



Legally Speaking

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Considerations for rural fires

With the summer months nearing and the aftermath of the Pegasus Bay fire still raw, now is an opportune time to consider the rules regarding fires.

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Whether it be a summer campfire or land clearing for Canterbury farmers, it is important to understand your liability if you cause a fire that damages another property.

The Fire and Emergency New Zealand Act 2017 (the Act) came into force in 2017 and combined the elements of the Forest and Rural Fires Act 1977 with other urban fire legislation.

Under section 60 of the Act, a person must not cause or allow a fire to get out of control and to spread to vegetation or property. This new Act governs the rules around rural fires and is aimed at improving fire safety.

This legislation created a significant shift in liability and can come with a penalty of up to \$600,000 or up to two years imprisonment. This relatively new penalty is aimed to deter risky and reckless fire behaviour and stress the importance of the destruction and damage that a fire can cause.

Prior to this Act coming into force, local councils handled rural and urban fire functions. However local councils no longer have jurisdiction to handle fire hazards, this is now managed by Fire and Emergency New Zealand (FENZ).

If you have concerns regarding an overgrown section or any other fire hazard, this can now be reported to FENZ.



If you are using fires as a land management tool, Fire and Emergency New Zealand has recommended that you have public liability insurance which covers damage from fire if it escapes to another property.

Following the Pegasus Bay fire, the police established it was a firework which created the fire that tore through 200 hectares and destroyed around 1200 native trees. This incident should be an uncomfortable reminder of the damage a fire can cause. Police reiterated that fires should not be lit in windy or dry conditions.

If you are using fires as a land management tool, FENZ have recommended that you have public liability insurance that covers damage from fire if it escapes to another property. Land-clearing is the cause of 30%

of wildfires. Although wildfires are commonly linked with forestry, they are often started outside the forest. For example, in 2019, Pigeon Valley in Nelson had a large forest fire that was caused by a contractor discing in a paddock outside the forest.

In the warming months, the grass is dry

and fire is likely to spread faster. FENZ advise property owners to keep their grass watered and mowed to reduce these risks.

If you have any concerns about neighboring properties burning fires or your obligations when land-clearing by way of fire, reach out to your lawyer for advice.

