

Completing the Fire and Emergency New Zealand Statutory Declaration

Note

This document was amended as part of the implementation of the Fire and Emergency New Zealand Act 2017.

The Fire and Emergency New Zealand Act 2017 provides for a number of levy provisions under the Fire Service Act 1975 and the Fire Service Regulations 2003 to continue in force for a transitional period from 1 July 2017 until the commencement of Part 3 of the Fire and Emergency New Zealand Act 2017 (see clause 26 Schedule 1 to the Fire and Emergency New Zealand Act 2017).

Use this guide to help you complete the Fire and Emergency New Zealand Statutory Declaration (Form 7)

Overview

The Board of Fire and Emergency New Zealand is responsible for the administration of the levy provisions under the Fire Service Act 1975 (the Fire Service Act). Under Section 51A of the Fire Service Act, Fire and Emergency is authorised to obtain a Statutory Declaration from any company, organisation, partnership or any local authority.

Note: The provisions of the Fire Service Act 1975 and Fire Service Regulations 2003 prevail over the contents of this guide. You should always refer to the provisions of the Act and Regulations when determining issues involving the levy.

Why have I received a Fire and Emergency New Zealand Statutory Declaration (Form 7)?

From time to time, Fire and Emergency may issue a Statutory Declaration request. A Statutory Declaration (Form 7) may be issued for one or more of the following reasons:

- to establish liability for levy (if any)
- to identify which party is responsible for levy payment to Fire and Emergency
- to ascertain whether the provisions of the Act have been complied with in relation to a levy payment
- to update or validate existing insurance records to ensure the Fire and Emergency holds accurate information.

Can my insurer or broker complete the declaration for me?

No. Your insurer or broker cannot make the declaration on your behalf. However, your insurer

or broker may assist by providing you with copies of your policy schedule and valuation certificate showing the property insured and the insured values.

What insured property do I need to declare?

You are required to declare any property situated in New Zealand insured against the risk of fire. Property is not limited to buildings, and includes items such as stock, or office plant and equipment. For a list of property exclusions refer to page 2.

I don't have any property in New Zealand insured against the risk of fire. Do I have to complete the declaration?

Yes. You are required by law to declare the details of your insurance arrangements. This includes being uninsured. If you do not have any property insured against the risk of fire you must write "no assets" or "not insured" in each *Type of property* field under the *amount for which property is insured* column.

What is a Residential building?

A 'Residential building' is any building, part of a building, or other structure, which comprises or includes one or more dwellings, if the area of the dwellings constitutes 50 percent or more of the total area of the building, part or structure.

What is Personal property?

'Personal property' is property that is located in or on a residential building, and includes property that is usually located but is temporarily removed from the building for any reason. Personal property does not include works of art, motor

vehicles, jewellery, stamps or any property used solely or principally for commercial purposes.

What is a Motor vehicle?

A 'Motor vehicle' is a vehicle drawn or propelled by mechanical power, including a trailer, but does not include any motor vehicle with a gross laden weight exceeding 3.5 tonnes. Motor vehicles exceeding 3.5 tonnes must be declared as 'other property'.

What is Other property?

'Other property' is any other property insured against the risk of fire that is not residential, personal property or a motor vehicle. These policies should be identified in the space provided (e.g. ISR policy).

What should I do if there is not enough space on the declaration form to list all my insured property?

If you have a number of insured items to declare, we will accept an asset schedule showing all insured values, asset type and location as an attachment to the declaration form. The attachment should be initialled and dated by the person signing the declaration form.

What is indemnity value?

For the purpose of a Fire and Emergency New Zealand Statutory Declaration, 'indemnity value' is the cost necessary to:

- replace, repair and/or rebuild the insured asset
 - to a condition and extent substantially equal to, but not better or more extensive than the condition and extent at the time the damage occurred
 - taking into consideration the age, condition (physical deterioration) and useful remaining life of the asset.

Where your insurance cover provides for an inflationary increase in the indemnity value of the assets, this should be included in this figure.

Declared indemnity value must be considered fair and reasonable by Fire and Emergency New Zealand

The 'indemnity value' you declare must represent a fair and reasonable indemnity value in relation to the replacement value of the property.

If we consider your declared indemnity value unreasonable, we may challenge your declaration return.

Why do I need to have my declaration witnessed?

The Fire and Emergency New Zealand Statutory Declaration (Form 7) is a legal document prescribed under the Fire Service Regulations 2003. A declaration that has not been witnessed by a Justice of the Peace, solicitor of the High Court of New Zealand, or other person authorised to take a Statutory Declaration in accordance with the Oaths and Declarations Act 1951, will be considered incomplete.

Supporting documentation

It is recommended that you provide the following additional information to support your declaration (if applicable):

- a copy of your insurance policy schedule or coverage summary
- a copy of your motor vehicle policy schedule
- a copy of your insurance valuation certificate completed within the last two years
- an itemised schedule showing how indemnity value has been determined

This may reduce the need of us having to ask you further questions.

Incomplete declaration

Returned declarations will be deemed incomplete if the:

- handwriting is unclear or not legible
- declaration is not signed and dated
- declaration is not witnessed
- sums insured currency as shown on your insurance policy is not clear
- form has not been completed correctly or in full.

Incomplete declarations will be returned to you for completion.

Exclusions

The following insured property is exempt from levy and therefore does not need to be declared. These exemptions are very specific. If you're in doubt about any items, either declare them or contact the Levy team fel@fireandemergency.nz for guidance.

- any ship or anything in a ship, except while the ship is on land
- any standing bush or forest
- any road, street or path
- any railway track or pole, or any tramway track or pole
- any bridge or viaduct, either completed or in course of construction, or any boxing or false-

work used in construction of any bridge or viaduct

- any tunnel or cutting
- any retaining wall, dam, breakwater, mole, groyne, fence or wall
- any drain or channel
- any reservoir, swimming bath, water tank (other than a water tank installed as part of the water supply system of any dwelling or farm building), water tower, or septic tank
- any water reticulation pipe (other than a water reticulation pipe which in the opinion of the Earthquake and War Damage Commission, constitutes a structural part of any building)
- any electric supply, telegraph or telephone pole, line or cable
- any mine or quarry
- any aircraft or anything in an aircraft except while insured under a contract which is substantially a contract of fire insurance
- any goods in transit, except while insured under a contract which is substantially a contract of fire insurance
- any hazardous substance (as defined in Section 2 of the Hazardous Substances and New Organisms Act 1996)
- any livestock
- any growing crops (including fruit trees and vines)
- any ensilage insured in the open field
- any hay or other cut crops insured in the open field
- any offshore installation for petroleum mining operations as defined in the Petroleum Act 1937
- any pipeline, electricity cable, or telecommunications cable which is located on the sea floor.

Fire and Emergency also considers the following not to be 'property' within the definition of the Act, and therefore you do not need to declare:

- Demolition costs
- Expediting costs following a claim
- Cost of property protection following a claim
- Money
- Employees tools and personal effects
- Employees vehicles whilst in use on insured's business.

How to get our forms and guides

You can view copies of all of our forms and guides by going to the Fire and Emergency New Zealand web site, <http://fireandemergency.co.nz>. You can also request copies by email fel@fireandemergency.nz.

Confidentiality

All insurance information will be confidential under the provisions of sections 97 and 98 of the Fire and Emergency New Zealand Act by the Board, its agents and by Fire and Emergency New Zealand personnel.