



LOCAL GOVERNMENT NEW ZEALAND SUBMISSION

In the matter of the Fire Service Review

To the Fire Review Panel

Submission from Local Government New Zealand

IN THE MATTER OF:

The Fire Service Review

SEPTEMBER 2012

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Introduction

1. *Local Government New Zealand* thanks the Fire Review Panel for the opportunity to make this submission in relation to the first phase of the review of New Zealand's fire services arrangements.
2. LGNZ makes this submission on behalf of its National Council, representing the interests of all local authorities of New Zealand.
3. LGNZ is the only organisation that can speak on behalf of local government in New Zealand. This submission was prepared following consultation with local authorities. Where possible their comments and views have been incorporated.
4. In addition, some councils will also choose to make individual submissions. This submission in no way derogates from those individual submissions.
5. LGNZ prepared this submission following:
 - an analysis of the Terms of Reference
 - analysis of all feedback from councils
 - analysis of all feedback from a reference group we convened.
6. This final submission was endorsed under delegated authority by:
 - Lawrence Yule, President, National Council
 - John Forbes, Vice-President, National Council.
7. LGNZ is willing to meet with the Fire Review Panel for further discussion on any points raised in this submission.

Context for this submission

The terms of reference note that this review is the “first phase of any reform of New Zealand's fire service arrangements.” This is surely not one of the more optimistic and reassuring introductions for a panel about to review a major public service.

A fire service review has been on the agenda for many years. LGNZ's earlier submission to a previous review is dated 2007, but efforts to change aspects of the fire service go back at least to the mid 1990s.

If public services are to work effectively, they need certainty about their role, funding and organisational arrangements. It is important that the Government, and local government, settle on a model that will give confidence to members of the professional fire services, the volunteers that make up our rural brigades and the people of New Zealand.

We need agreement on the key aspects highlighted in this review so that a sustainable model can be developed.

Key principles

LGNZ's response to the fire review panel is based on the following principles.

1. Local government has (and needs to continue) a close working relationship with the fire services at a community level for:
 - a. civil defence emergency management
 - b. rural fire land management
 - c. structural fire safety.
2. Good land management outcomes bring good fire management outcomes over forest and rural lands.
3. Rural Fire Authority officers / fire fighters need statutory protection for attendance at non fire-related incidents within their rural district.
4. A review is required of the funding mechanism for rural fire authorities.
5. We have reviewed the scope of work within the Terms of Reference for the review, and in particular, the three outcomes sought.
 - Outcome 1 – fire services functions and operating platform
 - Outcome 2 – effective and efficiently organised fire services
 - Outcome 3 – fire service funding.
6. The key issues for the local government sector are mandates, funding and organisational matters. We outline our views on these matters below.

1 Fire services functions and operating platform

LGNZ's primary concern under this heading is the question of mandate. The local government sector has long held the view that equity of funding is required, and a consistent and unconditional legal mandate protecting all fire fighters.

A clear mandate is needed for all fire and rescue personnel, and legislated liability coverage. Currently, there is no mandate for any fire fighter to attend non-fire rescue and emergency incidents. Rural fire fighters often attend non-fire rescue situations as a first responder, particularly in isolated rural communities, and this activity needs to be provided for in legislation.

To date, this mandate has been conditional on the discretion of the National Fire Service. We consider this to be the single most important matter which needs to be addressed in the review.

We agree there is the need to retain two Acts – the Forest and Rural Fires Act and the Fire Service Act. Each Act should allow its service deliverer to contract the other to carry out functions on its behalf and under its control. We believe this will avoid any conflict of roles and contribute to necessary efficiencies.

However, a legislative framework alone will not guarantee integrated and co-ordinated operations between all fire responders. This will depend on achieving collaboration within regional risk management planning and operational delivery. It cannot ensure an effective first response organisation able to assist with non-fire emergencies, this outcome will depend on delineating the role of other emergency responders within Civil Defence and Emergency Management (CDEM) arrangements.

Having separate and complementary legislation may enable a more effective division of function by purpose. If either service is better placed to provide a service in a particular area, on behalf of another, this can be contracted between them for greater efficiency.

There are many examples in other sectors where this already occurs within local government.

Local government does not support restricting the role of rural fire authorities to vegetation risk management. Councils must continue to have discretion to assist community groups to provide for their own well-being if their communities have

identified a need for it to do so. Isolated communities have no choice but to be involved in these areas.

While we agree that rural fire authorities' expertise is in vegetation for risk management, we suggest it must remain the prerogative of a community to determine what additional expertise it might choose to obtain, in order to provide for community well-being. Many rural fire forces have trained in rescue and structural fire and have secured training and equipment with the help of their council to assist them in this. It also seems a very sensible use of an existing service and reflects the reality that community needs are often inter-related.

2 Fire service funding

Evidence shows that the current system is working, but there needs to be some legislative changes to resolve issues of equity and mandate. Some 60 to 70 per cent of call-outs are for non-fire incidents – often road accidents and civil defence matters. It is estimated that some 70 per cent of the work of some rural brigades, located along state highways, is non-fire related. This creates questions about funding of these brigades, for road crash related work, and how this should be funded.

The current funding model does not provide for the prevention of rural fire – it is based on funding of the response. We want to move away from this approach. There are many examples where there are overlaps between the New Zealand Fire Service and the operations of Rural Fire Authorities.

The current model of funding does not allocate funds for the prevention of fire and also allows, and even encourages, the duplication of equipment between the New Zealand Fire Service and Rural Fire Authorities.

There are also anomalies created by the current funding model. For example:

- Funding received is based on the cost of the fire post the event and does not provide for any fire prevention.
- The vast majority of the insurance levy goes to the New Zealand fire Service and only a small portion to rural fire.
- Other funding sources need to be explored and they need to match the activity being funded. The rating system should not be relied on to fund the shortfall.

We consider that measures need to be considered to improve the rural sector's access to national funds for equipment and funding. One possible measure would be an increase of the Rural Fire Grant to pay for or to at least cover non-fire rescue roles. We would support analysis of the current funding system to ensure that all landowners pay their relative fair share (depending on risk and services delivered.)

The volunteer effort going into all fire is enormous and this needs to be kept alive – something that local government is best placed to facilitate. Local government does a good job in acknowledging this effort. In the current fiscal environment any suggestion that the professional fire service should be expanded to take on areas currently serviced by volunteer brigades is likely to be optimistic.

Internationally, governments and local governments are looking to increase the number of services ‘self managed’ by communities, and citizens themselves, simply because the public sector no longer has the resources to continue as provider. Key is the protection of volunteers in non-fire emergencies and funding of this role.

In a submission to an earlier review we noted that:

There still remains an equity issue where rural ratepayers will need to contribute rates funding to rural fire authorities where their urban counterparts may not. We note that the funding proposals in the paper go some way towards addressing this issue. However, we still have some residual concerns and note that the majority of submissions supported the funding of fire and rescue services through general taxation.

The issue raised by members in 2005, when this submission was made, concerned the fact that the cost of funding rural fire services fell largely on small councils with fewer resources. We highlighted the need for some form of equalisation funding to help low socio economic communities provide local public services.

Efficiency is enhanced when there is a match between those who benefit from a service and those who pay.

This ensures that there is less likely to be over or under provision. As we note above, a considerable portion of rural brigades’ work involves non-fire related call outs, many of which are on state highways. Also, the rural brigades are undertaking functions that would otherwise be undertaken by, or funded by, District Health Boards.

This is at least an argument for some of the brigades’ funding needs to be met by either, or both, the Land Transport Fund and the health budget. As it currently stands, councils which contribute funding to rural fire brigades are effectively subsidising the Government – another form of unfunded mandate.

3 Effective and efficiently organised fire services

Examining previous submissions to earlier reviews, LGNZ has been consistent in arguing that new organisational structures, such as a board to oversee both professional and rural fire services, are not needed. We continue to believe that this would simply be another level of bureaucracy which would take funding away from fire fighters.

We note that local authorities often have very productive relationships with neighbouring professional services, and in some cases, contract out rural fire services to those brigades. It is important that councils and rural fire-fighting services have the flexibility to develop arrangements appropriate for their own areas.

We wish to highlight some structural issues which might improve clarity of role and lines of accountability.

- The independent statutory role of the Fire Service Commission as the National Rural Fire Authority needs to be strengthened. Essentially, we wish to ensure that the Commission sees its role having responsibility for both brigades.
- The statutory roles of the New Zealand Fire Service Commission Chief Executive, and the New Zealand Fire Service National Commander, need to be separated. Separation, in our view, will provide for better advocacy for the rural brigades.
- The National Rural Fire Advisory Committee should be included in the legislation as a sub-committee of the Commission and chaired by the commission member who has experience and knowledge in forest and land management.

It is also important to note that local government has responsibilities under the Civil Defence and Emergency Management Act (CDEM) that provide another aspect to the sector's relationship with fire management. Although the Resource Management Act (RMA) includes wildfire as a "natural hazard," not all rural fire authorities are involved in civil defence organisations.

A number of existing governance and management structures associated with risk management and emergency services exist now. LGNZ believes there is no desire or need to duplicate existing structures.

Conclusion

It is essential that the Government come to a view about the future of the fire services to give the services themselves, and the community, certainty about the future of this vital service. LGNZ is happy to work with the Government to either strengthen the existing model or develop a sustainable alternative, on behalf of the local government sector.

LGNZ thanks the panel for the opportunity to make this submission and looks forward to speaking to it.