

Rt. Hon. R. J. Seddon,

FIRE-PREVENTION.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Better Provision for the Protection of Life and Property from Fire. Title.

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

1. The Short Title of this Act is "The Fire-prevention Act, 1903." Short Title.
2. In this Act, if not inconsistent with the context,— Interpretation.
 - "Board" means a "Fire Board" constituted under this Act:
 - "Fire district" means every borough having a population of one thousand or upwards, and any other part of New Zealand from time to time declared by the Governor in Council to be a fire district:
 - "Insurance company" means any person or persons, corporate or otherwise, carrying on, either alone or with any other business, the business of fire insurance, and the agent or agents in New Zealand of any such person or persons, and includes the State Fire Insurance Department:

- “Insurance” means insurance against loss or damage by fire :
- “Local authority” includes a County Council, Borough Council, Road Board, or Town Board :
- “Minister” means the Minister charged with the administration of this Act : 5
- Constitution of Fire Boards.** 3. (1.) In every fire district there is hereby constituted a Board, called “The Fire Board,” consisting of seven members, to wit,—
- One member to be appointed in that behalf by the Governor ; 10
- Three members to be elected by the insurance companies as hereinafter mentioned ; and
- Three members to be elected by the local authority of the district.
- (2.) Every such Board shall be a body corporate under the name aforesaid, having perpetual succession and a common seal. 15
- Election of members of Board by insurance companies.** 4. With respect to the election of members by the insurance companies, the following provisions shall apply :—
- (a.) The election shall be held under regulations to be made by the insurance companies carrying on business in New Zealand, and for this purpose the Minister shall notify in the *Gazette* the time and place of a first meeting of the representatives of such companies ; 20
- (b.) At such meeting the representatives present shall elect their own chairman, and all matters shall be decided by a majority of votes, each representative having one vote only, whether he represents one or more than one company ; 25
- (c.) The chairman shall have a casting as well as a deliberative vote ; 30
- (d.) Such regulations, when approved by the Governor and gazetted, shall have the force of law.
- Date of election, &c.** 5. An appointment and election of members of the Board shall be made and taken in the month of March, one thousand nine hundred and *four*, and thereafter in the same month in every alternate year. 35
- Term of office.** 6. Every member shall hold office until the appointment or election of his successor.
- Extraordinary vacancy.** 7. In the event of an extraordinary vacancy occurring in the office of a member of the Board, whether by death, resignation, or otherwise, such vacancy shall, within one month after the occurrence thereof, be filled by the appointment or election, as the case may be, of some other person to be a member of the Board, who shall hold office so long only as his predecessor would have held it. 40
- Proceedings of Board not invalidated.** 8. The acts or proceedings of the Board shall not be invalid by reason only of the number of members of the Board not being complete at the time of such act or proceeding. 45
- PROCEEDINGS OF THE BOARD.
- Meetings of Board.** 9. (1.) The Board shall hold at least four meetings in every year—that is to say, in the months of April, July, October, and January ; four members to form a quorum. 50

- (2.) At every annual meeting—that is to say, the meeting to be held in the month of April—the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor. Election of Chairman.
- 5 (3.) The Chairman shall preside at each meeting of the Board at which he is present; but in his absence the members present shall elect a member to preside at such meeting. Chairman to preside.
- (4.) At all meetings of the Board the Chairman shall have a casting as well as a deliberative vote. Vote of Chairman.
- 10 (5.) Subject to the provisions of this Act, every Board may regulate its own proceedings. Board may regulate its proceedings.

ANNUAL ESTIMATE OF EXPENDITURE.

10. On or before the thirtieth day of June in every year the Board shall submit to the Minister for his approval an estimate of the probable expenditure necessary for the administration of this Act within the jurisdiction of the Board; but no such estimate shall have any force or effect until approved by the Minister. Estimate to be prepared.
- 15 (11.) The amount of the annual expenditure so estimated shall be contributed and paid to the Board in manner and in the proportions following, that is to say:— Proportion of contribution.
- 20 (a.) One half part thereof shall be paid by the insurance companies insuring property within the fire district; and
- (b.) The other one-half part thereof shall be paid by the local authority having jurisdiction within the fire district.
- 25 (12.) The amounts to be so contributed shall in every case be payable in equal quarterly payments on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March, and the thirtieth day of June in every year. Contributions payable quarterly.
- 30 (13.) For the purpose of ascertaining the amount to be contributed by each insurance company, the following provisions shall apply:— Contributions by insurance companies.
- (a.) Every such company shall annually, at such time as may be prescribed by regulations, transmit to the Board a return showing the total gross amount of the premiums received by or due to such company during the year ending the thirty-first day of December then previous in respect of the insurances held by such company within the fire district, after deducting the amount of premium actually paid by way of reinsurance to any other company contributing under this Act.
- 35 (b.) Every such return shall be accompanied by a declaration made before a Justice of the Peace, by the manager, secretary, or agent of the company, that according to the books thereof, and to the best of his knowledge and belief, the return contains a true statement of the amount of such premiums.
- 40 (c.) If any company liable to contribute under this Act makes default in transmitting such return and declaration at the time prescribed by the Board, or furnishes an incorrect or incomplete return, such company shall be liable to a fine of *five* pounds for every day during which it is so in default.
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(d.) The contribution of each such company shall bear the same proportion to the amount payable by all the insurance companies liable to contribute as the amount of premiums, as shown by each such return, bears to the total amount of premiums as shown by all such returns. 5

Board to assess contributions.

14. The amount of the contribution payable by each insurance company and by the local authority shall be determined by the Board, but so that the aggregate amount of such contributions shall not exceed the amount payable as appearing in the estimate hereinbefore mentioned. 10

Interest payable on default by insurance companies.

15. (1.) If any insurance company liable to contribute under this Act fails to pay any quarterly payment as hereinbefore prescribed within thirty days after such payment becomes due, the amount of such payment, together with interest thereon at the rate of *ten* per centum per annum, computed from the expiration of such thirty days, may be recovered as a debt due from such company to the Board. 15

By local authority.

(2.) If any local authority liable to contribute under this Act fails to pay any such quarterly payment within thirty days as aforesaid, the amount of such payment, with interest thereon at the rate and computed in manner aforesaid, may be paid to the Board by the Colonial Treasurer, and deducted by him from any moneys payable to such local authority by way of subsidy under any Act. 20

Contribution of local authority may be raised by rate.

16. In order to raise the amount required by section *eleven* hereof to be contributed by the local authority, it may make and levy for that purpose a separate rate not exceeding three farthings in the pound on the annual rateable value of the rateable property in the fire district : 25

Government buildings to be rated.

Provided that in making such rate the local authority may include as rateable property all Government buildings in the fire district, and may for the purposes of such rate compute the annual value of such Government buildings at a sum equal to five pounds per centum on the capital value thereof as appearing on the valuation-roll made under "The Government Valuation of Land Act, 1896." 30

POWERS AND DUTIES OF THE BOARD. 35

Duties of the Board.

17. It shall be the duty of the Board to establish and maintain an efficient brigade for the suppression and extinction of fires, and for protecting life and property from loss or damage thereby, and to furnish such brigade with such equipment as it deems necessary; and for such purposes the Board may lease, purchase, or otherwise acquire land as it may determine. 40

Board may make regulations.

18. For the purposes aforesaid the Board may, subject to the approval of the Minister, from time to time make regulations providing for,—

- (a.) The appointment of a Superintendent and a Deputy-Superintendent, and such other officers and members of the brigade as it deems necessary; 45
- (b.) The payment of wages to such officers and members, and of gratuities in respect of voluntary or special services rendered to the brigade; 50
- (c.) The establishment of stations or divisions of the brigade;

- (d.) Securing discipline and good conduct among members of the brigade ;
- 5 (e.) Regulating the storage of kerosene and of any dangerous explosive, and of empty crates, cases, and other packages, sawdust, shavings, hay, straw, and other inflammable substances ;
- (f.) Regulating the conduct of meetings of the Board, and the payment of fees to members of the Board ;
- 10 (g.) Imposing fines not exceeding *five* pounds for any breach of any such regulations ; and
- (h.) Generally for the purpose of carrying into effect the objects of this Act,—

and all such regulations, when approved by the Minister and gazetted, shall have the force of law.

- 15 19. (1.) Subject to the approval of the Minister, the Board may from time to time raise by way of special loan under "The Local Bodies' Loans Act, 1901," such moneys as it deems necessary for the efficient performance of the duties imposed on it by this Act, not exceeding at any time *four thousand* pounds : Provided that it shall
- 20 not be necessary to take a poll of the ratepayers in respect of any such loan.

Board may borrow money.

(2.) The Colonial Treasurer may lend to any Board, as if it were a local authority, such sum as he thinks fit, not exceeding in any one year the sum of *two thousand* pounds.

- 25 20. The Board shall keep full and correct accounts of all moneys received and expended, and of all credits and liabilities, and shall, within twenty-eight days after the thirty-first day of March in every year, cause to be prepared a balance-sheet, together with a statement of receipts and expenditure for the year.

Board to keep accounts.

- 30 21. Such balance-sheet and statement of accounts, after being audited by the Audit Office, together with a report of the proceedings of the Board during the same period, shall be sent to the Minister, who shall, within ten days after the receipt thereof, lay the same before Parliament, if sitting, and, if not, then within ten days after
- 35 the commencement of the next ensuing session, and a copy thereof shall be sent to each contributing insurance company and local authority in the district.

Balance-sheet to be submitted to Parliament.

POWERS AND DUTIES OF THE SUPERINTENDENT.

- 40 22. (1.) The Superintendent shall at all times, subject to the control of the Board, have charge of the brigade and of all plant belonging to the Board.

Powers of Superintendent.

- (2.) He shall at all times have free access to any building within his district for the purpose of ascertaining and reporting on any breach of the regulations in respect to the storage of kerosene or of
- 45 any dangerous explosive, or of empty crates, cases, or other packages, sawdust, shavings, hay or straw, or other inflammable substance.

- (3.) He shall at all times have free access to all theatres and other buildings used within his district for public entertainment or public concourse, in order to report to the Board whether proper
- 50 precautions for the prevention of or escape from fire are being observed.

(4.) On any alarm of fire,—

(a.) He shall with all possible speed proceed to the place where such fire is, and there direct the working of the brigade and of any persons who may place their services at his disposal ;

(b.) He may take any measures that appear to him necessary for the protection of life or property, or for the control and extinction of fire, and may, with any assistance he requires, take possession of or pull down any premises for preventing the spread of fire, doing, however, as little damage thereby as possible ;

(c.) He may order any person under his control, or any constable, to remove any persons who, by their presence or otherwise howsoever, interfere with or impede the labours of the brigade in extinguishing the fire ;

(d.) He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing the fire ;

(e.) He may cause any street or thoroughfare in the neighbourhood of any fire to be closed for traffic during the continuance of any fire ;

(f.) He may at the time of such fire, or immediately thereafter, pull down or shore up any wall or building damaged by fire that may be dangerous to life or property.

(5.) He shall report to the Board on every fire occurring in the district, and shall give such particulars thereof as the Board may require.

Damage by Superintendent.

23. Any damage to property caused by the Superintendent in the lawful execution of any power conferred by this Act, or by any member of the brigade acting under his orders, shall be deemed to be damage by fire within the meaning of any policy of insurance covering the property so damaged.

Police to assist Superintendent.

24. The authority of the Superintendent shall be recognised by all members of the Police Force and all other persons, and it shall be the duty of every constable present at any fire to assist the Superintendent in the maintenance of his authority, and in enforcing obedience by all persons to his orders in the due execution of his duties.

Powers of Deputy-Superintendent.

25. During the absence from any fire of the Superintendent the Deputy-Superintendent shall have all the powers and duties herein conferred and imposed on the Superintendent.

GENERAL PROVISIONS.

Existing brigades.

26. Every brigade existing in any fire district on the commencement of this Act shall be subject to the control of the Board, and the equipment provided for or belonging to the brigade (except in the case of a volunteer brigade) shall be deemed to be the property of and vest in the Board.

Recovery of fines.

27. All fines imposed by this Act shall be recoverable in a summary way, in the manner provided by "The Justices of the Peace Act, 1882."

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28. The Governor may, by Order in Council, from time to time, on application of any Borough Council or other local authority, declare any district to be a fire district under this Act, and by such order may define the boundaries of such new fire district.

Governor may
constitute fire
districts.

5 29. Sections three hundred and ten to three hundred and seventeen of "The Municipal Corporations Act, 1900," are hereby repealed so far as the same relate to boroughs subject to this Act.

Repeal.