



**AGENDA FOR A MEETING OF THE EMERGENCY SERVICES SPECIAL COMMITTEE TO BE  
HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,  
WAITAKERE CITY, ON WEDNESDAY, 2 MARCH 2005,  
COMMENCING AT 2.00 PM.**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Tuesday 1 February 2005

**RECOMMENDATION**

That the minutes of the Meeting of the Emergency Services Special Committee held on Tuesday, 1 February 2005, as circulated, be taken as read and now be confirmed.



#### 4 COUNCIL SUBMISSION ON THE NEW FIRE LEGISLATION DISCUSSION DOCUMENT

##### **PURPOSE OF THE REPORT**

The purpose of this report is to gain the approval of the Emergency Services Special Committee for Council's submission on the Discussion Document on New Fire Legislation released by the Department of Internal Affairs.

##### **BACKGROUND**

Government, through the Department of Internal Affairs, has commenced a review of the legislation involving fire management in New Zealand. A Discussion Document entitled *New Fire Legislation: The Functions and Structure of New Zealand's Fire and Rescue Legislation* has been released to elicit comment and submissions from stakeholders and interested parties.

Currently fire activities are carried out under the Fire Service Act 1975 and the Forest and Rural Fires Act 1977. The Discussion Document proposes replacing both of these Acts with a single new Act which will not only cover fire, but will cover rescue and other emergency situations as well.

In many quarters the current legislation is viewed as failing to provide the legal protections desirable for fire crews during their attendance at general emergency incidents. The intent is that the proposed legislation will cover both fire and rescue emergency situations.

Interested organisations have been invited to forward submissions on the proposed legislation for consideration by the Department of Internal Affairs led project team.

A second discussion document which is yet to be developed relate to the funding of fire services. Until issues relating to funding are addressed, the final form of the proposed legislation is unlikely to be determined. The Discussion Document on funding is likely to be released later in the year.

In its role as Waitakere Rural Fire Authority, Council has a keen interest in ensuring fire protection for the rural area of the city is maintained and enhanced in any review. Council also has an advocacy role on behalf of the urban areas of the City.

##### **STRATEGIC CONTEXT**

Waitakere City Council is deemed to be the Waitakere Rural Fire Authority pursuant to section 7(2) of the Forest and Rural Fires Act 1977. Rural Fire contributes toward Council's strategic framework in the Strong Communities and Green Network strategic platforms by:

- contributing to community well-being by enhancing community preparedness for the risk of wildfire by educating communities in fire safety;
- managing the fire risk and responding to and suppressing any fires which may occur;
- providing assistance to communities in other emergency events;
- supporting communities to contribute to meeting their own needs through volunteerism.

New Zealand Fire Service activities also contribute to desired City outcomes in terms of community safety, and the protection of property and the environment from fire hazard.

## ISSUES

The Discussion Document assesses the current state of fire services in New Zealand and presents a range of issues to be addressed in new fire legislation. Three structural options for fire services are presented for consideration and a number of questions are posed to stakeholders and other interested parties.

The three structured options presented for consideration provide a very bare outline of the final structure. The options are:

- Option one – a national model;
- Option two – a modified status quo model;
- Option three – a national – regional model.

The proposed option two, with minor changes, would see the retention of the current system of Rural Fire Authorities administered in the same manner as at present. Both option one and three would remove responsibility for fire management from separate Rural Fire Authorities (including the Council) and place it with a proposed new unified fire/rescue organisation based on the current New Zealand Fire Service.

An analysis of the proposals in terms of their impact on Waitakere City would tend to suggest that option three, the national-regional model, would be the most optimal of the options proposed. While detail of such a model would need to be examined, it appears to provide for an integrated and standardised approach to fire service activity, with the ability to provide input from stakeholders and flexibility in response to local and regional issues. The unified organisation would strengthen volunteer access to training and equipment.

The existing structure which has Rural Fire separated from the Fire Service has not served the community's volunteers or Council all that well. Over the years the Council has placed a number of issues before the National Rural Fire Authority, but has had little success in having these addressed. One such issue has been the need to amend the Forest and Rural Fires Act to provide legal mandate and protection for volunteers responding to non-fire incidents. This lack of responsiveness was due in part to the national nature of the National Rural Fire Authority and the influence of commercial forestry interests within this structure for whom non-fire incidents are not an issue. A regional element within a national model would help provide greater responsiveness so long as it was established in a robust manner. Option three provides for this regional element.

The proposals for new legislation would also address the issue of legal mandate and protection for volunteers. This is a key issue for the Council.

A move to a unified organisation would likely remove direct delivery and control of Fire Services from the Council. While this might be a concern if service standards were likely to degrade, the initial staff view is that current service levels would be maintained, and likely enhanced over time. In addition, if the Advisory Boards proposed in the National-Regional model are established in a robust manner, Council would be able to input into decisions on local needs and service level requirements. There may also be some reduction in the cost to Council of service delivery under this model, although this will not be determined until funding issues are addressed.

Key points of submission for the Council that officers advise should be included in the submission are:

1. Changes to the legislation need to address current gaps in the legislation and provide legal protection and mandate for fire-fighters undertaking rescue and other non-fire work. This is particularly necessary for those volunteers currently operating in Rural Fire Forces responding to non-vegetation fires and incidents within rural fire districts.
2. The Council supports structure option three set out in the discussion document, a National-Regional model. This model combines the strengths of a unified Fire Service organisation with the benefits of regional responsiveness. Local Government needs to be seen as a key regional stakeholder.
3. The Council's support for this model is predicated on a well defined and strong role for the Advisory Boards identified as part of the structure. These Boards would need to meet regularly and have a major role in priority and operational policy setting for the region concerned. The ability to identify and deal with the needs of urban/rural fringe areas, as distinct from forest or farm areas is key to the success of any new legislation in terms of Rural Fire management.
4. The National-Regional model needs to be supported by an appropriate range of legislative arrangements to reinforce the aim of regional responsiveness. Ideally statutory powers would be provided to Regional Commanders.
5. Adequate resourcing of the new model to ensure strong liaison with existing volunteer networks is essential in maintaining current levels of service in Rural Fire District areas, although it is noted that the Fire Service has a strong track record with volunteer networks.

A1-A7

An overview of the proposals and progress to date can be found in the Discussion Document recently promulgated by Department of Internal Affairs which is available on their website [www.govt.nz](http://www.govt.nz). As this is a very comprehensive document it is not included as an attachment to this report. The draft Waitakere City Council submission on the New Fire Legislation Discussion Document is attached to this Agenda at pages A1 to A7.

## **CONCLUSION**

The Department of Internal Affairs has released a Discussion Document on New Fire Legislation. The Document sets out proposals for a new structure for Fire and Rescue Services, and provides the opportunity to address a number of issues that the Council has been concerned about for some time. A move to a unified Fire organisation based on the National-Regional model appears to provide the best option for the future. While this would see Council lose direct responsibility for Rural Fire Services, it is considered that the long term positive aspects of such a move, both for Council and for our fire suppression crews will far outweigh the negatives. A unified organisation will likely bring a major improvement to the operational management and increase the capabilities of volunteer crews.

## **RECOMMENDATIONS**

1. That the Council Submission on the New Fire Legislation Discussion Document report be received.
2. That the draft submission on the New Fire Legislation Discussion Document, as attached at pages A1 to A7, be adopted as the Waitakere City Council Submission and submitted to the Department of Internal Affairs.

A1-A7

Report prepared by Bill Morley: Manager, Emergency Management Services, Peter Barber: Principal Rural Fire Officer, and Ross McLeod: Director, Corporate & Civic Services.



**CONFIDENTIAL ITEM**

**5 AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP - APPOINTMENT OF GROUP CONTROLLER**

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following part of the proceedings of this meeting, namely Auckland Region Civil Defence Emergency Management Group - Appointment of Group Controller.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"><li>Auckland Region Civil Defence Emergency Management Group – Appointment of Group Controller.</li></ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"><li>protect the privacy of natural persons, including that of deceased natural persons;</li></ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(a) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- The report contains information that might affect the privacy of natural persons.*

