

## FIRE SERVICES AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Fire Services Act 1949.

*Clause 1* relates to the Short Title to the Bill.

*Clause 2* amends section 18 (4) of the principal Act so as to provide that urban fire districts and secondary urban fire districts shall be constituted in future by Ministerial notice instead of by Order in Council, except where they are constituted under a final scheme of the Local Government Commission.

*Clause 3* rewrites section 21 of the principal Act so as to provide that urban fire districts and secondary urban fire districts may be abolished in future by Ministerial notice, instead of by Order in Council, on the application of any contributory local authority or where there is no efficient fire brigade in the district.

*Clause 4* amends section 24 of the principal Act so as to provide that appointments and elections of members of Fire Boards, Fire Committees, and Fire Brigade Committees shall take place in the month of November in every third year commencing 1965, and that members shall come into office on the 1st day of January following. Section 27 (2) of the principal Act is consequentially amended so as to change the period after which a member of a local authority who is elected by that local authority to be a member of a Fire Board or Committee shall cease to be a member of the Board or Committee if he ceases to be a member of the local authority. The period will in future be two months instead of the present four months.

*Clause 5* extends the protection afforded by section 46 of the principal Act so as to cover cases where services are being rendered under section 46A in good faith for the protection of human life which is otherwise endangered.

*Clause 6* amends section 56 of the principal Act so as to bring it into line with section 56 of the Local Authorities Loans Act 1956, and provides that money raised by special loan shall be paid into a separate account at the bank or, with the consent of the Audit Office, into two or more separate accounts at the bank. The present section requires a separate account for each loan.

*Clause 7* declares that it shall be lawful, and shall be deemed always to have been lawful, for any Urban Fire Authority, with the consent of the authority having control of any public highway or place to which the public have access, to erect and maintain fire alarms on that highway or place.

*Hon. Sir Léon Götz*

## FIRE SERVICES AMENDMENT

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### ANALYSIS

Title	
1. Short Title	5. Protection of Urban Fire Authority
2. Constitution of districts	in performance of certain services
3. Abolition of districts	6. Loan accounts
4. Date of appointments and elections	7. Power to erect fire alarms

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### A BILL INTITULED

#### **An Act to amend the Fire Services Act 1949**

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

1. **Short Title**—This Act may be cited as the Fire Services Amendment Act 1963, and shall be read together with and deemed part of the Fire Services Act 1949 (hereinafter referred to as the principal Act).
- 10 **2. Constitution of districts**—(1) Subsection (4) of section 18 of the principal Act is hereby amended by omitting the words “Governor-General may, by Order in Council,” and substituting the words “Minister may, by notice in the *Gazette*.”
- 15 (2) Section 19 of the principal Act is hereby consequentially amended—
- (a) By inserting, after the word “Governor-General”, the words “or the Minister”:

(b) By inserting, after the words "Order in Council" in each place where they appear, the words "or notice".

(3) Section 20 of the principal Act is hereby consequentially amended by inserting in subsection (4), after the words "Order in Council", the words "or notice". 5

**3. Abolition of districts**—The principal Act is hereby amended by repealing section 21, and substituting the following section:

"21. (1) The Governor-General, by Order in Council, on the application of the Fire Board in the case of a united urban fire district, or on the application of the Council in the case of any such district where in the opinion of the Council no efficient fire brigade exists, or in pursuance of a final scheme promulgated by the Local Government Commission in the case of any district, may declare that, as from a date to be specified in that behalf in the Order in Council, that district shall cease to exist. 10 15

"(2) The Minister, by notice in the *Gazette*, on the application of any contributory local authority in the case of any urban fire district or secondary urban fire district, or on the application of the Council in the case of any such district where in the opinion of the Council no efficient fire brigade exists, may declare that, as from a date to be specified in that behalf in the notice, that district shall cease to exist. 20 25

"(3) As from the date on which it has been declared as aforesaid that any district shall cease to exist, the Fire Board, Fire Committee, or Fire Brigade Committee of that district shall be dissolved, and to the extent that the local authority is the Urban Fire Authority of that district it shall cease to be the Urban Fire Authority of that district." 30

**4. Date of appointments and elections**—(1) Section 24 of the principal Act is hereby amended by omitting from subsection (2) the words "February, nineteen hundred and fifty-one," and substituting the words "November, nineteen hundred and sixty-five,". 35

(2) Section 24 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

"(2A) Every member of any Fire Board, Fire Committee, or Fire Brigade Committee shall come into office on the first day of January following the month specified in subsection (2) of this section for his appointment or election or upon his appointment or election, whichever is the later." 40

(3) Section 27 of the principal Act (as amended by section 2 of the Fire Services Amendment Act 1961) is hereby further amended by omitting from subsection (2) the words “four months”, and substituting the words “two months”.

5 (4) Section 2 of the Fire Services Amendment Act 1961 is hereby consequentially repealed.

**5. Protection of Urban Fire Authority in performance of certain services**—Section 46 of the principal Act is hereby amended—

10 (a) By inserting in subsection (1), after the words “has authority”, the words “or in the performance in good faith for the protection of human life which is otherwise endangered of any service pursuant to section 46A of this Act (which section was inserted  
15 by section 4 of the Fire Services Amendment Act 1959)”:

(b) By inserting in subsection (2), after the words “to fire”, the words “or to the performance in good faith for the protection of human life which is  
20 otherwise endangered of any service pursuant to the said section 46A of this Act”:

(c) By adding to subsection (2) the words “or in performance of the said service for the protection of human life which is otherwise endangered”.

25 **6. Loan accounts**—Section 56 of the principal Act is hereby amended by omitting from subsection (2) the words “for each loan”, and substituting the words “or, with the consent of the Audit Office, into two or more separate accounts at the bank”.

30 **7. Power to erect fire alarms**—The principal Act is hereby amended by inserting, after section 71, the following section:

“71A. It shall be lawful, and shall be deemed always to have been lawful, for any Urban Fire Authority, with the consent of the authority having control of any public highway or place to which the public have access, to erect and maintain fire alarms on that highway or place.”  
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