

Report on submissions

to

The Department of Internal Affairs

on

the discussion document

New Fire Legislation
The functions and structure of New
Zealand's fire and rescue services

July 2005

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1. Introduction

The Department of Internal Affairs is currently reviewing New Zealand's fire legislation.

This report analyses the submissions received by the Department in response to its discussion document, *New Fire Legislation – The functions and structure of New Zealand's fire and rescue services* (the discussion document), published in December 2004.

2. Background

2.1 Mandate for change

In December 2003, Ministers agreed that comprehensive new fire and rescue legislation should:

- replace the Fire Service Act 1975 (FSA) and the Forest and Rural Fires Act 1977 (FRFA);
- be developed by the Department in consultation with Local Government New Zealand, the New Zealand Fire Service Commission, and government agencies;
- extend the mandate for firefighters to cover the general rescue work they currently perform; and
- incorporate a property-based funding system.

2.2 Discussion document

In the discussion document the following problems with the current system were identified:

- ambiguity and inconsistency arising from deficiencies and gaps in the legislation;
- lack of a proper mandate for firefighters' attendance at non-fire emergencies; and
- inefficiencies resulting from a dual fire management system established in current legislation.

Three options for a new governance structure were proposed. All featured a Crown entity, the Fire and Rescue Board, responsible to the Minister. The three options were: a national model, where the organisational structure would be determined by the new Board; a status-quo model, in which the current dual management structure would be incorporated into one Act; and a national-regional model, where the new Board would deliver services along prescribed regional lines.

2.3 Key Questions

Seven key questions were asked in relation to these three options, and responses to these and comments on any other issues were invited. The questions were:

- 1) Which of the three options do you prefer?
 - Option 1: national model
 - Option 2: status quo model
 - Option 3: national-regional model
- 2) Do you believe urban and rural fire risks should or could be managed centrally by one national organisation?
- 3) Do you believe we need to legislate for regional delivery of our fire services?
- 4) Do you believe a new Fire and Rescue Board should contract directly with individual volunteers or brigades?
- 5) Do you believe a land owner or an industrial owner should be able to contract out of all national fire protection services if they can provide and maintain services that meet minimum national standards?
- 6) Do you believe a sufficient range of interests is indicated for board membership of a new Fire and Rescue Board?
- 7) All three options differ in the number of statutory positions created. Do you believe it is necessary to have statutory positions or should all powers be delegated from the Chief Executive?

3. Overview of submissions

3.1 Submissions

The Department would like to thank everybody for their submissions. One hundred and twenty-seven submissions were received, from all parts of New Zealand. A full list of submitters is appended to this document. Throughout this report, submitters are referred to by their submission number.

Number of responses to each key question:

Question One:	111
Question Two:	100
Question Three:	94
Question Four:	109

Question Five:	87
Question Six:	92
Question Seven:	93

Some submissions did not directly address the questions from the discussion document. In these cases we have, where possible, put submitters' comments under the appropriate question number.

3.2 Explanatory note about sector groups

In the following commentary, the submissions have been analysed as follows:

- 43 local government - regional councils and territorial authorities, Local Government New Zealand, and the Canterbury Mayoral Forum;
- 31 firefighters - individuals, brigades and fire forces, the New Zealand Professional Firefighters Union, the New Zealand Chief and Deputy Chief Fire Officers' Society, and the United Fire Brigades' Association;
- 14 fire authorities - including the Department of Conservation, the New Zealand Defence Force, and regional rural fire committees;
- 4 fire management - the New Zealand Fire Service Commission, the Chief Executive Officer and National Commander of the New Zealand Fire Service, the National Rural Fire Advisory Committee, and the National Rural Fire Authority staff group;
- 13 forestry industry - forestry companies, the New Zealand Forest Owners Association, the New Zealand Farm Forestry Association, the Marlborough Forest Industry Association, and the New Zealand Institute of Forestry;
- 2 government agencies - the Ministry of Civil Defence and Emergency Management, and Land Transport New Zealand;
- 14 other organisations, including the Forest and Rural Fire Association of New Zealand, and Federated Farmers; and
- 6 individuals.

3.3 Overall response to the review

Many submitters offered their support for the legislative review and noted that a re-evaluation of the fire services was timely.

“From our position we see the need for urgent change to the existing legislation so that we can provide the service expected from our local community.” (57)

“Much of the existing legislation is outdated and inappropriate for the current environment. The existing arrangements for the response to fire and emergency events in the rural areas have developed out of practical methodologies and are not supported by the current legislation.” (122)

A few submitters did question the need for a far-reaching review if services are acknowledged to be working well.

“A few pieces of legislation to legalise what we already do would be sufficient.” (35)

“Many of the problems which exist at present could be addressed by new legislation combining both Acts and tidying up the ambiguities and inconsistencies in both pieces of legislation without the need for this major change.” (71)

Some submitters recognised that highly functional operational systems have developed “on the ground”, and there was concern expressed that these would be dismantled by future changes.

“While there is room for improvement in the structure of fire services, it is important that many of the strengths of the current system are retained.” (52)

This point was further recognised by the New Zealand Fire Service Commission (78) which noted:

“... a very subtle, complex and efficient mix of service delivery arrangements has evolved under the dual fire legislation. [The Commission] would wish to see this diverse mix ... preserved ...”

There was frequent mention of the absence of discussion about funding of the services in the discussion document, and that it was difficult to formulate a view without knowing more about funding arrangements. Some of the submitters offered only conditional support for options for change depending on how funding issues were to be resolved.

There was an occasional suggestion that the review should be taken further and encompass the operations of all of New Zealand’s emergency services, for example, ambulance.

4. Question One

Which of the three options do you prefer? Your response will depend on how much structural change you consider is necessary.

Option 1: national model

Option 2: modified status quo

Option 3: national - regional model

4.1 Introduction

Many of the submitters did not answer this question by choosing a preferred option. Instead they discussed an ideal governance structure. In these cases, we have included their response under the nearest option.

Of the total of 127 submissions, there were 16 submissions that did not choose a preferred option.

Of the other 111 submissions, 54 chose option 3 (49 percent), 31 chose option 1 (28 percent), and 26 chose option 2 (23 percent). There was almost universal agreement that the legislation needed to be updated, and the majority favoured some form of amalgamation of urban and rural services under a national body.

The submissions that supported an option, most notably those supporting option 3, often suggested modifications to that option which in some cases had the effect of bringing the model closer to the intent of a different option.

Submitters were asked to give the reasons for their preferred option by referring to the advantages and disadvantages associated with each option.

The advantages noted for option 1 included:

- ease of operation;
- national consistency of standards; and
- clarity.

The disadvantages noted for option 1 included:

- a concern that rural operations would be overlooked and urban interests would dominate;
- that there would be poorly defined relationships with local communities; and
- a potential for local rural workers/volunteers to lose out or become disaffected.

The advantages noted for option 2 included:

- greatest utilisation of the volunteer base;
- community ownership;
- local knowledge; and

- local protection.

The disadvantages noted for option 2 included:

- no improvement on the current system;
- that each fire authority (FA) would become responsible for fighting structural fires, imposing added training on volunteers/employees and costs on the FA; and
- a concern that fire forces would not automatically get legal protection when attending non-fire emergencies.

The advantages noted for option 3 included:

- community involvement at the regional level;
- potential alignment with the Civil Defence Emergency Management Act 2002 (CDEM Act) and CDEM Act groups;
- national standards, but flexibility to meet the particular demands of the region;
- regional integration of services; and
- more volunteer-friendly.

The disadvantages noted for option 3 included:

- the system would be too expensive;
- too many layers of statutory management;
- unclear accountability for decisions (national or regional level); and
- the risk of creating disparities in the funding and delivery of services between regions.

There was no consistent interpretation of the option 3 model.

4.2 Sector Views

4.2.1 Local government

Of the 41 local authorities that made a submission, 37 preferred one of the three options; nineteen (12, 13, 21, 34, 38, 41, 45, 50, 65, 73, 74, 80, 91, 98, 100, 103, 107, 111, 119) favoured option 3, eleven (6, 11, 58, 59, 63, 64, 77, 85, 92, 106, 123) favoured option 1, and seven (33, 67, 79, 83, 114, 115, 120) favoured option 2.

The Ruapehu District Council (92), noting that most of the fires in its area are put out by the New Zealand Fire Service (NZFS) as first responders, did not support option 2. It saw the model as imposing further significant costs, due to the requirement for the FA to be responsible for fighting structural fires in its area.

The Otorohanga District Council (123) commented that it "... enjoys a relatively low fire risk with only three significant vegetation fire incidents in about the last 10 years, and finds it difficult and wasteful to retain adequately trained staff for such infrequent events." It supported option 1 and opposed option 3 on the basis that a national-regional model would only add extra costs and management layers into the system. The Council disagreed with the idea

that local boards were needed to manage local risks, commenting "... a competent Fire Officer in a local area can easily manage such risks."

In contrast Christchurch City Council (38), which covers an area of high fire risk, preferred option 3 and submitted that:

"... there is a need for an integrated fire and rescue service at a national level for co-ordination and standard setting but ... there should be a regional structure which has the capacity for local input and decision making based on local risk and threat analysis."

The Dunedin City Council (33) supported option 2, and while envisaging some delivery would be managed by a national organisation, wanted to expand on the success of the current regional rural fire coordinating committees, with the establishment of fire district committees to assess risks and develop a multi-agency fire management plan appropriate for each district. It saw, as did many other councils, the need to provide some linkages with CDEM Act groups. One such council was Manukau City Council (45), which in supporting option 3 stated:

"... [it] would provide the best opportunity for integration of the fire and rescue services with other emergency services and would provide the most efficient service to communities."

The importance of having local input, if not control, was central to many councils' views. Rodney District Council (13), which supported option 3, expressed the opinion on option 1 that:

"A single national Fire and Rescue Board overseeing the national operation of all fire and rescue functions, would not adequately provide for specific local community input or needs. In this option, the remoteness of the strategic decision makers could create division and an 'us and them' situation to the detriment of local operations and 'on the ground' delivery of services."

Local Government New Zealand (LGNZ) (125) commented that in order to fulfil its vision of "[m]anagement of risk through a service that is efficient and effective, and responsive to different contexts and communities", it preferred option 3. It "... envisages an integrated fire and rescue service in the future, able to provide national co-ordination, a regional mandate and local ownership."

LGNZ wanted the project to focus on the alignment of fire and rescue services with existing CDEM Act structures. It considered that the functions of a proposed advisory board could become functions of expanded CDEM Act coordinating executive groups (CEGs). It saw this added group approving the annual business plan for the region.

LGNZ considered that any national body needed to focus on "technical" matters, including:

- management of international relationships;

- operational and training standards for vegetation and structural fire;
- auditing functions;
- coordination of a national fire publicity programme;
- coordination and support for fire research; and
- management of the response to large incidents.

LGNZ submitted that the responsibility for vegetation and structural fire should lie at the regional level. The regional manager should have a mandate and clear responsibilities to deliver the operational requirements and to provide professional expertise to the governing body.

The Canterbury Mayoral Forum (121), which comprises councils stretching from Kaikoura to Waitaki, was concerned that the three options did not adequately cover issues such as volunteers, equipment and matters of equity. It also considered that the discussion document focused too exclusively on the response aspect of fire. The Forum considered that the current arrangements worked well but recognised that the current model could be improved, and it advised that member councils were prepared to work with other services to achieve this.

4.2.2 Firefighters

Of the 14 individual fire fighters who sent in a submission, three did not give a clear choice of option. Of those remaining, four (14, 24, 101, 110) favoured option 3, five (2, 7, 10, 26, 102) favoured option 1, and two (8, 122) favoured option 2.

One submitter (26), who supported option 1, commented “[i]n my area there are 4 small towns, 3 NZFS stations, 2 Ambulance stations, and one rural fire party. All are short of volunteers. There are not enough people to have two fire groups in most small towns.”

Another (10) suggested following a national model, but with two services, the New Zealand (NZ) Fire and Rescue Service and the Rural Fire Service. These could, he thought, “... share a common administration and upper management chain while becoming separate operating arms closer to the operating aspect.”

Some firefighters thought that the option 1 national model would place operational policy at the whim of a few individuals. One (14) expressed a theme common to the submissions in stating:

“The nationally imposed direction also fails to recognise ... the ways that essentially similar risks need to be managed and dealt with differently due to the issues of locality both geographic and personnel.”

All of the nine rural fire teams identified a preference for one of the options, with a majority of five (25, 28, 36, 60, 112) backing option 2. The Northland Fire Parties group (25) gave only qualified support, however, as they felt that they needed to engage in further discussion to understand the full ramifications of this option. Mt Somers Rural Fire Force (28) commented that option 2 was best because “[a]n administration based locally knows the local resources and

conditions better so is better able to mobilise the community, and rural firefighting is a community effort.”

The remaining fire forces were evenly split between support for option 1 and option 3. Two submitters (47, 69) gave support for option 1 over option 3 because option 3 was seen to create disparities or unhelpful diversity between the regions. Waiau Pa Rural Fire (47) preferred option 1 because it allowed for integrated service delivery, and better provisioning of resources, supplies, equipment and training.

Two other teams (32, 57) thought that option 3 provided the benefits of a unified national service but preserved a mechanism to implement local/regional requirements and input.

The urban brigades were equally divided between support for option 2 and option 3. Two brigades (39, 97) chose option 2. Ohakune Volunteer Fire Brigade (97) pointed out the positives of the current system. It said that the brigade was “... not impressed with any of these options. ... Rectify the inadequacies in legislation, but do not mess with the recipe.”

The Lincoln Volunteer Fire Brigade (27) supported option 3, as it believed that this would provide resources on a national level, but insisted that regions should be no smaller than current regional boundaries. The Ngahere Volunteer Fire Brigade (35) said that option 3 “... gives regions someone who knows most of the officers and understands the problems that arise at times.”

The NZ Professional Firefighters Union (NZPFU) (76) supported option 1 but questioned the assumption of a Crown entity structure, with advice to the Minister coming from the Department of Internal Affairs. It considered that the governance and management roles would be clearer if the Board of the organisation were to advise the Minister.

The NZ Chief and Deputy Chief Fire Officers’ Society (Fire Officers’ Society) (94) supported option 1 as best serving the needs of a modern comprehensive emergency service.

The United Fire Brigades’ Association (UFBA) (96) based its consideration of the options on a philosophy that “... the future delivery of fire and rescue services must recognise and respond to community requirements for the delivery of fire and rescue services.” The UFBA chose option 3 but with a number of modifications, which included the proposal that there be a Minister for Emergency Services who was focused upon all emergency services, of which fire and rescue services were just a part.

4.2.3 Fire authorities

The Department of Conservation (DOC) (117), in expressing its preference for a system based on option 3, said it wanted to continue to manage fire on the land that it administers. It considered that this might also involve joining with other land managers to contract out of the system via the current means of forming rural fire districts.

DOC explained that management of fire risk on conservation land must be integrated with its land management for other purposes, and with visitor management and maintenance of neighbour relationships.

DOC proposed a model that would have two reporting lines to the Minister, one from the national advisory board (which advises the Chief Executive Officer (CEO) and Minister) and the other from the CEO. The regional directors of operations would be advised by regional advisory boards, which would also provide regional advice to the national advisory board. DOC also added some additional points to strengthen its proposed model, which were:

- regional advisory boards should have statutory powers, particularly to approve the regional fire and rescue business plan;
- the roles in the rural fire management structure needed to be legislated for;
- new legislation needed to ensure that reduction, readiness and recovery was recognised as well as the response function;
- inter regional co-operation to be established and continued;
- rural sector representation on the national board and regional boards to be in legislation (DOC to be represented on all these boards);
- the use of regional council/local authority boundaries, unless there were clear reasons for using others for logical administration; and
- nationally directed use of appropriate tools for managing fire ecology on a landscape scale e.g. wildfire threat analysis.

The NZ Defence Force (NZDF) (124) supported the proposal of amalgamating the various pieces of fire-related legislation, and the formation of a single entity to be responsible for the governance of all fire services. The NZDF stated that any change:

“... must also facilitate synergy and jointness between all emergency services providers, including Civil Defence, emergency medical responders, Search and Rescue, and smaller agencies such as surf rescue and lifeguard organisations.”

The NZDF supported option 1 but added that “... both a regional and local input must be incorporated into the system, while maintaining national continuity and standards.”

Under a new system, the NZDF saw itself as a service provider to the Fire and Rescue organisation for areas assigned to/by the Minister of Defence. It said that this would mean that the current defence fire brigades would operate under the national standards of the organisation whilst delivering these services. Recognition would need to be made for the special activities undertaken by the NZDF. It considered that defence areas not assigned to/by the Minister of Defence would fall under the direct control of the national organisation.

Aside from DOC and NZDF, the FAs (excluding those which put in a submission as a council) almost unanimously supported option 3 (eight out of

nine). The exception was the South Canterbury Rural Fire District Committee (66), which supported option 2.

The Lake Taupo Fire Authority (116) is a Rural Fire District comprising conservation, forest owners' and territorial authorities' interests. It would like to see:

- less prescriptive legislation;
- the ability for forest owners, industrial owners and the like to contract out of the system;
- equitable funding arrangements;
- the recovery of expenses and the responsibility for fires to be equitable across the urban and rural sectors;
- land management, fire prevention and risk reduction management at a local level, rather than a national level;
- a national structure for setting standards, education, training and research;
- statutory rural industry input on any governing body;
- unambiguous legislation;
- no increase in costs; and
- the ability to compel poorly performing entities to comply.

It favoured option 3.

The Marlborough North Rural Fire District (104) supported option 3 for the following reasons:

- reduced number of FAs;
- regional coordination implied in the option, with a regional director for both structural and vegetation fire, and rescue; and
- the coordination that would be possible if the regional directors were responsible for the same regions as specified under the CDEM Act.

Pumicelands Rural Fire Authority (109), which contains a large forestry area in the central North Island within its district, supported option 3 with the following provisos:

- regional advisory boards should have statutory powers, particularly to approve the regional fire and rescue business plan;
- any new legislation needed to ensure that risk reduction, readiness, response and recovery functions were included. The wildfire threat analysis and risk assessment mitigation systems needed to be legislated for;
- inter-regional co-operation needed to be continued; and
- there needed to be logical administrative boundaries. The current NZFS region boundaries, not regional council boundaries, should be used.

Southern Rural Fire District (68), which is the largest FA in NZ (approximately 12 percent of the country's land area), found it hard to decide on an option without an idea of funding. It saw the national body as a coordinating body, with delivery through strong regional bodies with statutory

powers. Regional boards, it considered, needed to have significant links to all emergency services.

The Thames Valley Combined CDEM Committee and Thames Valley Rural Fire District Committee submission (43) incorporated the views of urban and rural voluntary forces/brigades. Option 1 was stated as the preferred model, with the national body as the policy and standard setting agency, and regional boards to reflect the regional requirements and allow for local ownership input at the regional level.

The South Canterbury Rural Fire District Committee (66), although supporting option 2, stated that a variation on options 2 and 3 would satisfy the need to recognise the variability in fire frequency throughout the country, and cater for those areas with higher risk and more frequent damaging fires. Due to responsibilities under the Local Government Act 2002 (LGA), the Resource Management Act 1991 (RMA) and the CDEM Act, it felt that territorial authorities needed to remain in the system because management of fire on the land was an integral part of their legal obligations. The Committee made the statement:

“As a significant player in the current scenario, the country can ill-afford the luxury of writing Local Government out of the equation and leaving the future outcome in the hands of the 11,000 volunteers and the existing Fire and Rescue Service.”

Two of the three regional rural fire committees preferred option 2, the status quo model, while one was undecided. The Canterbury West Coast Regional Rural Fire Committee (46) noted that generally the status quo was working well in its area. Its submission was very similar in content to that of (66) above. It proposed its own model based on elements of options 2 and 3, with the continued involvement of territorial authorities because of their legal obligations to manage fire under various acts. It preferred strong regional boards with statutory powers, which would govern areas similar to the areas currently managed by rural fire districts. The Committee’s model included clearly defined and separate operational arms, one for rural fire and one for urban fire and rescue, both with a national director. The regional board would have a governance role over both arms.

The Otago Southland Regional Rural Fire Committee (118) supported option 2, although it rejected the idea that FAs should have responsibility for structural fire. It did not think that wholesale change was necessary, but proposed that problems would be solved by changes to legislation that unified management systems, extended the mandate of firefighters and ensured there was continued flexibility for urban and rural fire services to support each other.

The Eastern Regional Rural Fire Committee (18), whose members are FAs from around the Hawkes Bay area, discussed the perceived risks and benefits of the three options. It had no consistent answer or preference, as the different FAs in the Committee preferred different options. Option 1 was considered to have too many potential problems and, while some members leaned toward

option 2, it was believed to be only a slight improvement on the current situation. Some members thought option 3 would be the most expensive and cumbersome option.

4.2.4 Fire management

The NZ Fire Service Commission (NZFSC) (78), as both the governing board of the NZFS and the National Rural Fire Authority (NRFA), supported option 1. It considered that this unitary approach was consistent with comprehensive hazard management, but acknowledged that unitary legislation must address the question of community engagement. The Commission saw merit in bringing the rural and urban services together under a single management framework, while preserving all the diverse service delivery options at ground level.

The National Rural Fire Advisory Committee (NRFAC) (15) did not consider there was enough information to support any of the options. However, it put forward some principles that it considered important, including the principle that private sector service delivery should be part of any future solution.

The NRFA staff group (37) suggested its own model. It considered that any new national board should govern an organisation with two operational arms, one for structural fire, and one for fires in the land environment. The first arm would essentially be the new fire and rescue service, which would operate in the built environment, responding to structural fire, motor vehicle accidents and hazardous substance emergencies. The second arm would operate within enlarged rural fire districts, using territorial authority boundaries as building blocks, and based on “regions of interest.” Each district would be governed by a board, which would be able to:

- determine regional priorities;
- enter into agreements with neighbouring regions;
- enter into agreements with the structural fire operational arm for response capability, if needed; and
- appoint a Principal Rural Fire Officer, who would manage the four Rs in the area, using paid and volunteer firefighters, and warranted rural fire officers from stakeholder organisations.

The CEO of the NZFS (40) supported a national model. He made the point that “[e]ffectively, the new act should define the whole of New Zealand as ‘The Fire District’ and allow for exclusion by gazette, as appropriate.”

4.2.5 Forestry industry

Of the nine forestry companies which responded, eight (17, 19, 52, 61, 70, 86, 87, 88) supported option 3 and one (51) supported option 2.

There was an almost unanimous message that the forestry companies wished to:

- continue their collaboration with other interested parties (this is mainly achieved currently by way of involvement in a rural fire district); and
- maintain control over their own fire operations.

A number of the forest owners' submissions (19, 52, 87, 88) supported the submission of the NZ Forest Owners Association (NZFOA) (62). This submission saw option 3, with the addition of enhanced duties and responsibilities for the regional advisory boards, as appropriate.

The decision to support option 3 was in many cases influenced by not wanting either of the other two options. In respect of option 2, a major perceived drawback was that the option would not allow for contracting out, and in respect of option 1, that it was best suited to a response-led organisation only.

In expressing a preference for option 2, Wenita Forest Products (51) included a proviso that landowners or occupiers who could provide and maintain services that met or exceeded national standards must be able to contract out of the system.

The Marlborough Forest Industry Association's (MFIA) (30) concern lay with the need for the legislation to protect all firefighters and emergency service workers with a legislative mandate, and to encourage the development of increasing co-ordination and cooperation within and among brigades (both rural and urban), and also to encourage specialist rural fire skills within urban brigades. It leaned towards option 2, with modification and subject to funding.

The NZ Farm Forestry Association (NZFFA) (55) generally supported the NZFOA submission. However, it advised that it also had its own separate concerns, because members' forests are predominantly small, widely dispersed through different land classes, and have a variety of other land uses. In supporting option 3, it believed that a component of local knowledge is essential in responding to emergency callouts.

The NZ Institute of Forestry (NZIF) (84) supported option 3, while emphasising that the option must have enshrined in it mechanisms for the special recognition of rural/wildfire interests.

4.2.6 Government agencies

The Ministry of Civil Defence and Emergency Management (MCDEM) (48) preferred option 3. It stated that its main interest in the fire legislation review was to pursue integration of fire and related services with the CDEM Act framework. Under the option 3 model, MCDEM focused on the perceived need for regional coordination in line with the CDEM Act groups, together with a national asset allocation model.

Land Transport NZ (LTNZ) (3A) stated that its immediate concern was to ensure that the NZFS had a responsibility to prepare for and respond to

transport accidents. On a particular option it said it had no preference, but would avoid a national-regional model, on the grounds that "... our requirement is for consistently high standards across the country for all road rescue response."

4.2.7 Other organisations

The submission from NZ Airports (22), made on behalf of eleven of NZ's major airports, stated that on the information available airport companies would prefer option 3 because:

- airport and other fire services could easily operate within this system; and
- a Fire and Rescue Board potentially comprised a more realistic cross section of the community.

However, it noted that the discussion document made no reference to airport fire services receiving coverage, and there appeared to be no mechanism to recognise the Civil Aviation Act 1990 and link it to the proposed new legislation.

The Forest and Rural Fire Association of New Zealand (FRFANZ) (31), in supporting option 2, expressed the view that the existing structure had been working well, and that there would be a risk of losing the gains made if there were a complete change of structure. It made a clear distinction between structural and industrial fires, and vegetation fires. It stated:

"... vegetation fires fall into that category of administration created for the control of floods and other environmental hazards, requiring continuing maintenance and administration of mitigation strategies, and a capacity to deal with infrequent emergencies.

This category of emergency ... is required to be administered at local levels by Territorial Authorities."

The Insurance Council of NZ (5) preferred option 1 on the basis that the formation of a Fire and Rescue Board as a Crown entity, and the integration of rural and urban services but with separate control operations for these areas, appeared to be more straightforward than the other options.

Federated Farmers of NZ (127) advised that its members were committed to ongoing involvement with rural fire management because they are both at risk from wildfire, and use fire as a land management tool. However, they did support change, and favoured option 3. Their view was that:

"... both the level of risk and use of fire vary throughout the country and that this variance would make the suitability of one 'national' model and standard difficult to administer."

The Manawatu-Rangitikei province of Federated Farmers (82), in supporting their national body's view, saw that a move to a national model would result in the loss of valuable local knowledge.

The three submissions that came from groups associated with the operation of the CDEM Act all had different perspectives on the advisability of the options. The Taranaki CDEM Group (75) advised that despite not knowing the financial implications of each option, the group generally supported option 3. The Central Hawkes Bay Emergency Services Co-ordinating Committee (89) wanted one piece of legislation, and for the existing excellent local relationships to continue. It advised it was unable, however, to support any of the options. The Wanganui-Manawatu CDEM Group CEG (72) wanted all fire service functions to be delivered by one central, united fire service. This option, it stated:

“... would ideally require no functional input from local authorities, however local authorities would continue to retain the capability to introduce bylaws and permit requirements regarding fire lighting and control (as is currently the case under local government legislation).”

The Rural Fire Network (108) is a company contracted to the Waimea Rural Fire Authority to undertake fire management. It proposed a variation to option 2. It considered that any new legislation needed to have clearly defined boundaries and fire responsibilities between metropolitan and non-metropolitan areas. It wanted any new system to offer the option of the provision of all fire and rescue services in non-metropolitan areas via a contract mechanism.

The Institution of Fire Engineers (20), in supporting option 1, stated that the objectives of its organisation could best be met by “... one national organisation responsible for ensuring consistent application of standards, codes and rules.”

Fire and Rescue NZ (54) considered that:

“The existence of two separate fire services is the major cause of the deficiencies affecting both services. The creation of a single service responsible for the provision of all fire and emergency response services would provide a structure, which could be achieved in an effective, efficient and economic manner.”

It preferred option 1, as it removed current problems in communications, procedures and management at incidents, and allowed for the implementation of consistent and relevant standards.

4.2.8 Individuals

Most of the submitters from this group, four (1, 42, 56, 81) from six, preferred option 1. One individual (1) said that option 1 offered simpler management, which would mean more effective fire and rescue services.

Another submitter (56) took a similar view, as he believed that a simple structure was the best way to deal with emergencies, and a national model “... maximises the ability to apply sound risk management practices that are comprehensive, flexible and proactive.” He also thought that the organisation

and its management structure should be driven by community needs, with performance measured against outcomes defined in new legislation.

One individual (42) thought that the NZFS was one of "... the best in the Southern Hemisphere if not in the World." He preferred option 1, as he saw this model as best allowing the fire service to continue to evolve in the face of new challenges. He also argued for this option on the basis that the different skills required for urban and rural fires did not justify separate services, as firefighters could be trained and equipped to deal with the hazards in the particular area in which they worked.

Another (81) saw the option 1 national model as a way towards reducing any conflict over the allocation of resources and funding. In offering his views he maintained that:

"People should be confident that no matter where they are in the country that they will receive both proactive and when necessary a reactive response to fire and other emergencies."

One submitter (71) believed option 2 was suitable, with some modification. He thought that this would retain existing "people resources", cater for the differences between vegetation and structural fire, and was more in keeping with the localised control seen in other legislation and policies.

5. Question Two

Do you believe urban and rural fire risks should or could be managed centrally by one national organisation? If not, please explain why, identifying your concerns.

5.1 Introduction

One hundred of the 127 submissions (79 percent) responded to Question 2.

There was support for central management by one national organization across all sector groups. Of the 100 submissions, 64 submissions (64 percent) supported integration of some sort. The majority of local authorities, fire authorities and the forestry industry were in support.

Fifteen submissions (15 percent) opposed integration.

The remaining 21 submissions (21 percent) offered neutral comments, or had no clear preference for or against integration.

Integration was seen as recognising what was happening already and as creating a mechanism for the best use of limited resources. Objections centred on concerns that the differences between structural and vegetation fires would not be recognised in an integrated organisation. A number of submissions described these differences. Rural (vegetation) fire was identified as different from urban (structural) fire because:

- it required specialised firefighting resources, equipment, and often longer time commitments; and
- rural fire is a land management tool, which requires local control, through methods such as permitting, and fire bans/seasons.

Some submissions also commented on whether or not integration should take place at the local/regional level, or whether only the head office of the organisation should be integrated.

5.2 Sector views

5.2.1 Local government

A majority of the submissions from local authorities supported integration, with twenty-three (6, 11, 12, 38, 41, 45, 50, 58, 63, 64, 65, 67, 77, 79, 80, 85, 90, 91, 92, 103, 114, 115, 123) out of 41 taking this position. The Ashburton District Council (67) summed up the general view of this group when it said:

“It would be beneficial to have a better integrated service, but recognition must continue of the differences between vegetation and structural firefighting, and the accompanying requirement for separate specialist skills. It is not considered essential that all firefighters are fully skilled in both fields.”

One council (73) wanted the legislation to "... provide an equal level of service to both urban and rural property owners." Another (21) favoured urban and rural differences being "... recognised but the services coordinated."

Some local authorities (33, 83, 98, 120) believed it was preferable to keep structural and vegetation functions separate, because the differences between structural and vegetation fire prevented integration, or because integration would not achieve greater efficiency.

Some of the concerns expressed included those from Dunedin City Council (33), which said that because of the "... potential risks to the staffing and availability of fire teams to protect all values, any efficiencies anticipated under a single delivery structure would have to be questioned." A similar point was made by the Selwyn District Council (83) which, in questioning the placement of existing responsibilities of local government in full fire management, found it "... hard to see how a Central/National Organisation could manage both rural and urban fire tasks within their existing staffing, budgeting and skills levels."

Two councils (13, 34) wanted recognition of the differences between structural and vegetation firefighting, but also coordinated services. The Rodney District Council (13) said that the "... management of a second layer of training and equipment needs, tailored to suit the specific area, should rest with the territorial authority." Timaru District Council (34) suggested that "... the actual operation of the two functions be separated out at a local level ie the fighting of various types of fires and providing of emergency services."

LGNZ (125) supported integration and expressed a need to recognise the differences between structural and vegetation fires, and the Canterbury Mayoral Forum (121) echoed this need, although it did not give explicit support for integration.

5.2.2 Firefighters

Of the 14 submissions from individual firefighters, four (23, 101, 102, 110) supported integration. Although optimistic about integration, one submitter (110) perceived difficulties, indicating:

"Yes I do think that the 'urban and rural fire services' can be controlled by one national organisation, and I believe that this is an inevitable conclusion, with a 'bright future and outcome'.

However, I am unsure of how they are able to be melded together effectively without great turmoil."

Three (2, 7, 10) submissions from firefighters opposed integration. One (10) suggested setting up dual structures for structural and vegetation functions. Another (7) believed that the differences between urban and rural fire were too great for integration to work.

Rural fire teams showed more definitive support, as five (32, 36, 47, 57, 69) of the total of nine submissions backed integration. Without indicating clear support or rejection of integration, one rural fire force (28) emphasised the fundamental differences between rural fire forces and volunteer and permanent brigades, insisting that teams such as theirs "... must not be swept up as an afterthought into a structure designed for the other types of fire forces."

Two (27, 35) of the five urban brigades' submissions supported integration.

The NZPFU (76) and the UFBA (96) supported integration. The Fire Officers' Society (94) said that integration of the operational wings of the two existing organizations was more difficult to deal with than structural governance issues. It commented that:

"While members of both organisations generally work well together on the ground, there are overlapping areas of responsibility and accountability. An integrated approach must retain the best elements of the current system of wildfire management."

5.2.3 Fire authorities

Five (43, 46, 49, 68, 118) of the submissions from the total of 14 FAs supported integration of urban and rural fire services.

Lake Taupo Rural Fire Authority (116) thought that management should remain separate but response to incidents should be integrated. Wairarapa Rural Fire District (29) made an alternative suggestion, which was to integrate at the regional level.

The NZDF (124) believed that the legislation should allow for the future integration of Civil Defence, surf lifesaving and other emergency services.

DOC (117) and Western Bay Moana Rural Fire Authority (44) both maintained that there should be central governance but that urban and rural fire should be managed in local regions.

Several of the FAs (29, 109, 116, 117) saw vegetation fire as a part of land management that needed local involvement. The Pumicelands Rural Fire Authority (109) preferred contracting out.

The three regional rural fire committees (18, 46, 118) accepted integration but noted that structural and vegetation fires required differing approaches.

5.2.4 Fire management

The NZFSC (78) wanted a unitary authority to set service delivery standards, but also wanted to preserve all the diverse service delivery options on the ground.

The submission from the NRFAC (15) believed that the differences "... between the overall management of the built and land fire environments" needed to be acknowledged in the review.

Another submission (40) supported integration.

5.2.5 Forestry industry

Of the forestry companies, five (19, 51, 52, 61, 86) out of nine expressed limited support for integration. There was a general belief that there needed to be recognition of the differences between vegetation and structural fire, and that vegetation fire was best managed at the local/regional level. Two companies (17, 70) opposed integration.

The NZFOA (62) and NZIF (84) saw the advantages of developing multi-skilled teams, while recognising the land management role within vegetation fire management. The third organization (30) supported a national organisation to set standards, and rural/regional input into operational management.

Two companies (87, 88) and an organisation (55) supported the NZFOA (62) submission.

5.2.6 Government agencies

LTNZ (3A) suggested that integration could reduce the rural focus on fire reduction at critical times of the year. MCEM (48) favoured integration but recognised that specialist skills may be needed.

5.2.7 Other organisations

Three submissions (5, 20, 22) supported integration. Four (31, 54, 94, 127) saw the advantages of integration, but were concerned that specialist vegetation firefighting be retained. The Rural Fire Network (108) rejected integration.

5.2.8 Individuals

Five (1, 42, 56, 71, 81) of the six submissions from individuals supported integration.

6. Question Three

Do you believe we need to legislate for regional delivery of our fire services? Do we want regional boards to represent key interest groups on issues such as local risks and fire control measures, or would it be better to have a national advisory board? Do we need both?

6.1 Introduction

Ninety-four of the 127 submissions (74 percent) answered at least some aspects of this question.

On the question of the regional delivery of fire services, 54 of the 94 submissions (57 percent) either directly argued for this, or their choices implicitly required it. Conversely, 29 submissions (31 percent) did not want regional delivery because they favoured national delivery. The balance of 11 submissions (12 percent) wanted either no change from the present structure, or were unclear in their preference. There was a strong correlation between the choice of a preferred model in Question 1 and the support, or lack of it, for regional delivery.

The description of regional delivery in many submissions called into question its “national” character. That is, the degree of local autonomy proposed in some regional models left the “national” governor with very little to do other than prescribe standards, coordinate training and monitor performance. Such models went well beyond what could be considered to be the national-regional model described in option 3. For example the Southern Rural Fire District (68) saw the delivery aspects of the services as being completely controlled at the regional level. They supported:

“... a system that was nationally structured and funded, regionally governed and locally owned...”

The Regional Board needs to have governance power with representation and links with the various sectors within their region. The role and function of the Boards ... should include such functions as approving the Regional Director’s Business Plan and setting regional priorities.”

Other parties, such as LGNZ (125), saw a much stronger national board, and were concerned:

“... that the Regional Advisory Board as suggested in Option 3 may lead to duplication of services, and could usurp the role of the Chief Executive. Instead, Fire and Rescue Services could become part of the regional risk management system, and contribute expertise based on national standards in both vegetation and structural fire management (including hazard management) and response.”

On the question of whether there should be regional or national advisory boards to assist with the governance of fire and rescue services, 48

submissions (51 percent) supported the need to have both types of board, 17 (18 percent) mentioned only regional boards and 18 (19 percent) argued solely for a national board. A further 11 submissions (12 percent) showed a preference for neither type of board, reflecting either a desire for no change to the status quo, or that they had no viewpoint on this issue.

6.2 Sector views

6.2.1 Local government

Eighteen submissions (12, 13, 21, 33, 34, 38, 41, 45, 50, 65, 67, 79, 80, 91, 92, 98, 103, 111) out of a total of 41 from local authorities supported the idea of regional delivery of fire and rescue services. However, there was wide variation within this group on the concept of “regional delivery”. Some (33, 34, 38, 50) envisaged a large measure of regional autonomy in the provision of services. For example, the Timaru District Council (34) argued that:

“This Council is emphatic that the local autonomy should be retained in the South Canterbury region and that management must be retained at a local level.”

Other local authority submissions reflected a desire for stronger national governance, guided by strong local advice. For example, the Waitakere City Council (12) stated that it:

“... sees the benefits in a single national fire organisation, but views regional advisory boards as more effective in ensuring service[s] meet local needs. A national advisory board would be more open to capture by larger, non-representative organisations and would not provide as well for the recognition of the differences between regions and the different needs arising out of these.”

There was some variation on the exact nature of geographical representation. Southland District Council (50) noted that:

“... regions may not necessarily incorporate only one Regional Council area but there may be appropriate geographical areas where the service is provided over two or more regions ...

Council would support a system that was nationally structured and funded, regionally governed and locally owned. It needs to be strongly linked to the organisation set up under the Emergency Management and Civil Defence Legislation.”

Similarly, Rodney District Council (13) believed that the legislation:

“... should preferably allow for Territorial delivery of the operational service, or failing that, Regional delivery. The new Civil Defence Emergency Management legislation has identified a regional structure for the future management of an ‘all hazards’ national emergency policy.”

Notwithstanding the relatively strong support for a large measure of autonomy in delivering regional fire and rescue services, eight submissions (6, 11, 58, 63, 85, 106, 114, 123) from local authorities opposed regional delivery. Among these, Buller District Council (6) said that "... it does not appear to make good sense to be too overly top heavy in the administration of an organization such as fire within New Zealand and currently there appears to be significant duplication of resources at the upper level..." Clutha District Council (114) opposed regional delivery because "... the desired aim can be achieved by using the existing system of regional coordinating committees."

However, the main reason why regional delivery was opposed in these submissions appears to be because (in seven out of eight cases) they favoured option 1, the fully national model. This requires no regional boards. In the eighth case the submission (114) supported a modified status quo, and therefore opposed both national and regional approaches.

Five local authorities (64, 83, 90, 115, 120) made no statement or were unclear on whether they wanted legislation for regional delivery of services. One (83) of these appeared to do so because they supported option 2 (which would attempt minimal legislative change). Three others (90, 115, 120) gave either no clear preference for any of the options, or saw no compelling reason for change. The other submission (64) envisaged an alternative approach through regional risk management.

LGNZ (125) supported regional delivery, while the Canterbury Mayoral Forum (121) said that it did not support any change until funding issues were addressed.

6.2.2 Firefighters

Firefighter's views were spread more evenly than other sector groups and tended to reflect the sector from which they came (urban or rural), though not in all cases. Eight of the 14 submissions from individual firefighters answered this question, with four (10, 14, 23, 101) supporting regional delivery and four (2, 7, 102, 110) opposing it.

Typical of the support for regional delivery was the submission of the Chief Fire Officer (CFO) of a small urban volunteer fire brigade (14) who stated:

"I would also favour ensuring that legislation establishes regions with a definition of the role of that establishment. ... The need to manage at a regional territorial authority level is probably best determined by legislated input by these authorities back to the higher-level advisory board."

Among those opposing regional delivery, one submitter (2) argued that regional delivery, "... while having some attractions such as greater local accountability, would be more expensive, and more variable, than a national service."

Six out of nine rural firefighting teams commented on regional delivery. Of these, three teams (32, 57, 112) supported regional delivery while three (28, 47, 69) were opposed.

Of the five submissions from urban brigades, three made comments. One (27) of these supported regional delivery and two (35, 97) were opposed.

The representative firefighter organisations were also divided. The UFBA (96) supported regional delivery, while the NZPFU (76) and the Fire Officers' Society (94) supported national delivery.

6.2.3 Fire authorities

This sector strongly supported the concept of regional delivery. Eight (29, 43, 49, 68, 104, 109, 116, 117) out of 14 FAs favoured the regional delivery of fire and rescue services.

The NZDF (124), while acknowledging the need for "regional influences", preferred national delivery. No clear preference was signalled by the Western Bay Moana Rural Fire Authority (44), which appeared to support central governance, but regional management.

The combined submission from the Thames Valley Combined CDEM Committee and Thames Valley Rural Fire District Committee (43) submitted that:

"Legislated regional delivery of fire and rescue services is supported. New legislation would play an important role in the overall 'emergency management' of each region, so it must enable regional issues to be recognised. The suggested term 'Advisory' does not indicate any statutory authority.

Any Regional 'Management Board' must include Local Authorities (not necessarily elected members) as they have the best knowledge of their local communities, their known hazards and the expected/agreed level of service to be provided."

Of the three submissions from regional rural fire committees, two (18, 46) chose regional delivery. Otago Southland Regional Rural Fire Committee (118) did not support regional delivery because it preferred the existing structure, which largely reflected a different view on appropriate boundaries.

6.2.4 Fire management

The NZFSC (78) argued against regional delivery, saying that:

"... the national/regional model fails the first test of good organisational design. [The Commission] foresees the national/regional model leading inevitably to the demise of a national fire and rescue service and the establishment of separate regional fire services."

6.2.5 Forestry industry

All of the nine submissions (17, 19, 51, 52, 61, 70, 86, 87, 88) from forestry companies supported regional delivery, as did the four organisations (30, 55, 84, 62) from this sector.

Typical of the sector's views were those of the industry representative group, the NZFOA (62) which said that it:

“... strongly believes that legislation is required for regional delivery of fire services. This should not be the prerogative of the Chief Executive.

Regional Boards are required to represent a range of key interest groups. The role and function of the Boards should be defined in legislation, and should include such functions as approving the Regional Director's Business Plan and setting regional priorities.

Regional Boards and staff ... will be best placed to advise on the balance of regional priorities after local issues have been debated...”

6.2.6 Government agencies

Of the two government agency submissions, one (3A) supported national delivery of services, while the other (48) did not. MCDEM's (48) reason for preferring regional delivery was that:

“The CDEM Act 2002 and the Resource Management Act 1991 have established CDEM and hazard management as local government responsibilities. Governance for fire and rescue services should be consistent with this framework to assist with integration with CDEM planning and provide for community involvement. ...

While option 1 does not rule out regional service delivery and integration with CDEM and hazard management it provides no requirement for it or even the suggestion that it would be considered. We believe that the mechanism for community involvement should be prescribed in the legislation as proposed in option 3.”

The submission from the LTNZ (3A) was against regional delivery, because it saw no compelling reason to change existing relationships.

6.2.7 Other organisations

Of the 14 submissions from organisations, four (22, 31, 108, 127) supported the option of regional delivery of services, three (5, 20, 54) wanted national delivery, and one (75) showed no clear position.

The organisations that supported regional delivery were FRFANZ (31), the Rural Fire Network Limited (108), Federated Farmers of NZ (127) and NZ Airports (22).

An opposing view on the need for regional delivery came from the Insurance Council of NZ (5), which stated that it "... does not support regional fire and rescue boards. This adds a layer of cost and duplication of resources compared to Option one of a National Fire and Rescue Board."

The Council also argued that:

"... there are risks with the proposal to have a wide autonomy (regional boards) as local political issues could have negative effects, such as competition for resources at the expense of services in areas where there is less political influence."

6.2.8 Individuals

Four of the submissions from individuals specifically referred to this question, and three (42, 56, 81) of these supported national delivery. The other submission (71) preferred a modification to the status quo. The arguments for support of national delivery were typically summed up in the comments of a former CEO of the NZFS (42), who thought that:

"The establishment of regional boards would be [a] backward step and could make it difficult to obtain agreement on national rules and guidelines. During my tenure there was never any suggestion that local boards were necessary or desirable.

There does need to be provision for feedback to the Fire and Rescue Service and Commission on performance and community needs. This input should be at the national level not regional level."

6.3 Regional and/or national advisory boards?

On the question of whether there should be regional or national advisory boards to assist with the governance of fire and rescue services, 48 submissions (51 percent of 94) supported the need to have both types of board, 17 (18 percent) mentioned only regional boards and 18 (19 percent) argued solely for national boards. A further 11 submissions (12 percent) showed a preference for neither type of board, reflecting either a desire for no change to the status quo, or that they had no viewpoint on this issue.

6.3.1 Local government

Fourteen (13, 21, 33, 38, 41, 45, 65, 67, 79, 91, 98, 103, 111, 120) of the submissions from local authorities favoured having national and regional advisory boards, seven (12, 34, 50, 64, 80, 83, 92) mentioned only regional boards and six (6, 11, 58, 85, 106, 123) wanted only a national board. Four local authority submissions (63, 90, 114, 115) mentioned neither.

Local government views on the need for advisory boards split essentially into two. In one group were those that argued along the lines of the Otorohanga District Council (123):

“It is Council's opinion that a regional fire board is not required. The NZFS currently has its own regions for management of its fire districts, and it is likely either these or other practical management zones could be utilised for an integrated fire force. Council sees little point in establishing regional boards (particularly of the makeup noted at 4.24) and any required liaison could be made directly with the Territorial Local Authorities affected. A national advisory board is an appropriate body to provide high level advice if it is considered that it is needed.”

Conversely, the larger group of submissions supported views such as those expressed by Gisborne District Council (11):

“Modern emergency management requires the empowerment and engagement of local communities. This can only be achieved through working with, not dictating to the people receiving the service. Irrespective of whether options one, two or three are adopted, communities will be required to be a part of the decision making process.”

LGNZ (125) and the Canterbury Mayoral Forum (121) supported both national and regional boards.

6.3.2 Firefighters

None of this group supported having only a regional advisory board and only two (7, 102) supported a single national advisory board. Three individual firefighter submissions (10, 14, 23) supported having both kinds of advisory boards, while one (110) wanted neither.

Few of rural firefighting teams had views on advisory boards. None of the rural brigades supported exclusive regional or national advisory boards, and two (32, 57) of them supported having both.

Two of the urban brigades (27, 97) supported having both regional and national advisory boards, while the third (35) wanted neither.

Along with the establishment of a new national Fire and Rescue Board, the UFBA (96) supported the concept of regional advisory boards, with redefined responsibilities, which it wanted renamed as a “Regional Executive”. The NZPFU (76) wanted neither regional nor national advisory boards, while the Fire Officers’ Society (94) appeared to leave consultation as a matter for management.

6.3.3 Fire authorities

Notwithstanding their clear preference for regional delivery, seven FAs (29, 44, 49, 68, 104, 116, 117) supported both regional and national advisory boards, as did the NZDF (124), which otherwise supported national delivery. The Pumicelands Rural Fire Authority (109) mentioned only regional advisory boards.

The Canterbury West Coast Regional Rural Fire Committee (46) and the Eastern Regional Rural Fire Committee (18) were in agreement, both supporting both regional and national boards. The emphasis on evolving existing management systems by the Otago Southland Regional Rural Fire Committee (118) left its position on advisory boards unclear.

6.3.4 Fire management

The NZFSC (78) preferred local advisory boards.

6.3.5 Forestry industry

This sector's view on regional delivery was strongly reflected in its support for advisory boards. Nine submissions (19, 30, 55, 61, 62, 70, 84, 87, 88) supported the need for both national and regional boards, while four (17, 51, 52, 86) mentioned only the need for regional boards.

6.3.6 Government agencies

Government sector views on advisory boards mirrored their views on regional delivery. LTNZ (3A) wanted national advisory boards, while MCDEM (48) supported having both kinds of boards.

6.3.7 Other organisations

The organisations showed an even split on advisory boards. Three (43, 75, 108) wanted only regional boards, three (5, 20, 54) wanted national boards, and three (22, 31, 127) wanted both kinds of advisory groups.

6.3.8 Individuals

Three submissions (42, 56, 81) supported national advisory boards.

7. Question Four

Do you believe a new Fire and Rescue Board should contract directly with individual volunteers or brigades? Are there other issues around volunteers that should be addressed in the legislation?

A key question is whether the Board is to be seen as supporting the community in its firefighting role, or whether the community is supporting the Board in this role.

7.1 Introduction

One hundred and nine submissions (86 percent of the total 127) commented on urban or rural volunteers within NZ's current fire services.

Forty-one submissions (38 percent of the 109) offered a clearly discernable view on whether the new Fire and Rescue Board should contract with individuals or brigades. There was overwhelming support for contracting with brigades, with 38 submissions (93 percent) taking this position. The notion of "community" was frequently associated with this type of contracting mechanism.

Only three submissions (7 percent) supported individual contracts.

Of the remaining 68 submissions, a number of answers were ambiguous, appearing to reject the idea of "contracting" outright. Some of the remarks support a presumption that they are mainly referring to contracting individuals. There were also those that fell into an "other" category by backing neither option, or recommending a mixture of methods and flexibility in approach.

The issue of whether the new Fire and Rescue Board would support the community, or the community would support the Board, drew only nine responses out of the 109 total (8 percent), with almost all of these preferring the idea of the Board supporting the community rather than vice versa. There were few reasons given for either view.

A majority of the submissions commented on other issues surrounding volunteers. Many of these mentioned the vital and valued role played by volunteers in fire and rescue work, and supported their continued presence. Another frequent comment was the need for a proper mandate and legal protection for firefighters in the new legislation. Other general topics were training, the specialised nature of rural firefighting, management or operational concerns, payments or benefits, and the role of the community in volunteer firefighting services.

Eighteen of the total 127 submissions (14 percent) made no specific comment on volunteers.

7.2 Sector Views

7.2.1 Local government

Thirteen (12, 21, 38, 41, 58, 63, 67, 79, 80, 92, 98, 107, 123) of the 41 local authorities that made submissions supported contracting with brigades rather than individuals. Two (38, 67) of these, both councils from the Canterbury region, preferred brigades because of the administrative difficulties of contracting with individuals.

Contracting with a brigade rather than an individual was seen to create a greater sense of connection between the firefighting squad and the local community. Some comments on this theme included that it fulfilled the need for local communities to retain some “ownership” (21), allowed a wider community involvement and commitment to the response (98), and ensured the retention of a community focus (79). The urban brigades and rural fire forces were seen as a community asset, and the Central Hawkes Bay District Council (80) believed that contracting with a brigade would cultivate more of a team atmosphere that fitted best with this.

One council (6) thought that individual contracts were preferable but that this ultimately depended on how funding issues were to be resolved.

There seemed to be some criticism of the idea of individual contracts with the Board. The Hurunui District Council (103) said that as volunteers often worked for a number of organisations in a rural committee, “[t]he contracting of services may not go down well with other volunteer organisations in the district.” Another council (90) thought that “this option” created an unwarranted expectation that volunteers would be available at all times to respond, ignoring their normal daily commitments.

The Timaru District Council (34) did not believe that there should be direct contracts with volunteers or brigades, but no reason was given for this view.

In falling into the “other” category, the Gisborne District Council (11) proposed a mix of national, regional or district contracts using bargaining agents such as FRFANZ or the UFBA to ensure all needs were met. Two councils (13, 45) did not wish to comment directly as they felt the volunteers were the best group to answer this question.

LGNZ (125) noted that it took no strong position, except to say that a majority of the indications from its members favoured brigades.

7.2.2 Firefighters

Four (2, 7, 14, 23) of the 14 submissions from individual firefighters believed the Board should contract with brigades. One (2) commented that he “... would prefer to see the responsibility for line and operational management of firefighters remain with the ... Controller of the unit.” Another firefighter (14) thought there was a tendency in today’s society towards “over legalising” and recommended flexibility, especially when considering the general nature of

volunteerism, but ultimately backed contracting with brigades over individuals.

One volunteer rural firefighter (10) took the opposing view, indicating that contracting with individuals was preferable, as it would allow volunteers to be "... assured of a place wherever they serve" and enable them to fulfil role-specific tasks, such as purely rural firefighting.

Another firefighter (110) questioned the advantage of contracting in either way, and whether this kind of management control of the deployment of firefighters actually undermined the person's ability to give what he or she could as a volunteer. She appeared to summarise a general feeling in saying:

"I am personally humbled to be a member of the NZFS, and proud to wear its uniform. But I am even more proud to be a member of my brigade and would not want to be an individual member of the NZFS, or have to be directly controlled from a 'boss' situated some many miles away."

Rural fire teams made two clear indications, and both of these submissions (32, 57) supported contracting with brigades. In their comments, one team (32) suggested that these agreements were adequate, as they "... appear to bring a satisfactory level of stability to the units."

The Maramarua Volunteer Rural Fire Force (69) believed that community involvement was very important to rural brigades and therefore only brigades should be contracted not individuals. However, it felt that it might be an advantage in urban areas to contract individual firefighters where brigades were geographically close together.

The idea of individual contracts was more specifically seen as anti-community by one rural fire team (28) who maintained it would "... cut across the local community ties and support inherent in the current system" and did not consider that these contracts would contribute anything useful. The Whiritoa Volunteer Rural Fire Force (112) simply answered "no" to this question.

Another volunteer rural fire team (47) suggested that whatever "contractual" mechanism was used, it should be the one that achieved clear agreement, guidelines and support for volunteer firefighters such as themselves.

Two urban brigades (27, 35) opted for the brigade contractual arrangement. One of these brigades, the Ngahere Volunteer Fire Brigade (35), seemed to believe that individual contracts would run contrary to their primary commitment, which is to ensure the safety of their communities.

The Fire Officers' Society (94) thought that there was no need to contract with individuals, as within the urban service "... the current system of registering volunteer fire brigades appears to work well and should be retained." The UFBA (96) also supported contracting with brigades.

The current practice of an agreement for service with volunteer brigades was seen by the NZPFU (76) as totally inappropriate, as it meant brigades could “do their own thing” and significantly reduced the ability to manage volunteer brigades.

7.2.3 Fire authorities

Four (49, 66, 109, 116) of the 14 submissions from FAs explicitly favoured contracting with brigades. Pumicelands Rural Fire Authority (109) said that it would be “... too bureaucratic for a national service to contract with individual volunteers.” Another authority (116) thought that brigade agreements would be more effective at promoting teamwork and the community spirit that was necessary for volunteerism to work.

DOC (117) thought that the term “contracting with volunteers” needed more explanation from the Department of Internal Affairs. It noted that “[w]hen working with volunteers you can only use what the volunteer is prepared to give”, and said that local agreements of service with a group rather than individuals had proven to be the best means for its own needs. The NZDF (124) did not make a definitive statement on which option was preferred but said it needed to be looked at further.

The Western Bay Moana Rural Fire Authority (44) appeared to criticise individual contracting as it did not believe that a “... direct approach would aid recruitment, retention or enlist community support of fire services.” The Marlborough North Rural Fire District (104) advocated a flexible approach.

Regional rural fire committees made three submissions in total, with only one of these specifically supporting contracting with brigades. This was the Canterbury West Coast Regional Rural Fire Committee (46), which saw contracting with individuals as an administrative nightmare. Another regional rural fire committee (18) said that “this option was not favoured” by volunteers in general, and that there was a concern from some FAs that contracts could be with individuals, which was construed as overall criticism of individual contracts.

7.2.4 Fire management

In supporting brigades contracting with the Board under an agreement of service, the NZFSC (78) believed that:

“The simple reality is that communities exhibit an extraordinary sense of ownership of their local emergency services. Connection and engagement with the local community is, therefore, a key issue... particularly with respect to the future of volunteerism.”

7.2.5 Forestry industry

Although the entire forestry sector made some comments on volunteers, there was no strong preference for a contracting method evident in this group.

One company (17) and the MFIA (30) suggested contracting with brigades, but ultimately advocated flexibility. Wenita Forest Products (51) also encouraged flexibility in this area.

Weyerhaeuser NZ (86) stated that in regard to this question they supported the submission of the Waimea Rural Fire Committee (49), which opted for brigades.

Juken NZ Limited (19) said that the term “contracting volunteers” was inappropriate, because the reality was that volunteers’ contributions would vary from person to person, and management and administration should evolve respecting this fact.

7.2.6 Government agencies

There was no clear preference from this sector. MCDEM (48) said it had no strong inclination but that “[f]lexibility should be provided to reflect local circumstances and encourage community involvement at all levels...”

LTNZ (3A) proposed that “[c]ontracting with individuals is not consistent with [volunteers’] sense of belonging primarily to a local team” but did not explicitly express support for contracting with brigades.

7.2.7 Other organisations

Of the 14 submissions from organisations, four (22, 54, 108, 127) were clearly more in favour of contracts with brigades.

In contrast, the Insurance Council of NZ (5) argued that if training is to be more widely available to volunteers, as it recommended, individual contracts would help ensure that the costs of training was spent on people who were appropriate for the job.

7.2.8 Individuals

Two (1, 42) of the individuals who made submissions clearly supported contracts with brigades. One (42) thought that individual contracts would be seen as an effort to reduce the influence of the UFBA and result in a huge backlash from volunteers, and would provide no better control over volunteers in any event.

In considering both alternatives, one submitter (56) thought individual contracts gave the advantage of allowing for brigades to grow and shrink over time, but that the other alternative or a combination of the two may be preferable, and wanted the volunteers themselves to be consulted.

7.3 Should the new Fire and Rescue Board support the community, or vice versa?

Only nine submissions directly made reference to this part of the question. Seven submitters believed that the Board should be seen to support the community, namely three councils (34, 67, 83), an individual (56), a firefighter (101), an urban brigade (35), and an organisation (22).

Two submitters, a council (6) and a firefighter (2), proposed that the community should support the Board. The reasons noted by the firefighter were that as the body legally responsible and given the funding, the Board should be supported by the firefighters/community in this responsibility.

7.4 Other issues around volunteers that should be addressed in the legislation

The submissions made comments on other issues about volunteers. Of the 109 which made reference to the issue of volunteers, about one quarter of these (19, 29, 37, 38, 42, 51, 52, 54, 60, 61, 64, 68, 70, 75, 77, 81, 84, 89, 91, 93, 94, 101, 111, 115, 118, 120, 123, 125) mentioned that volunteerism was an essential feature of our fire services, and should be continued, supported or at least not disrupted by change, if not encouraged.

Several councils (11, 93, 119, 123), an organisation (89) and MCDEM (48) were concerned that volunteer numbers were dwindling and that this should be addressed in some way; more should be done to actively promote retention and recruitment.

Many reiterated the need for all firefighters to have a proper legislative mandate for the work that they carry out from day-to-day, including non-fire work, as well as sufficient legal protection. This concern was evident across all the sectors (15, 37, 43, 46, 51, 54, 68, 87, 88, 118, 127), but particularly noted by local government bodies (12, 21, 38, 41, 45, 50, 64, 80, 91, 98, 106, 114, 115, 120, 121, 125) and by firefighters from various areas (9, 24, 32, 47, 57, 69, 94, 101).

One organisation, NZ Airports (22), said that for the upcoming legislative changes to be successful, it was imperative that volunteers were behind them.

7.4.1 Training

Some local government bodies (77, 120, 121), DOC (117) and Federated Farmers of NZ (127) contended that raising the required levels of training or competency would endanger or has already endangered the retention of volunteers.

However, there was also a general assertion that volunteers must be properly trained (36, 37, 81, 127), equipped (18, 79), or both (29, 31, 47, 54, 69); and an identified need for specific training in non-fire work (36, 104, 120, 121, 125). For example, the Hampden Rural Fire Unit (36), in stressing that the needs in their community went significantly further than vegetation fires, called for training in non-fire areas. They said that they would be prepared to

undergo this training to meet standards recognised by a new Fire and Rescue Board.

7.4.2 Rural firefighting

This area drew many comments. One perception was that future organisational change would likely mean that all rural fire crews would be expected to take on all tasks, such as structural fire and rescue work.

Two submissions (19, 29) commented that existing paid (forestry) rural teams would subsequently need full cost recovery and training if this were the case; others (28, 33, 62) maintained that some rural volunteers did not wish to do this other kind of work, and it was also emphasised that no one in urban or rural fire services should be forced to take on new duties in either area (46, 55, 66, 93, 118). One council (33) mentioned that NZFS brigade volunteers would be reluctant to undergo additional training for rural firefighting.

Some noted that rural crews wanted to be able to attend other kinds of incidents, such as structural fires (55), other emergencies (57), or both (36).

Concerns were raised about the nature of rural fires, and that some (fire force or brigade) volunteers cannot or do not want to commit to long firefighting excursions over days or weeks (33, 66, 73, 84, 90, 120, 121, 125). Assertions included that there was a need for payment to volunteers to alleviate this problem (31), or provision for some kind of paid backup after the initial volunteer fire team response (9, 15, 26, 37, 66, 101). One volunteer brigade (97) believed that it was not merely an issue of reimbursement for employers, but warned that in the face of increased volunteer commitments, employers simply would not allow volunteers any more time off work.

A number of submitters (33, 38, 46, 66, 71) said that it was critical to retain existing paid support networks, such as employees or contractors of local government and forestry companies, and DOC, for longer duration fires or even general firefighting work. Federated Farmers of NZ (127) feared that the significant fieldwork undertaken by local government in administering fire prevention, permitting and fire danger monitoring would be unlikely to be able to be managed by volunteers or NZFS staff. Similarly, it asserted that experienced and trained rural fire crews, whether from local government, DOC, forestry or defence should be recognised as holding the national wildfire defence capability, and every effort should be made to keep these groups involved and included in restructuring.

The differences in culture between the rural teams and NZFS brigades were considered. Feedback from the Dunedin City Council (33) was that rural volunteers preferred a more relaxed environment than that of the NZFS and did not wish to be part of its more regimented style, and one submitter (10), a firefighter, maintained that if rural firefighters were absorbed into the NZFS it could cause problems. One council (111) suggested that this area of “culture” for the new organisation would need some development, noting that a disciplined approach combined with camaraderie was required to encourage volunteers.

7.4.3 Management/operational issues

Some submitters discussed operational concerns in relation the new fire and rescue service. One organisation (54) pointed out the existing gap in operational authority in legislation for rural teams, and the Awhitu Rural Fire Force (57) suggested correcting this anomaly by effectively retaining the powers of the CFO under section 28 of the FSA. The Fire Force's submission, as well as others (43, 93, 97), said that these powers should be held at a local level. The combined submission from the Thames Valley Combined CDEM Committee and Thames Valley Rural Fire District Committee (43) said that the removal of this rank and associated responsibility would be seriously detrimental, resulting in CFOs and volunteers leaving the service. These roles, according to the Raetihi Volunteer Fire Brigade (39), were about "buy in" by the community and gave it ownership of their brigade.

Another submitter (40) offered a similar view, saying that as community status played a large role in volunteer motivation, any new structure would "... need to take this into account and preserve the standing of the local fire chief in the community." One individual (1) felt that it was important for the current rank structure, from CFO downwards, to be maintained.

Other suggestions were for clear codes of conduct and performance outcomes for brigades (49, 108), a code of ethics (81), disputes resolution procedures for all (93, 96), and the ability to petition the Board for removal or re-contracting of a member who is inadequate or dangerous (10).

The Onewhero Volunteer Rural Fire Force (32) suggested that each brigade or fire force should be able to develop their own "Brigade Orders" within national guidelines, to give daily management and control to the officer in charge of the station. In a similar vein, the UFBA (96) thought that the autonomy of each brigade was an essential element of promoting volunteerism in the service.

Fire and Rescue NZ (54) outlined changes that it believed would create parity between urban brigades and rural fire teams. The changes covered role definition (i.e. "firefighter"), standards of physical competence, buildings suitable for vehicles and/or equipment, standardization of equipment, appliances, personnel, command structure (ranking and insignia), dress and operational uniforms, and bravery and other awards.

7.4.4 Payment/benefits

There were a number of references made to the possibility of volunteers receiving payment of some kind, or benefits, for their work. Proposals varied from:

- general payment or reward for volunteers (109), or incentive such as business unit manager or similar role (81);
- payment for long duration fires (2), and to encourage people to volunteer (31), or to vegetation firefighters for fires outside their callout area (49);

- compensation for time taken as exists under current Army territorial system (2);
- retainer, extra leave, employment protection (120, 121, 123, 125), or a system similar to paid jury service (63);
- annual refund of a volunteer's fire levy, and public or financial acknowledgement of employers' assistance (42);
- remuneration or compensation, or incentives for employers (or those volunteers who are self-employed) (93, 102, 119, 125), such as tax concessions/deductions in insurance premiums (39), rebates on fire service levy or insurance (2);
- compensation for injury or death, damage to personal property, prohibition on increased motor vehicle insurance policies (54); and
- a retainer system such as that used in Australia and the UK for all non-fulltime operational fire staff (102).

Other general benefits mentioned were compulsory medical protection provisions for volunteers (41), and, because of existing high stress levels causing health concerns, regular health checks and assistance with medical insurance (27).

7.4.5 Community

Several submissions commented on connections between the community and the fire force or brigade. The UFBA (96) summarised this relationship by saying:

“Historically, the development of fire brigades in local communities as well as the provision of other rescue services has been in response to community demands and requirements.

There are strong links between communities and their fire brigades and other rescue services which drives so many volunteer personnel giving so much time and energy in their service for their own community and beyond.”

The brigade or fire force was a focal point for small communities (12, 32, 91), and should remain so (43). It was seen as essential that future changes ensured “community alignment” in order to keep and encourage volunteers (96), and community values should be reflected in these changes (127). It was also important to one firefighter (7) that local brigades engaged with their local communities more, because although many were central to their community, some have alienated themselves. The CEO of the NZFS (40) believed that the existing “community interface” needed effective implementation and refinement.

Two submitters (38, 46) commented that as communities had worked hard through fundraising for resources there was a sense of community ownership of these resources, and asset removal would generate anger.

8. Question Five

Do you believe a land owner or an industrial operator should be able to contract out of all national fire protection services if they can provide and maintain services that meet minimum national standards?

8.1 Introduction

Eighty-seven submissions (69 percent of the total 127) commented on this question.

Sixty-five submissions (75 percent of the 87) were in favour of contracting out, and nine (10 percent) were opposed to it, while the remaining 13 submissions (15 percent) had no clear view or were undecided.

Many of the submissions gave only qualified support, with provisos including a need for national standards, auditing of the contracted out organisations, and regional management. The forestry industry widely supported contracting out.

Those submissions that expressed opposition voiced concerns about organisations that contracted out having inadequate resources, and the risk of fragmentation of the national system.

8.2 Sector views

8.2.1 Local government

One local authority (65) gave unqualified support for contracting out. Eighteen local authorities (6, 11, 12, 13, 45, 58, 63, 67, 79, 80, 83, 90, 92, 98, 114, 119, 120, 123) believed that an organisation should be able to contract out, provided it could meet national standards and was subject to external audit.

One authority (103) supported organisations such as forest owners providing their own firefighting service, provided that they had a trained workforce with sufficient modern and well-maintained equipment. The Waitakere City Council (12) believed that a failure to meet specifically defined levels would need to result in some action to ensure compliance or to manage a transition to the national service.

Three councils (33, 38, 41) submitted that contracts should be managed at a regional level. Under the status quo model a district fire committee could agree to a forest company or industrial site contracting out if satisfied full protection could be provided, or alternatively, agree to a cost-neutral support arrangement.

One submission (111) accepted contracting out only if adequate, equitable response and cost recovery mechanisms could be assured.

Five councils (21, 41, 91, 92, 123) favoured a structure under which private interests could contract out of a national firefighting system, while maintaining

minimum standards, but disallowed any opting out of the wider fire and rescue functions. It was thought that while it may suit bigger organisations to contract out of the fire and rescue services, if too many do, the opportunity to fund the service by way of a tax on property might be jeopardized.

The Southland District Council (50) did not support the ability to contract out of the system completely, but strongly supported the use of financial tools to enable individuals and groups to minimise the imposed tax. Another council (11) proposed that once standards were achieved, suitable tax incentives should be put in place to make it worthwhile for the organization to carry out the function.

The Timaru District Council (34) considered that a Memorandum of Understanding between the new Fire and Rescue Board and airports, DOC, forestry companies and the NZDF would be appropriate, but did not believe that other landowners or industries should be able to contract out of all national fire protection services. Its reasoning was that if a major fire or emergency occurred, the community would not accept from either an economic or protection viewpoint that these major fire units did not give assistance during the emergency.

Another local authority (115) said that it "... does not support this as, while the economic value may appear attractive to some councils, ... volunteer and community support cannot and should not be expected to subsidise a contract for profit arrangement."

The submissions from the Canterbury Mayoral Forum (121) and LGNZ (125) were similarly framed, as both agreed with the concept of contracting out, with regular audits against minimum national standards, and suggested a minimum timeframe for moving in or out of the national system so resources of the national service would be appropriate. LGNZ (125) also believed there should be a minimum charge on all property owners for non-fire services.

8.2.2 Firefighters

Five (2, 10, 23, 57, 101) of the submissions from individual firefighters supported contracting out. Of this group, one (2) believed that contracting out was "... essential if the new system is to be accepted by the entire rural fire service."

One firefighter (110) opposed contracting out because she did not believe proper skills and standards would be maintained. An alternative suggestion was made by another (7), which was to offer financial relief where significant services were maintained, as no "... landowner or industrial site can maintain adequate readiness for all eventualities."

Two rural teams (32, 69) expressed support but believed that, in the event of a major fire, it would still be necessary for the Fire and Rescue service to attend the fire in addition to the contracted out appliances, and allowances should be made for this.

Waiau Pa Rural Fire team (47) commented that:

“... special risk organisations should be able to have a different contract with the NZFS. ... [However] Any contracting out should not weaken the overall resource allocation to fire services, or undermine NZFS ability to deliver an integrated, co-operative, community focused fire and emergency service.”

Another rural team (112) opposed contracting out but did not give any reasons for this view.

An urban brigade (27) suggested keeping organisations in the system but allowing them to operate their own firefighting equipment for their own requirements.

Other questions raised by this sector included the process of setting standards (14, 32, 35), the limited number of organisations in the rural situation resourced to deal with a major fire (28), and organisations contracting out paying their share of the costs (47).

Two of the representative organisations (76, 96) were in favour of contracting out but one of these, the NZPFU (76), did not want it extended further than present arrangements.

The Fire Officers' Society (94) opposed contracting out as it did not believe private brigades would be able to deal with a major incident and would require assistance from the national service, raising questions of the appropriateness and cost of this assistance. It also said that “[b]ecause of the magnitude of the risk however, it may be appropriate that the company contribute more to the management of that risk.”

8.2.3 Fire authorities

Seven (29, 43, 44, 109, 116, 117, 124) FAs, including DOC (117) and the NZDF (124), supported the idea that organisations which contracted out should be subject to a periodic audit process, in order to keep them up to the agreed national standard, and a provision to terminate the contract if the party failed to meet the standard after due time. Two (44, 49) had concerns about fragmentation of the system.

Marlborough North Rural Fire District (104) opposed contracting out because it would result in dispersal of resources and uncoordinated responses to fire.

Two (18, 46) of the three regional rural fire committees supported contracting out. One (118) did not support it for the same reasons already noted above, that volunteer and community support should not subsidise a contract for profit arrangement.

8.2.4 Fire management

The NZFSC (78) emphasised, consistent with its support for a national framework, that the "... presumption of new legislation should be a single national fire and rescue district." However, the Board should have the power to "... exclude certain classes of landholding or occupancy from the standards of the national fire and rescue district according to predetermined and transparent criteria."

8.2.5 Forestry industry

Seven forestry companies (17, 19, 51, 52, 61, 70, 86) out of the total of nine supported contracting out. The submission of Wenita Forest Products Ltd (51) said:

"The ability to contract out of the system is paramount, providing that certain standards are met. No one has more incentive or ability to prevent and control fires than responsible forest owners. Our livelihoods are dependent on fire prevention and suppression. There are special skills required for plantation forest firefighting that are not currently met by other organisations. Likewise, Wenita has no need, skill or experience in combating structural fires.

Conversely, because fires know no boundaries, Wenita has no interest supporting the contracting out option without minimal national standards that must be achieved. This option must only be available to organisations that have a proven high standard of prevention and suppression."

One organisation (55) and two companies (87, 88) supported the NZFOA (62) submission, which, along with the NZIF (84), was in favour of contracting out.

One organisation (30) did not support contracting out.

8.2.6 Government agencies

One government agency, MCDEM (48), clearly stated support for contracting out. LTNZ (3A) acknowledged that currently contracting out was effectively allowed, but that the authority to set minimum standards was less clear. It suggested possible consideration of mandatory mutual support arrangements on a cost-recovery basis.

8.2.7 Other organisations

The prevalent view of this group, held by six organisations (5, 20, 22, 54, 108, 127) out of a total of 14, was that an organisation that contracted out should be audited against national standards on a regular basis. FRFANZ (31) wanted "... outside auditing to ensure that risks to life and other property is reasonably controlled."

8.2.8 Individuals

Six submissions from individuals reflected varying views on contracting out. One (42) supported contracting out if national standards could be met.

Another submitter (56) supported allowing DOC and the NZDF to contract out provided the contract established a continuous and effective relationship with the national service. In contrast, another individual (71) rejected contracting out because parties such as DOC and some forestry owners would then pay nothing towards the running of the new service.

One submission (81) compared the contracting out issue to the current problems with leaky buildings in the building industry, commenting that:

“For contracting out to work there would need to be an independent body responsible for auditing and control. Legislation would need to protect the majority by imposing heavy penalties on providers that failed to deliver and given current business law bad operators would unfortunately simply dissolve like many building companies and certifiers have over the last three years.

Personally I would be opposed to the contracting out of fire and rescue services.”

An individual (1) was opposed to contracting out unless the property owner could guarantee to carry out and complete the whole incident without assistance.

9. Question Six

Do you believe a sufficient range of interests is indicated for board membership of a new Fire and Rescue Board?

9.1 Introduction

Ninety-two of the total 127 submissions (72 percent) referred to the composition of a new Fire and Rescue Board.

As a reference for answering this question, the discussion document stated that representatives on the Board might be drawn from the existing requirements for the NZFSC appointments (public administration, business, economic management, finance, fire engineering and senior operational firefighting). It also said that other knowledge and experience would be desirable, with these additional skills likely to be from the areas of forest and rural fire management, wider emergency service management, and local government.

A majority of these submissions, 54 in total (59 percent), agreed with this broad range of interests. Those who approved of the proposed interests came from a cross section of the groups represented, but particularly from the forestry industry, local authorities and individuals.

Another 22 submissions (24 percent) suggested other interest groups to be represented as well as, or instead of, those already mentioned. These included suggestions such as volunteers, especially rural; human resources expertise; conservation land management; and various organisations having representatives on the new Board, for example, the UFBA, DOC, or Federated Farmers.

Seventeen submissions out of 92 (18 percent) made neutral comments in relation to the range of interests, or discussed other Board-related matters, such as whether there should be a board, or emphasised the presence or importance of one particular sector or group, or proposed that a certain group be excluded.

Thirty-five submissions of the total 127 (28 percent) did not comment on Board issues.

9.2 Sector Views

9.2.1 Local government

Twenty-five submissions (6, 11, 12, 21, 34, 38, 45, 58, 63, 67, 79, 80, 83, 90, 91, 92, 98, 100, 103, 107, 114, 115, 119, 120, 123) from the 41 councils approved of the interests indicated in the discussion document. A number of these (12, 45, 83, 91) mentioned the importance of having the additional representatives mentioned, especially local government. Two councils (38, 45) also commented that the right “mix” of operational and expert members was critical.

Three of the councils made other suggestions:

- volunteers and rural representatives (13);
- insurance expertise (41); and
- water supply/engineering experience (65).

Southland District Council (50) did not think a single Board would provide sufficient experience and skills to be effective, and that advisory boards may be required, with the power to report directly to or contain Board members.

Both LGNZ (125) and the Canterbury Mayoral Forum (121) supported the suggested range of interests.

9.2.2 Firefighters

There was no clear agreement with the proposed range of interests amongst individual firefighters. Although some approved of the proposed interests there were also other suggestions, including:

- human resources skills, strong media skills and contacts, and vehicle and equipment expertise (110);
- representatives of at-risk groups, such as Maori, Pacific Island and the elderly, and people with proficiency in accident prevention, education, health promotions or risk management (7);
- representation for volunteers (“the backbone of all emergency services”), and possibly experience from all operational areas of emergency management, not just firefighting (101); and
- an understanding of human resources or psychology (10).

One submitter (2), in supporting volunteer representation, commented that:

“Boards/advisory groups are usually formed on the basis of stakeholders ie. those with financial interests. Volunteers have sweat equity in the operation of the fire service, and a prime interest in ensuring that management decisions are appropriate for front-line delivery of the service.”

Another (102) said that there was no need for any local government experience. One volunteer firefighter (23) wanted greater fire service experience, both urban and rural, to be reflected on the Board.

Rural fire teams did not show outright support for the proposed Board composition, except in one submission (112). One team (32) mentioned that local government representation was essential, and that in regard to rural fire management commercial forestry interests did not represent the needs of urban/rural communities. Another rural fire force (57) thought that “... all stakeholders should have an avenue for representation”, while another (28) said the Board’s “... composition should reflect its responsibilities and its constituency.”

Other interests believed necessary were those of the volunteers. The reasons noted were that:

- Board members would be seen as advocates for the volunteer members, giving volunteers a sense of participation and ownership in the direction of fire and rescue services in NZ (69); and
- the Board would have a clear understanding of the impact of policy on volunteers (47).

Waiau Pa Rural Fire (47) specifically rejected allowing representatives from the insurance industry due to conflict of interest, and from large multinational corporations, because they had "... no moral obligation to communities."

None of the five urban brigades gave clear support for the proposed range of interests. One (27) believed that the interests suggested were sufficient for urban needs, but advocated representation from the rural or volunteer sector because "... most volunteer firefighters live and serve [in] rural areas." Another (35) thought it "... disgusting that the new board made up of businessmen will administer the fire service!"

Of the representative organisations, the NZPFU (76), as well as questioning the need and appropriateness of having a Board, believed there was no justification for having a representative from local government on the Board. The Fire Officers' Society (94) supported the range of interests presented, with at least one member having had experience through acting as an Executive Officer within the urban Fire Service.

The UFBA (96) suggested that, as well as the interests mentioned in the discussion document, the Board should also include a UFBA nominee, and a representative from the NZFOA. It noted that the two appointees with separate urban and rural senior operational firefighting experience on the Board could be merged into a single position after a transitional period.

9.2.3 Fire authorities

Four (43, 49, 104, 109) of the 14 FAs approved of the proposed composition of the Board, with two (43, 104) of this number stressing the need for equal representation of structural and vegetation firefighting experience.

The NZDF (124) commented that "... sound representation from all prime sectors" was important. It also thought that the rationale for maintaining the use of a board should be clearly articulated, as it was not the normal procedure for governmental and quasi-governmental agencies.

Four of the authorities made other suggestions, which were:

- land or conservation management, with members with additional skills present in their own right to represent these functions, and the right balance of expert and operational members (66);
- human resource management (29);
- representatives from forestry, farming, DOC, volunteers, and possibly the NZDF (116); and

- human resource management experience, and its own (DOC) representative on the Board (117).

The Southern Rural Fire Authority (68) did not think a single board would provide sufficient experience and skills to be effective, and that advisory boards may be required, with the power to report directly to or contain Board members.

One (18) of the three regional rural fire committees thought that the range of interests was suitable. The Canterbury West Coast Regional Rural Fire Committee (46) made the same suggestions as (66) above, and the other committee (118) believed that the Board "... needs to represent a wide range of skills including civil defence emergency management."

9.2.4 Fire management

The NZFSC (78) believed that, as part of a strategy to achieve community engagement, local government or "community representation" should be placed on the Board.

9.2.5 Forestry industry

Most of the forestry sector approved of the proposed composition of the Board. Four companies (17, 19, 61, 86) were specifically in agreement. Juken NZ (19) also made the suggestion that organisational governance experience, including financial and human resource management, should be part of the skill set of the Board members.

Three forestry companies (52, 87, 88) and the NZFFA (55) recorded their support for the NZFOA submission (62), which agreed with the proposed range of interests. Another organisation (84) also agreed that the new Board needed a wider range of knowledge and experience, as indicated. The MFIA (30) thought that forest and rural fire management experience, and emergency service management experience should be statutory requirements.

One company (51) said the Board "... with the appropriate mandate and legislative authority based on an Option Two model is appropriate", and another (70) proposed the same requirement, except that the basis was an option 3 model.

9.2.6 Government agencies

MCDEM (48) noted that the additional interests noted in the discussion document were appropriate, as they were "... the key areas where integration is required with those with hazard management responsibilities and other CDEM stakeholders." LTNZ (3A) commented that land or conservation management experience would also be valuable.

9.2.7 Other organisations

Four (5, 20, 22, 31) of the 14 organisations that made submissions approved of the interests proposed. Three organisations made other suggestions, including:

- front line rural firefighters, and its own (Federated Farmers) representative (127);
- a rural fire behaviour person, and nominees from the Fire Employees Union, the UFBA, the Rural Fire Service Association, and the Insurance Council (54); and
- a representative of MCDEM (99).

The Institution of Fire Engineers (20) advocated that, as well as those interests listed:

“An effective Board would need to have a mix of sound social, business, experience, technical and inter-related competencies that would allow for integration and alignment of government outcomes with the needs of wider communities.”

The Rural Fire Network (108) expressed the view that “[a]s long as all key interest groups/stakeholders are incorporated then this should not be a big issue.” One organisation (82) stated its support for the submission of the NZFOA (62), which agreed with the proposed range of interests.

9.2.8 Individuals

Of the six individuals submitters, three (42, 56, 71) agreed with the proposed interests. One (56) also emphasised how important it was that “... reliable and valid technical expertise be available to the Board as fire engineering is a relatively new and rapidly developing field.” Any fire engineer on the Board, in his view, should be independent, professional and bring practical experience plus an awareness of international best practice.

Another submitter (81) commented that the board needed “[a] mix of people skilled in working with government at a high level, advanced business acumen and proactive and reactive fire and rescue emergency services delivery.”

10. Question Seven

All three options differ in the number of statutory positions created. Do you believe it is necessary to have statutory positions or should all powers be delegated from the Chief Executive?

10.1 Introduction

Ninety-three submissions (73 percent of the total 127) answered Question 7.

A majority thought that statutory positions should be created in legislation rather than have powers delegated from the CEO. Fifty-three of the 93 submissions (57 percent) favoured this option. There was a correlation in some sectors between support for statutory powers and a preference for option 3, the national-regional model. This was possibly because this model was identified in the discussion document as providing Regional Commanders with the necessary operational powers.

Fourteen submissions (15 percent) supported delegation of powers.

There were a number of submissions, 24 in total (26 percent), which were interpreted as neutral, unclear or undecided.

Thirty-four submissions (27 percent of 127) made no comment on this aspect of a new structure.

10.2 Sector Views

10.2.1 Local government

Of the 41 submissions from local authorities, sixteen (12, 21, 34, 38, 41, 50, 65, 67, 79, 91, 92, 93, 98, 100, 119, 120) were in favour of statutory positions being in place.

A number of these councils (12, 21, 34, 38, 41, 65, 91, 98) backed statutory positions as part of a preference for option 3, the national-regional model. One council (12) believed it was necessary to "... help to ensure that the underlying purposes of a national-regional structure were given effect to, and not just paid lip-service", while another (38) thought it would allow rural fire officers to "... continue with [a] holistic land management approach."

The Rangitikei District Council (41) supported statutory positions at regional level under option 3, appearing to believe this would achieve "... a degree of flexibility in how the Chief Executive Officer organizes the Fire Service whilst maintaining accountability."

Four councils (6, 63, 80, 90) believed that delegations would be more suitable. One (90) remarked that a prescriptive approach was not appropriate. Another (6) thought there was little justification for statutory positions, supporting a "... much more flexible role for the chief executive."

Eleven (11, 13, 33, 45, 58, 83, 103, 107, 114, 115, 123) of the councils were unclear in describing which structure they preferred, or were undecided. For example, the Clutha District Council (114) said that their position was “Neutral, as long as there is sufficient delegation to an operational level.” Another comment by one council (103) was that:

“Statutory powers are necessary for the new legislation to work in a manner that is fair and all encompassing. Perhaps though these powers could be delegated from the Chief Executive, as is the case in most local authorities.”

LGNZ (125) thought that accountabilities would be clearer if statutory positions, similar to those created in the FRFA, were retained in some form, as did the Canterbury Mayoral Forum (121).

Mention was made in several submissions (12, 45, 91, 98, 114, 125) of the need to ensure that there was the ability to delegate the necessary operational powers to the people acting on the emergency ground.

10.2.2 Firefighters

The sector overall was considerably more in favour of statutory positions. All the individual firefighters (10, 14, 23, 102, 110) who stated a clear choice approved of statutory positions. Statutory powers, such as those given currently to the CFO position, were seen as valuable because, as one submitter (14) suggested, they allowed “... those persons to think, act and resource locally in times of emergency.” One firefighter (110) disliked the idea of “... one person holding all the power” and thought there would be more accountability in statutory positions.

Another (2) did not have a strong view, noting that his powers were currently delegated from his Principal Rural Fire Officer, so that “[i]t should make little difference if those were delegated from a National Commander, provided that the powers continue.” One (7) expressed a similar opinion, saying it was irrelevant how authority was provided, but simply that the present level of authority needed to be continued.

Of the nine rural fire teams which made submissions, five (28, 32, 47, 57, 112) backed statutory positions. One (57) emphasised their support for the CFO position, and that these powers should be held at a local level. Waiiau Pa Rural Fire team (47) said:

“Taking away, or watering down statutory powers of firefighters will result in more injuries, more losses, and more difficulties for volunteer firefighters. ... the organisation needs to give firefighters the moral authority to perform their roles effectively.”

Mount Somers Rural Fire Force (28) had similar thoughts, adding that “... the operational people need certainty of responsibilities and statutory protections which comes from readily accessible and seldom changed codes, not by reference to the latest management edict.”

In contrast, one team (69) believed that "... managers should be allowed to manage", which would be aided by delegated powers from the CEO, and this should be restricted only by the requirement that suitably qualified personnel be appointed.

Of the five submissions from urban brigades, two (27, 35) gave a clear answer to this question. The Lincoln Volunteer Fire Brigade (27) supported delegation of powers by the CEO. In comparison, the Ngahere Volunteer Fire Brigade (35) believed, in supporting option 2 and existing statutory powers, that "[o]ne person having all the statutory powers is stupid and places all power under direct government control."

Representative organisations' positions were mixed. The UFBA (96) endorsed the current model and the CFO position, saying that these "... statutory delegations serve the operational personnel well." The NZPFU (76) also believed that statutory powers were necessary because, otherwise, the "... ability for political governance or management corruption of what communities want from their Fire Service is simply too great."

The Fire Officers' Society (94) thought that powers delegated by the National Commander to the appropriate people "... would ensure that the authority of the new service's members is recognized wherever that authority is exercised and is not constrained by artificial district or regional boundaries."

10.2.3 Fire authorities

Eight (29, 43, 44, 66, 68, 104, 109, 116) of the 14 submissions from FAs were in support of statutory positions. All of these authorities chose option 3 (although sometimes substantially modified).

One authority (116) thought regional level statutory powers set up in this way would "... give a balance between freedom to manage and some parliamentary control." Western Bay Moana Rural Fire Authority (44) saw it as a matter of protecting managers sufficiently, and that "... power by direction would be difficult to implement on a practical basis."

NZDF (124) did not believe that positions or powers should be written in statute at all but delegated down from the CEO, although it recognised "[t]here is also a need to ensure that the requirements, roles, goals and functions that are required of a fire service provider, and the [new organisation], are clearly defined to avoid confusion."

The three regional rural fire committees had mixed views. The Canterbury West Coast Regional Rural Fire Committee (46) advocated operational powers set out in legislation as "paramount" rather than delegated, because "[t]hat way roles and functions and powers get down to the staff at the coal face and allow them on-site ability to make decisions at the instant the incident is occurring."

The Eastern Regional Rural Fire Committee (18), in contrast, said that it was strongly felt by some in the Committee that a prescriptive approach was not appropriate, and the governing body should empower the appropriate people.

10.2.4 Fire management

The NZFSC (78) took the view that the principle of delegation was more in tune with contemporary emergency service management, and that to maintain a sense of local ownership a “chief” of the first response area should be appointed, but “... without compromising the Commission’s objective of a contemporary approach to delegation of powers.”

10.2.5 Forestry industry

Considerable support for statutory positions was evident, as was the correlation with support for option 3 (all of the sector except two backed this option). Three companies (52, 87, 88) and an organisation (55) gave outright support for the NZFOA submission (62), which said it believed that “... if the key rural fire protection mechanisms remain in the new Act, then warranted rural fire officers with statutory powers will be required for the protection of the landowners they deal with and also for the protection of the public. The regional directors should be able to delegate such powers.”

Two companies (19, 61) echoed the comments of the NZFOA, about statutory positions being needed to protect landowners and the public from the impact of rural fire. Timberlands West Coast Ltd (17) supported statutory positions, as did two (30, 84) of the other forestry-related organisations.

The NZIF (84) advocated a mix of statutory and delegated powers.

Two companies (51, 70) thought that all the powers of the current Acts needed to be retained “... to ensure that prevention mechanisms or response capability is not compromised” but it was unclear which of the two methods they thought would best achieve this. Another submission (86) did not state which structure was ultimately preferred.

10.2.6 Government agencies

MCDEM (48) supported statutory positions within an option 3 model because it would “... clarify the relationships between the key national and regional positions, ... achieved through empowering rather than restricting legislation.” LTNZ (3A) noted and discussed its own enabling legislation.

10.2.7 Other organisations

Three (5, 20, 22) organisations supported delegation of powers.

One organisation (54) did not specifically answer the question, but its discussion of the functions, duties and powers of “Fire Officers” suggested support for statutory positions. Manawatu-Rangitikei province of Federated Farmers of NZ (82) stated its support for the submission of the NZFOA (62), which preferred statutory positions.

10.2.8 Individuals

The six submissions from individuals were varied, with one (81) supporting statutory powers and two (42, 56) backing delegation of powers. One submitter (81) argued that “[s]tatutory powers must be there to ensure the efficient management of emergency events unencumbered by political interest or interventions.”

In supporting delegated powers, one individual (56) pointed out that “[l]egislative roles might be appropriate for our current knowledge and perceived emergency risks, however as these evolve over time the organisation needs to too.” Another (42) also supported delegation, but noted that volunteers needed to be comfortable with any change, and care should be taken to ensure that reducing statutory powers was not seen as an attack on local CFO status.

11. Other Issues

11.1 Introduction

Many comments were made on aspects of the new fire and rescue services that fell outside the topics raised in the seven questions posed in the discussion document.

An issue that was frequently mentioned was the possibility of the new organisation utilising existing regional structures that were in place under the CDEM Act. Other topics were more sector-related. Some local authorities argued for preserving their role in the fire services in rural areas, often because of their involvement within the broader context of land management.

Other issues discussed were liability for firefighting costs, the relationship of the new organisation to other emergency services, asset ownership and transfer, water supply, and firefighters rights, amongst others.

11.2 CDEM Act

There was repeated mention of how the new structure of the fire and rescue services could or should coordinate, cooperate or at least be consistent with the CDEM Act (19, 29, 37, 38, 50, 61, 62, 68, 79, 115, 118, 125).

Under the CDEM Act, local authorities are obligated to undertake co-ordination, through regional groups, of planning, programmes, and activities related to civil defence emergency management. Submitters saw the potential for the new fire and rescue organisation to use or align with CDEM coordinating executive groups (CEGs) in some way for regional input or delivery (59, 64, 72, 74, 80, 91, 99, 125), or to use this structure as a model for the organisation (65). One council (66) did suggest, however, that CEGs might not have the capacity to undertake further responsibilities, but that some members from these groups could still be involved with the new fire and rescue service.

11.3 Fire/land management and local control

Some submitters, particularly local government, argued that because fire in the rural environment is a part of wider land management, it was essential that it was locally controlled, through the continued involvement of local government. Land management includes the use of the principles of reduction, readiness, response, and recovery (the “four Rs”) to minimize and react to hazards.

Discussion of these issues included the need to provide for the continuation of management of the four Rs (64), a belief that fire and the four Rs in land management should be managed by those with a responsibility and affinity for the land (38), or simply that the importance of fire as a land management tool be recognised (50), with continued council involvement in rural fire management and response (67).

The NRFAC (15) framed its submission in terms of a number of principles, including the need to acknowledge the accountabilities which land holding agencies must have in the management of fire on those lands. It also believed that “combat” fire agencies with no land management responsibilities should have a supporting role in fire suppression.

The South Canterbury Rural Fire District Committee (66) and the Canterbury West Coast Regional Rural Fire Committee (46) both pointed out the various existing legal obligations that local authorities have to manage fire on land; the CDEM Act (identify and manage hazards); the LGA (manage the hazard of vegetation fire, power to make bylaws aimed to reduce spread of vegetation fires); the RMA (fire an issue under land management); and a duty of care not to let fire damage their neighbours’ properties. They both said:

“How then can territorial authorities walk away from some involvement in Fire Management to protect the lands under their stewardship and give advice, guidance and use their regulatory powers to prevent damaging fires on private land.”

A council (115) argued that territorial authorities should retain responsibility for fire in the rural environment because:

- they have local knowledge;
- they have existing systems in place with which to best understand and mitigate risk;
- rural fire is a land based regulatory activity;
- they have rural fire response resources (own work force and contractors); and
- there are enhanced synergies/efficiencies between the combined rural fire and civil defence capabilities of local authorities.

A number of submissions (15, 37, 46, 125) thought that one body should be responsible for all of the four Rs within the context of rural fire management.

The Emergency Services Manager of the Marlborough District Council (71) discussed the nature of fire as a land management tool, stating it was best managed at a local level, as it involved land use decisions made by managers who understand local land use requirements. These decisions were similar to CDEM Act and RMA planning which was undertaken at a local level.

LGNZ (125) identified the responsibilities that local government had under other fire-related legislation. In arguing for local government participation, it traversed the land management principles (within which fire is used for a variety of purposes) that currently involved local authorities:

- FAs were accountable for the controlled use of fire (monitoring weather conditions, issuing permits, approving burn plans);
- FAs were responsible for predicting fire behaviour, and may be accountable for reducing amount of fuel available (LGA could be relevant also);
- land and forest managers had a duty of care to society and the environment – FAs were responsible for fire control programmes; and

- FAs were also accountable for planned management actions (reducing/removing fuel load, maintaining access to key locations, and ensuring trained personnel available).

Some submitters (19, 29, 61, 62) from the forestry sector sought recognition of the contribution made by forestry companies and rural fire managers in managing the four Rs. Two (19, 29) thought that there should be full cost recovery for these companies when they were involved in fire prevention and suppression activities.

One local authority (106) directly objected to local government playing a role in fire suppression, because it was only a default position and "... in many cases [they] have no direct interest in the area they manage."

11.4 Other emergency services

Some discussion was centred on the relationship of the new fire and rescue service to other emergency services.

One submitter (42) believed that the ambulance service should be more formally established, together with an Emergency Management Commission that Fire and Rescue, ambulance and MCDEM could report to, to enable better coordination of all emergency services. Another (81) discussed the possibility of creating a new government agency, such as a new Ministry encompassing all emergency services. One firefighter (7) thought that the scope of the review should be wider, and pointed to the Singapore model as an example where all emergency services were provided by one large organisation.

The Order of St John (126) wished to point out that, because of the nature of ambulance funding and volunteer resourcing, it would be detrimental to the community if the current practice of fire units sometimes responding to a medical emergency were disallowed. The thrust of their argument was that legislation should be permissive enough to allow for this to continue.

A local authority (93) also thought that ambulance and fire services should be coordinated, ensuring that there would be no significant gaps in medical cover in areas where the NZFS had been carrying out that function, because ambulance coverage was light.

NZ Airports (22) mentioned that all emergency service providers should be covered by one all encompassing piece of legislation, and desired more detail on the alternatives available (on opting out or staying with the national system) for organisations with special fire risks such as airports, and industrial or commercial operators.

The Nelson-Tasman Emergency Response Team (99) were concerned that any broadening of the operational rescue mandate necessitated a broadening of strategic and managerial views; in particular, strengthening was needed in skills and experience in managing specialist rescues and multi-agency, multi-site emergencies. They also made a number of points about areas where possible duplications could arise in non-fire emergencies, and advised for care to be taken. Existing capabilities identified were:

- national USAR program, which has three specialist Task Forces, including a network of 14 Registered Response Teams established under regional CDEM Groups; and
- non-fire service volunteer rescue teams, such as trauma doctors, nurses, paramedics, search dogs, structural engineers and technical rescue technicians who staff existing volunteer rescue teams. These must be supported and integrated within a national disaster response framework.

A council (33) took a similar view by emphasising that firefighters should not have a general mandate for rescue responsibility, as other organisations had rescue functions. It thought that separate rescue legislation, covering all the agencies involved, was needed.

LGNZ (125) thought there was a need to provide a definition of “rescue”, and to clarify the relationship between the new service and other rescue-providing organisations. The NZPFU (76) also discussed the interaction with other emergency services, noting that many firefighters attended emergencies that “cross over” existing services, such as Coastguard units, or other search and rescue incidents. It said that it “... is important that any future legislative changes be developed with regard to the broader rescue commitments”, and “... that the definition of ‘rescue’ may have different meanings within different organisations.”

11.5 Cost recovery

A number of submissions, particularly from the forestry industry, local government and FAs, raised the issue of cost recovery. This is a rule established under the FRFA, where generally those responsible for lighting or causing fires are liable for any subsequent firefighting costs.

The importance and value of cost recovery was reiterated (29, 62, 66, 68, 116), with three submitters (62, 68, 116) believing it could or should be extended to urban areas as well. Two (18, 125) said that it was inequitable that rural people have to pay for certain types of fires on their properties if the “lighter” was not found, while urban people do not. The NRFA staff group (37) submitted that the principle “who owns the fuel owns the fire” should be retained.

Two others (33, 50) argued that cost recovery helped to ensure people took greater care in managing fire, and that it could be extended to hazardous substance incidents and arson involving structures if appropriate (33), or to urban areas, with financial incentives if responsible owners take appropriate measures (50).

11.6 Operations, structure, management

LTNZ (3A) believed that distinctions between the different functions of the organisation should be made in the new legislation, with a primary response role (property fire), other secondary roles (hazardous materials, road crash

rescue, building collapse), and a general permissive provision to provide assistance.

Two submitters (40, 42) believed that the functions of the new service needed to be flexible to allow for changing roles in future development, with one (42) adding that there should be a legislative requirement on the CEO to ensure staff are adequately trained.

A few comments were made on how to legislate for the roles of CEO and the operational head of the service. The NZPFU (76) believed strongly that these roles should be combined, and that this person should have extensive knowledge of operations, capacity and expectations of the new service.

The UFBA (96) also commented on structural management issues. It thought that the CEO should not be from an operational background, but a person who could deliver high levels of management. Nor, in its view, should the same person perform the role of both CEO and head of operations, as this was too much work for one person and would result in one or other of the roles being poorly performed. One firefighter (23) echoed this view in proposing that the two roles be formally separated in legislation.

One submitter (7) thought it was important to put a strategy in place to ensure a silo or empire-building mentality was not created if urban and rural firefighting capabilities were merged. He thought this silo effect was evident in the fire service already. This was evidenced by nearby brigades which felt territorial and acted as if in competition with each other, the perceived 'threat' of volunteers to paid staff, regional competitiveness for resources, and a perception that parts of national headquarters competed for resources and influence.

11.7 Nationalisation of assets

There were a few concerns expressed by some submitters (18, 106) about the unacceptability of transferring the ownership of existing assets to the new Fire and Rescue Board without compensation. One (18) suggested the use of a "grandfather clause" to retain these community-funded resources.

One firefighter (101) took a similar view, commenting that local authority resources should be kept where they were paid for.

Another submitter (40) thought however that this transfer of assets would "... allow for effective integration and rationalisation of service standards, training and equipment across the country", and the cost savings to councils could be exchanged for the continued availability of council staff for emergency response.

11.8 Water supply

A couple of submitters mentioned water supply concerns, with one council (65) suggesting that the review consider the obligations on local authorities to provide water for firefighting. Another submitter (18) thought that better guidelines on reticulated water supply were needed.

11.9 Public access

Two submitters (55, 82) commented on the possibility that proposed public access to private land may increase fire risks for landowners, which would need to be acknowledged and solutions sought.

11.10 Rights of firefighters

The general rights of volunteer firefighters were discussed by the UFBA (96), which commented that legislation should recognise that the delivery of services was primarily by volunteers, and that it should "... preserve the service relationships (including right of representation) of volunteer firefighters with both the Brigade and the National body." It also believed that volunteers should have employee rights equivalent to those held by career firefighters, and a formal disputes resolution procedure. Reference was also made to the government's policy on volunteering and its commitments therein, and it expected that these would be preserved in the new legislation.

11.11 Permits/fire restrictions

One firefighter (26) canvassed the current problems with permits, and proposed that DOC manage all permits, as they had a computerised system and kept good records, and could ensure notification of permits to communication centres and brigades, which would result in reduced (rural) fires and false alarms. Another firefighter (27) thought that district councils should continue to be responsible for permits, but that the new service should issue and enforce fire restrictions, which would result in higher levels of enforcement and better publicity of restrictions.

11.12 Location of fire stations

There were a couple of comments about this issue. One rural fire team (60) did not want fire stations or appliances to be moved arbitrarily without discussion with the communities that had funded them. A council (93) believed that as distance was the primary factor in response times, population density should not be used to relocate existing fire stations.

11.13 Miscellaneous

There were a number of miscellaneous issues or suggestions raised in the submissions. These were:

- there should be a prohibition on paid operational staff taking industrial action (like that of Police) (1);
- a computer package could be purchased to hold and maintain a national database covering all fire management from readiness to recovery (101);
- legislation should include the ability to establish the origin and identify the cause of all wildfires (101);
- national minimum standards should be put in place, for example, volunteer firefighter physical fitness, the length of work period and rest hours between core work periods (101);
- the rising number of false alarms needed to be resolved (possibly through a fine system, public education, and by ensuring that industries' alarms are operating and maintained correctly) (93);
- Auckland's volunteer fire police brigade should be retained (105);
- the 111 system should continue, with NZFS as first responder and providing the first hour at no cost (109);
- the current definition of State Area needed to be reviewed (117);
- fire safety margins around state areas should be an option rather than a requirement (117); and
- government climate change policies could increase financial costs of vegetation fires to landowners (55).

13. Funding

13.1 Introduction

Although funding is to be explored in a second discussion document, many of the submissions commented on it, particularly on the difficulty of selecting an option without knowing more about funding proposals.

It was widely acknowledged that the current funding of the urban NZFS through levies on insurance premiums was inequitable.

13.2 Funding based on functions

A number of suggestions were made that, to be more equitable, funding should be sourced from other revenue, rather than just a property-based or rates calculation. Two submitters (21, 127) argued for this because the functions of the organisation were not limited to protection from fire, but extended to assisting at motor vehicle accidents or other non-fire emergencies. One submitter (119) thought that funding could possibly come from other agencies that benefited from the service, such as ACC and LTNZ. A firefighter (39) raised questions of funding in relation to areas of health services, such as ACC, local area health boards, ambulance groups and primary health organisations.

Other suggestions were that calculations should include an assessment of risk and/or level of service provided (123), or on “values” to be protected as well as levels of service (33).

One council (21) thought that the government should consider paying an amount to cover the cost of providing fire services to non-rateable properties, such as schools, government buildings, churches and marae.

13.3 Funding based on Police model

Three submitters (52, 82, 113) believed that funding should be on the same basis as the Police. One (113) thought this because “[o]therwise there will be services provided that will not have been paid for by the recipients.” Carter Holt Harvey (52) believed that this would be the best way to achieve minimum public standards of risk and response. However, it said that if property-based funding were decided on, then compensation or relief would be required where a private brigade provided public services and/or significantly reduced public risk.

Manawatu/Rangitikei Federated Farmers (82) believed that “... a need exists for a large element of public funding (general taxpayer) for rural fire services in a similar way to which the police is funded.”

13.4 Local government involvement

There were a few comments on the possibility of local government involvement in a funding mechanism. MCDEM (48) pointed out that if property-based funding were implemented, and collected through rates, councils would be bound to undertake an assessment of benefits and costs, and to consider alternatives, under the LGA. The level of local government involvement depended on the model chosen, but it believed that councils would be "... unlikely to be keen on accepting responsibility for the funding system if they have no influence on how the money is spent", and advised caution, recommending flexibility in approaches to reconcile governance and funding.

Another submitter (40) thought that if local authorities were used to collect funds, then rather than this being seen as a mandate for local influence over a national standards authority, incentives such as a collection fee of 2.5% and the use of the money on a short-term money market should be used. He also suggested that an independent agency like Quotable Value NZ might be an alternative option to local authority collection and be less problematic.

13.5 General

The NRFAC (15) thought that any funding mechanism "... needs to be transparent and accountable" and that the "[r]etention of rural fire national standards must be supported by national funding subsidies."

An organisation (82) mentioned that a property-based funding mechanism was inappropriate for those rural property owners who would be affected by the proposed legislation on access to waterways, as this legislation could compromise these owners' ability to manage their fire risk.

One individual (42) noted that the "... funding method chosen must not result in vested interest groups preventing the citizens of NZ receiving the service they need." Another (1) stated that the service should be funded through property rates, with funds going straight to the Fire and Rescue Board, not to the government.

Appendix: List of Submitters

Submission No.	Name	Type
1	Joel Read	Individual
2	Gavin Wallace	Firefighter
3A	Land Transport New Zealand	Government Agency
4	(Name withheld)	Individual
5	Insurance Council of New Zealand	Organisation
6	Buller District Council	Local Government
7	Jon Harvey	Firefighter
8	John Ward	Firefighter
9	Tim Lovell	Firefighter
10	George McQuillan	Firefighter
11	Gisborne District Council	Local Government
12	Waitakere City Council	Local Government
13	Rodney District Council	Local Government
14	Kevin Klempel	Firefighter
15	National Rural Fire Advisory Committee	Fire Management
16	Queenstown Lakes District Council	Local Government
17	Timberlands West Coast Limited	Forestry Company
18	Eastern Regional Rural Fire Committee	Fire Authority
19	Juken New Zealand Limited	Forestry Company
20	The Institution of Fire Engineers	Organisation
21	Northland Regional Council	Local Government
22	New Zealand Airports	Organisation
23	(Name withheld)	Firefighter
24	Graham Taylor	Firefighter
25	Northland Fire Parties	Firefighters Rural
26	Graham Clark	Firefighter

27	Lincoln Volunteer Fire Brigade	Firefighters Urban
28	Mount Somers Rural Fire Force	Firefighters Rural
29	Wairarapa Rural Fire District	Fire Authority
30	Marlborough Forestry Industry Association	Forestry Organisation
31	Forest and Rural Fire Association of New Zealand	Organisation
32	Onewhero Volunteer Rural Fire Force	Firefighters Rural
33	Dunedin City Council	Local Government
34	Timaru District Council	Local Government
35	Ngahere Volunteer Fire Brigade	Firefighters Urban
36	Hampden Rural Fire Unit	Firefighters Rural
37	National Rural Fire Authority Staff Group	Fire Management
38	Christchurch City Council	Local Government
39	Raetihi Volunteer Fire Brigade	Firefighters Urban
40	CEO/National Commander of the New Zealand Fire Service	Fire Management
41	Rangitikei District Council	Local Government
42	Maurie Cummings	Individual
43	Thames Valley Combined Civil Defence Emergency Management Committee and Thames Valley Rural Fire District Committee	Fire Authority
44	Western Bay Moana Rural Fire Authority	Fire Authority
45	Manukau City Council	Local Government
46	Canterbury West Coast Regional Rural Fire Committee	Fire Authority
47	Waiiau Pa Rural Fire	Firefighters Rural
48	Ministry of Civil Defence Emergency Management	Government Agency
49	Waimea Rural Fire Committee	Fire Authority
50	Southland District Council	Local Government
51	Wenita Forest Products	Forestry Company

52	Carter Holt Harvey	Forestry Company
53	Swiftwater Rescue Education Trust	Organisation
54	Fire and Rescue New Zealand	Organisation
55	New Zealand Farm Forestry Association	Forestry Organisation
56	Philip Steven	Individual
57	Awhitu Rural Fire Force	Firefighters Rural
58	Chatham Islands Council	Local Government
59	Horowhenua District Council	Local Government
60	Gisborne Volunteer Rural Fire Force	Firefighters Rural
61	Kaingaroa Timberlands	Forestry Company
62	New Zealand Forest Owners Association	Forestry Organisation
63	Waikato District Council	Local Government
64	Taranaki District Council	Local Government
65	New Plymouth District Council	Local Government
66	South Canterbury Rural Fire District Committee	Fire Authority
67	Ashburton District Council	Local Government
68	Southern Rural Fire District	Fire Authority
69	Maramarua Volunteer Rural Fire Force	Firefighters Rural
70	City Forests Limited	Forestry Company
71	Ross Hamilton	Individual
72	Wanganui-Manawatu Civil Defence Emergency Management Coordinating Executive Group	Organisation
73	South Taranaki District Council	Local Government
74	Taranaki Regional Council	Local Government
75	Taranaki Civil Defence Emergency Management Group	Organisation
76	New Zealand Professional Firefighters Union	Firefighters' Organisation
77	Hutt City Council	Local Government

78	New Zealand Fire Service Commission	Fire Management
79	Hastings District Council	Local Government
80	Central Hawkes Bay District Council	Local Government
81	Gary Talbot	Individual
82	Manawatu-Rangitikei Province of Federated Farmers of New Zealand Inc	Organisation
83	Selwyn District Council	Local Government
84	New Zealand Institute of Forestry	Forestry Organisation
85	Palmerston North City Council	Local Government
86	Weyerhaeuser New Zealand	Forestry Company
87	Blakely Pacific Limited	Forestry Company
88	Rayonier New Zealand Limited	Forestry Company
89	Central Hawkes Bay Emergency Services Coordinating Committee	Organisation
90	Wairoa District Council	Local Government
91	Waikato Regional Council	Local Government
92	Ruapehu District Council	Local Government
93	Matamata-Piako District Council	Local Government
94	New Zealand Chief and Deputy Chief Fire Officers' Society	Firefighters' Organisation
95	Porirua City Council	Local Government
96	United Fire Brigades' Association of New Zealand Inc	Firefighters' Organisation
97	Ohakune Volunteer Fire Brigade	Firefighters Urban
98	Whangerei District Council	Local Government
99	Nelson-Tasman Emergency Response Team	Organisation
100	Auckland Regional Council	Local Government
101	Richard Terrey	Firefighter
102	Stephen Hansen	Firefighter
103	Hurunui District Council	Local Government

104	Marlborough North Rural Fire District	Fire Authority
105	Auckland Volunteer Fire Police Unit	Firefighters Urban
106	Upper Hutt City Council	Local Government
107	Tasman District Council	Local Government
108	Rural Fire Network Limited	Organisation
109	Pumicelands Rural Fire Authority	Fire Authority
110	Linda Gummer	Firefighter
111	Marlborough District Council	Local Government
112	Whiritoa Volunteer Rural Fire Force	Firefighters Rural
113	W. Flay	Firefighter
114	Clutha District Council	Local Government
115	Waitaki District Council	Local Government
116	Lake Taupo Rural Fire Authority	Fire Authority
117	Department of Conservation	Fire Authority
118	Otago Southland Regional Rural Fire Committee	Fire Authority
119	Wellington City Council	Local Government
120	Waimakariri District Council	Local Government
121	Canterbury Mayoral Forum	Local Government
122	Chris Gregory	Firefighter
123	Otorohanga District Council	Local Government
124	New Zealand Defence Force	Fire Authority
125	Local Government New Zealand	Local Government
126	The Order of St John	Organisation
127	Federated Farmers of New Zealand	Organisation