

## FOREST AND RURAL FIRES AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Forest and Rural Fires Act 1955.

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

*Clause 2* amends the definition of the term "State area" in section 2 of the principal Act so as to give the term an extended meaning in section 22 of that Act which restricts lighting of fires in or near State areas. Section 22 will in future apply to all State forest land and National Parks and lands of the Crown, whether or not they are included in a rural fire district.

*Clause 3* provides that the principal Act shall bind the Crown, except that section 24 and the new section 24A (set out in *clause 6*) shall not apply to the Government railway within the meaning of the Government Railways Act 1949, and section 28 of that Act shall not apply to any locomotive or vehicle while it is being operated or run in accordance with section 12 of the Government Railways Act 1949.

*Clause 4* amends section 21 of the principal Act, which relates to permits to light fires, so as to provide that every such permit shall be issued in the name of the person who is being authorised to do the act specified in the permit.

*Clause 5* inserts a new section 24A in the principal Act. This provides that where any person is the owner of any area of land within a district and exotic trees that are or may become suitable for timber are growing on any part of that area, any other person having any estate or interest in any other land in the vicinity of that area may, by application in writing, call upon the Fire Authority for the district to give to that owner, under section 24 (1) of the principal Act, such notice requiring the making of firebreaks and the clearing of land as may be specified in the application in respect of any part of that area that is within half a mile of that other land. The Fire Authority is required to send to the applicant any relevant notice it has already given or any notice it may thereafter give within 10 weeks after the date on which it receives the application.

*Clause 6* amends section 25 of the principal Act so as to insert a cross reference to the new section 25A which partially overrides it.

*Clause 7* inserts a new section 25A in the principal Act. This provides for appeals to a Magistrate in respect of applications under the new section 24A for the issue of notices under the present section 24 requiring the making of firebreaks and the clearing of land.

*Clause 8* inserts a new section 31A in the principal Act. This provides that persons who respond to the duty imposed by section 31 to endeavour to control and extinguish fires are entitled to remuneration and compensation similar to that given to persons who are required to assist under section 34.

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*Hon. Mr MacIntyre*

## FOREST AND RURAL FIRES AMENDMENT

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### ANALYSIS

Title	6. Appeal from notice to make fire-break or escape route or remove combustible material
1. Short Title	7. Appeals in respect of applications for issue of notices requiring fire-breaks
2. Interpretation	8. Compensation and remuneration when endeavouring to extinguish fires
3. Act to bind the Crown	
4. Permits required to light fires	
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### A BILL INTITULED

#### **An Act to amend the Forest and Rural Fires Act 1955**

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

1. **Short Title**—This Act may be cited as the Forest and Rural Fires Amendment Act 1967, and shall be read together with and deemed part of the Forest and Rural Fires Act 1955\* (hereinafter referred to as the principal Act).
- 10 2. **Interpretation**—Section 2 of the principal Act is hereby amended by inserting in paragraph (b) of the definition of the term “State area”, before the word “Does”, the words “Except for the purposes of section 22 of this Act”.

\*1957 Reprint, Vol. 5, p. 349  
Amendments: 1962, No. 69; 1963, No. 31

**3. Act to bind the Crown**—The principal Act is hereby amended by repealing section 3, and substituting the following section:

“3. This Act shall bind the Crown:

“Provided that sections 24 and 24A of this Act shall not apply to the Government railway within the meaning of the Government Railways Act 1949, and section 28 of this Act shall not apply to any locomotive or vehicle while it is being operated or run in accordance with section 12 of the Government Railways Act 1949.”

**4. Permits required to light fires**—Section 21 of the principal Act is hereby amended by inserting in subsection (3), after the words “Every such permit”, the words “shall be issued in the name of the person who is being authorised to do the acts specified in the permit, and”.

**5. Applications for issue of notices requiring firebreaks**—The principal Act is hereby amended by inserting, after section 24, the following section:

“24A. (1) Where any person is the owner of any area of land within a district, and exotic trees that are or may become suitable for timber are growing on any part of that area, any person having any estate or interest in any other land in the vicinity of that area may, by application in writing, call upon the Fire Authority for the district to give to that owner such notice under subsection (1) of section 24 of this Act as may be specified in the application in respect of any part of that area that is within half a mile of that other land.

“(2) Where a Fire Authority receives any such application, it shall as soon as practicable send to the applicant a copy of—

“(a) Any relevant notice that it has given to the owner of the area under subsection (1) of section 24 of this Act before it received the application; and

“(b) Any notice that it may thereafter give under the said subsection (1) of section 24 to the owner of the area within ten weeks after the date on which it receives the application or before the determination of any appeal in respect of the application, whichever later occurs.”

6. **Appeal from notice to make firebreak or escape route or remove combustible material**—Section 25 of the principal Act is hereby amended by inserting in subsection (1), before the word “Within”, the words “Subject to subsection 5 (4) of section 25A of this Act (as inserted by section 7 of the Forest and Rural Fires Amendment Act 1967)”.

7. **Appeals in respect of applications for issue of notices requiring firebreaks**—The principal Act is hereby amended by inserting, after section 25, the following section:  
10 “25A. (1) Where any person has made an application to a Fire Authority under section 24A of this Act, as inserted by section 5 of the Forest and Rural Fires Amendment Act 1967,—

15 “(a) If the person is dissatisfied with any notice given in response to his application; or

“ (b) If after the expiration of six weeks from the date on which the Fire Authority receives the application no copy of any such notice has been served upon him,—

20 “the applicant may, at any time before the expiration of ten weeks from the date on which the Fire Authority received the application, appeal in writing to a Magistrate’s Court presided over by a Magistrate.

25 “(2) The applicant shall cause a copy of the appeal to be served on the owner of the area to which the application relates, and that owner shall be entitled to appear and be heard on the appeal.

“ (3) On any such appeal the Court may—

30 “(a) Order the Fire Authority to give such notice under section 24 of this Act as it may specify, being a notice which the applicant (under the said section 24A) could call upon the Fire Authority to issue:

35 “(b) Itself give such a notice on behalf of the Fire Authority, which notice shall have effect as if it had been given by the Fire Authority:

“ (c) Dismiss the appeal.

“ (4) No appeal under section 25 of this Act shall lie against any notice given by or by order of the Court under subsection (3) of this section.”

**8. Compensation and remuneration when endeavouring to extinguish fires**—The principal Act is hereby amended by inserting, after section 31, the following section:

“31A. (1) Any person who responds to the duty to endeavour to control or extinguish a fire on any land pursuant to section 31 of this Act shall be entitled to be remunerated by the Fire Authority for the district in which the land is situated at such rate and subject to such conditions as may be prescribed by regulations made under this Act or as may be approved by the Minister if there are no such regulations or in cases where the regulations do not apply; and he shall be deemed for the purposes of the Workers Compensation Act 1956 while so acting to be employed by that Fire Authority. In any case where the Minister or a committee appointed by him is the Fire Authority, all remuneration and amounts payable under this subsection shall be paid out of money appropriated by Parliament for the purpose. 15

“(2) Where any person who would otherwise be entitled to remuneration under subsection (1) of this section is the person who caused the actual fire or aided or abetted any other person or persons to cause the fire, the Fire Authority may in its discretion reduce or refuse to pay remuneration, as it may consider just and proper in the circumstances.” 20