

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Constitution of Fire Boards. 4. Election of members of Board by insurance companies. 5. Date of election, &c. 6. Term of office. 7. Extraordinary vacancy. 8. Proceedings of Board not invalidated. <p style="text-align: center;"><i>Proceedings of the Board.</i></p> <ol style="list-style-type: none"> 9. Meetings of Board. Election of Chairman. Chairman to preside. Vote of Chairman. Board may regulate its proceedings. <p style="text-align: center;"><i>Annual Estimate of Expenditure.</i></p> <ol style="list-style-type: none"> 10. Estimate to be prepared. 11. Proportion of contribution. 12. Contributions payable quarterly. 13. Contributions by insurance companies. 14. Board to assess contributions. 15. Interest payable on default by insurance companies. By local authority. 16. Contribution of local authority may be raised by rate. <p style="text-align: center;"><i>Powers and Duties of the Board.</i></p> <ol style="list-style-type: none"> 17. Duties of the Board. 18. Board may make by-laws. | <ol style="list-style-type: none"> 19. Board to have use of watermains, &c. 20. Board to keep accounts. 21. Balance-sheet to be submitted to Parliament. 22. Board may establish salvage corps. 23. Liability of members of Board. <p style="text-align: center;"><i>Powers and Duties of the Superintendent.</i></p> <ol style="list-style-type: none"> 24. Powers of Superintendent. 25. Damage by Superintendent. 26. Police to assist Superintendent. 27. Powers of Deputy Superintendent. <p style="text-align: center;"><i>Inspector of Fire Brigades.</i></p> <ol style="list-style-type: none"> 28. Appointment of Inspector of Fire Brigades. <p style="text-align: center;"><i>United and New Fire Districts.</i></p> <ol style="list-style-type: none"> 29. United fire districts. 30. New fire districts. <p style="text-align: center;"><i>General Provisions.</i></p> <ol style="list-style-type: none"> 31. Existing brigades. 32. Turncock to assist. 33. Electric light, &c., may be disconnected. 34. Public buildings to be provided with fire-escapes, &c. 35. Recovery of fines. 36. Repeal. |
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1906, No. 7.

- Title.** AN ACT to make Better Provision for the Protection of Life and Property from Fire. [8th October, 1906.]
- BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- Short Title.** 1. The Short Title of this Act is “The Fire Brigades Act, 1906.”
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
- “Board” means a Fire Board constituted under this Act:
- “Fire district” means the City of Auckland, Wellington, Christchurch, or Dunedin, or any other part of New Zealand from time to time declared by the Governor in Council to be a fire district; and includes a united 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” means a County Council, Borough Council, Road Board, or Town Board:

“Minister” means the Minister charged with the administration of this Act:

3. (1.) For every fire district there shall be a Board, called “The _____ Fire Board,” consisting of seven members, to wit,—

Constitution of
Fire Boards.

One member to be appointed by the Governor;
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.

4. With respect to the election of members by the insurance companies the following provisions shall apply:—

Election of
members of Board
by insurance
companies.

(a.) The election shall be held under rules 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.

(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.

(c.) The chairman shall have a casting as well as a deliberative vote.

(d.) Such rules, when approved by the Governor and gazetted, shall have the force of law.

5. The appointment and election of members of the Board shall be made and held in the month of May, one thousand nine hundred and seven, and thereafter in the same month in every alternate year.

Date of election, &c.

6. Every member shall hold office until the appointment or election of his successor.

Term of office.

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 person to be a member of the Board, who shall hold office so long only as his predecessor would have held it.

Extraordinary
vacancy.

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.

Proceedings of
Board not
invalidated.

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

Annual Estimate of Expenditure.

Estimate to be prepared. 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 up to the thirtieth day of June in the following year; but no such estimate shall have any force or effect until approved by the Minister.

Proportion of contribution. 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:—

- (a.) There shall be paid annually to the Board, without further appropriation than this Act, out of the Consolidated Fund by the Colonial Treasurer a sum equal to the amount that would be payable under section sixteen hereof or otherwise in respect of all Government buildings in the district if such buildings were rateable property; and
- (b.) The remainder, after deducting the amount so paid, shall be paid—one-half by the insurance companies insuring property within the fire district, and one-half by the local authority having jurisdiction within the fire district.

Contributions payable quarterly. 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 by insurance companies. 13. For the purpose of ascertaining the amount to be contributed by each insurance company the following provisions shall apply:—

- (a.) Every such company shall annually, at such time as the Minister by notice in the *Gazette* from time to time fixes, 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.

- (b.) Every such return shall be accompanied by a statutory declaration 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.
- (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.
- (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.
- (e.) All such returns, and all information obtained and all extracts made in order to verify such returns, shall be kept secret by the Board and every member thereof, and by every officer and person appointed thereby; and every person guilty of the non-observance of the secrecy hereby required shall be liable, on conviction, to a fine of not exceeding fifty pounds.

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. Board to assess contributions.

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. Interest payable on default by insurance companies.

(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, together 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. By local authority.

16. In order to raise the amount required by section eleven hereof to be contributed by the local authority, it may either pay the same out of its general rate or make and levy for that purpose a separate rate not exceeding one penny in the pound on the annual rateable value of the rateable property in its district: Contribution of local authority may be raised by rate.

Provided that in the case of any rateable property on which there are no buildings the separate rate shall be one-half of the rate above mentioned;

Provided also that in districts where the system of rating is on unimproved values the rate shall be made and levied on the value of the buildings in the fire district and not on the value of the land.

Powers and Duties of the Board.

Duties of the Board.

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

Board may make by-laws.

18. (1.) For the purposes aforesaid the Board may, subject to the approval of the Minister, from time to time make by-laws providing for—

- (a.) The appointment of a Superintendent and Deputy Superintendents, and such other officers and members of any brigade as it deems necessary;
- (b.) The payment of wages to such officers and members, and of gratuities in respect of voluntary or special services rendered to any brigade;
- (c.) The establishment of stations or divisions of any brigade, and the area to be served by any brigade;
- (d.) The discipline and good conduct of members of the brigades;
- (e.) 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.) The enrolment of persons as a volunteer fire brigade or volunteer fire police, and the control and duties of such persons;
- (g.) The establishment, maintenance, use, and protection of fire-alarm circuits;
- (h.) The employment of any brigade at any fire occurring outside the area served by the brigade;
- (i.) Imposing fines not exceeding twenty pounds for any breach of any such by-laws; and
- (j.) Generally for the purpose of carrying into effect the objects of this Act.

(2.) All such by-laws, when approved by the Minister and gazetted, shall have the force of law.

Board to have use of watermains, &c.

19. The Board, its officers and servants, shall have the use of all watermains, water-plugs, and valve-pipes belonging to the local authority, and of all water therein or in any well or tank, free of charge, for the purpose of extinguishing any fire, or for the purpose of drills conducted under the authority of the Board:

Provided that the Board shall be responsible to the local authority for any damage wilfully or negligently caused by the Board or its officers.

Board to keep accounts.

20. The Board shall keep full and correct accounts of all moneys received and expended, and of all assets 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.

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 the commencement of the next ensuing session, and a copy thereof shall be sent to each contributing insurance company and local authority in the fire district.

Balance-sheet to be submitted to Parliament.

22. (1.) The Board may, if it thinks fit, establish and maintain a force of men charged with the duty of attending at fires and saving property, and it shall be the duty of every brigade, with the sanction of the Board and subject to the regulations, to afford the necessary assistance to that force in the performance of their duties, and to hand over to their custody property that may be saved from fire.

Board may establish salvage corps.

(2.) No charge shall be made by the Board for the services thus rendered during the progress of a fire.

23. No member of the Board shall be personally liable for any act done by the Board of which he is a member.

Liability of members of Board.

Powers and Duties of the Superintendent.

24. (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 by-laws in respect to the storage of kerosene or of any dangerous explosive, or of empty crates, cases, or other packages, sawdust, shavings, hay or straw, or other inflammable substance.

(3.) 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, break into, 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.

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

(5.) He may appear on behalf of the Board at any inquest on a fire held under "The Coroners Act, 1867."

Damage by
Superintendent.

25. 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 or person 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.

26. 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.

27. 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.

Inspector of Fire Brigades.

Appointment of
Inspector of Fire
Brigades.

28. (1.) The Governor may from time to time appoint some fit person to be Inspector of Fire Brigades, who shall be charged with such duties as the Governor may from time to time assign to him.

(2.) The Governor may also from time to time appoint some fit person to be Deputy Inspector of Fire Brigades, who, under the control of the Inspector of Fire Brigades, shall perform such duties as he is called upon to perform in the carrying out of this Act, and who, in case of the absence, illness, or other temporary incapacity of the Inspector of Fire Brigades, shall act in his name and on his behalf, and while so acting shall have and may exercise all the powers, duties, and functions of the Inspector of Fire Brigades.

(3.) Such Inspector of Fire Brigades and Deputy Inspector shall be paid such salaries as are from time to time appropriated by Parliament.

United and New Fire Districts.

United fire districts.

29. (1.) The Governor may from time to time, by Order in Council, declare that any two or more fire districts forming a continuous area shall form one united fire district, with such name as is assigned thereto by such Order.

(2.) Such Order shall fix the number of the members of the Board of such united fire district, of which number one shall be appointed by the Governor, and the remainder (in equal numbers) by the insurance companies and by the local authorities of the districts forming such united fire district.

(3.) Such Order shall also fix the date of the first election of members of the Board, and on that date the Boards of the fire districts so united shall cease to exist.

(4.) The united fire district so constituted shall be deemed to be a fire district within the meaning of this Act.

30. The Governor may by Order in Council from time to time, New fire districts. on application of any Borough Council or other local authority, declare any area under the control of such Borough Council or local authority to be a fire district under this Act, with such name as he thinks fit, and by such Order may define the boundaries of such new fire district :

Provided that such application shall only be made after a poll of the ratepayers of the borough or local authority has been taken in the manner prescribed by "The Local Elections Act, 1904," and the proposal duly declared to be carried :

Provided further that every borough or local authority shall, within one month after a petition signed by not less than fifteen per centum of the ratepayers of such borough or local authority has been presented to it, requiring that the area under the control of such borough or local authority be declared a fire district, take a poll of ratepayers in accordance with the terms of the preceding proviso.

General Provisions.

31. (1.) Every brigade existing in any fire district shall be Existing brigades. subject to the control of the Board, and all land and buildings occupied by any brigade shall, subject to any charge or incumbrance thereon, be vested in the Board in trust for fire-prevention purposes :

Provided that the Board shall pay to any local authority or person owners of such land or buildings a rental of four pounds ten shillings per centum on the capital value :

Provided further that where any such land or buildings are at the passing of this Act pledged as security or part security for the repayment of any loan, the rental shall be computed, as to so much of the capital value as is equal to the loan or the proper proportion thereof, at the rate at which the loan was borrowed, and as to the remainder of such capital value at four pounds ten shillings per centum.

(2.) The Board shall take over all plant and appliances in the possession of any brigade at a price to be agreed upon between the Board and the local authority or persons owning the same, or, if the parties cannot agree, then at a price to be fixed by arbitration in the manner provided by "The Arbitration Act, 1890," as if this section were a submission under that Act.

(3.) Payment of the price so agreed on or fixed may be extended over any period not exceeding ten years as the Board may determine; and interest at the rate of five per centum per annum shall be paid by the Board on so much of the said price as is from time to time unpaid.

32. Every turncock employed by any local authority, or other Turncock to assist. person appointed in that behalf by the local authority, shall, upon any fire occurring in the district allotted to him by such local authority, proceed with all possible speed to the fire, and, when directed so to do by the Superintendent, shall assist by all means in his power the insuring of a plentiful supply of water.

Electric light, &c.,
may be
disconnected.

33. (1.) Every local authority or person supplying artificial light to any premises on fire shall forthwith send some competent person to shut off or disconnect the supply of artificial light to such premises, or to any building, land, or street adjoining such premises or adjacent thereto, as and if directed so to do by the Superintendent.

(2.) Any local authority, company, or person owning any electric tramway shall, if required so to do by the Superintendent, forthwith send some competent person to cut off the supply of electricity from any section.

Public buildings to
be provided with
fire-escapes, &c.

34. (1.) It shall not be lawful to use any building for public meetings, or as assembly-rooms, or as a theatre, or music-hall, or dancing-hall, or for any public performances or public amusements whatever, or for purposes of public worship, or for any local authority to license any building for any such purpose, unless the same is provided to the satisfaction of the Superintendent, or such officer as he may appoint, with sufficient safeguards against and means of escape in case of fire.

(2.) The Superintendent shall at all times have free access to any and every part of any such building in order to ascertain whether or not such provision exists, and shall annually report to the Board thereon in the case of every such building.

(3.) The Board on receipt of such report shall forward the same, or a copy thereof, to the Mayor or Chairman of the local authority within whose district any such building is situate.

(4.) Every person who uses any building contrary to the provisions of this section, or who obstructs or hinders the Superintendent in inspecting any building to which this section applies, is liable to a fine not exceeding fifty pounds.

Recovery of fines.

35. All fines imposed by this Act or by any by-law under this Act shall be recoverable in a summary way in the manner provided by "The Justices of the Peace Act, 1882."

Repeal.

36. Sections three hundred and ten to three hundred and seventeen of "The Municipal Corporations Act, 1900," shall not apply to any borough forming part or the whole of a fire district.