in terms of section twenty-six of the principal Act), and the remainder, after making such deduction, shall be the estimated annual expenditure of the Board.

(7) In this section the term “revenues” means all moneys receivable by the Board for any year, other than trust-moneys and moneys the proceeds of special loans raised by or on behalf of the Board, and the term “estimated receipts” includes the unappropriated surplus (if any) of the revenues of the Board at the end of the preceding financial year.

(8) In the case of every Board which is first constituted after the commencement of this Act, the first estimate of expenditure made by such Board shall be for the year beginning on the first day of April next after the constitution of the Board, but such estimate may include the amount of any expenses incurred by the Board in the interval between the date of its constitution and the said first day of April.

Repeal.

(9) The foregoing provisions of this section are in substitution for section twenty-five of the principal Act, and that section is hereby accordingly repealed.

Consequential amendment of section 26 of principal Act.

(10) Section twenty-six of the principal Act is hereby amended by omitting from subsection two the words "quarterly payments in advance on the first day of April", and substituting the words "payments on the first day of May".

Amounts levied for depreciation to be paid to Capital Expenditure Fund.

13. (1) Every Board which includes in its annual estimates of expenditure an amount in respect of depreciation shall, if it has not already done so, establish a Capital Expenditure Fund as provided in section thirty-four of the principal Act, and shall during the month of April in each financial year pay to the Capital Expenditure Fund Commissioners all moneys received during the preceding financial year on account of the moneys levied by it for purposes of depreciation.

(2) Section thirty-eight of the principal Act is hereby amended by adding thereto the following proviso:—

"Provided that all moneys received by the Commissioners, together with all accumulations thereof in respect of depreciation, shall be held by them upon a separate trust to pay the same to the Board in one sum or from time to time by instalments for the purpose of renewing or replacing the buildings, plant, or equipment of the Board or any part or parts thereof that may from time to time become worn out, obsolete, or incapable from any other cause of further usefulness to the Board."

(3) Section forty of the principal Act is hereby amended by omitting from subsection one the words "No such demand shall be for a less sum in any case than three hundred pounds, or for the total amount standing to the credit of the Capital Expenditure Fund if that amount is less than three hundred pounds".

Section 27 of principal Act amended.

14. Section twenty-seven of the principal Act is hereby amended by omitting from subsection two the word "rateable" where it first occurs therein, and substituting the word "capital".

Amending provisions as to borrowing-powers of Fire Boards.

15. Section thirty-one of the principal Act is hereby amended by omitting from subsection two the words "on a bank overdraft or", and by adding the following subsections:—

"(5) All moneys raised under this section shall be paid into a separate account at the bank where the Board's

funds are kept and shall not be drawn out of such account or expended except for the special purposes for which the loan was raised.

“(6) Notwithstanding anything to the contrary in the Local Bodies’ Finance Act, 1921-22, it shall be lawful for any Board to borrow moneys from its bankers by way of overdraft in excess of the limits imposed by section three of that Act, for all or any of the purposes mentioned in this section.”

16. Section fifty-two of the principal Act is hereby amended by inserting, after the words “in connection with any fire”, the words “or in respect of any damage to property occasioned by such Superintendent, officer, or member taking any *bona fide* action in connection with any fire occurring beyond the area in which the Fire Board has authority”.

Extension of protection afforded by section 52 of principal Act.

17. Section fifty-three of the principal Act is hereby amended by omitting from subsection two the word “March”, and substituting the word “April”.

Altering date of annual meeting.

18. Section sixty of the principal Act is hereby amended by omitting from subsection two the words “when approved by the Minister and gazetted”, and substituting the words “on publication in the *Gazette* of a notification of their approval by the Minister”.

Notification of approval of by-laws to be gazetted.

19. (1) A Fire Board and the local authority of any district contiguous to the fire district may agree for the protection from fire of the whole or any part of the district of such local authority.

Fire Board may undertake protection from fire of property outside its district.

(2) A Fire Board and the owner of any property situated outside the fire district may agree for the protection from fire of such property.

(3) No agreement under this section shall authorize expenditure by the Fire Board of any money on land, buildings, or fixed assets otherwise than within the fire district.

(4) No agreement under this section shall have any force or effect until it is approved by the Minister.

(5) Where any agreement is entered into under this section, all powers, privileges, and immunities conferred by the principal Act on Fire Boards, or on Superintendents, officers, and members of fire brigades, shall apply as if the area or the property to which the agreement relates were within the fire district.

(6) Notwithstanding anything contained in any agreement heretofore made pursuant to section sixty-four of the principal Act and in force at the commencement of this Act between a Fire Board and the local authority of any district contiguous to the fire district, such agreement shall, unless in the meantime it is approved by the Minister, be deemed to expire not later than twelve months after the commencement of this Act.

Repeal.

(7) This section is in substitution for section sixty-four of the principal Act, and that section is hereby accordingly repealed.

Fire Board may offer reward for information as to false alarms, &c.

20. Section sixty-seven of the principal Act is hereby amended by adding thereto the following subsection:—

“(3) A Fire Board may offer a reward not exceeding five pounds for information leading to the conviction of any person committing an offence under subsection one of this section within the fire district or within any other area in which the Fire Board has authority, and may pay such reward out of the revenues of the Board.”
