

Liability for cost of wildfires clear

WHO is responsible for costs associated with extinguishing vegetation wildfires?

Who is liable for damage caused by wildfires?

The answers to these two questions do not appear to be well understood by many landowners, so I will try to clarify the situation.

I cannot stress enough

FIRE BREAK

Advice from Mike Grant
On behalf of Otago-Southland
Regional Rural Fire Committee



that a fire permit does not absolve anyone from their responsibility when they light a fire.

Whether a fire permit is required or not for the

location and type of burning is irrelevant as far as responsibility and liability for costs and damage are concerned.

The law is quite clear on responsibility.

The Forest and Rural Fires Act provides for Rural Fire Authorities (RFAs), the New Zealand Fire Service (NZFS) and eligible landholders

affected by a wildfire to recover costs of a wildfire from the person/s who caused the fire.

The NZFS, which is legally responsible for most urban areas in New Zealand, is funded from a levy imposed on property and vehicle insurance policies.

Funding is allocated across all activities within

the Fire Service including fire safety, training, equipment and firefighting.

In contrast, RFAs, which have the mandated fire responsibility for all major rural land areas in New Zealand, are predominantly funded from local sources (e.g. local government, Department of Conservation and forest companies) and will, in many cases, seek to recover firefighting costs from responsible parties as the legislation allows.

Resources of the NZFS are first to respond to rural wildfire incidents in rural areas about 95% of the time.

Where their resources are committed to the incident for some time, associated costs will be charged to the RFA.

In most cases these costs will be passed on to the responsible party, along with any RFA costs for the incident.

Excluding the cost of property damage, firefighting costs associated with several major wildfires in Southland in the past have exceeded \$500,000 and more recent wildfires in Otago \$1.5 million.

In addition to any firefighting costs, the

INSURANCE POLICIES

CONSIDERATION should be given to the following policies:

Public liability — this will pay for damage to other people's property caused by you (some house and contents policies have very limited cover under the Act for this and cover the parties throughout New Zealand).

Fire suppression — this will pay for the cost of extinguishing a fire caused by you or a

fire starting in your forest that you may not have started (some policies have this cover included in a public liability policy).
 Property/contents — this will cover damage to your own property caused by a fire.
 Forest crop loss — this is often good business practice.

However, many forest owners do not insure their crop and take a self-insurance approach.

person/s responsible are also liable under the Act for any loss in value of that property, and any consequential loss or damage.

RFAs are likely to pursue cost recovery in the first instance, followed by legal proceedings where there is blatant disregard for the law.

People whose property has been affected are also able to initiate actions to recover their loss.

It is worth considering what insurance you have in place to cover such eventualities.

Talk to your insurance

company or broker to ensure you are carrying sufficient cover for your location, operations, environment and risk exposure — i.e. do you live next to a large plantation forest or conservation area?

Everyone living, working or recreating in rural areas of New Zealand should invest in policies relevant to their own situation.

There have been several cases where culpable persons were under-insured and forced to sell assets to fund fire suppression costs and damage liabilities.

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