



**THE RURAL FIRE DISTRICTS REGULATIONS 1980,
AMENDMENT NO. 2**

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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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application 4. Returning officers | | <ul style="list-style-type: none"> 5. Term of membership 6. Casual vacancies 7. Subsequent meetings 8. Accounts 9. Revocation |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Rural Fire Districts Regulations 1980, Amendment No. 2, and shall be read together with and deemed part of the Rural Fire Districts Regulations 1980* (hereinafter referred to as the principal regulations).

*S.R. 1980/43
Amendment No. 1: S.R. 1987/96

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

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by adding to the definition of the term “committee” the words “or a notice in the *Gazette*”.

(2) The said regulation 2 (1) is hereby further amended by revoking—

(a) The definition of the term “Minister” (as inserted by regulation 2 of the Rural Fire Districts Regulations 1980, Amendment No. 1); and

(b) The definition of the term “Order in Council”.

(3) The said regulation 2 (1) is hereby further amended by inserting, in its appropriate alphabetical order, the following definition:

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

3. Application—The principal regulations are hereby amended by repealing regulation 3 (as amended by regulation 3 of the Rural Fire Districts Regulations 1980, Amendment No. 1), and substituting the following regulation:

“3. (1) These regulations shall apply to all rural fire districts, and the respective fire authorities of such districts, except where the fire authority for such a district—

“(a) Is solely—

“(i) The Minister of Conservation; or

“(ii) The Minister of Defence; or

“(iii) Any local authority (including a regional council); or

“(b) Comprises only the directors of a company.

“(2) Where the fire authority for a rural fire district is a local authority of the kind described in subclause (1) (a) (iii) of this regulation or comprises only the directors of a company, that local authority or the fire authority so comprised, as the case may require, shall—

“(a) Within 60 days after the end of every financial year of the authority, send to the National Rural Fire Officer a statement, audited by its auditor, of its receipts and payments and balance sheet in respect of, and a report of, its fire control activities for that year; and

“(b) Send to the National Rural Fire Officer a copy of the estimate prepared under section 44 of the Act by the fire authority.”

4. Returning officers—(1) Regulation 4 of the principal regulations is hereby amended by revoking paragraph (a) of subclause (1), and substituting the following paragraph:

“(a) The requirements of the Order in Council or notice in the *Gazette* providing for the election; and”.

(2) The said regulation 4 is hereby further amended—

(a) By inserting in subclause (2), after the words “Order in Council”, the words “or notice in the *Gazette*”; and

(b) By omitting from subclause (3) the word “Minister”, and substituting the words “National Rural Fire Officer”.

5. Term of membership—Regulation 6 (1) of the principal regulations is hereby amended by omitting the word “Minister”, and substituting the

words “the Chief Executive of the Government Department by whom that member was nominated or appointed”.

6. Casual vacancies—(1) Regulation 7 of the principal regulations is hereby amended by revoking the first proviso to subclause (2), and substituting the following proviso:

“Provided that in the case of an appointment to fill a casual vacancy in the office of a Government representative on the committee, the appointment shall be made by the Chief Executive of the Government Department by whom the previous appointment was made:”

(2) Regulation 7 of the principal regulations is hereby further amended by revoking subclause (3), and substituting the following subclause:

“(3) Where a casual vacancy (other than a casual vacancy in the office of a Government representative on a committee) has not been filled within a period of 3 months, the National Rural Fire Officer may appoint to the committee some fit person, who shall represent (where relevant) the interest affected, for the residue of the term for which the member whose office has become vacant was appointed.”

7. Subsequent meetings—Regulation 9 (2) of the principal regulations is hereby amended by omitting the word “Minister”, and substituting the words “National Rural Fire Officer”.

8. Accounts—Regulation 12 of the principal regulations is hereby amended—

- (a) By omitting from subclause (3) the word “Minister”, and substituting the words “the National Rural Fire Officer”; and
- (b) By omitting from subclause (4) the word “Minister”, and substituting the words “National Rural Fire Officer”.

9. Revocation—The Rural Fire Districts Regulations 1980, Amendment No. 1 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 Rural Fire District Regulations 1980.

The amendments are required as a 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 in all but 2 instances with references to the National Rural Fire Authority or the National Rural Fire Officer.

Regulation 4 amends regulation 4 of the principal regulations. The Forest and Rural Fires Amendment Act 1990 amended sections 4 to 6 of the Forest and Rural Fires Act 1977 to provide that 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. The amendments made by this regulation are consequential on the amendments made by those sections.

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.