

Forest and Rural Fires Amendment Act 1990 137
Commenced: 1 Jan 1991

An Act to amend the Forest and Rural Fires Act 1977

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement---(1) This Act may be cited as the Forest and Rural Fires Amendment Act 1990, and shall be read together with and deemed part of the Forest and Rural Fires Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of January 1991.

2. Interpretation---(1) Section 2 (1) of the Forest and Rural Fires Act 1977 is hereby amended by omitting from the definition of the term "brigade" the words "New Zealand Fire Service Commission", and substituting the words "National Commander".

(2) The said section 2 (1) is hereby further amended by repealing the definition of the term "county area".

(3) The said section 2 (1) is hereby further amended by repealing the definition of the term "district", and substituting the following definition:

" 'District' means, as the case may require,---

"(a) A territorial area; or

"(b) A rural fire district; or

"(c) A State area; or

"(d) An area in respect of which the New Zealand Fire Service Commission has entered into an agreement or arrangement with a Fire Authority pursuant to sections 9 (a) and 14 (2) of this Act, but only to the extent of that agreement or arrangement; or

"(e) An area in respect of which a local authority exercises the functions of a Fire Authority pursuant to section 9 (b) of this Act, but only to the extent approved under that section by the New Zealand Fire Service Commission:".

(4) The said section 2 (1) is hereby further amended by repealing the definition of the term "Fire Authority" (as amended by section 65 (1) of the Conservation Act 1987 and by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987), and substituting the following definition:

" 'Fire Authority' means,---

"(a) In relation to a rural fire district, the rural fire committee in which the administration of the district is vested or, as the case may be, the Minister of Conservation or the Minister of Defence:

"(b) In relation to a territorial area, the territorial authority having jurisdiction in respect of that area:

“(c) In relation to any State area, the Minister of Conservation:

“(d) In relation to the fire safety margin of any State area, the Minister of Conservation to the extent provided by section 14 (5) of this Act:

“(e) In relation to any land or other property subject to any agreement or arrangement made pursuant to subsection (1) or subsection (2) of section 14 of this Act, the party thereby appointed to act:

“Provided that the power and duties of that party as a Fire Authority shall extend only as far as is provided by that agreement or arrangement:

“(f) In relation to any land or other property in respect of which a local authority exercises the functions of a Fire Authority pursuant to section 9 (b) of this Act, that local authority to the extent approved under that section by the New Zealand Fire Service Commission:”.

(5) The said section (2) (1) is hereby further amended by repealing the definition of the term “local authority”, and substituting the following definition:

“ ‘Local authority’ means any territorial authority within the meaning of the Local Government Act 1974:”.

(6) The said section 2 (1) is hereby further amended by omitting the definition of the term “Minister”, and substituting the following definitions:

“ ‘Minister’ means the Minister of Internal Affairs:

“ ‘National Commander’ means the National Commander appointed under section 17M of the Fire Service Act 1975:

“ ‘National Rural Fire Officer’ means the National Rural Fire Officer appointed under section 17W of the Fire Service Act 1975:

“ ‘National Rural Fire Authority’ means the National Rural Fire Authority constituted under section 14A (1) of the Fire Service Act 1975:”.

(7) The said section 2 (1) is hereby further amended by repealing the definition of the term “prescribed” (as substituted by section 2 (2) of the Forest and Rural Fires Amendment Act 1987).

(8) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “property”, the following definition:

“ ‘Regional council’ means any Regional Council within the meaning of the Local Government Act 1974:”.

(9) The said section 2 (1) is hereby further amended by repealing the definition of the term “Rural Fire Mediator” or “Mediator” (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987), and substituting the following definition:

“ ‘Rural Fire Mediator’ or ‘Mediator’ means a Rural Fire Mediator appointed by the National Rural Fire Officer from a panel of persons maintained by the Minister under section 64 of this Act:”.

(10) The said section 2 (1) is hereby further amended by repealing the definition of the term "specially protected property", and substituting the following definition:

" 'Specially protected property' means property which, or the nature of which, has been defined, by notice in the Gazette, under section 6 of this Act:"

(11) The said section 2 (1) is hereby further amended by inserting, after the definition of the term "sufficiently described", the following definition:

" 'Territorial area' means all land that is not included in---
"(a) A rural fire district; or
"(b) A Fire District within the meaning of the Fire Service Act 1975; or
"(c) A State area; or
"(d) In relation to fire control measures pursuant to section 14 (5) of this Act, the fire safety margin of a State area:"

(12) Section 2 (2) of the Forest and Rural Fires Amendment Act 1987 is hereby consequentially repealed.

3. Repeal of sections relating to delegation of powers---(1) The Forest and Rural Fires Act 1977 is hereby amended by repealing sections 3A and 3B (as inserted by section 3 of the Forest and Rural Fires Amendment Act 1987).

(2) Section 3 of the Forest and Rural Fires Amendment Act 1987 is hereby consequentially repealed.

4. New sections substituted---The Forest and Rural Fires Act 1977 is hereby amended by repealing sections 4 to 6, and substituting the following sections:

"4. Rural fire districts---(1) For the purpose of fire control, the National Rural Fire Authority may from time to time, by notice in the Gazette, constitute any part or parts of New Zealand to be a rural fire district, with such name and from such date, whether before or after or at the date of the notice, as may be specified in the notice:

"Provided that, where no such date is specified, each district shall be deemed to come into being on the day after the date on which the notice constituting it is gazetted.

"(2) Where any area described in a notice published under subsection (1) of this section---

"(a) Is a defence area within the meaning of the Defence Act 1990; and

"(b) Is included in a Fire District within the meaning of the Fire Service Act 1975; and

"(c) Has been included in the notice at the request of the Minister of Defence,---

that area shall, on the date on which the notice is gazetted, or on such other date as may be stated in that notice, become a rural fire district of which the Minister of Defence is, unless otherwise stated in the

notice, the Fire Authority.

“(3) Any notice published under subsection (1) of this section at the request of the Minister of Defence may at any time, at the request of the Minister of Defence, be revoked, in whole or in part, or amended.

“(4) The National Rural Fire Authority may, if it thinks fit, from time to time in like manner alter or redefine the boundaries of any rural fire district by the inclusion therein or the exclusion therefrom of any area, and may in like manner abolish any rural fire district.

“(5) Preliminary steps before rural fire district constituted or boundaries changed---(1) For the purposes of this section and section 6 of this Act, the term ‘Fire Authority’ includes the New Zealand Fire Service Commission.

“(2) Every proposal for the publication in the Gazette of a notice under section 4 of this Act---

“(a) Shall be made to the National Rural Fire Authority; and

“(b) Shall, except where a rural fire district is to be abolished, be accompanied by a plan and land description together sufficiently describing the proposed rural fire district or the proposed changes in the boundaries of a rural fire district.

“(3) The proposer---

“(a) Shall send a copy of the proposal to every Fire Authority, regional council, and local authority affected by the proposal; and

“(b) Shall deposit a copy of the proposal in some convenient place to which the public has access so that the proposal may be available for public inspection.

“(4) The proposer shall cause a notice to be advertised at least twice (at intervals of not less than one week and not more than 2 weeks) in a newspaper circulating in the locality,---

“(a) Giving the substance of the proposal; and

“(b) Stating where and at what times a copy of the proposal is open for public inspection; and

“(c) Calling upon any persons affected to state in writing any well-grounded representations objecting to or supporting the proposal and to send it to the National Rural Fire Authority within a time limit not earlier than one month after the date of the first publication of the notice.

“(5) A copy of the notice shall be forwarded to the National Rural Fire Authority and to every body to which a copy of the proposal was sent pursuant to subsection (3) of this section, and every such body may make representations to the National Rural Fire Authority in respect of the proposal within the time limit set by the notice.

“(6) The National Rural Fire Authority may appoint a time and place at which the makers of representations under subsection (4) or subsection (5) of this section may appear before the National Rural Fire Authority or a Fire Authority nominated by it or a Rural Fire Mediator and support their representations by such evidence as they think fit.

“(7) The National Rural Fire Authority shall give due consideration to the representations made and any supporting evidence produced before it gazettes any notice in respect of the proposal.

“6. Specially protected property---(1) The National Rural Fire Authority may, by notice in the Gazette,---

“(a) Specify or describe property or the nature of property for the special safeguarding of which any Fire Authority or Fire Authorities may be concerned in any district or districts:

“(b) Provide for powers, duties, responsibilities, expenses, restrictions, and other requirements appropriate to fire control in respect of such property.

“(2) The National Rural Fire Authority may in like manner from time to time amend any notice made pursuant to this section, or at any time revoke any such notice.

“(3) The National Rural Fire Authority shall consult with the owner of the relevant property and adjacent landowners and every Fire Authority affected by the proposed notice before exercising its powers under this section.

“(4) Any person who infringes any safeguard or other fire control measure provided for in any notice made under this section commits an offence against this Act.”

5. Fire Authority in rural fire districts---The Forest and Rural Fires Act 1977 is hereby amended by repealing section 7, and substituting the following section:

“(1) Except in the case of a rural fire district constituted under section 4 (2) of this Act, every rural fire district shall be administered for the purposes of this Act by a Fire Authority, being either the Minister of Conservation or a rural fire committee constituted as hereinafter provided, as may be prescribed by the National Rural Fire Authority by notice in the Gazette.

“(2) The National Rural Fire Authority may, by notice in the Gazette, change the Fire Authority of any rural fire district and, by the same or any subsequent notice in the Gazette, may make such consequential provision as may seem to it to be desirable with respect to the property, liabilities, and engagements of the Fire Authority in respect of the administration of the district.”

6. Rural fire committees---The Forest and Rural Fires Act 1977 is hereby amended by repealing section 8, and substituting the following section:

“(1) The National Rural Fire Authority may from time to time, by notice in the Gazette, constitute or provide for the constitution, or election of a rural fire committee:

“Provided that, where all or part of a rural fire district comprises land within the locality over or in respect of or within which a local

authority has or may exercise jurisdiction, that authority may be appointed as, or as a member of, a rural fire committee:

``Provided also that where there is land occupied for farming purposes or specially protected property in a rural fire district, the National Rural Fire Authority shall, where appropriate, ensure that the interests of landholders and other persons having rights in or over such land or property are represented on the committee, having regard to sections 45 (2) and 46 (2) of this Act.

``(2) Every rural fire committee so constituted shall be a body corporate, having (subject to the right of the National Rural Fire Authority to dissolve that body by notice in the Gazette), perpetual succession and a common seal, and being capable of holding real and personal property and of doing and suffering all other things that bodies corporate may do and suffer:

``Provided that where a local authority is the rural fire committee any acts or proceedings purporting to be effected by it pursuant to this Act shall be deemed to have been effected by that local authority acting as the rural fire committee.

``(3) All rural fire districts and committees constituted, provided for, or elected under the Forest and Rural Fires Act 1955 or the Forest and Rural Fires Act 1947, and subsisting at the commencement of this Act shall be deemed to have been constituted, provided for, or elected as rural fire districts and committees under this Act."

7. Fire Authority's powers in areas of urban vegetation---Section 9 (b) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words ``Minister of Forestry", and substituting the words ``National Rural Fire Authority".

8. Fire Authority in territorial areas---The Forest and Rural Fires Act 1977 is hereby amended by repealing section 10, and substituting the following section:

``10. The Fire Authority of each territorial area shall be the territorial authority having territorial jurisdiction in respect of that area."

9. Duties of Fire Authorities---(1) Section 12 (3) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words ``Minister of Forestry", and substituting the words ``National Rural Fire Authority".

(2) Section 12 (4) (g) of the Forest and Rural Fires Act 1977 is hereby amended by omitting the word ``prescribed".

(3) Section 12 (4) (h) of the Forest and Rural Fires Act 1977 is hereby amended by omitting the words ``or as may from time to time be prescribed".

10. Joint, etc., exercise of statutory control powers---(1) Section 14 (3) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words "appointed by the Minister of Forestry".

(2) Section 14 (5) of the Forest and Rural Fires Act 1977 is hereby amended by omitting the words "Minister by notice in the Gazette", and substituting the words "National Rural Fire Authority by notice in the Gazette".

11. Supply of apparatus and fire fighting services---Section 15 (3) of the Forest and Rural Fires Act 1977 is hereby amended by adding, after the word "prescribed", the words "by the National Rural Fire Authority".

12. Forest areas---(1) Section 17 (2) of the Forest and Rural Fires Act 1977 is hereby amended by omitting the words "the prescribed form", and substituting the words "accordance with the requirements of the National Rural Fire Authority".

(2) Section 17 (11) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words "appointed by the Minister of Forestry".

13. Obligations of Rural Fire Authorities and National Rural Fire Authority in respect of fire control measures---(1) The Forest and Rural Fires Act 1977 is hereby amended by repealing section 18 (as amended by section 32 (1) of the State-Owned Enterprises Act 1986), and substituting the following section:

"18. (1) It shall be the responsibility of every Rural Fire Authority in respect of its area and in the interests of public safety to take appropriate fire control measures, including, in particular,---

"(a) The observation of weather and other conditions, and the assessment of fire hazard:

"(b) The giving of warnings of the imminence of fire hazard conditions:

"(c) The giving of any information available in relation to fire hazard conditions.

"(2) It shall be a function of the National Rural Fire Authority to encourage and promote effective fire control measures."

(2) The State-Owned Enterprises Act 1986 is hereby consequentially amended by repealing so much of the Third Schedule as relates to section 18 of the Forest and Rural Fires Act 1977.

14. Fire control measures---Section 19 (1) (a) of the Forest and Rural Fires Act 1977 (as amended by section 7 of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words "Secretary of Forestry", and substituting the words "National Rural Fire Officer".

15. Prohibition of fires during extreme fire hazard---Section 20 (1)

of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words "Minister of Forestry", and substituting the words "National Rural Fire Officer".

16. Prohibition of certain operations during period of fire hazard---Section 21 (1) (c) of the Forest and Rural Fires Act 1977 is hereby amended by omitting the word "prescribed", and substituting the word "determined".

17. Restricted or prohibited fire seasons---Section 22 of the Forest and Rural Fires Act 1977 is hereby amended by repealing subsection (1), and substituting the following subsection:

"(1) The National Rural Fire Authority may, by notice in the Gazette, constitute a rural fire district or by any subsequent notice in the Gazette, specify any restricted or prohibited fire season or seasons in the district or in any specified part or parts of the district and may at any time and from time to time in the same manner cancel or vary any season or seasons."

18. Appeal from notice to make firebreak or escape route or remove combustible material---Section 28 (1) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words "Minister of Forestry", and substituting the words "National Rural Fire Officer".

19. Regulations may require maintenance of fire fighting equipment by rural fire committees---Section 30 of the Forest and Rural Fires Act 1977 (as amended by section 7 of the Forest and Rural Fires Amendment Act 1987) is hereby amended---

- (a) By omitting from subsection (1) the word "Governor-General", and substituting the words "National Rural Fire Authority"; and
- (b) By omitting from subsection (2) the words "Secretary of Forestry", and substituting the words "National Rural Fire Authority".

20. Maintenance of apparatus by persons cutting timber---Section 33 (2) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words "Minister of Forestry", and substituting the words "National Rural Fire Officer".

21. Requisition by Fire Officer of assistance to extinguish fires---Section 38 of the Forest and Rural Fires Act 1977 is hereby amended---

- (a) By omitting from subsection (2), and also from subsection (3), the word "county", and substituting in each case the word "territorial"; and
- (b) By omitting from subsection (6) the word "Minister", and substituting the words "National Rural Fire Authority"; and
- (c) By adding to subsection (7), after the words "from time to time", the words "by regulations made under this Act".

22. Regional fire emergency---(1) The Forest and Rural Fires Act 1977 is hereby amended by repealing section 39 (as substituted by section 32 (1) of the State-Owned Enterprises Act 1986), and substituting the following section:

- ``39. (1) Where, in the opinion of the National Rural Fire Officer,---
``(a) Weather or other conditions exist which present an extreme fire hazard whereby life and property may be endangered by spreading vegetation fires; or
``(b) Any vegetation fires have spread or appear to the National Rural Fire Officer to be likely to spread beyond the district of a single Fire Authority,---

a regional fire emergency exists and, in the public interest, the National Rural Fire Officer may, for the duration of the emergency and for the purposes of this Act, take charge or appoint a Principal Rural Fire Officer or other appropriate Fire Officer to take charge, in any area, whether included in more than one district or not.

``(2) The National Rural Fire Officer shall notify the Fire Authority of each district affected of the name of the person taking charge under this section in relation to a regional fire emergency.

``(3) In any case where the National Rural Fire Officer has, under this section, taken charge or appointed a person to take charge of any area, that person shall have, in respect of that area, all the powers, authorities, and immunities of a Principal Rural Fire Officer under this Act as if the whole of that area were a Rural Fire District and all the provisions of this Act shall, with any necessary modifications, apply accordingly.

``(4) Fire Officers and other officers of the Fire Authority district affected shall be subject to the authority of any person appointed under subsection (1) of this section and shall carry out all instructions given by that person or on that person's behalf."

(2) The State-Owned Enterprises Act 1986 is hereby consequentially amended by repealing so much of the Third Schedule as relates to section 39 of the Forest and Rural Fires Act 1977.

23. Levy for costs of fire fighting in districts other than State areas---(1) Section 46 (1) of the Forest and Rural Fires Act 1977 (as amended by section 18 (c) of the Fire Service Amendment Act 1986) is hereby amended by omitting the words ``In any case where a Fire Authority for a rural fire district", and substituting the words ``In any case where a Fire Authority for a district (other than a State area)".

(2) Section 18 (c) of the Fire Service Amendment Act 1986 is hereby consequentially repealed.

24. Appeals against levies and determinations---Section 49 (1) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words ``Minister of Forestry", and substituting the words

``National Rural Fire Officer".

25. Payment of fire control costs following regional fire emergency---(1) The Forest and Rural Fires Act 1977 is hereby amended by repealing section 51 (as amended by section 32 (1) of the State-Owned Enterprises Act 1986), and substituting the following section:

``51. (1) In any case where the National Rural Fire Officer takes charge or has appointed any Fire Officer to take charge of any area pursuant to section 39 of this Act, the National Rural Fire Officer may in his or her discretion determine what part of the regional fire emergency costs shall be borne by the Fire Authorities of the districts in the area; and shall apportion that part of the costs between those Fire Authorities.

``(2) Where the point of origin of a fire in respect of which emergency costs have been apportioned under subsection (1) of this section is such that a grant may be payable under section 46B of the Fire Service Act 1975 in respect of the costs incurred in respect of the control, restriction, suppression, or extinction of that fire, any determination made under subsection (1) of this section shall be taken into account in the assessing of any claim made for the purposes of section 46B of the Fire Service Act 1975 in respect of those costs.

``(3) If any Fire Authority makes default in the payment of any money as required under this section, the amount thereof shall be recoverable from the Fire Authority in any Court of competent jurisdiction or, if the Fire Authority is a local authority, may be deducted from any money payable out of public money to that local authority.

``(4) The amount of the costs apportioned to each Fire Authority shall for the purposes of the foregoing provisions of this Act be deemed to be costs incurred by the Fire Authority in the control and suppression of a fire."

(2) The State-Owned Enterprises Act 1986 is hereby consequentially amended by repealing so much of the Third Schedule as relates to section 51 of the Forest and Rural Fires Act 1977.

26. Appeal against apportionment of fire fighting costs in regional fire emergency---The Forest and Rural Fires Act 1977 is hereby amended by repealing section 52 (as amended by sections 2 (1) (a) and 7 of the Forest and Rural Fires Amendment Act 1987), and substituting the following section:

``52. (1) If a Fire Authority is dissatisfied with the apportionment by the National Rural Fire Officer pursuant to section 51 of this Act of the costs incurred in the control, restriction, suppression, and extinction of forest, rural, or other fires in any area, it may, at any time within 1 month after notice of the apportionment has been given to it, request the Minister to appoint a person under section 59 of this Act to give in the public interest a final decision regarding such apportionment.

``(2) Pending the decision of the person appointed under section 59 of

this Act, the apportionment shall be deemed to be suspended."

27. Fire Authority may borrow money---Section 54 (1) of the Forest and Rural Fires Act 1977 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) is hereby amended by omitting the words ``of Forestry".

28. New sections substituted---The Forest and Rural Fires Act 1977 is hereby amended by repealing sections 56 and 57, and substituting the following sections:

``56. Saving of Fire Authorities and Fire Officers, etc., from liability in certain cases---(1) No action or proceedings shall be brought against the Crown or the National Rural Fire Authority or any Fire Authority or any officer, servant, or employee of any of them, or against any brigade or officer, servant, employee, or member of a brigade, or any person whatsoever, to recover damages for any damage to property occasioned by an officer, servant, or employee of the Crown or of the National Rural Fire Authority or of a Fire Authority, or any officer, servant, employee, or member of a fire brigade, or any other person in the performance in good faith of his or her functions or duties or the exercise in good faith of his or her powers under this Act or under any other enactment:

``Provided that nothing in this subsection shall relieve any of them against or in any way affect the liability of any of them for any damage to property caused by or in connection with the use of any fire engine or other motor vehicle for transport purposes.

``(2) In any action or proceeding taken against the Crown, or the National Rural Fire Authority, or any Fire Authority, or any officer, servant, or employee of any of them, or against any brigade or officer, servant, employee, or member of a brigade for their failure or neglect to make, or their negligence in making, adequate provision for the fire control, it shall be a defence to show---

``(a) That the provisions made were in accordance with---

``(i) A fire plan approved by the Crown or by the Fire Authority; or

``(ii) An operational instruction issued pursuant to section 27A of the Fire Service Act 1975; or

``(iii) The Rural Fire Management Code of Practice approved by the National Rural Fire Authority; and

``(b) That the officers, servants, members, or employees had complied with all relevant requirements and instructions of the Crown or the National Commander or the Fire Authority or the brigade.

``57. No action against Fire Authority for failure to provide against fire---(1) No action or proceedings shall be brought against the Crown or the National Rural Fire Authority or any Fire Authority or any officer, servant, or employee of any of them to recover damages for any loss or damage due to the failure or neglect of the Crown or the National Rural Fire Authority or the Fire Authority to make, or their negligence in making, adequate provision in good faith for fire control.

``(2) No member of a Fire Authority shall be personally liable for any

act done or omitted by the Fire Authority or any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the Fire Authority."

29. Inquiries as to fires---Section 59 of the Forest and Rural Fires Act 1977 (as amended by section 2 of the Forest and Rural Fires Amendment Act 1987) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Minister may, at the request of the National Rural Fire Authority or the National Commander, or of any Fire Authority or of his or her own motion, appoint any person or persons to hold an inquiry into and report upon the circumstances of and the steps taken to deal with any fire in any district, whether it occurred before or after the commencement of this Act, and any matter which the Minister may consider appropriate to the inquiry."

30. Repeal of provisions relating to annual levy on fire authorities---(1) The Forest and Rural Fires Act 1977 is hereby amended by repealing sections 60A to 60F (as inserted by section 7 (1) of the Forest and Rural Fires Amendment Act 1989).

(2) Section 7 (1) of the Forest and Rural Fires Amendment Act 1989 is hereby consequentially repealed.

31. Notices---(1) Section 63 of the Forest and Rural Fires Act 1977 (as amended by section 32 (1) of the State-Owned Enterprises Act 1986) is hereby amended by omitting from subsection (1), and also from subsection (2), the words “The Minister of Forestry, the Secretary of Forestry, or any”, and substituting in each case the words “The National Rural Fire Officer or any”.

(2) The State-Owned Enterprises Act 1986 is hereby amended by repealing so much of the Third Schedule as relates to section 63 of the Forest and Rural Fires Act 1977.

32. New sections substituted---(1) The Forest and Rural Fires Act 1977 is hereby amended by repealing section 64 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987), and substituting the following sections:

“64. Panel of persons who may be appointed as Rural Fire Mediators---(1) The Minister shall maintain a panel of persons who may be appointed under section 64A of this Act as Rural Fire Mediators.

“(2) Every person on the panel shall be a person with special skill or knowledge in rural fire control matters.

“(3) The Minister shall publish from time to time in the Gazette the names of the persons who are on the panel maintained by the Minister under subsection (1) of this section.

“(4) A person shall be removed from the panel if---

“(a) The person dies or is, under the Insolvency Act 1967, adjudged bankrupt; or

- “(b) The Minister directs that the person be removed from the panel for disability, neglect of duty, or misconduct, proved to the satisfaction of the Minister; or
- “(c) A period of 5 years has elapsed since the date on which the Minister last approved the inclusion of that person on the panel; or
- “(d) The person requests by writing addressed to the Minister that he or she be removed from the panel.

“64A. Rural Fire Mediators---(1) The National Rural Fire Officer may, for the purposes of this Act, from time to time appoint as a Rural Fire Mediator any person who is on the panel maintained under section 64 of this Act.

“(2) A Rural Fire Mediator appointed under this section shall be appointed to investigate and determine such matters in relation to rural fire control as are specified in the instruction by which that Rural Fire Mediator is appointed.

“(3) A Rural Fire Mediator shall, within the scope of his or her jurisdiction, be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and, subject to this section, all the provisions of that Act, except sections 11 and 12 (which relate to costs) shall apply accordingly.

“(4) In his or her investigation a Rural Fire Mediator may make such inquiries and follow such procedures, whether formal or informal, as he or she considers fair and reasonable and likely to facilitate disposal of the matter in question; and may obtain such expert assistance as he or she requires; and may receive in evidence any statement, document, information, or matter that he or she considers may assist the Rural Fire Mediator to deal effectively with that matter, whether or not the same would be admissible in a Court of law.

“(5) Subject to this section, the procedure of a Rural Fire Mediator shall be such as the Rural Fire Mediator thinks fit.

“(6) Subject to section 65 of this Act, every decision of a Rural Fire Mediator shall be final and conclusive.

“(7) The National Rural Fire Authority may pay to any Rural Fire Mediator remuneration by way of fees, salary, or allowances and travelling expenses and allowances in accordance with the Fees and Travelling Allowances Act 1951.”

33. Annual report---The Forest and Rural Fires Act 1977 is hereby amended by repealing section 66 (as amended by section 7 of the Forest and Rural Fires Amendment Act 1987), and substituting the following section:

“66. The New Zealand Fire Service Commission shall, in its annual report under section 46 (5) of the Fire Service Act 1975, also report---

- “(a) On its duties as the National Rural Fire Authority; and
- “(b) On the duties of the National Rural Fire Officer both under this Act and under the Fire Service Act 1975.”

34. Regulations---Section 67 of the Forest and Rural Fires Act 1977 is hereby amended by omitting from the proviso to subsection (1) (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987) the words "Minister of Forestry", and substituting the words "National Rural Fire Authority".

35. Reserve powers of Minister of Forestry---The Forest and Rural Fires Act 1977 is hereby amended by repealing section 68 (as amended by section 2 (1) (a) of the Forest and Rural Fires Amendment Act 1987).

36. Repeals---Sections 2 (1) (a) and 7 of the Forest and Rural Fires Amendment Act 1987 are hereby repealed.

37. Transitional provision in relation to documents, etc.---(1)
Without limiting any other provision of this Act or of the Acts Interpretation Act 1924, it is hereby declared that---

(a) The repeal or amendment or substitution of any provision of any Act by any provision of this Act shall not affect any document made or anything whatsoever done under the provision so repealed or amended or substituted and every such document or thing, so far as it is subsisting or in force at the time of the repeal or amendment or substitution and could have been made or done under the Forest and Rural Fires Act 1977 (as amended by this Act) shall continue to have effect as if it had been made or done under the corresponding provision of the Forest and Rural Fires Act 1977 (as amended by this Act); and

(b) Any Order in Council which has been made under section 4 or section 7 or section 8 or section 22 of the Forest and Rural Fires Act 1977, so far as that Order in Council is subsisting or in force at the time of the repeal or amendment or substitution of that section by this Act, shall continue to have effect as if it were a notice in the Gazette published under the corresponding provision of the Forest and Rural Fires Act 1977 (as amended by this Act).

(2) Where any Order in Council continues to have effect by virtue of subsection (1) (b) of this section, the National Rural Fire Authority may, by notice in the Gazette made under the corresponding provision of the Forest and Rural Fires Act 1977 (as amended by this Act), amend any such Order in Council or declare that it shall cease to have effect.

38. Validation---Any action taken under the Forest and Rural Fires Act 1977 in the period beginning with the 1st day of October 1990 and ending with the close of the 31st day of December 1990 which would have been valid if the provisions of this Act and of the Fire Service Amendment Act 1990 that come into force on the 1st day of January 1991 had come into force on the 1st day of October 1990 is hereby declared to be and always to have been valid.