

12. SUBMISSION ON DEPARTMENT OF INTERNAL AFFAIRS NEW FIRE LEGISLATION DOCUMENT

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PURPOSE OF REPORT

1. The purpose of this report is to seek adoption of a proposed submission (attached) on the new fire legislation covering the functions and structure of New Zealand's Fire and Rescue Services. This consultation has arisen through the desire of the Government to review funding for the fire and rescue services and concurrently rewrite the present legislation covering fire and rescue services. The present consultation document covers structure only and finance will be dealt with through a submission document to be issued late 2005. The official closing date for submissions is 31 March 2005.

EXECUTIVE SUMMARY

2. The Christchurch City Council is presently a Rural Fire Authority under the Forest and Rural Fires Act 1977 and a member of the Canterbury West Coast Regional Fire Committee. In December 2004, the Department of Internal Affairs issued a discussion document entitled 'New Fire Legislation: The Functions and Structure of New Zealand's Fire and Rescue Services'. A copy of this document is available internally or from the Department of Internal Affairs web site, (www.dia.govt.nz). The discussion document identifies some issues associated with the current fire and rescue service structures and considers some possible alternative service structures. Current issues include:

- There are ambiguities and gaps in the existing legislation;
- At present, rural fire forces have no mandate to assist with non-fire fighting emergencies; and
- The current dual fire management system (urban and rural) does not provide the most co-ordinated and efficient approach to fire fighting and dealing with non-fire emergencies.

The document puts forward three options for discussion:

- Option one: A national model
- Option two: A modified status quo model
- Option three: A national regional model

3. The Council has an important opportunity through this mechanism to influence and contribute to the final shape of proposed new fire and rescue legislation. It is important therefore to compile the Council's views into a submission to respond to the Department of Internal Affairs draft proposals.
4. While there are areas of general agreement with what is being proposed by the DIA document which the Council would support, the following key issues need to be addressed:
 - The role and contribution of local government (Christchurch City Council) to the fire service and citizens of Christchurch
 - The principles of land management associated with fire and its implications
 - Strategic imperatives for Christchurch City Council in relation to fire and rescue and emergency management
 - The selection of a preferred option
 - Integration of urban and rural fire services
 - Regional organisation and local consultation
 - Contracting volunteers
 - Contracting out of the system
 - Composition of a new Fire and Rescue Board
 - Statutory powers to for staff
 - Response to DIA seven key questions
5. A copy of the proposed City Council submission is attached for discussion, amendment if necessary and adoption.

FINANCIAL AND LEGAL CONSIDERATIONS

6. The Christchurch City Council will get an opportunity to comment on financial aspects when the Department of Internal Affairs puts out its discussion document late in 2005.
7. The ultimate result of the present process is that new fire legislation will be written which will require some changes in the Christchurch City Council involvement in rural fire management. The extent and nature of this cannot be determined at this stage.

STAFF RECOMMENDATIONS

It is recommended that the Council adopt the attached submission, subject to any amendments, for forwarding to the Department of Internal Affairs as its views of the Discussion Document "New Fire Legislation".