

NATURE CONSERVATION COUNCIL BILL

EXPLANATORY NOTE

THE purpose of this Bill is to establish an independent Nature Conservation Council to coordinate scientific and technical information on nature-conservation matters, to inquire into the effect of proposed public works on any aspect of nature conservation, and to act as an expert advisory body to the Government on matters affecting nature conservation.

Clause 3 constitutes the Nature Conservation Council consisting of not fewer than five nor more than seven members, qualified scientifically or by special knowledge or having an interest in nature conservation. They will be appointed by the Governor-General on the recommendation of the Minister of Lands.

Clause 4 provides that one member shall be appointed as Chairman.

Clause 5 provides for terms of office not exceeding three years, but members may be reappointed.

Clause 6 makes the usual provision relating to extraordinary vacancies.

Clause 7 provides for the appointment of deputies of members, to act where, due to illness, absence, or other cause, the members are unable to perform the duties of their office.

Clause 8 provides that members of the Council and of an advisory or technical committee of the Council will not be personally liable for anything done by the Council or committee in good faith in the exercise of its functions.

Clause 9 deals with the meetings of the Council. A majority of the members will form a quorum.

Clause 10 provides that notice of meetings of the Council must be sent to the Chairman of the National Parks Authority, who will be entitled to attend and take part in the discussion but will not be entitled to vote.

Clause 11 authorises the Council to appoint advisory and technical committees to inquire into and report to the Council on matters referred to them by the Council. The members need not be members of the Council.

Clause 12 sets out the principal functions of the Council as mentioned at the beginning of this note.

Clause 13 provides that the Council is to have such powers as are reasonably necessary or expedient to enable it to carry out its functions, and in particular is to have the powers set out in detail in the clause. Those powers include advising the Minister and national and local organisations; holding inquiries on nature-conservation matters of major national importance; advising the Minister on the reservation or protection of sites and plants and animal life of scenic or scientific or recreational interest; and encouraging nature-conservation research and educational and publicity activities.

Clause 14 enables the Council for the purpose of a public inquiry to act as a Commission of Inquiry under the Commissions of Inquiry Act 1908 if the Minister so consents in a particular case.

Clause 15 requires Government Departments to provide information and assistance to the Council wherever practicable and not to withhold information unreasonably.

Clause 16 authorises the Council and any committee of the Council to invite expert consultants to attend meetings of the Council or committee.

Clause 17 provides that the Council may receive deputations from and hear the views of representatives of organisations interested in nature conservation.

Clause 18 provides for payment of remuneration and travelling expenses to members of the Council and of committees of the Council in accordance with the Fees and Travelling Allowances Act 1951.

Clause 19 provides for the appointment under the Public Service Act 1912 of a Secretary and other staff of the Council.

Clause 20 provides for the expenses of administration of the Bill to be paid out of money appropriated by Parliament.

Clause 21 requires the Council to make an annual report to the Minister. A copy of the report is to be laid before Parliament.

Hon. Mr Gerard

NATURE CONSERVATION COUNCIL

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A BILL INTITULED

An Act to establish a Nature Conservation Council and to define its functions and powers

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Nature Conservation Council Act 1962.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Council” means the Nature Conservation Council established under this Act:

“Minister” means the Minister of Lands: 5

“Nature conservation” means the preservation of the native flora and fauna and the natural features and natural beauty of New Zealand.

Nature Conservation Council

3. Nature Conservation Council—(1) There is hereby established for the purposes of this Act a Council, to be known as the Nature Conservation Council. 10

(2) The Council shall consist of not fewer than five nor more than seven members, who shall be appointed by the Governor-General on the recommendation of the Minister. 15

(3) The members of the Council shall be persons who, in the opinion of the Minister, are possessed of special knowledge, scientific qualifications, or interest in matters connected with nature conservation.

4. Chairman of Council—(1) One member of the Council shall be appointed by the Governor-General, on the recommendation of the Minister, as the Chairman of the Council. 20

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

(3) If at any meeting of the Council the Chairman is not present, the members present shall appoint one of their number to be the Chairman of that meeting. 25

(4) At any meeting of the Council the Chairman shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote. 30

5. Term of office of members of Council—(1) Except as otherwise provided in this Act, every member of the Council shall be appointed for a term not exceeding three years. Any member may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in this Act, every member of the Council, unless he sooner vacates his office under section 6 of this Act, shall continue in office until his successor comes into office. 35

6. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-
5 General, or may at any time resign his office by writing addressed to the Minister.

(2) If any member of the Council dies, or resigns, or is removed from office, the Governor-General may, on the recommendation of the Minister, appoint a fit person to fill
10 the vacancy for the residue of the term for which the vacating member was appointed.

(3) The powers of the Council shall not be affected by any vacancy in its membership.

7. Deputies of members—(1) The Minister may from time
15 to time appoint a qualified person as a deputy to act for any member of the Council in any case where the member of the Council, in the opinion of the Chairman or, in the case of the Chairman, in the opinion of the Minister, is unable by reason of illness, absence, or other sufficient cause to perform
20 the duties of his office.

(2) Any deputy shall, while he acts as such, be deemed to be a member of the Council.

(3) Any such appointment may at any time be revoked by the Minister.

25 (4) No act done by a deputy as such, and no act done by the Council while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

8. Members not personally liable—No member of the
30 Council or of any advisory or technical committee of the Council shall be personally liable for any act done or omitted by the Council or committee or by any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the Council or committee.

35 **9. Meetings of Council**—(1) Meetings of the Council shall be held at such times and places as the Council or the Chairman from time to time appoints.

(2) At any meeting of the Council a majority of the members for the time being shall form a quorum.

(3) Subject to the provisions of this Act, the Council may regulate its procedure in such manner as it thinks fit.

10. Chairman of National Parks Authority entitled to attend meetings of the Council—Notice in writing of every meeting of the Council and of the business proposed to be transacted thereat shall be given to the Chairman of the National Parks Authority appointed under the National Parks Act 1952, who shall be entitled to attend any such meeting and take part in the discussion of any matter before the meeting, but shall not be entitled to vote. 5 10

11. Advisory and technical committees—(1) The Council may from time to time appoint such advisory or technical committees as it thinks fit to inquire into and report to the Council on such matters as may from time to time be referred to them by the Council. 15

(2) Any person may be appointed to be a member of a committee under this section, notwithstanding that he is not a member of the Council. 20

Functions and Powers of Council

12. Functions of Council—The principal functions of the Council shall be—

- (a) To act as a central body for obtaining and coordinating the views of organisations, bodies, and persons interested in nature conservation or to which any such organisations, bodies, and persons may communicate their views or advice on any aspects of nature conservation: 25
- (b) To provide advice to the Minister on the scientific and technical aspects of nature conservation: 30
- (c) To inquire into the effect of any proposed public works on places of scenic or scientific interest or of special recreational value or on any aspect of nature conservation, and to make recommendations to the Minister thereon: 35
- (d) At the request of the Minister, to report to him on the effect of any proposed mining privilege over land in a national park or scenic reserve where application for his consent thereto has been made under section 63A of the Mining Act 1926: 40

- 5 (e) In consultation with Government Departments and other organisations, bodies, or persons interested in nature conservation, to draw up and recommend to the Minister a national policy for the conservation of nature, and from time to time, as the need arises, to recommend changes thereof.

10 **13. Powers of the Council**—The Council shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions, and in particular, without limiting the generality of the powers of the Council, it may—

- 15 (a) Inquire into and make reports and recommendations to the Minister on the scientific and technical aspects of nature conservation in New Zealand:
- 20 (b) Make available scientific and technical advice to the Minister or, on request, to national and local organisations concerned with the management and administration of nature conservation:
- 25 (c) Hold inquiries on nature-conservation matters which the Council considers are of national importance:
- 30 (d) Receive representations from organisations and Government Departments concerned with nature conservation:
- 35 (e) Advise the Minister on the reservation of sites and the protection of plant species and animal species (whether native or not but not being noxious animals within the meaning of the Noxious Animals Act 1956) of special scenic or scientific or educational or recreational interest:
- (f) Encourage nature conservation surveys and research into particular aspects of nature conservation:
- (g) Encourage and participate in educational and publicity activities to bring about a better understanding of nature conservation in New Zealand:
- (h) Examine the technical implications of any proposed legislation affecting nature conservation referred to it by the Minister, and advise the Minister accordingly:
- 40 (i) Become a member of or affiliate to any international body concerned with nature conservation.

45 **14. Council may act as a Commission of Inquiry**—For the purpose of enabling it to carry out its functions or to exercise any of its powers, the Council may, with the consent of the Minister given in a specified case, exercise all the powers of a Commission under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply thereto accordingly.

Miscellaneous Provisions

15. Information and assistance to be provided by Government Departments—Any information or assistance which is required by the Council for the purpose of enabling it to carry out its functions or to exercise its powers, and which is available or can reasonably be made available from any Government Department, shall not be unreasonably withheld. 5

16. Council may obtain expert advice—There may be invited to any meeting of the Council, or of any committee appointed by the Council, such expert consultants on any matter as the Council or the committee, as the case may be, from time to time thinks fit. 10

17. Council may receive representations from organisations interested in nature conservation—The Council or any committee appointed by the Council may from time to time receive deputations from and hear the views of any representatives of any organisations interested in any matter connected with nature conservation. 15

18. Fees and travelling allowances—(1) The Council and every advisory or technical committee appointed by the Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 20

(2) There shall be paid out of money appropriated by Parliament for the purpose to members of the Council and of every advisory or technical committee appointed by the Council remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 25

(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1912 or the Superannuation Act 1956 by reason of his being a member of the Council or of any advisory or technical committee appointed by the Council. 30

19. Staff of Council—(1) There shall from time to time be appointed under the provisions of the Public Service Act 1912 a fit person to be the Secretary of the Council. 35

(2) There may from time to time be appointed under the provisions of the Public Service Act 1912 such other officers and employees as may be necessary for the efficient carrying out of the functions of the Council.

5 **20. Money to be appropriated by Parliament for purposes of this Act**—All salaries, fees, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

10 **21. Annual report**—(1) The Council shall in April of each year, or as soon thereafter as is practicable, prepare and submit to the Minister a report as to its operations for the year ended the thirty-first day of March then last past.

(2) A copy of the report shall be laid before Parliament.