

# **NZ Forest Owners Association Submission**

## **on the**

### **Discussion Document for New Fire Legislation**

#### ***1. What is the NZ Forest Owners Association***

The NZ Forest Owners Association (Inc) welcomes the opportunity to provide its formal comments on the Department of Internal Affairs' (DIA) Discussion Paper titled "The functions and structure of New Zealand's fire and rescue services".

The NZ Forest Owners' Association (NZFOA) is a voluntary organization that represents the interests of commercial forest growers. The Association has 260 members whose forest holdings represent approximately 85% of New Zealand's commercial forest estate. The members include all the major forest corporates, the majority of medium sized forest companies, many forest syndicates, and a number of farm foresters.

#### ***2. Role and Contribution of Association Members in Rural Fire Management***

The NZFOA recently conducted a survey of its members to ascertain the level of involvement in, and commitment to, rural fire management.

A total of 67 responses from 29 companies were received. The survey respondents were responsible for rural fire management over 1.398 million hectares of rural land, 1,091 million hectares of which are planted.

The respondents came from a variety of forest sizes and ownership types, and covered most of the regions in which commercial forestry is practiced.

Important points include:

- Association membership covers a full range of administrative structures under the Forest and Rural Fires Act (F&RFA): 39 respondents have forests that fall under Territorial Local Authorities (TLA's), 25 original (Landholder's) Rural Fire Districts (RFD's) , 17 enlarged RFD's, and 4 Forest Areas. A number of the respondents have forests that fall under 1 or more administrative structures.
- Responding forest owners have 37 members on RFD committees;
- Association members provide 226 warranted Rural Fire Officers (RFO's), which equates to 65 full time positions in rural fire control;
- Respondents spent in excess of 5600 person days on fire control matters. This includes 72 days on national activities, 263 days on regional activities, and 5274 days on local fire control activities such as training (47%), administration (31%), enforcement (9%), planning (6%) and education (3%).
- Association members maintain a fleet of 72 dedicated 4wd fire appliances, 16 water carrying tankers, 61 smoke chasers, and 461 fire fighting pumps complete with the appropriate hose/fittings and hand tools etc.
- Association members combined have 361 highly trained fire fighting staff, including Principal Rural Fire Officers, Rural Fire Officers, Incident

Controllers, Air Attack Specialists, Operations Managers etc. In addition, Association members have 1353 trained contractor fire fighters at their disposal and access to a further 1907 skilled forestry workers available for fire fighting.

- 38 respondents (59%) carry fire insurance; only 4 gain a premium reduction through fire activities.
- Members contribute to and use the national fire prevention campaign, but only 31 respondents use campaign material.
- Members contribute to and use the fire weather station network, with 49 respondents indicating that they monitored fire weather/fire danger conditions weekly or more frequently.
- A similar number use fire weather indices for fire prevention activities such as fire danger awareness, forest closure, forest operations timing, fire permit issue and fire season status.
- A similar number of respondents indicated they identify hazardous fuels and manage them.
- A total of 146 fire danger display boards are owned or managed by respondents.
- NZFOA Members spend over \$8 million annually on fire protection, including training, fire preparedness and fire prevention activities.

### **3. Previous NZ FOA Submissions to DIA**

The NZ FOA has made an earlier (June 2004) submission to the DIA project team. The questions posed by the DIA Team, and the NZFOA responses, were as follows:

**DIA Q1:**

*“How would FOA like to see things organized in an ideal world? For example would your industry like to see a ‘minimum’ service coverage applying to the whole of New Zealand, with no ‘contracting out’ rights or would private forestry interests rather do their own thing completely?”*

**NZFOA Answer:**

Because the make up of forest ownership has changed significantly over the past decade, forest owners foresee a minimum service coverage for all commercial forest blocks through to complete suppression and mop-up. The latter option would most likely be picked up by all small forest owners with limited resources, and paid for via access to the rural fire fighting fund.

We would also request an option for larger forest companies to have access to initial notification of a fire through the Comcens, plus initial response until the forest owner arrives (say 1 hour), then the forest owner would assume all control and responsibility for suppression/mop-up etc. These larger companies would pay a lesser fee for this limited service, and not have access to the rural fire fighting fund, ie basically the same as now.

In simple terms, forest owners would have a choice of how to manage their fire risk and pay accordingly.

**DIA Q2:** *“In which case, how could we ensure that conscientious forestry fire managers were not threatened by poor ones?”*

**NZFOA Answer:** Legislation would need to be robust enough to ensure larger forest companies that opted out of complete service had the ability to manage fire within their forest boundary to a professional standard, yet more importantly were responsible financially for fires escaping their boundary as is the case now.

**DIA Q3:** *“Furthermore, do you think it feasible that one national fire (fighting) manager could provide both urban and rural services?”*

**NZFOA Answer:** In simple terms forest owners see urban and rural fire as very separate, and requiring individual lines of management. We do however see a Regional Management approach to rural fire, ie possibly 8-10 regions for the country, to improve true regional co-ordination. Additional funding collected regionally would be spent regionally as fire risk/cost of suppression etc is very different for the different regions in New Zealand.

**DIA Q4:** *“If so, what sort of incentives/accountability mechanisms would you be looking for?”*

**NZFOA Answer:** As per our comment before, we see them as separate and managed separately, yet on a regional level better co-ordination between urban and rural would be achievable.

**DIA Q5:** *“Should we do away with absolute personal liability for causing fire in rural areas and paying for its extinction?”*

**NZFOA Answer:** We see that personal liability must be retained in rural fire and that possibly it should be extended to cover urban fire as well.

In subsequent verbal submissions to the DIA Project Team the Association has emphasized the following points:

- The Association wishes to maintain the ability for some of its members to contract out of the national system, provided minimum standards are met;
- There should be no increase in costs for rural fire management;
- A more equitable funding arrangement than is currently in place;
- If the Rural Fire Authority (RFA) structure is maintained, then the non-performing RFA's are to be brought up to standard or forced to amalgamate into a larger more professional organisation;

- Members wish to protect their forest estate; to do this they wish to maintain an influence on land management practices on surrounding lands, and be able to scale resources according to the season. They commonly join in with local and regional initiatives to gain economies of scale.

#### **4. *Ideal Outcomes from a NZ FOA Perspective***

What the Association needs:

- Less prescriptive legislation provided the different management requirements of vegetation fires are recognized in the legislation.
- The ability for some of its members to contract out of the national system. A number of association members have strong & comprehensive fire protection systems that meet (and sometimes exceed) national standards.
- No increase in the current cost of rural fire management. Association members meet the direct and indirect costs of rural fire management in their areas. A recent survey has estimated the contribution of members to the rural fire sector at about \$8 million per year.
- Equitable funding arrangements so that members do not in effect pay twice, and that members do not subsidise other landowners who may not be obliged under current legislation to pay a levy for rural fire protection.
- Protection of the plantation forest estate from fire, in particular from fires that escape from surrounding lands.
- A consistent level of skill, commitment and application from professional rural fire managers across the country.
- The ability to form and manage cross-regional alliances.
- Clarity regarding the responsibility for structural fires and non-fire incidents in rural areas.
- A national structure for setting standards, co-coordinating training, organizing the national fire prevention campaign, coordinating fire research, coordinating international exchanges.
- Governance input at the regional and at the national level.
- Rural fire management acknowledged as part of rural land management. Management of risk reduction and protection activities as well as response should be part of an holistic approach from a new fire and rescue services structure.
- An assurance that vegetation fire expertise will be employed at both national and regional levels
- Acknowledgement in the legislation that wildfire has been defined in the RMA as a natural hazard, and the imperative that flows from that. The new legislation must be consistent with the approach in the Civil Defence and Emergency Management (CDEM) Act and recognize the role that rural fire managers currently play in managing the “4 R’s” of emergency management.
- The existing legislation contains a number of ideal outcomes in more detail than needs to be expressed at this point. The Association wishes to be consulted further on such details.

The Australian Forest Growers presented a submission to a recent Inquiry into bushfire mitigation. Some of the points they made are relevant to the New Zealand situation:

- Land managers have a duty of care to society and the environment.
- Fires do not know cadastral boundaries. It has been clearly demonstrated on many occasions that there is a need to develop active fire management strategies across vegetation types as well as across regional borders or boundaries.
- In the general community there is a poor understanding and little empathy for wildfire management.
- In the past most state forestry land was managed by people with long fire experiences and training. More recently, these people have been replaced by graduates in various forms.
- There needs to be an appropriate mix of skills and practical knowledge in rural fire management.
- There is a requirement to establish and implement guidelines to compel fire management authorities to recognize and act on important and credible local advice.

The Association supports these views and notes that NZ must ensure that rural fire management experience is retained and built on. Rural fire management is a specialist field that can not be managed solely by graduates who may not have the requisite experience and practical knowledge. It also reinforces the point the Association makes about the absolute requirement for the Regional Boards to be established in legislation and not just be advisory.

The Hensley Review, which resulted in the formation of the National Rural Fire Authority (NRFA) in 1990, noted, inter alia, the following points with which the Association would concur:

- Fire is part of rural land use and can not be treated apart from other land use issues.
- As such therefore it is a local issue and which requires local answers.
- Local application should be matched and guided by national standards.
- Where fires spread across local boundaries, better coordination is needed rather than greater direction from the centre.
- The nature of urban and rural fires (vegetation and structural) is fundamentally different. Rural firefighting should be a local responsibility and regional involvement is critical.
- Regions need to have a Board structure that reflects land management responsibilities in that area.

## **5. Analysis of the Current Legislation**

### **(A) Good points from the current legislation:**

Part I of the F&RFA deals with local input into rural fire control, including planning activities. Although prescriptive, it essentially is defining what history showed what needed to be done.

Part II is mainly operational, but is also prescriptive.

The Fire Service Act (FSA) set up the NRFA and the position of National Rural Fire Officer (NRFO).

There are a number of good points in the current legislation that the Association would not like to see lost in this review. The identification of such detail is not relevant at this stage in the legislation review process, but the Association wishes to remain in contact with the DIA on this point.

### **(B) Points to correct from the current legislation:**

1. There is a need to include all land owners who benefit when apportioning the costs of rural fire control.
2. Provide legal coverage to rural volunteers who work on non-fire incidents.
3. Part III (Finance) is the source of many of the inequities in the current legislation.
4. The Minister is not required to appoint a person with expertise in rural fire management to the NRFA.
5. The NRFO has no operational responsibility for RFA's, and cannot readily influence the poor performers except by denying access to the Rural Fire Fighting Fund.
6. The Association submits that the NRFA role of support and advice is very weak. Their role under Option 2 would need to include a more operational oversight and involvement at the coordinating level for many of the improvement projects that are going on. More prescription would be necessary.

## **6. Analysis of Discussion Document Options**

### **Option 1**

Advantages:

- Is clean and simple to legislate for, and probably efficient to operate.
- It is ideal for a response-led organization.
- It would be easy to ensure national consistency in terms of standards.
- It allows contracting out, and provides for (undefined) warranted officers.

However, in the NZFOA view the disadvantages are:

- One size does not fit all.
- It is centralized and does not allow for local or regional input from stakeholders.
- It may not easily accommodate regional differences in vegetation fire risk.
- No role for key stakeholders such as rural industries or local government.
- It does not provide for any distinction between vegetation and structural fires.

## **Not favoured by the NZFOA.**

### **Option 2**

#### Advantages:

- Fire Authorities (Rural) remain but would be responsible for ALL fires in their geographical area. Legally that is the case now, but RFA's are not equipped or trained to do so in most cases and would need to acquire additional skills and equipment.
- Non-fire emergencies would be dealt with on a centralized basis.
- A dual system would remain, with warranted PRFO/RFO's, and (Chief Fire Officers (CFO's) and Regional Commanders.
- The National Rural Fire Advisory Committee (NRFAC) would become a statutory body advising the Board.
- The Board would appoint the Regional Rural Fire Committees (RRFC) to coordinate fire authorities.

#### However, in the NZFOA view the disadvantages are:

- No contracting out would be permitted, which is contrary to the FOA position.
- No effective control over the non-performing RFA's, which is a source of NZFOA concern.
- No incentive to integrate systems, and therefore meet the NZFOA requirement for no additional cost.
- NRFAC would still be only advisory to the Board.
- RRFC's would still have no effective authority.

## **Not favoured by NZFOA.**

### **Option 3**

#### Advantages:

- Potentially a high degree of local "ownership" through stakeholder involvement.
- A Director of Operations appointed by the Board.
- Regions following Regional Council boundaries, with a Regional Director of Operations having particular statutory powers.
- Local Boards to advise each Regional Director, additionally with local input or approval into the regional business plan.
- Regional Director would be required to consult with the local advisory board. The NZFOA would prefer to see this consultation aspect strengthened.
- There is scope for regional cooperation.
- There is scope for regional coordination of fire management with fire suppression activities.
- There is scope for determining the size and scale of both structural and vegetation fire management according to the local fire risk.
- Contracting out would be permitted if standards were met.

#### However, in the NZFOA view:

- The option is not well defined, especially the relationship with existing local and regional emergency services.
- The role of the "advisory" boards is not well defined.
- There is no mention of an equivalent Director of Rural Operations.
- The relationship with key local stakeholders, such as the NZFOA, is not defined.

- There is still no allowance for the wider integrated rural fire management role the NZFOA regards as a vital outcome from the legislation review.
- There is still no obvious accountability explicit, or even implicit, in the proposed structure.
- The process for granting the appropriate statutory powers for Rural Fire Officers is not evident.

**Favoured by NZFOA, with conditions**

## **7. NZ FOA Preference**

Option 3, with enhanced duties and responsibilities for the Regional Advisory Boards.

## **8. Preferred Option 3 – Enhancements**

8.1 Based on Regional Council Boundaries (but not attached to regional Councils) new Fire Regions should be formed to manage the specific urban and rural fire environments in that region. The division of responsibilities would be made using a system of rural and urban zones that have response units based on and positioned relative to identified hazard areas.

8.2 The governance and financial management of each Fire Region would be the responsibility of a Regional Fire Board, which would hold statutory powers for that region and be responsible for the appointment of a Regional Fire Manager in consultation with the Chief Executive of the New Zealand Fire Services.

8.3 Membership of the Regional Fire Board would comprise of representatives appointed by constituent Local and Regional Government, Federated Farmers, NZ Forest Owners Association, NZ Farm Forestry Association, Department of Conservation and Ministry of Defence (in regions they are present). Each Regional Board would elect a Chairperson.

8.4 Representation of each organisation on the Regional Fire Board would be equal.

8.5 The Chairs of the Regional Fire Boards would constitute the National Fire Board (NFB), replacing the current Fire Services Commission. The NFB would include an independent Chairperson and the Chief Executive Officer (CEO) of the Department for Internal Affairs (DIA).

8.6 Regional Boards and the National Board would be appointed for three-year terms (apart from the CEO of the DIA) with constituent members able to reappoint or replace appointments at the end of each three-year term.

8.7 The Regional Manager would operate a management structure, prescribed in legislation, which would include three separate reporting lines; Urban Fire and Rescue, Rural Fire, and Fire Safety.

8.8 Regional Staff requirements for each of the reporting lines would vary from region to region based on the calculated hazards existing in that region.

8.9 The small National Fire and Rescue Service Head Office would replicate regional offices with a role of coordinating resource procurement, skill

development and training standards, international exchanges, operational audit, national incident management coordination and national policy development for Fire Safety and Research programmes. Head Office would not have operational control over Regional Boards.

8.10 The National Fire Board would mentor Regional Fire Boards as well as determine and allocate national and regional budgets and capital expenditure programmes.

8.11 The National Fire Board would appoint the Chief executive of the Fire and Rescue Service, and in conjunction with the Chief Executive, appoint the National Division Managers for Urban Fire and Rescue, Rural Fire, Fire Safety and Fire Research.

8.12 Each National Division Manager's primary function would be to coordinate servicing of Fire Regions and mentoring of Regional Division Manager.

## **9. Responses to the Seven Key Questions in Part 5**

### **1. Preferred option**

See points 6, 7 & 8.

### **2. Integration of urban and rural fire risks?**

The NZFOA wishes to reinforce the point that rural fire management is part of rural land management and should be understood from that perspective. FOA members use fire as part of their forest land management practices from time to time.

Although this is a specialized area of activity, it is seasonal and personnel are involved in a range of other activities as well.

Rural fire management practices have developed over 150 years of using fire as a land management tool in NZ. The times when this has gone disastrously wrong have led to improvements in legislation and in management practices. The NZFOA would not wish this history to be lost in a drive for integration.

Land management/rural fire management practices vary from region to region depending on climate, environment and regional culture. This regional risk profile is important for the effective governance of a new fire and rescue organization. The NZFOA believe that this must be reflected in the administrative structure of the new Fire & Rescue organisation as defined in legislation and not subject to the management style of a Chief Executive.

Ideally there is a compelling case for the integration of urban and rural fire services, and there may be areas where multi-skilled teams develop. In the current climate this would be at the paid end of the spectrum, rather than with volunteers.

In terms of managing the fire risk, there should be no reason why professional fire managers could not approach the issue from an integrated perspective – as in rural lifestyle (or peri-urban) areas.

The current and potential changes in high country land ownership mean that management of fire prone fuels will become an important factor for fire managers in those parts of the country, and any integration proposal will need to take this into account.

### **3. Regional delivery of fire services**

The NZFOA 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 know their regions, the local conditions and the local environment. They will be best placed to advise on the balance of regional priorities after local issues have been debated locally and local solutions found.

The NZFOA also believes that an advisory board at the national level is best able to advise the Fire & Rescue Board, and this should be recognized in legislation. The Advisory Board could be similar to the current NRFAC.

The NZFOA does not believe that such advisory boards place an undue extra cost on the structure as they can assist in identifying and controlling unnecessary costs.

### **4. Contracting volunteers**

Volunteers are important in rural fire management. Current evidence is that rural volunteers from small rural communities wish to remain a rural resource and not undergo additional training for structural fire fighting or rescue work.

NZFOA members use a mix of paid and volunteer crews in rural fire management. Traditionally, forest companies had crews of wage workers who were trained and skilled in fire fighting. This role has largely been taken over by silvicultural and harvesting contractors who perhaps have a lesser interest in fire fighting but still recognize its importance in protecting their long-term livelihood.

NZFOA members are also acutely aware of the health and safety legislation as far as worker training is concerned, and have many people with the appropriate unit standards for fire control work.

### **5. Contracting out of the fire protection system**

The NZFOA believes its members should have the ability to contract out of a national system, provided they meet and continue to meet or exceed national standards.

However, the Association is mindful of the effect of ownership changes where new owners may wish to opt in or out depending on the philosophy of the new owner. So a time limit should be applied to the lead time required for a change as this could have regional implications on resourcing etc.

Legislation should not impede the ability of the regional organizations to enter into agreements with the organizations that do contract out, if the contracts have the ability to benefit both parties.

### **6. Composition of the new fire and rescue board**

The NZFOA believes that the proposed new board will require additional knowledge and experience, and agrees that

- Forest and rural fire management
- Emergency service management, and
- Local government experience

would be appropriate skills to include in the composition of the board.

Similar skills, knowledge and experience would be required for regional boards.

#### **7. Statutory powers for staff**

The NZFOA believes 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.

Powers for a PRFO, should such a position continue, would need to be examined and brought up to date with current legislation.

The accountabilities of Rural Fire Officers should remain clear, and the current legal protection should remain. Legal indemnity for work currently not covered should be introduced.