

Forest and Rural Fires Regulations 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 7th day of June 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 67 of the Forest and Rural Fires Act 1977, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Forest and Rural Fires Regulations 2005.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the Gazette.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,---

Act means the Forest and Rural Fires Act 1977

chairperson means the chairperson of a committee

committee means a rural fire committee

election means an election of members of a committee held under subpart 2 of Part 1 of these regulations

electoral officer means a person appointed under regulation 32 to conduct an election

entity means a corporation sole, a body corporate, or an unincorporated association of persons

financial year means any 12-month period ending on 30 June

fire plan means a fire plan---

(a) required under section 12(4) of the Act; and

(b) prescribed in subpart 1 of Part 2 of these regulations

First Past the Post has the same meaning as in section 5(1) of the Local Electoral Act 2001

Gazette notice means a notice in the Gazette made under section 8 of the Act that establishes (by constituting or providing for the constitution or election of) a rural fire committee

National Commander has the same meaning as in section 2 of the Fire Service Act 1975

New Zealand Fire Danger Rating System means the system of fire danger indices developed by the NRFA under section 14A(2)(f) of the Fire Service Act 1975 to rate the fire danger in New Zealand

NRFA means the National Rural Fire Authority constituted under section 14A(1) of the Fire Service Act 1975

NRFO means the National Rural Fire Officer appointed under section 17W of the Fire Service Act 1975

trigger point means any particular fire danger level in the New Zealand Fire Danger Rating System

voluntary force means a voluntary rural fire force established under regulation 36.

(2) Unless the context otherwise requires, terms and expressions that are not defined in these regulations but that are defined in the Act have the same meaning as in the Act.

Part 1 Fire control organisations

Subpart 1---Rural fire committees

4 Application of subpart 1

(1) This subpart applies to all rural fire committees (other than a committee that is a local authority or that consists solely of representatives of the same corporation).

(2) Despite subclause (1), regulation 26 applies to all rural fire committees including a committee that is a local authority or a committee that consists solely of representatives of the same corporation.

Appointment, election, term, resignation, and removal of members

5 Who may be member

(1) A member of a committee may be---

- (a) an individual:
- (b) an entity:
- (c) a local authority:
- (d) the Minister of Defence:
- (e) the Minister of Conservation:
- (f) the National Commander.

(2) If the member is an entity, its representative on a committee must be---

(a) the holder of a particular office or position in the entity (for example, the chief executive or the financial officer); or

(b) a named individual employed by the entity.

(3) If the member is a local authority, its representative on a committee must be---

(a) the holder of a particular office or position in the local authority (for example, the mayor or chairperson, a councillor, or the chief executive); or

(b) a named individual employed by the local authority.

(4) This clause applies unless the Gazette notice that relates to the committee provides otherwise.

6 How membership attained

Members of a committee are elected or appointed as specified in the Gazette notice that relates to the committee.

7 Term of office of appointed committee member

(1) An appointed committee member---

(a) holds office for 5 years commencing on the date of the appointment; and

(b) may be re-appointed; and

(c) continues in office despite the expiry of the member's term of office until---

(i) the member is re-appointed; or

(ii) the member's successor is appointed; or

(iii) the NRFA informs the member by written notice that the member is not to be re-appointed and no successor is to be appointed.

(2) This regulation---

(a) applies unless the Gazette notice that relates to the committee to which the member is appointed provides otherwise; and

(b) is subject to regulations 9 and 10.

8 Term of office of elected committee member

(1) An elected committee member---

(a) holds office for 5 years commencing on the date the election result is publicly notified; and

(b) may be re-elected; and

(c) continues in office despite the expiry of the member's term of office until---

(i) the member is re-elected; or

(ii) the member's successor is elected; or

(iii) the NRFA informs the member by written notice that there will be no election in relation to the member's seat.

(2) This regulation---

(a) applies unless the Gazette notice that relates to the committee to which the member is elected provides otherwise; and

(b) is subject to regulations 9 and 10.

9 When member ceases to hold office

A member of a committee ceases to hold office if the member---

(a) dies or, if the member is an entity or local authority, ceases to exist or operate; or

(b) resigns office by written notice to the chairperson of the committee; or

(c) is adjudged bankrupt or, if the member is an entity, is put into liquidation; or

(d) is, for 3 consecutive meetings of the committee,---

(i) absent without leave; and

(ii) unrepresented; or

(e) breaches regulation 20(1).

10 When representative no longer eligible to represent member

(1) An individual representing a committee member that is an entity under regulation 5(2) is no longer eligible to represent the entity if he or she ceases to hold office or be employed by the entity.

(2) If subclause (1) applies, the entity must appoint a new representative under regulation 5(2).

(3) An individual representing a committee member that is a local authority under regulation 5(3) is no longer eligible to represent the local authority if he or she ceases to hold office or be employed by the local authority.

(4) If subclause (3) applies, the local authority must appoint a new representative under regulation 5(3).

11 When member may be removed from office

(1) A member of a committee may be removed from office if the member---

(a) is, in the committee's view, unable to perform or inadequately performs the functions and duties of the office; or

(b) is proven, to the satisfaction of the committee, to have neglected the duties of the office or engaged in misconduct.

(2) Before a member is removed under subclause (1), the member must be given a reasonable opportunity to make written submissions and be heard on the matter.

(3) A member who is removed under this regulation is not entitled to any compensation or other payment or benefit relating to the member's removal from office.

12 Vacancy may be filled by committee appointing member

(1) A vacancy resulting from the operation of regulation 9 or regulation 10 may be filled by a committee appointing, for the remainder of the term of office of the vacating member, a person who, in the opinion of the committee,---

(a) has the skills, attributes, or knowledge that will assist the work of the committee; and

(b) if relevant, will represent the interests of the people affected by the vacancy.

(2) If a vacancy is not filled within 3 months after the vacancy arises, the NRFO may appoint, for the remainder of the term of office of the vacated member, a person who---

(a) has the skills, attributes, or knowledge that will assist the work of the committee; and

(b) if relevant, will represent the interests of the people affected by the vacancy.

13 Powers of member or committee not affected by defect in appointment or election, or vacancy in membership

(1) The acts of a person as a member are valid even if---

(a) the person's appointment or election was defective; or

(b) the person is not qualified for appointment.

(2) The powers of a committee are not affected by---

(a) any defect in the appointment or election of any member; or

(b) any vacancy in its membership.

First meeting of committee

14 First meeting of committee

(1) The NRFO must---

(a) set the date, time, and place for the first meeting of a committee; and

(b) give written notice to all members of the matters in paragraph (a).

(2) At the first meeting of a committee, the committee must appoint one of

its members to be the chairperson of the committee.

Committee procedure

15 Procedure generally

A committee may regulate its own procedure, except as provided in these regulations or in the Gazette notice that relates to the committee.

16 NRFO may require committee to hold meeting

The NRFO may, at any time, require a committee to hold a meeting.

17 Quorum

(1) A quorum for a meeting of a committee is---

(a) a majority of the members; but

(b) in any case, no fewer than 3 members.

(2) No business may be transacted at a meeting of the committee if a quorum is not present.

(3) A member may appoint any individual to attend a meeting of the member's committee on the member's behalf if the member cannot attend the meeting.

(4) An individual appointed under subclause (3) must be treated for all purposes as a member of the committee while attending any meeting of the committee.

18 Presiding at meetings

(1) At a meeting of a committee, the following person presides:

(a) if there is a chairperson and he or she is present, the chairperson;

or

(b) if there is no chairperson, or there is a chairperson but he or she is not present, a member chosen by the members present to be chairperson of the meeting.

(2) The chosen person may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting.

19 Voting

- (1) Each member has 1 vote.
- (2) However, if there is an equality of votes, the chairperson also has a casting vote.
- (3) A resolution of the committee is passed if a majority of votes are cast for it.

Disclosure of interests of members

20 Disclosure of interest

- (1) A member who, other than as a member, is directly or indirectly interested in any arrangement or agreement made or entered into, or proposed to be made or entered into, by the committee must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the member's interest at a meeting of the committee.
- (2) A disclosure under this regulation must be recorded in the minutes of the committee and, except as otherwise provided by a resolution of the committee, after the disclosure the member must not take part in a deliberation or decision relating to the arrangement or agreement and must withdraw from the meeting during the deliberation or decision.

Subcommittees

21 Committee may appoint subcommittees

- (1) A committee may, by resolution, appoint 1 or more subcommittees to perform 1 or more of the committee's functions or duties, or exercise 1 or more of the committee's powers.
- (2) A subcommittee must consist of at least 1 member of the committee and may include any other persons that the committee thinks fit.
- (3) A subcommittee is subject in all things to the control of the committee.
- (4) A subcommittee may, at any time, be discharged, altered, or reconstituted by the committee.

Employees

22 Employees

A committee may employ the employees it thinks necessary in order to carry out its functions under the Act.

Financial provisions

23 Accounting records to be kept

(1) A committee must cause accounting records to be kept that---

(a) correctly record and explain the transactions of the committee; and

(b) will at any time enable the financial position of the committee to be determined with reasonable accuracy; and

(c) will enable the members of the committee to ensure that the financial statements of the committee comply with regulation 24; and

(d) will enable the financial statements of the committee to be readily and properly audited.

(2) The accounting records must be in written form or kept in a manner in which they are easily accessible and convertible into written form.

24 Committee must prepare financial statements

(1) A committee must prepare, for each financial year, annual financial statements in relation to the affairs of the committee in accordance with generally accepted accounting practice (within the meaning of section 3 of the Financial Reporting Act 1993, applied as if the committee were a reporting entity).

(2) A committee must submit its financial statements to a chartered accountant for audit no later than 90 days after the end of each financial year.

(3) A committee must send a copy of the audited accounts to the NRFA within 30 days of receiving an audit report from a chartered accountant.

(4) This regulation does not apply to a committee that is a council-controlled organisation within the meaning of section 6 of the Local Government Act 2002.

25 Payments must be authorised

A committee may not pay money out of its accounts except as authorised by any 2

of the following people:

- (a) the chairperson of the committee:
- (b) a member of the committee appointed by the committee for the purpose of making lawful payments from the committee's accounts:
- (c) a person, not being a member of the committee, appointed by the committee for the purpose of making lawful payments from the committee's accounts.

26 Committee must send estimates to NRFA

A committee must send to the NRFA a copy of each estimate of proposed expenditure it has prepared under section 44 of the Act.

27 Members' remuneration and allowances

A member of a committee is entitled to receive, from the funds of the committee, remuneration and allowances for services as a member in accordance with the framework determined by the Government from time to time for the classification and remuneration of members of statutory and other bodies.

Confidentiality of information

28 Confidentiality of information

(1) A member of a committee who has information in the member's capacity as a member that would not otherwise be available to the member must not disclose that information to any person, or make use of, or act on, that information, except---

- (a) for the purposes of the committee; or
- (b) as required or permitted by law; or
- (c) in accordance with subclause (2).

(2) A member may disclose, make use of, or act on, the information if---

- (a) the member is first authorised to do so by the committee; and
- (b) the disclosure, use, or act in question will not, or is unlikely to, prejudice the committee.

Subpart 2---Committee elections

29 Application of subpart 2

This subpart applies to any committee that is required by the Gazette notice that relates to the committee, to elect 1 or more members.

30 How election conducted

(1) An election must be conducted in accordance with---

(a) any requirements in the Gazette notice that relates to the committee; and

(b) this subpart.

(2) The requirements in this subpart apply subject to the Gazette notice.

31 Electoral system to be used

An election must be conducted by booth voting using the First Past the Post electoral system.

32 Election supervised by electoral officer

(1) The first election of members of a committee must be supervised by an electoral officer appointed by the NRFO.

(2) Each subsequent election must be supervised by an electoral officer appointed by the committee as constituted immediately before the election.

33 Duties of electoral officer

(1) An electoral officer is responsible for---

(a) giving notice, not less than 21 days before an election, in a newspaper circulating in the committee's district, of the election stating---

(i) the date of the election; and

(ii) the time of the election (being the period between 9 am and 7 pm on polling day); and

(iii) an explanation of the purpose of the election; and

(iv) that the election will be conducted by booth voting using the

First Past the Post electoral system; and

(v) the name and contact details of the electoral officer responsible for conducting the election; and

(vi) the location of the polling booth or booths; and

(b) receiving nominations; and

(c) compiling the electoral roll; and

(d) regulating the procedure at any meeting relating to the election;
and

(e) appointing scrutineers; and

(f) keeping minutes or making records, voting lists, or any other documents necessary for the purposes of the election; and

(g) processing and counting votes; and

(h) promptly declaring the result of the election---

(i) by notice in a newspaper circulating in the committee's district; and

(ii) by written notice to the candidates for election.

(2) In addition to giving notice of an election under subclause (1)(a), the electoral officer may, if he or she thinks fit, notify in any other manner the date, time, and place of the election.

(3) An electoral officer must be indemnified (from the funds of the committee) against all costs, charges, and expenses incurred in exercising his or her powers under this regulation.

34 Who may be candidate for election

A candidate for election may be an individual, an entity, or a local authority.

35 Who may be elector

(1) Every person who is a ratepayer at the date that is 21 days before an election for a rating unit located in the committee's district is entitled to exercise 1 vote at an election.

(2) For the purposes of this section, rating unit has the same meaning as in section 5 of the Local Government (Rating) Act 2002.

Subpart 3---Voluntary rural fire forces

36 Fire Authority may establish voluntary rural fire force

(1) For the purposes of providing fire suppression services in its district a Fire Authority may establish, by written agreement with able and willing people, a voluntary rural fire force.

(2) The agreement must provide for the following matters:

(a) the enrolment of members; and

(b) the duties and responsibilities of the voluntary force and its members in relation to fire suppression services in the Fire Authority's district; and

(c) how ongoing training of members will be provided, including ongoing training in relation to the operation and use of fire-fighting equipment; and

(d) the housing of fire-fighting equipment by the voluntary force; and

(e) the circumstances in which the Fire Authority may make annual or other grants to the voluntary force or members of the voluntary force; and

(f) the procedure by which the Fire Authority may make any grants under paragraph (e); and

(g) any other relevant matters.

(3) A voluntary force established under subclause (1)---

(a) is responsible to the Fire Authority that established it; and

(b) is subject to that Fire Authority's control and direction; and

(c) must include at least 1 Rural Fire Officer; and

(d) must be registered with the NRFA.

37 Members of voluntary force must be treated as employees of Fire Authority

(1) For the purposes of these regulations, a member of a voluntary force must be treated as if he or she were an employee of the Fire Authority that established the force, and the provisions of the Act and these regulations apply accordingly, with all necessary modifications.

(2) Subclause (1) applies except where these regulations expressly provide otherwise.

Subpart 4---Warrants of appointment

38 Warrants of appointment for Principal Rural Fire Officers and Rural Fire Officers

(1) In this regulation, officer means a person appointed as a Principal Rural Fire Officer or Rural Fire Officer under section 13(1) of the Act.

(2) Every officer must hold a warrant of appointment.

(3) A warrant of appointment---

(a) must be in form 1 of the Schedule; and

(b) must be signed by---

(i) the Director-General of the Department of Conservation, if the Fire Authority for the district in which the officer is employed is the Minister of Conservation; or

(ii) the Chief of the Defence Force, if the Fire Authority for the district in which the officer is employed is the Minister of Defence; or

(iii) the chief executive of the local authority, if the Fire Authority for the district in which the officer is employed is the local authority; or

(iv) the chairperson of the committee, if the Fire Authority for the district in which the officer is employed is a committee; and

(c) is in force for 10 years, or until the person ceases to be an officer, whichever is the earlier.

(4) An officer must produce his or her warrant of appointment when reasonably requested to do so, and it is sufficient evidence that a person is an officer if the person produces his or her warrant.

(5) To avoid doubt, this regulation does not apply to a member of a voluntary force unless the member is an officer.

Part 2 Fire control operations

Subpart 1---Fire plans

39 Fire Authority must adopt fire plan

(1) A Fire Authority in existence at the commencement of these regulations must prepare and adopt a fire plan no later than 60 days after the commencement of these regulations.

(2) Any other Fire Authority must prepare and adopt a fire plan no later than 90 days after the Fire Authority is appointed, constituted, or otherwise formed.

(3) A fire plan must set out the policies and procedures of the Fire Authority under the following headings and in the following order:

(a) Reduction:

(b) Readiness:

(c) Response:

(d) Recovery.

(4) A Fire Authority must provide to the NRFA a copy of its fire plan no later than 30 days after the fire plan is adopted.

40 Fire plan must be reviewed

(1) A Fire Authority must review a fire plan adopted under regulation 39,---

(a) in relation to the matters contained under the headings "Readiness" and "Response", not more than 2 years after the date the plan was adopted; and

(b) in relation to the matters contained under the headings "Reduction" and "Recovery", not more than 5 years after the date the plan was adopted.

(2) If, after a review, amendments are made to a fire plan, the Fire Authority must promptly provide a copy of the amended fire plan to the NRFA.

(3) Subclause (1) applies to an amended fire plan as if it were the first fire plan adopted by the Fire Authority under regulation 39.

Reduction

41 Fire plan to include policies and procedures to reduce likelihood and consequence of fires

(1) A Fire Authority must include in its fire plan, under the heading "Reduction", the policies and procedures that the Fire Authority has to reduce the likelihood and consequences of fires in its district.

(2) The policies and procedures must include the following matters:

(a) the Fire Authority's fire hazard and fire risk management strategies; and

(b) the fire prevention planning carried out in the Fire Authority's

district; and

(c) the public education activities carried out in the Fire Authority's district; and

(d) the Fire Authority's directions to people on the use of fire as a land management tool; and

(e) details of the following:

(i) any area in the Fire Authority's district that has been declared a forest area under section 17 of the Act:

(ii) any fire safety margin attached to a forest area described in subparagraph (i):

(iii) all bylaws relating to fire control measures in the Fire Authority's district:

(iv) where, and to what extent, in formulating fire control measures, the Fire Authority has had regard to any national or regional policy statement, regional or district plan, or regulations made under the Resource Management Act 1991; and

(f) any other relevant matters.

Readiness

42 Fire plan to include policies and procedures in relation to readiness for fire-fighting event

(1) A Fire Authority must record in its fire plan, under the heading "Readiness", the policies and procedures that the Fire Authority has in relation to readiness for a fire-fighting event in its district.

(2) The fire plan must include the following matters under this heading:

(a) a map showing---

(i) the Fire Authority's district; and

(ii) any other area for which the Fire Authority is responsible;
and

(iii) the geographic boundaries of adjacent fire districts; and

(iv) the principal roads in the areas described in subparagraphs (i) to (iii); and

(b) details of the Fire Authority's responsibilities and chain of command; and

(c) the name of the Principal Rural Fire Officer and the name or names of the Rural Fire Officers of the Fire Authority; and

(d) in the case of a committee, the membership of the committee and a copy of its rules; and

(e) details of the training arrangements for the Fire Authority's managers and officers, including an outline of the way in which the Principal Rural Fire Officer and the Rural Fire Officers are educated on their legislative functions, powers, and duties under the Act; and

(f) a list of the agencies available to the Fire Authority for assistance with fire-fighting or related activities, including the contact details of each agency; and

(g) details of all equipment and personnel listed as available to attend a fire callout in the Fire Authority's district; and

(h) a record of any arrangements or agreements made under section 14, 15, or 16 of the Act; and

(i) a record of any agreements between the Fire Authority and voluntary or other fire forces or persons for the delivery of fire services; and

(j) a list of all specially protected areas in the Fire Authority's district; and

(k) details of the fire season status trigger points for the district; and

(l) details of the trigger points for imposing restricted access or for closing access into any exotic forest in the Fire Authority's district; and

(m) any other relevant matters.

(3) The information in subclause (2)(g) that relates to personnel is not required to be included in the copy of the fire plan that is made available for public inspection in accordance with section 12(4B) of the Act.

(4) Before setting any trigger points for the purposes of subclause (2)(l), a Fire Authority must consult with the eligible landholders of the forest.

43 Additional information relating to readiness

A Fire Authority may also include in its fire plan, under the heading "Readiness", information in relation to the following matters:

(a) details of the fire protection works in the Fire Authority's district (for example, the location of fire breaks); and

(b) the way in which the Fire Authority implements the New Zealand Fire Danger Rating System; and

(c) the fire danger indicator signs used by the Fire Authority; and

(d) the Fire Authority's awareness and resource response in relation to each level of fire danger.

Response

44 Fire plan to include policies and procedures for response to fire in district

(1) A Fire Authority must record in its fire plan, under the heading "Response", the policies and procedures that the Fire Authority has for responding to a fire in its district.

(2) The policies and procedures must include details of the following matters:

(a) how the Fire Authority receives and deals with calls for assistance at a fire; and

(b) how the Fire Authority initially responds to a fire that it has received notice of; and

(c) how additional fire-fighting resources are deployed if extended action is required at a fire, including identification of the limits of local capacity; and

(d) the chain of command and control at a fire; and

(e) how all parties involved in the response to a fire establish effective communications with each other; and

(f) any other relevant matters.

45 Response systems

(1) A Fire Authority must record in its fire plan, under the heading "Response", a description of the systems that the Fire Authority uses for responding to a fire in its district.

(2) The description of the systems must include how the Fire Authority---

(a) records fire incidents attended by fire-fighting units in the Fire Authority's district; and

(b) notifies other Fire Authorities, owners of forests, or other interested parties in the vicinity of a fire, of a fire; and

(c) records incoming and outgoing personnel and equipment; and

(d) monitors fire behaviour; and

(e) provides or organises logistical support (for example, catering, relief personnel, and first aid).

Recovery

46 Fire plan to include policies and procedures for activities following fire event

(1) A Fire Authority must record in its fire plan, under the heading "Recovery", the policies and procedures that the Fire Authority has for activities it undertakes following a fire event in its district.

(2) The policies and procedures must include details in relation to the following matters:

(a) the health and safety of personnel; and

(b) fire operational reviews; and

(c) operational debriefs; and

(d) post-fire investigations; and

(e) any other recovery activities that occur after a fire has been contained.

(3) In this regulation---

fire operational review means an independent assessment of a significant fire in a Fire Authority's district carried out under the procedure developed by the NRFA under section 14A of the Fire Service Act 1975

operational debrief means the internal assessment by a Fire Authority of a fire in its district carried out under the procedure developed by the NRFA under section 14A of the Fire Service Act 1975

post-fire investigation means an investigation by a Fire Authority to determine the point of origin and cause of a fire.

Subpart 2---Other fire control operations

Forest areas

47 Registration or re-registration as forest area

(1) An application by an eligible landholder for registration or re-registration of land as a forest area under section 17 of the Act must---

(a) be made to the Fire Authority for the district in which the forest area is located; and

(b) be in form 2 of the Schedule; and

(c) be accompanied by a declaration of eligibility in form 3 of the Schedule, and a notice of intention in form 4 of the Schedule; and

(d) include an application fee of \$200 (inclusive of goods and services tax).

(2) If the land extends over more than 1 Fire Authority's district, the eligible landholder must apply to each Fire Authority for registration or re-registration of the land as a forest area in that Fire Authority's district.

48 Annual notification of forest area

A notification by an eligible landholder for the purposes of section 17(7)(c) of the Act must be in form 5 of the Schedule.

Notification of fire control measures

49 Notification of fire control measures

(1) The Principal Rural Fire Officer or a Rural Fire Officer of a fire district must give notice to the following people if 1 or more of the fire control measures specified in subclause (2) has been issued in the officer's district:

(a) Fire Authorities with districts adjacent to the officer's district; and

(b) the New Zealand Fire Service; and

(c) the local branch of Federated Farmers of New Zealand (Inc); and

(d) local news media; and

(e) potentially affected forest owners; and

(f) potentially affected permit holders, where practicable.

(2) The fire control measures referred to in subclause (1) are---

(a) a warning under section 20 of the Act:

(b) an order under section 21 of the Act:

(c) a special permit issued under section 24 of the Act:

(d) the closure of entry to an exotic forest under section 32 of the Act:

(e) a regional fire emergency under section 39 of the Act.

Permits

50 Permit to light fire in open air

A permit issued for the purposes of section 23 of the Act must be in form 6 of the Schedule.

51 Special permit to light fire in open air

A special permit issued for the purposes of section 24 of the Act must be in form 7 of the Schedule.

Signs

52 Fire Authority must erect signs during restricted fire season

(1) Subclause (2) applies if there is a restricted fire season in force---

(a) in a Fire Authority's district; or

(b) in a specified part or parts of a Fire Authority's district.

(2) The Fire Authority must erect sufficient fire signs in the district or part of the district advising the public that during the restricted season a permit is required to light a fire in the open air in the district or part of the district.

(3) However, before any sign is erected under subclause (2), the NRFA must give its written approval of the sign's design.

53 Fire Authority must erect signs during prohibited fire season

(1) Subclause (2) applies if there is a prohibited fire season in force---

(a) in a Fire Authority's district; or

(b) in a specified part or parts of a Fire Authority's district.

(2) The Fire Authority must erect sufficient fire signs in the district or

part of the district advising the public that during the prohibited season no open air fire may be lit in the district or part of the district.

(3) However, before erecting any sign under subclause (2), the NRFA must give its written approval of the sign's design.

Storage of spontaneously combustible material by industrial operator

54 Storage of spontaneously combustible material by industrial operator

(1) A person responsible for an industrial operation in a district must ensure that none of the following materials are heaped higher than 3 m above the ground:

(a) wood residues:

(b) wood products:

(c) hay, straw, or other plant cuttings:

(d) any product composed of more than 50% of 1 or more of the materials described in paragraphs (a) to (c).

(2) However, subclause (1) does not apply if the materials are stored in a fireproof container or building constructed for the purpose of storing the materials.

(3) Every person who breaches subclause (1) commits an offence and is liable to the penalty in regulation 60.

Spark-hazardous engines

55 Spark-hazardous engines treated as being approved for purposes of Act
For the purposes of section 31 of the Act, a person must be treated as having obtained the written consent of a Rural Fire Officer for the operation of a motor vehicle in any of the places specified in that section if---

(a) for a petrol-powered motor vehicle that has a turbocharger, the turbocharger---

(i) is fitted to the specifications of the manufacturer; and

(ii) is in good working order; or

(b) for a diesel-powered motor vehicle that has a spark arrester, the spark arrester is properly fitted and the spark arrester---

(i) discharges vertically upwards and projects at least 23 cm above the top of the cab of the vehicle; or

(ii) is attached to a muffler of which the tailpipe exhaust directs backward (but does not protrude beyond the back wheels of the vehicle), and discharges within the width of the track of the vehicle; or

(c) for a diesel-powered motor vehicle that does not have a spark arrester, the vehicle has attached, on the right side of the vehicle, a side delivery exhaust pipe that is fitted with a wire mesh envelope; or

(d) for a petrol- or LPG-powered motor vehicle,---

(i) the vehicle has an efficient conventional exhaust system of which the tailpipe exhaust is directed vertically upwards as far as possible above the top of the cab of the vehicle; or

(ii) if the vehicle is not structurally able to comply with subparagraph (i), the vehicle has an efficient conventional exhaust system of which the tailpipe exhaust is aligned or protected to ensure that sparks are not discharged other than over the width of the track of the vehicle; or

(e) for a vehicle with a solid fuel stove,---

(i) all relevant requirements in paragraphs (a), (b), (c), or (d) are met; and

(ii) a spark arrester is fitted to the chimney of the stove.

56 Rural Fire Officer may require owner or operator to make vehicle or machinery available for inspection

(1) A Rural Fire Officer who has reasonable grounds to believe that any machinery or vehicle does not comply with section 31 of the Act may, by written notice, require the owner or operator of the machinery or vehicle to make the machinery or vehicle available for inspection.

(2) Any machinery or vehicle to which a notice under subclause (1) applies must be treated as machinery or a vehicle that is not approved under section 31 of the Act---

(a) from the time that the owner or operator receives the notice; and

(b) until the machinery or vehicle has been inspected and the owner or operator is given written notice from a Rural Fire Officer that the machinery or vehicle has been approved for the purposes of section 31 of the Act.

Restriction on entry into exotic forests

57 Restriction on entry into exotic forest

(1) A permit granted under the Act authorising entry into an exotic forest

is suspended if, in relation to the forest, a warning under section 20 of the Act is in place.

(2) A Fire Authority must not unreasonably withhold the issuing of a permit if access into an exotic forest is authorised only by the granting of a permit.

(3) A Fire Authority must erect sufficient warning signs at prominent places in and at the entry into an exotic forest if---

(a) there is a public right of access to the forest; and

(b) the Fire Authority has restricted access or closed access to the forest under section 32 of the Act.

(4) Every person commits an offence and is liable to the penalty in regulation 60 who---

(a) enters an exotic forest without obtaining a permit, if a permit is required for that purpose; or

(b) breaches the conditions of a permit authorising the person to enter an exotic forest; or

(c) enters an exotic forest without a permit or other authorisation, if access to the forest has been restricted or closed under section 32 of the Act.

(5) Subclause (4) does not apply---

(a) to an eligible landholder of the exotic forest; or

(b) if the entry or breach is by a person undertaking essential services, and adequate precautions against the outbreak or spread of fire are taken.

58 Fire Authority intending to close entry into exotic forest must consult with NRFA

A Fire Authority must consult with the NRFA if---

(a) the Fire Authority intends to restrict access or close access into an exotic forest in its district; and

(b) any eligible landholder of the exotic forest disagrees with the Fire Authority's intention to restrict access or to close access to the forest.

Processing plant and equipment

59 Fire Authority may require operator of processing plant or processing equipment to obtain fire safety clearance

(1) A Fire Authority may, by written notice, require the operator of a processing plant or processing equipment to obtain a fire safety clearance for the plant or equipment before using it in a forest in the Fire Authority's district.

(2) To decide whether an operator requires a fire safety clearance, the Fire Authority must consider the fire risk arising from---

- (a) the type of plant or equipment the operator is proposing to use; and
- (b) where the plant or equipment is to be sited; and
- (c) the nature of the operations to be carried out by the operator.

(3) A Fire Authority must not grant a fire safety clearance to an operator if, in relation to the operator,---

- (a) a request under section 33(2) of the Act applies; or
- (b) a notice given under section 33(1) of the Act is suspended under section 33(3) of the Act.

(4) Every person who fails to obtain a fire safety clearance in breach of a notice given under subclause (1) commits an offence and is liable to the penalty in regulation 60.

(5) For the purposes of this regulation,---

operator means a person who is felling trees for any commercial or industrial purpose or who is producing timber in a sawmill

sawmill includes---

- (a) a pulp mill, paper mill, or other mill or building used for processing timber or other forest produce; and
- (b) the industrial buildings, timber stacks, pole yards, post yards, slab heaps, refuse piles, and refuse pits associated with a sawmill.

Part 3 General provisions

60 Penalties

Every person who commits an offence under these regulations is liable on summary conviction,---

- (a) in the case of an individual, to a fine not exceeding \$2,000; and
- (b) in the case of a corporation, to a fine not exceeding \$10,000.

61 Revocations

- (1) The Forest and Rural Fires Regulations 1979 (SR 1979/32) are revoked.
- (2) The Rural Fire District Regulations 1980 (SR 1980/43) are revoked.

Transitional provisions in relation to Forest and Rural Fires Regulations 1979

62 Interpretation

In regulations 63 to 67, the 1979 Regulations means the Forest and Rural Fires Regulations 1979.

63 Voluntary rural fire forces

An agreement establishing a voluntary rural fire force under regulation 12 of the 1979 Regulations and in existence immediately before the commencement of these regulations continues, as if the agreement were made under these regulations, until the expiry of the agreement (if an expiry is provided for in the agreement).

64 Warrants of appointment

Every warrant of appointment issued under regulation 9 of the 1979 Regulations---

- (a) must be treated as if it were issued under regulation 38; and
- (b) expires at the end of 12 months after the commencement of these regulations.

65 Fire plan

A Fire Authority that immediately before the commencement of these regulations held a current fire plan approved under regulation 6 of the 1979 Regulations must be treated as having a fire plan under these regulations until the earlier of---

- (a) 60 days after the commencement of these regulations; or
- (b) the date the Fire Authority adopts its first fire plan under regulation 39.

66 Forest areas

A forest area registered under the 1979 Regulations must be treated as if it were registered under these regulations and these regulations, with all necessary modifications, apply to the forest area.

67 Permits

A permit issued under the 1979 Regulations for the purposes of section 23 or section 24 of the Act and in force immediately before the commencement of these regulations, continues, as if it had been issued under these regulations, until the expiry of the permit.

Transitional provision in relation to Rural Fire District Regulations 1980

68 Rural fire committees

(1) A rural fire committee constituted under the Rural Fire District Regulations 1980 and in existence immediately before the commencement of these regulations must be treated as if it were constituted under these regulations and these regulations, with all necessary modifications, apply to the committee.

(2) A member of a rural fire committee constituted under the Rural Fire District Regulation 1980 remains a member of the committee until the date that the member's term would have expired under those regulations.

Schedule rr 38(3)(a), 47(1)(b), (c), 48,
Forms 50, 51

Form 1 Warrant of appointment of Principal Rural Fire Officer or Rural Fire Officer

Form 2 Application for registration or re-registration of forest area

Form 3 Declaration as eligible landholder

Form 4 Notice of intention to apply for registration or re-registration of forest area

Form 5 Annual notice of forest area registration

Form 6 Permit to light fire

Form 7 Special permit to light fire

Form 1 r 38(3)(a)
Warrant of appointment of Principal Rural Fire Officer or Rural Fire Officer
Section 13, Forest and Rural Fires Act 1977

Principal Rural Fire Officer or Rural Fire Officer

Warrant of appointment

Full name:

Identification number:

[Photo of warrant holder]

Signature:

Expiry date:

(Back page of warrant)

Warrant of appointment issued under
section 13 of the Forest and Rural Fires Act 1977

This is to certify that the person whose name, photograph, and signature appear on this warrant is a Principal Rural Fire Officer*/Rural Fire Officer* appointed under section 13(1) of the Forest and Rural Fires Act 1977 and may perform the functions and exercise the powers conferred on a Principal Rural Fire Officer*/Rural Fire Officer* by that Act.

*Delete if inapplicable.

.....
Fire Authority

Form 2 r 47(1)(b)
Application for registration or re-registration of forest area

Section 17, Forest and Rural Fires Act 1977

1 I, [full name] apply on behalf of [full name] for the registration of a forest area [name of proposed forest area] in the district of [name of Fire Authority].

or

I, [full name] apply on behalf of [full name] for the re-registration of [name of forest area] in the district of [name of Fire Authority].

2 Notice and any other documents in relation to this application may be sent to [full name and postal address].

3 The following items are enclosed:

(a) a plan describing---

(i) the proposed*/existing* forest area; and

(ii) the proposed*/existing* fire safety margin:

(b) a declaration of status as an eligible landholder in form 3 of the Schedule of the Forest and Rural Fires Regulations 2005:

(c) a copy of the notice given to certain landholders under section 17(4)(b) of the Forest and Rural Fires Act 1977 and publicly advertised under section 17(4)(c) of that Act in form 4 of the Schedule of the Forest and Rural Fires

Notice of intention to apply for registration or re-registration of forest area

Section 17(4)(b), (4)(c), and (5), Forest and Rural Fires Act 1977

1 I [full name] on behalf of [full name] give notice that I am applying to [name of Fire Authority] for registration*/re-registration* of the following area as a forest area under section 17 of the Forest and Rural Fires Act 1977: [name and description of proposed/existing forest area and description of proposed/existing fire safety margin].

*Delete if inapplicable.

2 The effect of declaring the area as a forest area is [summarise the effect of declaring the area as a forest area under the Forest and Rural Fires Act 1977, including the responsibilities of the eligible landholders for the area under section 17(7) of that Act].

3 Copies of the intended application and a plan of the forest area and fire safety margin may be inspected free of charge at [address] during working hours.

4 Any objections to the application or any part of it must be received by [name of Fire Authority] no later than 40 days after [date that notice first advertised].

Notes

1 A copy of this notice must be given to every landholder of the forest area described in paragraph 1 whose assent to the registration or re-registration of the forest area is not attached to the relevant declaration of the eligible landholder in form 3 of the Schedule of the Forest and Rural Fires Regulations 2005.

2 A copy of this notice must also be advertised---

(a) at least twice, at an interval or intervals of not less than 7 days or more than 14 days; and

(b) during the period ending not less than 1 month or more than 2 months before the application to which the notice relates is sent to the Fire Authority; and

(c) in a newspaper circulating in the locality in which the forest area and fire safety margin are located.

Section 17(7)(c), Forest and Rural Fires Act 1977

1 I [full name] on behalf of [full name] being in control and occupation of [name of forest area] give notice that the rights and duties pertaining to the [name of forest area] being [description of forest area and fire safety margin] are to apply for the 12 months from 1 September [year] to 31 August [year].

2 I [full name] on behalf of [full name] will---

(a) be responsible for fire protection in the [name of forest area] subject to any directions of the [name of Fire Authority]; and

(b) provide in the forest area warning signs in respect of fire-lighting restrictions, to the approval of [name of Fire Authority].

3 A copy of the plan of the forest area and the original application for registration as a forest area may be inspected free of charge at [address] during working hours.

4 The effect of declaring the area as a forest area is [summarise the effect of declaring the area as a forest area under the Forest and Rural Fires Act 1977, including the responsibilities of the eligible landholders for the area under section 17(7) of that Act].

.....
Signature

Notes

1 A copy of this notice must be advertised---

(a) at least twice, at intervals of not less than 7 days or more than 14 days; and

(b) during the period ending not less than 1 month or more than 2 months before the application to which the notice relates is sent to the Fire Authority for the district in which the forest area is located; and

(c) in a newspaper circulating in the locality in which the forest area and fire safety margin are located.

2 A copy of the notice must also be sent or delivered to---

(a) every landholder occupying land in the forest area and fire safety margin; and

(b) every other landholder of the forest area; and

(c) the Fire Authority for the district in which the forest area is located.

1 Permit number:

- 2 Permit holder: [full name of person to whom permit is issued]
- 3 Mailing address of permit holder:
- 4 Email address of permit holder:
- 5 Telephone number of permit holder:
- 6 Fax number of permit holder:
- 7 Location of fire:
[attach a property location map showing the rural address, roads, grid references, etc]
- 8 Fuel types to be burned:
[indicate on the property location map the fuel types to be used and the size/area to be burned]
- 9 Permit valid from: [date] to [date] (inclusive).
- 10 Time of day: [time] to [time] (inclusive).
- 11 General information about the nature and purpose of the fire:
[eg, land clearing operation, incinerator fire]

This permit is issued under section 23 of the Forest and Rural Fires Act 1977. You may light a fire in the open air at the location described above, subject to compliance with the following conditions.

Conditions

The following conditions apply:

- (a) you must not light a fire if a strong wind is blowing or if the conditions are such that the fire is likely to spread beyond the limits of the land or other property for which this permit is issued:
- (b) this permit is suspended if there is a prohibition or order under section 20 or section 21 of the Forest and Rural Fires Act 1977 against the lighting of fires in the open air at the location described in paragraph 6:
- (c) immediately before lighting a fire you must make reasonable efforts to confirm that no prohibition or order is currently in force.

Special conditions: [Fire Authority to specify if any]

.....
Rural Fire Officer

.....
Date

I understand the conditions of this permit and have read the "Information for permit holders".

.....
Permit holder

.....
Date

Information for permit holders

Meaning of open air

Lighting a fire in the open air means lighting a fire out of doors other than in an approved fireplace, incinerator, barbecue, or other authorised receptacle.

Resource consents

This permit is not a resource consent to discharge smoke or other contaminants into air. It does not exempt you from any obligations you may have under section 15 of the Resource Management Act 1991. You should check these matters with the relevant regional council.

Additional permits

Depending on where the fire authorised by this permit is to be lit, further fire permits may be required from the Department of Conservation, another Fire Authority, or the relevant city or district council.

Escape

If the fire escapes, and if it is safe to do so, try to extinguish it. Otherwise telephone 111.

Extreme fire danger

Fire permits are suspended if a fire ban or an order prohibiting open air fires is in place. During a period of extreme fire danger, check with the Fire Authority on whether you may light a fire. If lighting a fire is essential for emergency purposes (eg, for destroying diseased or dead stock, or combating the likely spread of introduced organisms) you will need a special fire permit from the Fire Authority.

Insurance

This permit is not a legal defence against claims for damage or fire-fighting costs caused by the fire. We advise you to have adequate fire insurance to cover any misadventures.

Offences

It is an offence not to produce this permit within a reasonable time when asked to do so by a member of the police or a Rural Fire Officer.

It is an offence, when there is a restricted or prohibited fire season in place, to light a fire in the open air without a permit, or to breach permit

conditions.

Full details of these and other offences relating to lighting fires in the open air are set out in the Forest and Rural Fires Act 1977.

Form 7 r 51
Special permit to light fire

Section 24, Forest and Rural Fires Act 1977

[Name of Fire Authority or, if joint permit, name of Fire Authorities]

- 1 Permit number:
- 2 Permit holder: [full name of person to whom permit is issued]
- 3 Mailing address of permit holder:
- 4 Email address of permit holder:
- 5 Telephone number of permit holder:
- 6 Fax number of permit holder:
- 7 Location of fire:
[attach a property location map showing the rural address, roads, grid references, etc]
- 8 Fuel types to be burned:
[indicate on the property location map the fuel types to be used and the size/area to be burned]
- 9 Permit valid from: [date] to [date] (inclusive).
- 10 Time of day: [time] to [time] (inclusive).
- 11 General information about the nature and purpose of the fire (including details about why a special permit should be given):

This permit is a special permit issued under section 24 of the Forest and Rural Fires Act 1977. A special permit may be issued to prevent, reduce, or overcome any hazard to life or health or in other serious emergency; or during a prohibited fire season where weather or other conditions have so temporarily reduced the fire hazard as to make it apparently safe to light the fire.

While this permit is current you may light a fire in the open air at the location described above despite any prohibition under section 20, 21, or 23 of the Forest and Rural Fires Act 1977. However, the permission granted by this permit is subject to compliance with the particulars in this permit and the following conditions and special conditions.

Conditions

The following conditions apply:

(a) you must not light a fire if a strong wind is blowing or if the conditions are such that the fire is likely to spread beyond the limits of the land or other property for which the permit is issued:

(b) the [name of Fire Authority] has the right to supervise the lighting of the fire.

Special conditions: [Fire Authority to specify if any]

.....
Rural Fire Officer

.....
Date

I understand the conditions of this permit and have read the "Information for permit holders".

.....
Permit holder

.....
Date

Information for permit holders

Meaning of open air

Lighting a fire in the open air means lighting a fire out of doors other than in an approved fireplace, incinerator, barbecue, or other authorised receptacle.

Resource consents

This permit is not a resource consent to discharge smoke or other contaminants into the air. It does not exempt you from any obligations you may have under section 15 of the Resource Management Act 1991. You should check these matters with the relevant regional council.

Additional permits

Depending on where the fire authorised by this permit is to be lit, further fire permits may be required from the Department of Conservation, another Fire Authority, or the relevant city or district council.

Escape

If the fire escapes, and if it is safe to do so, try to extinguish it. Otherwise telephone 111.

Insurance

This permit is not a legal defence against claims for damage or fire-fighting

costs caused by the fire. We advise you to have adequate fire insurance to cover any misadventures.

Offences

It is an offence not to produce this permit within a reasonable time when asked to do so by a member of the police or a Rural Fire Officer.

It is an offence to breach the conditions in this permit.

Full details of these and other offences relating to lighting fires in the open air are set out in the Forest and Rural Fires Act 1977.

Diane Morcom,
Clerk of the Executive Council.