

1969/42



THE STATE FOREST PARK REGULATIONS 1969

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of March 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Forests Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the State Forest Park Regulations 1969.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Committee” means any State Forest Park Advisory Committee constituted under these regulations:

“Conservator” means any Conservator of Forests; and, in relation to a Committee, means the Conservator who is a member of the Committee pursuant to regulation 3 (2) (a) of these regulations:

“Director-General” means the Director-General of Forests:

“Forest Service” means the New Zealand Forest Service:

“Minister” means the Minister of Forests:

“Park” means any State forest park proclaimed by the Governor-General under section 63A of the Forests Act 1949; and (except in Part I of these regulations) includes a recreation area set apart by the Minister under section 63D of that Act.

PART I

ADVISORY COMMITTEES

3. State Forest Park Advisory Committees—(1) In respect of each park the Minister may from time to time set up or reconstitute an Advisory Committee to advise the Minister on the recreational aspects of the administration of the park.

(2) Every such Committee shall consist of:

(a) The Conservator of Forests for the conservancy in which the park is situated; or (if the park is situated in more than one conservancy) a Conservator of Forests for a conservancy in which a part of the park is situated, which Conservator shall be designated by the Director-General:

(b) Not more than nine or fewer than four other persons to be appointed from time to time by the Minister after considering the recommendation of the Conservator who is a member of the Committee:

Provided that at least half of the persons who are recommended for appointment when the first or any subsequent appointments are made shall be persons nominated by interested bodies; but nothing in this proviso shall affect any appointment to fill a casual vacancy where the person who died or vacated office was not so nominated, or prevent the Minister from making an appointment in the absence of nomination.

(3) Upon setting up the Committee for each park the Minister shall give notice of the same in the *Gazette*, and shall at the same time specify the number of members for the Committee.

4. Chairman of the Committee—(1) The Conservator who is a member of any Committee shall be the Chairman of that Committee.

(2) The Chairman shall preside at all meetings of the Committee at which he is present.

(3) The Chairman shall designate a member of the Committee to act as Deputy Chairman in the absence from any meeting of the Committee of the Chairman.

5. Secretary of the Committee—The Chairman may from time to time designate an officer of the Forest Service to act as secretary to the Committee for the purpose of issuing notices, keeping minutes, and performing general clerical duties for the Committee.

6. Term of office of members—(1) Except as provided in subclauses (3) and (4) of this regulation, every member of any Committee who is appointed pursuant to regulation 3 (2) (b) hereof shall hold office for a term of five years, and may from time to time be reappointed:

Provided that, with respect to the first members of any Committee who are so appointed, the following provisions shall apply:

(a) If there are nine such members, one of them shall be appointed for one year:

(b) If there are eight or more such members, two of them shall be appointed for two years:

(c) If there are seven such members, one of them shall be appointed for two years:

(d) If there are six or more such members, two of them shall be appointed for three years:

(e) If there are five such members, one of them shall be appointed for three years:

(f) If there are four or more such members, two of them shall be appointed for four years, and two of them shall be appointed for five years.

(2) A member of any Committee who is appointed pursuant to regulation 3 (2) (b) hereof shall vacate office on the happening of any of the following events:

- (a) If he becomes bankrupt; or
- (b) If he resigns by notice in writing addressed to the Secretary of the Committee; or
- (c) If he is absent from three consecutive meetings of the Committee without the leave of the Committee; or
- (d) If he is absent from New Zealand for three consecutive months without the leave of the Committee; or
- (e) If he is convicted of any offence punishable by imprisonment; or
- (f) If he becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (g) If he, being an officer or member of an incorporated society or other body which has taken part in his appointment to the Committee, ceases to be an officer or member of that society or body.

(3) If any member of any Committee who is appointed pursuant to regulation 3 (2) (b) hereof dies or vacates his office pursuant to subclause (2) of this regulation the vacancy so created shall be a casual vacancy and shall be filled in the manner in which the appointment to the vacant office was originally required to be made. The person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(4) Unless he sooner vacates his office as hereinbefore provided, every member of any Committee who is appointed pursuant to regulation 3 (2) (b) or regulation 6 (3) hereof shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

7. Substitute for member—(1) Where any member of any Committee is for any reason unable to attend any meeting of the Committee, the Chairman may appoint a substitute to attend the meeting in the member's stead, and the substitute shall be entitled to attend every meeting for which he is so appointed instead of the member.

(2) While any person is attending any meeting of the Committee in accordance with authority conferred under subclause (1) of this regulation, he shall be deemed for all purposes to be a member of the Committee.

8. Meetings of Committees—(1) The first ordinary meeting of each committee shall be held at such time and place as the Chairman shall appoint, and the subsequent meetings shall be held at such times and places as the Committee shall appoint.

(2) Special meetings of each Committee may be called at any time by the Chairman, and he shall call a special meeting whenever any three members so request in writing.

(3) Previous to any meeting of the Committee, notice to attend the meeting, signed by or on behalf of the Chairman, shall be sent by post or delivered to the ordinary business address of each member not less than 21 days before the date appointed for the meeting:

Provided that in case of emergency the said period may be reduced by the Chairman.

(4) At all meetings of any Committee a majority of the members thereof shall form a quorum, and no business shall be transacted at any meeting unless a quorum is present.

(5) Every question before any meeting of any Committee shall be determined by a majority of the votes of the members present and voting thereon.

(6) The Chairman shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote also.

(7) The use of proxies shall not be permitted.

(8) The fact that any person attends and acts as a member of any Committee at any meeting of the Committee shall be sufficient evidence of his authority to do so in the absence of proof to the contrary.

(9) The powers of any Committee shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of any Committee be invalidated by reason only of the subsequent discovery that some defect existed in the appointment of any member or that any person acting as a member was not validly a member thereof.

(10) Except as expressly provided in these regulations, every Committee may regulate its procedure in such a manner as it thinks fit.

(11) Every Committee may by resolution authorise any person to attend its meetings or any of them as a non-voting observer.

9. Minutes of meetings—(1) Proper minutes shall be kept of the proceedings of each meeting of a Committee in a book or file to be kept for that purpose.

(2) Any such minutes, if purporting to be signed by the Chairman of the meeting to which they relate or of the next succeeding meeting, shall, after due confirmation and in the absence of proof to the contrary, be sufficient evidence of the matters stated in those minutes.

(3) Where minutes of any proceedings of the Committee at any meeting have been made in accordance with this regulation, then, until the contrary is proved, the meeting shall be presumed to have been duly convened and held, and all proceedings had thereat shall be presumed to have been duly conducted.

10. Committees may appoint subcommittees—(1) Every Committee may from time to time appoint subcommittees of its members for the purposes of gathering data, drafting reports, and other preparatory work in relation to the purposes of the Committee, and such subcommittees may engage other persons to assist them.

(2) The provisions of regulation 7 and subclause (10) of regulation 8 hereof shall apply to the members of any such subcommittee as far as they are applicable and with the necessary modifications.

PART II

CLOSING OF PARKS

11. Closing of parks—(1) A Conservator may, with the prior approval of the Director-General, by a notice twice published in accordance with subclause (2) of this regulation in both a local and a regional newspaper circulating in the area in which a park is situated, close or restrict access to the park or any part thereof where the Conservator reasonably anticipates that—

- (a) Exceptional danger may arise to members of the public through any forestry or other operations or activities, the state or condition of the land, or any other cause; or
- (b) Exceptional danger may arise to trees or other forest produce through any operations or activities of members of the public; or
- (c) Access, or scenic, recreational and other amenities may become dangerous through any operations or activities of members of the public.

(2) The said two notices shall be published as aforesaid in each newspaper not less than seven days and not more than 28 days before the closing or restriction is to take effect, and shall be published in each newspaper at an interval of not less than seven days.

12. Emergency closing—Where the Conservator is of the opinion that an emergency will arise or has arisen, he may, with the prior approval of the Director-General, by a notice published once in a newspaper circulating in the area in which the park is situated, close or restrict access to the park or any part thereof forthwith upon publication of the notice.

13. Newspaper notices—The notices required by regulations 11 and 12 hereof to be inserted in newspapers shall describe the area concerned, the length of time during which the closing or restrictions shall apply, and the reason for the closing or restrictions.

14. Extension or renewal of closing or restriction—The Conservator may from time to time, under regulation 11 or regulation 12 hereof, extend or renew any such closing or restriction.

15. Signs on park roads and tracks—Upon closing or restricting access to any area pursuant to regulation 11 or regulation 12 hereof, the Conservator shall erect signs on all established roads and tracks leading into the area notifying members of the public that the area is closed or access is restricted, and specifying the length of time during which the closing or restrictions apply, and the reasons therefor.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for the setting up of Advisory Committees in respect of State forest parks, and for closing or restricting access to State forest parks and recreation areas.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 March 1969.

These regulations are administered in the New Zealand Forest Service.

WELLINGTON, NEW ZEALAND: Printed under the authority of the New Zealand Government,
by A. R. SHEARER, Government Printer—1969

44417—69 G