



**THE FOREST AND RURAL FIRES REGULATIONS 1979,
AMENDMENT NO. 3**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of August 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Forest and Rural Fires Act 1977, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Forest and Rural Fires Regulations 1979, Amendment No. 3, and shall be read together with and deemed part of the Forest and Rural Fires Regulations 1979* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of October 1993.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “Minister” (as inserted by regulation 2 (1) of the Forest and Rural Fires Regulations 1979, Amendment No. 2).

(2) Regulation 2 of the principal regulations is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘National Rural Fire Authority’ has the meaning given to it in section 2 of the Act:

“ ‘National Rural Fire Officer’ has the meaning given to it in section 2 of the Act.”

(3) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “regional fire emergency”, and substituting the following definition:

“ ‘Regional fire emergency’ means a regional fire emergency of the kind described in section 39 (1) of the Act.”

(4) Regulation 2 of the principal regulations is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Regional Rural Fire Officer’ means any person who—

“(a) Is a member of the New Zealand Fire Service with qualifications and experience in forestry and rural fire management; and

“(b) Either—

“(i) Holds an appointment as a Regional Rural Fire Officer; or

“(ii) Is required by the Chief Executive of the National Rural Fire Authority to act as an acting Regional Rural Fire Officer:

“ ‘Rural Fire Management Code of Practice’ means the code of practice of that name published under section 14A (2) (e) of the Fire Service Act 1975.”

3. Fire control meetings—(1) The principal regulations are hereby amended by revoking regulation 5 (as amended by regulation 4 of the Forest and Rural Fires Regulations 1979, Amendment No. 2), and substituting the following regulation:

“5. Regional Rural Fire Officers shall at least once in every year arrange regional fire control meetings, to be attended by as many Fire Officers, representatives of statutory fire authorities, and other persons concerned with fire control as may be convenient, for the purpose of considering fire control measures.”

(2) Regulation 4 of the Forest and Rural Fires Regulations 1979, Amendment No. 2 is hereby consequentially revoked.

4. Preparation and notification of fire plans—(1) Regulation 6 of the principal regulations (as amended by regulation 5 of the Forest and Rural Fires Regulations 1979, Amendment No. 2) is hereby amended by revoking subclauses (3) to (5), and substituting the following subclauses:

“(3) Every Fire Authority shall, as soon as possible after it has prepared a preliminary draft of a fire plan or a revision thereof,—

“(a) Send a copy of that preliminary draft to the Regional Rural Fire Officer; and

“(b) Have regard to any comments on the preliminary draft that are made by the Regional Rural Fire Officer to whom the preliminary draft is sent.

“(4) Every Regional Rural Fire Officer shall, in making comments under subclause (3) of this regulation, have regard to the over all needs of fire control within and adjacent to the region.

“(5) Every Fire Authority shall, upon approving a fire plan, or a revision thereof, supply at least one copy thereof to every other statutory fire authority affected by or adjacent to the area controlled by the fire plan and to the Regional Rural Fire Officer.”

(2) Regulation 5 of the Forest and Rural Fires Regulations 1979, Amendment No. 2 is hereby consequentially revoked.

5. Establishment of voluntary forces—(1) Regulation 12 of the principal regulations is hereby amended by revoking subclause (2) (as amended by paragraphs (a) to (c) of regulation 7 (1) of the Forest and Rural Fires Regulations 1979, Amendment No. 2), and substituting the following subclause:

“(2) Where any voluntary rural fire force is established in accordance with subclause (1) of this regulation, the Fire Authority may apply to the National Rural Fire Authority for registration of that voluntary rural fire force, and the National Rural Fire Officer shall, subject to the provisions of the Rural Fire Management Code of Practice, register that voluntary rural fire force.”

(2) Regulation 12 of the principal regulations is hereby further amended by revoking subclauses (5) and (6) (as amended by paragraphs (d) and (e) of regulation 7 (1) of the Forest and Rural Fires Regulations 1979, Amendment No. 2), and substituting the following subclause:

“(5) In any case of risk to life or property or to a firefighter, any Fire Authority or Fire Officer may decline the services of any person who has not been trained in a course of firefighting.”

(3) Regulation 7 of the Forest and Rural Fires Regulation 1979, Amendment No. 2 is hereby consequentially revoked.

6. Aerial operations—Regulation 13 (2) of the principal regulations is hereby amended by omitting the words “Director of the Civil Aviation Division of the Ministry of Transport”, and substituting the words “Director of Civil Aviation in the Civil Aviation Authority”.

7. Proposals regarding rural fire districts—(1) The principal regulations are hereby amended by revoking regulation 16 (as amended by regulation 8 of the Forest and Rural Fires Regulations 1979, Amendment No. 2), and substituting the following regulation:

“16. In respect of proposals under section 5 (2) of the Act,—

“(a) Any person reasonably claiming an interest in or concern for the publication in the *Gazette* of a notice under section 4 of the Act may be a proposer:

“(b) The proposer shall submit the proposal to the National Rural Fire Officer in the general form of a draft *Gazette* notice, including a schedule identifying by sufficient description the land to which the proposal refers, and shall otherwise comply with the requirements of section 5 of the Act:

“(c) For the purpose of the public inspection of a proposal, a convenient place may comprise a public library or any local authority office, being within or reasonably near to any part of the land to which the proposal relates.”

(2) Regulation 8 of the Forest and Rural Fires Regulations 1979, Amendment No. 2 is hereby consequentially revoked.

8. Applications regarding specially protected property—Regulation 17 of the principal regulations is hereby amended by omitting the word “Minister” wherever it occurs, and substituting in each case the words “National Rural Fire Authority”.

9. Registration certificates and registers—Regulation 19 (3) of the principal regulations is hereby amended by omitting the word “Minister”, and substituting the words “National Rural Fire Authority”.

10. Rural Fire Mediators—(1) The principal regulations are hereby amended by revoking regulations 21 to 24.

(2) Regulations 9 and 10 of the Forest and Rural Fires Regulations 1979, Amendment No. 2 are hereby consequentially revoked.

11. Notice of prohibitions, special permits, etc.—(1) Regulation 40 of the principal regulations (as amended by regulation 12 of the Forest and Rural Fires Regulations 1979, Amendment No. 2) is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Where any of the fire control measures described in subclause (2) of this regulation have been or are about to be issued in respect of any area, the National Rural Fire Officer or the Principal Fire Officer or the Fire Officer, as the case may be, shall endeavour as soon as possible to give notice thereof to the following:

“(a) The Regional Rural Fire Officer:

“(b) Neighbouring Fire Authorities and other statutory fire authorities:

“(c) The local branch or sub-province of Federated Farmers of New Zealand (Incorporated):

“(d) Local news media:

“(e) Such forest owners and other persons as may appear appropriate.”

(2) Regulation 40 (2) (g) of the principal regulations is hereby amended by omitting the word “Minister”, and substituting the words “National Rural Fire Officer”.

(3) Regulation 12 of the Forest and Rural Fires Regulations 1979, Amendment No. 2 is hereby consequentially revoked.

12. Gas producers—Regulation 42 of the principal regulations is hereby amended—

(a) By omitting from subclause (2) the word “Minister”, and substituting the words “National Rural Fire Officer”; and

(b) By omitting from subclause (4) the word "Minister", and substituting the words "National Rural Fire Officer".

13. Finance—Regulation 48 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

"(2) Without limiting or restricting subclause (1) of this regulation, any Fire Authority may on terms considered by it to be appropriate enter into and perform any contract, agreement, or arrangement that includes provision for—

"(a) Charges to be made or incurred in respect of the reciprocal or mutual use of any premises, plant, machinery, equipment, or personnel:

"(b) Any reciprocal arrangement for debiting of expenditure."

14. Annual return of fires—(1) The principal regulations are hereby amended by revoking regulation 50 (as amended by regulation 14 of the Forest and Rural Fires Regulations 1979, Amendment No. 2), and substituting the following regulation:

"50. The Fire Authority for each district, or in any case where 2 or more Fire Authorities are acting together, the joint Fire Authorities, shall not later than the 31st day of May in each year furnish to the National Rural Fire Officer a return for the period of 12 months ending with the 30th day of April immediately preceding that date containing the particulars specified in Form No. 11 set out in the Schedule to these regulations."

(2) Regulation 14 of the Forest and Rural Fires Regulations 1979, Amendment No. 2 is hereby consequentially revoked.

15. Schedule—(1) The Schedule to the principal regulations (as amended by regulation 15 of the Forest and Rural Fires Regulations 1979, Amendment No. 2) is hereby amended by omitting from Form No. 11 the words "To be forwarded to the Secretary of Forestry, Ministry of Forestry, Wellington, through the local Regional Manager, Ministry of Forestry", and substituting the words "To be returned to the National Rural Fire Officer".

(2) Regulation 15 (b) of the Forest and Rural Fires Regulations 1979, Amendment No. 2 is hereby consequentially revoked.

MARIE SHROFF,
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 1 October 1993, amend the Forest and Rural Fire Regulations 1979.

The amendments are required as the result of the Fire Service Amendment Act 1990 and the Forest and Rural Fires Amendment Act 1990. The Forest and Rural Fires Amendment Act 1990 provided for the transfer of certain specified statutory functions which up until that time had been vested in the Minister of Forestry and the Secretary for Forestry. These statutory functions were transferred to—

(a) The National Rural Fire Authority (constituted under section 14A (1) of the Fire Service Act 1975); and

(b) The National Rural Fire Officer (appointed under section 17w of the Fire Service Act 1975),—

with some residual Ministerial powers being transferred to the Minister of Internal Affairs.

The amendments to these regulations remove from the principal regulations any references to the Minister, and replaces them with references to the National Rural Fire Authority or the National Rural Fire Officer.

References to “Regional Managers, Ministry of Forestry” are changed to references to “Regional Rural Fire Officers”. Regional Rural Fire Officers are appointed by the Chief Executive of the National Rural Fire Authority to carry out, in the regions, the functions of the National Rural Fire Officer.

Regulation 5 amends regulation 12 of the principal regulations. The amended regulation no longer provides for the giving of assistance by the Ministry of Forestry to Fire Authorities of assistance in the training of voluntary rural fire forces. Provision for the making of grants or other assistance to Fire Authorities is now contained in section 14A (2) (i) of the Fire Service Act 1975.

Regulation 7 amends regulation 16 of the principal regulations. Under sections 4 to 6 of the Forest and Rural Fires Act 1977 (as amended by the Forest and Rural Fires Amendment Act 1990) notices constituting rural fire districts and notices relating to specially protected property are to be given by the National Rural Fire Authority by notice in the *Gazette*. Formerly, rural fire districts were constituted by the Governor-General by Order in Council on the recommendation of the Minister of Forestry.

Regulation 10 revokes regulations 21 to 24 of the principal regulations. The provisions relating to Rural Fire Mediators are now contained in sections 64 and 64A of the Forest and Rural Fires Act 1977.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 September 1993.

These regulations are administered in the Department of Internal Affairs.