

## FIRE SERVICES AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill makes a number of amendments to the Fire Services Act 1949.

*Clause 2* extends the definition of the term "insurance company" by bringing in companies carrying on the business of motor vehicle insurance. The clause also makes provision for the title of the Chief Officer of the Fire Service Council to be changed to Chief of Fire Service; also for Superintendents and Deputy Superintendents of Fire Brigades to be known in future as Chief Fire Officers and Deputy Chief Fire Officers.

The association formerly known as the New Zealand Fire Boards' Association has changed its name. *Clause 3* makes the necessary consequential amendment to the reference to the association in section 4 of the principal Act.

The officer formerly known as the Under-Secretary for Internal Affairs is now known as the Secretary for Internal Affairs. *Clause 4* makes the necessary consequential amendment to the reference to that officer in section 6 of the principal Act.

Section 9 (2) of the principal Act authorizes the Fire Service Council to provide for the use of any Urban Fire Authority such buildings, plant, and equipment as it deems necessary for the rural fire protection scheme. *Clause 5* extends the provision by enabling the Council to provide buildings, plant, and equipment for the use of any local authority also.

Section 10 (2) of the Act provides for the Council to report to the Minister where it considers that the annual expenditure of the Authority of a secondary urban fire district should exceed £300 and that the subsidy payable by the Fire Service Council to the Authority should exceed £150. *Clause 6* increases these amounts to £400 and £200 respectively.

Section 18 (3) of the principal Act provides that every local authority for an area to be constituted a united urban fire district must consent to the constitution of the district. *Clause 7* provides that, where an area is added to an existing united urban fire district, the Fire Board is to give the consent required from the local authorities for the area comprised in the existing district. The clause also varies the form of the certificate as to standards of water supply, etc., which the Council must give before an urban fire district or a secondary urban fire district is constituted.

*Clause 8* provides improved machinery for defining the boundaries of urban fire districts and secondary urban fire districts which are not included in any borough, town district, or road district.

Section 21 of the principal Act provides that a united urban fire district may be abolished by the Governor-General in Council on the application of all the uniting local authorities. *Clause 9* substitutes the Fire Board for the uniting local authorities.

*Clause 10* makes provision for the constitution of an Urban Fire Authority in the rare cases (like Tokaanu) of districts which have no constituent local authority. It also validates what has been done in connection with the Committee which has been acting as the Urban Fire Authority at Tokaanu.

*Clause 11* provides improved machinery for the nomination of brigade representatives on Boards and Committees in districts where more than one brigade is operating.

*Clause 12* extends the power of Urban Fire Authorities to make by-laws by enabling them to make by-laws providing for the payment of fees in respect of services carried out by any brigade other than fire fighting or fire prevention.

*Clause 13* provides that, where an Urban Fire Authority undertakes to protect property in the district of another local authority from fire, any payment made by that local authority in respect of the protection is to form part of the amount payable by the contributory local authority to the Urban Fire Authority.

*Clause 14* authorizes any Urban Fire Authority, with the approval of the Council and pursuant to the scheme for rural fire protection to authorize the establishment and maintenance of a brigade auxiliary unit outside its district. The members of such a unit may be established as a volunteer fire brigade or attached to another brigade of the Authority. The Council is to contribute half of the expense of any such unit but not more than £50 in any year unless the Minister so directs. The balance of the expenses of the unit is to be met by the local authority for the district to be protected by the unit.

Section 45 of the principal Act provides that damage caused in fire fighting is to be deemed to be damage by fire within the meaning of any fire policy. *Clause 15* provides that, in any case where the fire is earthquake fire within the meaning of the Earthquake and War Damage Act 1944 or any policy of insurance against damage by earthquake fire, damage in fire fighting is to be deemed to be damage by earthquake fire for the purposes of that Act or policy.

*Clause 16* authorizes an Urban Fire Authority to include in its annual estimate of expenditure the following additional items, namely, amounts required for the protection of any area it is required to protect, and amounts required for providing medals, decorations, and gifts not over £25 in value to members of brigades for long and meritorious service. The clause also amends section 47 (3) (c), which relates to travelling expenses, so as to bring it into harmony with section 36 of the Act. The clause also amends the reference in section 47 (3) (c) of the Act to the name of the association formerly known as the Fire Boards' Association. Under section 47 (8) of the principal Act payments to an Urban Fire Authority under section 12 (which relates to the protection of property of the Crown, forests, etc.) are to be deducted from the annual estimate of the Authority's expenditure. The clause varies this provision by providing that the deduction is to be made unless the Minister otherwise directs.

*Clause 17* provides that the annual estimate of expenditure of the Council may include amounts required for premiums on accident policies on members of the Council while engaged or travelling on the business of the Council;

amounts required for the purchase and maintenance of plant and equipment for use at the discretion of the Council; and amounts required for the payment of a subsidy to the New Zealand Branch of the Institution of Fire Engineers. The clause also amends section 48 (2) (e) of the Act so as to enable the annual estimate of expenditure of the Council to include amounts for the establishment of reserves to provide for the replacement of all plant and equipment and not merely plant and equipment required for emergency operations.

Section 49 of the principal Act provides that the Council may expend moneys to assist any secondary urban fire district with a population of less than one thousand. *Clause 18* removes the restriction in respect of number of population.

*Clause 19* varies slightly the provisions regarding the contributions to be made by the Crown to the Council in respect of secondary urban fire districts.

*Clause 20* makes consequential amendments in the provisions regarding the contributions to be made to the Council by insurance companies.

*Clause 21* varies the provisions for determining how the contributions by insurance companies are to be apportioned between them. In making the calculations for the purposes of the apportionment, 3 per cent of the premiums in respect of motor vehicle comprehensive policies, and 25 per cent of the premiums paid to rural insurance companies, are to be taken into account.

*Clause 22* varies slightly the provisions as to the payments to be made to Urban Fire Authorities by the Council and local authorities.

*Clause 23* removes the requirement of section 54 (1) of the Act that rates for fire purposes may be levied by a local authority only on the value of the buildings on the property liable for rates. This will enable local authorities to use their ordinary rating rolls for the purpose of levying rates to provide for their contributions under the principal Act.

*Clause 24* varies the provisions governing the establishment of Capital Expenditure and Depreciation Funds by the Council and Urban Fire Authorities.

*Clause 25* authorizes the establishment of Reserve Funds by the Authority for a secondary urban fire district.

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Hon. Mr Bodkin

## FIRE SERVICES AMENDMENT

### ANALYSIS

| Title.  |   |
|---|---|
| 1. Short Title.   | 14. Brigade auxiliary units.  |
| 2. Interpretation.  | 15. Damage in fire fighting deemed to be damage by earthquake fire in certain cases.                                    |
| 3. Members of Council.  | 16. Estimate of annual expenditure of Urban Fire Authority.   |
| 4. Secretary for Internal Affairs may attend meetings of Council.                                 | 17. Estimate of annual expenditure of Council.  |
| 5. Scheme for rural fire protection.  | 18. Assistance of secondary urban fire districts by Council.  |
| 6. Report by Council to Minister on annual expenditure of certain secondary urban fire districts. | 19. Contributions to Council by Minister of Finance.  |
| 7. Constitution of districts.   | 20. Contributions to Council by insurance companies.  |
| 8. Boundaries of districts.   | 21. Amount to be contributed by each insurance company.   |
| 9. Abolition of districts.  | 22. Amount of annual payment by Council and local authorities to Urban Fire Authority of secondary urban fire district. |
| 10. Authority in district where there is no contributory local authority.                         | 23. Power of local authority to levy rates.   |
| 11. Members of Urban Fire Authorities.  | 24. Capital Expenditure and Depreciation Fund.  |
| 12. By-laws of Urban Fire Authority.  | 25. Reserve Fund.   |
| 13. Protection by Urban Fire Authority of property outside its district.                          |   |

### A BILL INTITULED

AN ACT to amend the Fire Services Act 1949.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority

5 of the same as follows:

1. This Act may be cited as the Fire Services Amendment Act 1953 and shall be read together with and deemed part of the Fire Services Act 1949 (hereinafter referred to as the principal Act).

Short Title.

1949, No. 18

Interpretation.

**2.** (1) Subsection one of section two of the principal Act is hereby amended—

(a) By inserting in the definition of the term “insurance company”, after the words “business of fire insurance”, the words “or motor vehicle insurance”:

(b) By repealing the definitions of the terms “Superintendent” and “Deputy Superintendent”:

(c) By inserting, before the definition of the term “Committee”, the following definition:

“‘Chief Fire Officer’ means a Chief Fire Officer appointed by an Urban Fire Authority under this Act; and ‘Deputy Chief Fire Officer’ means a Deputy Chief Fire Officer so appointed.”

(2) Every reference in the principal Act or any other enactment, instrument, or document to—

(a) The Chief Officer of the Fire Service Council shall be read as a reference to the Chief of Fire Service:

(b) A Superintendent of Fire Brigades shall be read as a reference to a Chief Fire Officer:

(c) A Deputy Superintendent of Fire Brigades shall be read as a reference to a Deputy Chief Fire Officer.

(3) The person who, immediately before the commencement of this Act, held the office of Chief Officer of the Fire Service Council shall be deemed to have been appointed as Chief of Fire Service.

(4) Every appointment of a Superintendent of Fire Brigades or of a Deputy Superintendent of Fire Brigades which was made before the commencement of this Act and is subsisting at the commencement of this Act shall continue and have effect as if it were an appointment of a Chief Fire Officer or a Deputy Chief Fire Officer, as the case may be.

Members of Council.

**3.** Section four of the principal Act is hereby amended by omitting from paragraph (d) of subsection one the words “the New Zealand Fire Boards’ Association”, and substituting the words “the New Zealand Urban Fire Authorities’ Association Incorporated”.

4. Section six of the principal Act is hereby amended by omitting the word "Under-Secretary" in each place where it occurs, and substituting in each case the word "Secretary".
5. Section nine of the principal Act is hereby amended by inserting in paragraph (a) of subsection two, after the word "Authority", the words "or local authority".
6. Subsection two of section ten of the principal Act is hereby amended—
- (a) By omitting the words "three hundred pounds", and substituting the words "four hundred pounds":
- (b) By omitting the words "one hundred and fifty pounds", and substituting the words "two hundred pounds".
7. (1) Section eighteen of the principal Act is hereby amended by adding to subsection three the following proviso:
- "Provided that, where the constitution of a united urban fire district involves the addition of an area to an existing united urban fire district, the Fire Board of that existing district shall for the purposes of this subsection be deemed to be the local authority for that existing district."
- (2) Section eighteen of the principal Act is hereby further amended by inserting in subsection four, after the words "that the appropriate standards have been complied with", the words "and that it has been established to its satisfaction that the fire protection of the urban area can be more efficiently carried out by the constitution of the area as an urban fire district or secondary urban fire district rather than by the inclusion of the area in a united urban fire district or by the protection of the area under any scheme of fire protection established under section nine of this Act".
8. Section twenty of the principal Act is hereby amended by repealing subsection four, and substituting the following subsection:
- "(4) Where an urban fire district or a secondary urban fire district comprises an urban area which is not included in any borough, town district, or road district, then, with the approval of the Local Government Commission, the boundaries of the urban fire district or secondary urban fire district shall (where they are not defined in the Order in Council constituting the district) be defined, and may from time to time be varied, by

Secretary for Internal Affairs may attend meetings of Council.

Scheme for rural fire protection.

Report by Council to Minister on annual expenditure of certain secondary urban fire districts.

Constitution of districts.

Boundaries of districts.

resolution of the local authority for the district or, where there is no local authority, by the Minister by notice in the *Gazette*."

Abolition of districts.

9. Section twenty-one of the principal Act is hereby amended by omitting the words "all the uniting local authorities", and substituting the words "the Fire Board" 5

Authority in district where there is no contributory local authority.

10. (1) Section twenty-two of the principal Act is hereby amended by inserting in subsection three and also in subsection four, after the words "contributory local authority" in each subsection, the words "or, where there is no contributory local authority, a Township Fire Committee constituted under subsection four A of this section" 10

(2) Section twenty-two of the principal Act is hereby further amended by inserting, after subsection four, the following subsection: 15

"(4A) The Authority for every urban fire district and secondary urban fire district for which there is for the time being no contributory local authority shall be a Township Fire Committee consisting of four members to be appointed by the Minister, of whom one shall be appointed, on the nomination (in a manner approved by the Minister) of the fire brigade or fire brigades maintained by the Authority, to represent the said brigade or brigades. Every member of any Township Fire Committee shall hold office for such term (not exceeding three years) as the Minister may specify when making the appointment, and may be reappointed from time to time." 20 25 30

(3) The persons who have acted as the Urban Fire Authority of the secondary urban fire district of Tokaanu between the date of the commencement of the principal Act and the date of the commencement of this Act shall be deemed to have been the Urban Fire Authority of that district during that period at all times while they were acting as that Authority. 35

Members of Urban Fire Authorities.

11. Section twenty-three of the principal Act is hereby amended by adding to subsection five the following proviso: 40

"Provided that where more than one brigade is operating within any district the Minister may direct that two persons be nominated by the brigades for appointment in any case, and may select which of the persons so nominated he appoints to the Board or Committee." 45

12. Section thirty-three of the principal Act is hereby amended by inserting in subsection one, after paragraph (h), the following paragraph:

By-laws of Urban Fire Authority.

5 “(hh) The payment of fees in respect of services carried out by any brigade other than fire fighting or fire prevention:”.

13. Section forty-four of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

Protection by Urban Fire Authority of property outside its district.

10 “(1A) Any payment made in respect of any year by a local authority to an Urban Fire Authority pursuant to an agreement under subsection one of this section shall form part of the amount payable in that year under subsection five of section fifty-three of this Act by the  
15 contributory local authorities or contributory local authority to the Urban Fire Authority.”

14. The principal Act is hereby amended by inserting, after section forty-four, the following section:

Brigade auxiliary units.

20 “44A. (1) An Urban Fire Authority may, with the approval of the Council and pursuant to any scheme established under section nine of this Act, authorize the establishment and maintenance of a brigade auxiliary unit in any urban area outside its district which, except  
25 for the certificate of the Council required under subsection four of section eighteen of this Act, would qualify for constitution as a secondary urban fire district. The Authority may either authorize the establishment and maintenance of the unit as a volunteer fire brigade under sections forty-one and forty-two of this Act or may  
30 attach the members of the unit to any brigade authorized or employed by the Authority.

“(2) In any such case the annual estimate of expenditure submitted by the Authority to the Council under section forty-seven of this Act shall include the estimated  
35 expenditure in respect of each such brigade auxiliary unit, and with respect to that estimated expenditure the following provisions shall apply:

40 “(a) Notwithstanding anything contained in section fifty-three of this Act, the Council shall pay annually to the Authority a subsidy equal to half of the amount of that estimated expenditure as approved or determined by the Council:

“Provided that the payment by the Council under this paragraph in respect of the unit shall not exceed the sum of fifty pounds in any year unless the Minister so directs: 5

“(b) The local authority in whose district the urban area is situated shall pay to the Authority in each year an amount equal to the amount which when added to the other amounts payable to the Authority under this section shall be equal to the estimated expenditure of the Authority for the year as approved or determined by the Council in respect of the brigade auxiliary unit: 10

“Provided that, if there is no local authority for the district in which the urban area is situated, the amount which would be payable by the local authority under this paragraph shall be met in such manner as the Minister may approve: 20

“(c) The Urban Fire Authority may pay from its ordinary revenues any amount required for capital expenditure on plant or equipment approved by the Council for the use of the brigade auxiliary unit, and may recover the amount from the annual estimated expenditure approved in respect of the urban area as though the amount were a loan recoverable over a period of ten years and bearing interest at such rate as may from time to time be approved by the Minister of Finance.” 30

Damage in fire fighting deemed to be damage by earthquake fire in certain cases. 1944, No. 15

15. Section forty-five of the principal Act is hereby amended by adding the following proviso:

“Provided that, where any fire or suspected fire is earthquake fire within the meaning of the Earthquake and War Damage Act 1944 or within the meaning of any policy or contract of insurance against damage by earthquake, that damage shall be deemed to be damage by earthquake fire for the purposes of that Act, policy, or contract.” 40

Estimate of annual expenditure of Urban Fire Authority.

16. Section forty-seven of the principal Act is hereby amended—

(a) By inserting in subsection one, after the words “within its district”, the words “or in any area it is required to protect”: 45

- 5 (b) By inserting in paragraph (a) of subsection three after the words "control of that Authority", the words "for providing special medals or other decorations or gifts not over twenty-five pounds in value in any one case to members of brigades for long and meritorious service":
- (c) By omitting from paragraph (c) of subsection three the words "reasonable and actual":
- 10 (d) By omitting from paragraph (c) of subsection three the words "Fire Boards' Association", and substituting the words "New Zealand Urban Fire Authorities' Association Incorporated":
- 15 (e) By omitting from subsection eight the words "sections twelve", and substituting the words "section twelve of this Act (unless the Minister otherwise directs), and any payments to that Authority under sections".
- 20 **17.** (1) Section forty-eight of the principal Act is hereby amended by inserting in subsection two, after paragraph (a), the following paragraph:
- 25 " (aa) The payment of premiums on policies of accident insurance issued by any insurance company to or in respect of members of the Council while engaged or travelling on the business of the Council and of officers and servants employed by the Council".
- (2) Section forty-eight of the principal Act is hereby further amended by inserting in subsection two, after paragraph (d), the following paragraph:
- 30 " (dd) The purchase and maintenance of plant and equipment for use at the discretion of the Council: ".
- 35 (3) Section forty-eight of the principal Act is hereby further amended by omitting from paragraph (e) of subsection two the words "required for emergency operations".
- (4) Section forty-eight of the principal Act is hereby further amended by inserting in subsection two, after paragraph (h), the following paragraph:
- 40 " (hh) The payment of a subsidy to the New Zealand Branch of the Institution of Fire Engineers: ".

Estimate of annual expenditure of Council.

Assistance of  
secondary urban  
fire districts  
by Council.

Contributions  
to Council by  
Minister of  
Finance.

**18.** Section forty-nine of the principal Act is hereby amended by omitting the words "with a population of less than one thousand".

**19.** (1) Section fifty of the principal Act is hereby amended by repealing paragraph (a) of subsection one, and substituting the following paragraph: 5

"(a) An amount equal to one-sixth of the subsidies payable under this Act by the Council—

"(i) To Authorities in secondary urban fire districts; and 10

"(ii) Under paragraph (a) of subsection two of section *forty-four* A of this Act in respect of brigade auxiliary units."

(2) Section fifty of the principal Act is hereby further amended by omitting from the proviso to paragraph (c) of subsection one the words "urban fire districts, and secondary urban fire districts", and substituting the words "and urban fire districts". 15

Contributions  
to Council by  
insurance  
companies.

**20.** Section fifty-one of the principal Act is hereby amended by repealing paragraph (b) of subsection one, and substituting the following paragraph: 20

"(b) An amount equal to five-sixths of the subsidies payable under this Act by the Council—

"(i) To Authorities in secondary urban fire districts; and 25

"(ii) Under paragraph (a) of subsection two of section *forty-four* A of this Act in respect of brigade auxiliary units".

Amount to be  
contributed by  
each insurance  
company.

**21.** (1) Section fifty-two of the principal Act is hereby amended by adding to paragraph (a) of subsection one the following proviso: 30

"Provided that every return by an insurance company which includes premiums in respect of motor vehicle comprehensive insurance shall include only three per cent of the total gross amount of those premiums." 35

(2) Section fifty-two of the principal Act is hereby further amended by repealing paragraph (b) of subsection one, and substituting the following paragraph:

"(b) Every return by a rural insurance company shall show only twenty-five per cent of the total gross amount of the premiums (other than premiums in respect of motor vehicle comprehensive insurance) which, under paragraph (a) of this subsection, would otherwise have to be shown in the return:" 40 45

- 22.** (1) Section fifty-three of the principal Act is hereby amended by omitting from the proviso to subsection three the words “one hundred and fifty pounds”, and substituting the words “two hundred pounds”.
- 5 (2) Section fifty-three of the principal Act is hereby further amended by inserting in subsection five, after the words “under this section”, the words “or under subsection *one A* of section forty-four of this Act or (where the Minister has so directed) under section
- 10 twelve of this Act”.
- (3) Section fifty-three of the principal Act is hereby further amended by inserting, after subsection five, the following subsection:
- 15 “(5A) In any case where there is no contributory local authority for any district, the amount which would be payable by the contributory local authority or contributory local authorities under subsection five of this section shall be met in such manner as the Minister may approve.”
- 20 **23.** Section fifty-four of the principal Act is hereby amended by omitting from subsection one the words “on the value of the buildings (exclusive of the value of the sites on which the buildings are erected)”.
- 25 **24.** Section sixty of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:
- “(1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, the Council with the consent of the Minister, or any Urban Fire Authority
- 30 with the consent of the Council, may—
- “(a) Establish a fund, to be called the Capital Expenditure and Depreciation Fund for all or any of the following purposes:
- 35 “(i) To provide for depreciation:
- “(ii) To provide for renewing, renovating, or replacing buildings, plant, or equipment of the establisher of the fund or any part or parts thereof that may from time to time become worn out, obsolete, or
- 40 incapable from any other cause of further usefulness to the establisher of the fund:
- “(iii) To provide for any of the purposes specified in section fifty-eight of this Act:

Amount of annual payment by Council and local authorities to Urban Fire Authority of secondary urban fire district.

Power of local authority to levy rates.

Capital Expenditure and Depreciation Fund.

“(b) Include an amount to be appropriated to that fund in its estimate of expenditure in any year.”

Reserve Fund.

**25.** The principal Act is hereby amended by inserting, after section sixty the following section: 5

“60A. The Authority for a secondary urban fire district may from time to time set aside from its revenues moneys to form a Reserve Fund to provide for the repair, renewal, or replacement of any plant, appliances, or equipment of the Authority; and may— 10

(i) Include an amount to be appropriated to that fund in its estimate of expenditure in any year:

(ii) Invest the fund in a separate account:

(iii) Apply the moneys so set aside for any of the 15 purposes aforesaid:

“Provided that the amount set aside under this section in any one year shall not exceed twenty-five pounds and the amount to the credit of the Reserve Fund shall not at any time exceed one hundred pounds.” 20