

Hon. Dr. Findlay.

FIRE BRIGADES ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. First election of Board.</p> <p>3. Estimate of expenditure of new Board.</p> <p>4. New fire districts.</p> <p>5. Casual vacancies.</p> <p>6. Section 9 of principal Act amended.</p> <p>7. Section 11 of principal Act amended.</p> <p>8. Power to borrow.</p> <p>9. Power to sell or exchange property.</p> <p>10. Appointment of officers. Repeal.</p> <p>11. Section 18 of principal Act amended.</p> <p>12. Duties of Inspector of Fire Brigades.</p> <p>13. Repeal. Brigades to be under control of Board. Definition of brigade. All plant vested in Board. Transfer of land and buildings. Valuation of property. Where</p>	<p>property transferred liable to mortgage. Disputes as to transfer to be determined by arbitration. Exemption from stamp duty.</p> <p>14. Validating acts of the Board.</p> <p>15. Validation of proceedings, &amp;c.</p> <p>16. Repeal. Contributions payable quarterly in advance.</p> <p>17. Definition of local authority.</p> <p>18. Area ceasing to be within jurisdiction of local authority to cease to be within fire district.</p> <p>19. Annual estimate to include deficiency for preceding year.</p> <p>20. Section 13 of principal Act amended.</p> <p>21. Section 15 of principal Act amended.</p> <p>22. Section 16 of principal Act amended.</p> <p>23. Section 25 of principal Act amended.</p> <p>24. Board may require inquest as to fire.</p>
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A BILL INTITULED

AN ACT to amend the Fire Brigades Act, 1906.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Fire Brigades Act Amendment Act, 1907, and shall form part of and be read together with the Fire Brigades Act, 1906 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) On the constitution of any new fire district the Colonial Secretary may fix a day for the holding of the first election of members of the Board and may appoint a time and place for the first meeting of the Board.

First election of Board.

(2.) The appointment by the Governor of a member of the Board of a new fire district may be made at any time after the constitution of the fire district.

(3.) This section shall also apply in the case of any fire district already constituted in which the full number of elective members of the Board is incomplete at the time of the passing of this Act.

3. The estimate required by section ten of the principal Act shall in the case of a Board in a new fire district be for the year commencing on the first quarter-day after the first meeting of the Board, and in such case the said estimate may be submitted to the Minister at any time before that quarter-day.

Estimate of expenditure of new Board.

4. No area shall be declared to be a fire district unless it contains a population of not less than five thousand according to the last preceding census.

New fire districts.

Casual vacancies.

5. A member of the Board may resign office by writing addressed to the Chairman or Secretary of the Board, and in any such case, or whenever any casual vacancy occurs in the Board from any other cause, the Chairman or Secretary shall notify the fact to the Board and also to the Minister, and to the authority (if any) by whom the vacating member was elected. 5

Section 9 of principal Act amended.

6. Section nine of the principal Act is hereby amended, as from the passing of that Act, by repealing subsection two of that section and substituting the following therefor:—

“(2.) At the first meeting of the Board, and at every annual meeting—that is to say, the meeting to be held in the month of June—and as often as the office of Chairman shall be vacant, the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor.” 10

Section 11 of principal Act amended.

7. Section eleven of the principal Act is hereby amended, as from the date of the passing of that Act, by repealing paragraph (a) thereof, and substituting the following paragraph therefor:— 15

“(a.) There shall be paid annually to the Board by the Colonial Treasurer out of the Consolidated Fund, without further appropriation than this Act, the sums following, that is to say:— 20

“In the case of the Boards for the Cities of Auckland, Wellington, Christchurch, and Dunedin, the sum of one hundred and fifty pounds to each of such Boards:

“In the case of the Board for the City of Wellington, the further sum of one hundred pounds in respect of the Parliamentary and Government Buildings situated in that city: 25

“In the case of the Board of any other fire district, a sum equal to one-tenth of the said estimated annual expenditure,” but not exceeding in any case the sum of fifty pounds. 30

Power to borrow.

8. The Board may from time to time, with the consent of the Minister, borrow money by way of overdraft, or by mortgage of its property, or by the issue of debentures: 35

Provided that no interest at a higher rate than five per centum per annum shall be paid in respect of any money so borrowed.

Power to sell or exchange property.

9. The Board may at any time, with the consent of the Minister, sell or exchange any land or other property vested in it, and shall hold the proceeds of such sale or exchange in trust for fire-prevention purposes. 40

Appointment of officers.

10. (1.) The Board may from time to time appoint a Superintendent and Deputy Superintendents and such other officers as it deems necessary, and may pay such wages to its officers and such gratuities to any other person for services rendered to the Board at any fire as it thinks fit. 45

Repeal.

(2.) Subsection one of section eighteen of the principal Act is hereby amended by repealing paragraphs (a), (b), and (c).

Section 18 of principal Act amended.

11. Section eighteen of the principal Act is hereby further amended—

(a.) By inserting the following paragraph after paragraph (e):— 50

“(ee.) The inspection of electrical installations.”

(b.) By adding at the end of paragraph (h) the words “or on board ship, and the charges that may be made for any such employment.”

12. (1.) The Inspector of Fire Brigades shall at least once in each year inspect every brigade under the control of any Board, and shall give such advice and assistance to the Board as may be necessary.

Duties of Inspector of Fire Brigades.

5 (2.) He shall report to the Minister at least once in each year as to the administration of the principal Act by the Board in every fire district, and as to the efficiency of any brigade under the control of any such Board.

10 13. Section thirty-one of the principal Act is hereby repealed, and the following substituted therefor as from the passing of that Act:—

Repeal.

“ (1.) Every brigade existing in any fire district at the date of the constitution of the district shall be under the control of the Board.

Brigades to be under control of Board.

15 “ (2.) No brigade shall be established in any fire district without the consent of the Board.

20 “ (3.) ‘ Brigade ’ means any body of men organized for public fire-prevention purposes, but does not include any brigade which is established for the protection of one or more specified buildings exclusively.

Definition of brigade.

“ (4.) All plant and other property (not being land or buildings) used for public fire-prevention purposes in any fire district at the date of the constitution of that district, and belonging to any local authority within that district, shall become vested by virtue of this Act in the Board of that district.

All plant vested in Board.

30 “ (5.) All land and buildings used for public fire-prevention purposes in any fire district at the date of the constitution of that district, and vested in fee-simple in any local authority within that district, shall be transferred by the local authority owning the same to the Board, and the Board shall accept such transfer. Pending any such transfer the Board shall be entitled to the use and occupation of such land and buildings.

Transfer of land and buildings.

35 “ (6.) All plant, land, buildings, or other property which by virtue of the foregoing provisions of this section becomes vested in or is transferred to the Board shall be valued either by agreement or by arbitration under the provisions of the Arbitration Act, 1890, as if this Act were a submission within the meaning of the said Act.

Valuation of property.

40 “ (7.) The Board shall pay to the local authority which owned the said property interest on the capital value thereof as so determined at the rate of four per centum per annum for the period of twenty-five years from the date at which possession of the said property was obtained by the Board, but the Board shall not be under any obligation to pay to any local authority the capital value of any such property.

45 “ (8.) If any property which is so transferred to or becomes vested in the Board is specifically subject to any mortgage or charge, the liability in respect thereof shall be taken over by the Board; and if the mortgage or charge includes other property, the liability therefor shall be apportioned between the Board and the local authority by agreement or arbitration in manner aforesaid; but nothing herein contained shall affect the rights or remedies of any creditor of the local authority.

Where property transferred liable to mortgage.

“(9.) The amount of any liability taken over by the Board under the *last preceding* subsection shall be deducted from the capital value of the property which is subject thereto in determining the interest payable to the local authority under the provisions hereinbefore contained. 5

Disputes as to transfer to be determined by arbitration.

“(10.) If any local authority objects to transfer any land or buildings to the Board under the provisions of this section on the ground that it is inexpedient in the public interest that such land or buildings should be permanently devoted to fire-prevention purposes, the dispute shall be determined by arbitration in manner aforesaid; 10 and if the objection of the local authority is maintained by the arbitrators, the said land or buildings shall be exempt from the operation of this section.

“(11.) All land, buildings, plant, or other property which at the date of the constitution of a fire district is held by any brigade, 15 trustees, or other person or body other than a local authority in trust for public fire-prevention purposes shall become vested by virtue of this Act in the Board of that district, subject, however, to any right, title, or interest therein which is not affected by any such trust as aforesaid. All persons or bodies in whom any 20 such property is vested shall at the request of the Board do and execute all such things, deeds, and assurances as are necessary for the registration of the title of the Board to such property, or otherwise for rendering effectual the provisions of this subsection.

“(12.) The Board shall be under no obligation to pay any interest or other compensation in respect of any property acquired by the Board under the provisions of the *last preceding* subsection. 25

“(13.) Any liability charged on or existing in respect of any property acquired under subsection *eleven* hereof at the time at which it is so acquired shall be taken over by the Board. 30

“(14.) Any dispute as to the application of this section to any property, liability, or other matter shall be determined by arbitration in manner aforesaid.

Exemption from stamp duty.

“(15.) No stamp duty shall be chargeable upon any conveyance, transfer, or other assurance executed in pursuance of the provisions of this section. 35

“(16.) No property shall be deemed to be used or held in trust for public fire-prevention purposes within the meaning of this section if it is used for the protection of one or more specified buildings exclusively.” 40

Validating acts of the Board.

14. (1.) No act of the Board shall be questioned on the ground of any informality in the appointment or election of a member, or on the ground that the seat of any member is vacant.

(2.) Every Board in existence on the passing of this Act shall be deemed to have been validly constituted and its members validly appointed or elected. 45

Validation of proceedings, &c.

15. (1.) In any case in which anything required by the principal Act to be done is not done or is done after the time prescribed by that Act, or is irregularly done in matter of form, the Governor may, by Order in Council gazetted, at any time before or after the time prescribed, extend such time or validate anything so done after the prescribed time or so irregularly done. 50

(2.) This section shall apply to anything done or omitted to be done, whether before or after the passing of this Act.

16. Section twelve of the principal Act is hereby repealed, and the following substituted therefor as from the passing of that 5 Act :—

“The amounts to be so contributed shall be payable in equal quarterly payments in advance on the first day of July, the first day of October, the first day of January, and the first day of April in every year.”

Contributions payable quarterly in advance.

17. The term “local authority,” as used in section three and section eleven of the principal Act, means a Borough Council or a County Council :

Definition of local authority.

Provided that where a fire district is coterminous with a road district or town district it means the Road Board or Town Board 15 and not the County Council.

18. (1.) Whenever in any new fire district any area ceases to be within the jurisdiction of the local authority, that area shall at the same time cease to be within the fire district.

Area ceasing to be within jurisdiction of local authority to cease to be within fire district.

(2.) Whenever in the case of any new fire district any area is added to the area within the jurisdiction of the local authority in that fire district, the Governor may by Order in Council, on the application of the local authority, add such additional area to the fire district, and the provisions of this Act shall, with the necessary modifications, have effect within that area accordingly.

(3.) The term “local authority” in this section has the meaning attributed to it in the *last preceding* section.

(4.) This section shall be read and have effect as if contained in the principal Act from the time of the passing thereof.

19. The estimate of annual expenditure required by section ten of the principal Act may include the amount of any deficiency in the revenue of the Board for the preceding year.

Annual estimate to include deficiency for preceding year.

20. Section thirteen of the principal Act is hereby amended by adding thereto the following paragraph :—

Section 13 of principal Act amended.

“(f.) For the purpose of verifying any such return the Board may require the Audit Office to examine the books and accounts of the company making such return, and the said company shall forthwith on demand submit such books and accounts accordingly to any duly authorised officer of the Audit Office, and for any default in so doing the company shall be liable to a fine of *five* pounds for every day during which such default continues.”

21. Section fifteen of the principal Act is hereby amended by adding to subsection two thereof the words “or may be recovered as a debt due from such local authority to the Board.”

Section 15 of principal Act amended.

22. Section sixteen of the principal Act is hereby amended by adding thereto the following proviso :—

Section 16 of principal Act amended.

“Provided also that nothing in this section shall be so construed as to limit the amount payable by any local authority by way of contribution under the other provisions of this Act.”

23. Section twenty-five of the principal Act is hereby amended by inserting after the word “caused” the words “at or in connection with any fire.”

Section 25 of principal Act amended.

Board may require  
inquest as to any  
fire.

24. (1.) In the case of any fire within a fire district the Board of that district may require any Coroner having jurisdiction within that district to hold an inquest as to that fire, and the said Coroner shall hold such inquest accordingly.

(2.) In any such case the Board may take and retain possession of any premises where the fire occurred pending the holding of the inquest as to that fire. 5