



ANALYSIS

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1987, No. 119

An Act to amend the Forest and Rural Fires Act 1977

[1 July 1987]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Forest and Rural Fires Amendment Act 1987, and shall be read together with and deemed part of the Forest and Rural Fires Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 1st day of April 1987.

2. Change of title of Minister and Secretary—(1) The principal Act is hereby amended—

(a) By inserting in paragraph (f) of the definition of the term “Fire Authority” and in the definition of the term “Rural Fire Mediator” in section 2 and in sections 5, 6, 8 (1), 9 (b), 12 (3), 14 (3), 17 (11), 20 (1), 28 (1), 33 (2), 49 (1), 52 (1), 54 (1), 59 (1), 64 (1) and (2), 67 (1), and 68, after the words “the Minister” wherever it occurs, the words “of Forestry”:

(b) By inserting in paragraphs (a) and (c) of the definition of the term “Principal Fire Officer”, after the word “Minister”, the words “of Conservation”:

(c) By omitting from section 4 (2) the word “Forests”, and substituting the word “Forestry”:

(d) By omitting from paragraph (a) (i) and paragraph (b) (i) of section 23 (1) (as amended by section 80 (1) of the National Parks Act 1980) the word “Lands”, and substituting the word “Conservation”.

(2) Section 2 of the principal Act is hereby amended by repealing the definition of the term “prescribed”, and substituting the following definition:

“ ‘Prescribed’ means prescribed by regulations under this Act, or by the Ministry of Forestry or the Secretary of Forestry:”.

3. New sections inserted in relation to delegation of powers—The principal Act is hereby amended by inserting, after section 3, the following sections:

“3A. Delegation of powers by Minister of Forestry—

(1) The Minister of Forestry may from time to time, by writing under the Minister’s hand, either generally or particularly delegate to the Secretary of Forestry or to any officer or employee of the Ministry of Forestry all or any of the Minister’s powers under this Act, but not the power to delegate under this section.

“(2) Subject to any general or special directions given or conditions attached by the Minister, the Secretary of Forestry or any officer or employee of the Ministry of Forestry may exercise any powers delegated pursuant to subsection (1) of this section in the same manner and with the same effect as if they had been conferred directly by this section and not by delegation.

“(3) Any delegation under this section may be made to a specified officer or employee, or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office.

“(4) Every person purporting to act pursuant to any delegation made under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation; and in any case of doubt the Minister may ratify the action of the Secretary of Forestry or any officer or employee of the Ministry.

“(5) Any delegation made under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

“(6) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister; and in the event of the Secretary of Forestry or any officer or employee of the Ministry to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding the office or, if there is no holder of the office or if the holder of the office is absent from duty, to the person for the time being directed under the State Services Act 1962 or any other authority to act in the place of the holder of the office.

“3B. **Delegation of powers by Secretary**—(1) The Secretary of Forestry may from time to time, by writing under the Secretary’s hand, either generally or particularly delegate to any officer or employee of the Ministry of Forestry, as the Secretary thinks fit, all or any of the powers delegated to the Secretary by the Minister.

“(2) Subject to any general or special directions given or conditions attached by the Secretary, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on the officer or employee directly by this section and not by delegation.

“(3) Any delegation under this section may be made to a specified officer or employee, or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified class of office.

“(4) Every person purporting to act pursuant to any delegation made under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

“(5) Any delegation made under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Secretary.

“(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Secretary of Forestry by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary of Forestry; and in the event of the holder of a specified office to whom any such delegation has been made ceasing to hold office it shall

continue to have effect as if made to the person for the time being holding that office.”

4. New Zealand Forestry Corporation Rural Fire District—Section 7A (1) of the principal Act (as inserted by section 32 (1) of the State-Owned Enterprises Act 1986) is hereby amended—

- (a) By inserting in paragraph (a), before the words “Forestry Corporation Limited”, the words “New Zealand”;
- (b) By omitting from paragraph (b) the words “Forestry Corporation”, and substituting the words “New Zealand Forestry Corporation Rural”.

5. Fire Authority in State areas—(1) Section 11 of the principal Act is hereby amended—

- (a) By omitting the words “any Conservator of Forests” in subsection (2) and the words “any Conservator” in subsection (4), and substituting in each place the words “any officer or employee of the Department of Conservation”;
- (b) By omitting the words “or Conservator” in subsections (3), (4), and (6), and substituting the words “or officer or employee of the Department of Conservation”.

(2) Section 11 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) Any delegation made by the Minister of Conservation under this section may be made to the holder or holders for the time being of a specified office or class of office.”

6. Supply of apparatus and fire-fighting services—Section 15 (2) of the principal Act is hereby amended by omitting the words “a Conservator of Forests”, and substituting the words “any officer or employee of the Department of Conservation”.

7. Powers of Secretary—The principal Act is hereby amended by omitting from sections 19 (1), 30 (2), 52 (1), and 66 the word “Director-General”, and substituting in each case the words “Secretary of Forestry”.

8. Spread of fires to State areas, forest areas, and specially protected property—Section 25 (2) of the principal Act is hereby amended by omitting the words “Commissioner of Crown Lands” wherever they occur, and substituting in each case the words “Director-General of Conservation”.

9. Regulations—Section 67 (2) of the principal Act is hereby amended by adding the following paragraph:

“(j) Prescribing fees payable by Rural Fire Authorities for specified services provided by the Ministry of Forestry in co-ordinating protection against fire in forest, rural, and other areas of vegetation.”

This Act is administered in the Ministry of Forestry.
