# Government policy – building the new fire services organisation

## New legislation required to establish modern, unified fire service organisation

The new organisation – Fire and Emergency New Zealand – requires new legislation to function. The new legislation is intended to reflect the decisions Government has already made, such as bringing fire services together into one new organisation with regional committees, and modernising the mandate.

The Government’s latest decisions (outlined below) will enable drafting of the new legislation to be completed. Legislation will be introduced into the House within the next three months, with an opportunity for public submissions on the draft legislation expected later this year.

## New name reflects the wide range of activities in the fire sector

The name of the new organisation – Fire and Emergency New Zealand – reflects the wide range of services that our firefighters provide for their communities, including callouts to road accidents and natural disasters.

For many years now, fighting fires has been reducing in proportion to the other work of our rural and urban fire services.

The name also signals a clear shift to a new organisation, which brings together urban and rural fire services for the first time.

## Compliance strategy and tools, including updated offences and penalties

To help deter unwanted behaviour, and to reduce the incidence and consequence of fires, Fire and Emergency New Zealand will have a broad range of compliance tools, from education and guidance to prosecutions. It will develop a compliance and enforcement strategy to guide the organisation towards a tool that is appropriate for the level of unsafe behaviour.

One new tool will be an infringement offence regime, which will allow Fire and Emergency New Zealand to issue infringement notices, helping to fill the current gap in tools for addressing low level offending.

Fire-related offences will also be modernised, and new offences will be included in the draft legislation for serious misconduct related to the fire levy (for example, knowingly providing altered, false, incomplete or misleading information or returns).

The legislation will propose significant maximum penalties to be available to the courts for the most serious criminal offences, like knowingly or negligently lighting fires during extreme fire hazard (i.e. less than 2 years’ imprisonment, or a proposed maximum fine of $600,000 for bodies corporate and $300,000 for individuals).

## New penalties and offences regime will replace the old “cost recovery model”

The current practice of recovering the costs of controlling and extinguishing a rural fire from the person responsible will not continue.

Instead, Fire and Emergency New Zealand will provide rural fire services from its new funding arrangements, and a new offences and penalties regime will be included in the draft legislation to deter misconduct without the need for recourse to cost recovery.

## Removing charging, and new powers, for hazardous substances incidents

Fire and Emergency New Zealand will not charge for most hazardous substances responses. The new funding arrangements will fund the new fire organisation to respond to these incidents.

New powers, including the power to destroy property to make a location safe, will enable firefighters to appropriately deal with hazardous substances incidents.

## Protecting the integrity of the levy

To operate effectively the new fire service needs a reliable and sustainable source of funding. The main source of funding will be a levy on amounts insured for material damage.

The levy liability and payment dates will be aligned with GST cycles. The new legislation will introduce powers, offences and penalties that are similar to those found in tax legislation, although generally less severe.

Aligning the levy payment with GST and other tax-related provisions is intended to make compliance easier. Powers, offences and penalties related to record keeping, audit, levy avoidance, failing to file levy returns and late payments are designed to encourage compliance.

## Entry and search powers

To enable the new organisation to effectively reduce the incidences and consequence of unwanted fires, there will be new powers in the draft legislation to enter premises to investigate the causes of fires and to take a sample or samples objects for analysis. These powers are all based on comparable regimes.

## Ensuring adequate firefighting water supplies

The current voluntary Code of Practice will be refreshed in consultation with local government and other stakeholders. Once a new Code has been developed it will become mandatory.

## Providing for best practice dispute resolution

A principles-based dispute resolution scheme will apply to disputes under the new fire legislation, enabling the scheme to respond flexibly to the variety of disputes that may arise.

Fire and Emergency New Zealand will engage with stakeholders to develop the scheme. The Minister of Internal Affairs will be responsible for approving the final scheme. The scheme will include a tiered dispute resolution process that includes an alternative dispute resolution step, along with appeal rights.

Disputes about the levy, including disputes over avoidance arrangements, will be provided for separately in regulations.

## Transitioning the existing workforce, enabling advocacy for volunteers, and removing named roles from legislation

The existing urban and rural fire services workforce, paid and volunteer, will transition into Fire and Emergency New Zealand.

There will be discussions with local authorities about staff whose role is solely fire services. In these cases it is likely that they will transfer to Fire and Emergency New Zealand. Local authorities have many staff who do fire services work as part of a wider role.

Fire services staff of the Department of Conservation and the New Zealand Defence Force will continue with their current employers.

The paid and volunteer workforce will retain their existing entitlements.

The legislation will not refer to the United Fire Brigades Association. As it is important for volunteers to have access to independent advocacy and support, Fire and Emergency New Zealand will be able to fund organisations providing these services at no cost to volunteers.

Named roles will no longer be identified in legislation, but the legislation will refer to the delegation of powers and functions to appropriately qualified personnel. Firefighters will still be able to act decisively and competently in emergency situations.

## Existing firefighting assets will be available for Fire and Emergency New Zealand to use

Merging into one organisation means the current 40-plus fire services organisations need to make their assets (fire engines, fire equipment, etc) available for Fire and Emergency New Zealand to perform its fire and emergency functions. The legislation will make these assets available to Fire and Emergency New Zealand to use from its first day.

## Collaborating with affected entities on treatment of assets

If and how the ownership of an asset is transferred to the new organisation may vary, depending on the asset and the preferences of the asset owner. However, assets obtained for an area by fundraising or community donations would remain in use in that community. Fire and Emergency New Zealand will take a principled approach, and will work collaboratively with asset owners to determine the fair treatment of assets required for Fire and Emergency New Zealand’s fire and emergency functions.

Assets unrelated to Fire and Emergency New Zealand’s fire and emergency functions (for example, holiday homes) will not be affected.

## Current fire services will be consulted and supported for transition

Fire and Emergency New Zealand’s responsibility for fire and mandated emergency services will start on its first day of existence, but all current fire services will be consulted with and supported earlier on, as part of the early transition design phase.

For some, such as Rural Fire Authorities, the change means they will no longer be responsible for fire services. For volunteers, modern volunteer principles will guide their transition into a direct relationship with Fire and Emergency New Zealand.

Transitioning to a unified fire service will also impact brigades and fire forces, many of which have developed their own distinct legal entities. For example, some are unincorporated entities that rely on sections within current fire legislation, while others are incorporated societies, and others are registered charities or charitable trusts.

Fire services will continue to be organised into sensible, effective units, like the current Brigade and Rural Fire Force structures to ensure that local identity is protected.