



THE STATE FOREST PARKS AND FOREST RECREATION REGULATIONS 1979

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 15th day of October 1979

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING IN COUNCIL

PURSUANT to section 63F (as inserted by section 19 of the Forests Amendment Act 1976) and section 72 (as amended by section 3 (1) of the Forests Amendment Act 1972) of 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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the State Forest Parks and Forest Recreation Regulations 1979.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

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

“The Act” means the Forests Act 1949:

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

“Chairman”, in relation to an Advisory Committee, includes any person acting as the Chairman of that Committee:

“Conservator”, in relation to a park, means 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:

“Park” means—

(a) Any recreation area set apart by the Minister under section 63A of the Act:

(b) Any State forest park proclaimed by the Governor-General under section 63B of the Act:

(c) Any area of open indigenous State forest land set apart by the Minister under section 63D of the Act.

“Permit or other lawful authority” means a written permit or lawful authority issued by a Conservator or other forest officer authorised by him for the purpose; and includes any notice or sign that bears the symbol of the New Zealand Forest Service or otherwise indicates that it has been given by a Conservator.

Other expressions defined in the Act have the meaning so defined.

PART I

ADVISORY COMMITTEES

3. State Forest Park Advisory Committees—(1) The Minister may, from time to time, by notice in the *Gazette*,—

(a) Set up an Advisory Committee in respect of any park or parks:

(b) Vary the park or parks in respect of which any Committee may exercise its functions:

(c) Reconstitute or dissolve any Committee.

(2) Where any notice (other than a notice of dissolution) is given under paragraph (a) or paragraph (c) of subclause (1) of this regulation, that notice shall specify the number of members to be appointed to the Committee pursuant to subclause (3) (b) of this regulation.

(3) Every Committee shall consist of—

(a) The Conservator; and

(b) Not more than 10 nor fewer than 4 other persons, who shall be appointed to the Committee by the Minister from time to time after considering the recommendation of the Conservator.

(4) In making any appointment pursuant to subclause (3) (b) of this regulation, the Minister may appoint any person, whether or not that person was recommended by the Conservator; and the Conservator, in making any recommendation for the Minister to consider pursuant to subclause (3) (b) of this regulation, may recommend any person whether or not that person has been nominated pursuant to regulation 4 of these regulations.

(5) The Minister shall give notice in the *Gazette* of every appointment made pursuant to subclause (3) (b) of this regulation.

4. Publication of vacancies—(1) Where—

- (a) The Minister has set up or reconstituted a Committee; or
- (b) The Minister has informed the Conservator that he intends to set up or reconstitute any Committee; or
- (c) The term of appointment of any member has expired or is about to expire,—

the Conservator, before making any recommendation for the Minister to consider pursuant to regulation 3 of these regulations, shall publish a notice in accordance with subclause (2) of this regulation.

(2) Every such notice shall—

- (a) State the details of vacancies existing or likely to exist in the membership of the Committee:
- (b) Invite any organisation or person to nominate for possible appointment as a member of the Committee any person whom it considers qualified to advise the Minister on the management of the park or parks:
- (c) Invite any person who considers himself qualified to advise the Minister on the management of the park or parks, to nominate himself for possible appointment as a member of the Committee:
- (d) State a date, being not less than 28 clear days after the date of the first publication of the notice, after which he will decline to accept nominations pursuant to this regulation:
- (e) Be published at least once in a daily newspaper circulating in the area in which the park is situated, and in a daily newspaper circulating in Wellington.

5. Chairman of 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 forest officer to act as Deputy Chairman in the absence of the Chairman from any meeting of the Committee.

6. Term of office of appointed members—(1) Except as provided in subclauses (2) to (5) of this regulation, every appointed member of any Committee shall hold office for such term not exceeding 3 years, as the Minister may specify in the appointment, and shall be eligible for reappointment for not more than 2 further consecutive terms each not exceeding 3 years.

(2) An appointed member of any Committee shall be deemed to have resigned his office—

- (a) If he becomes bankrupt; or
- (b) If he is absent from 3 consecutive meetings of the Committee without the leave of the Committee; or
- (c) If he becomes a mentally disordered person within the meaning of the Mental Health Act 1969.

(3) The Minister may remove from office any appointed member if he is satisfied that the member is guilty of neglect of duty or misconduct.

(4) Any appointed member of any Committee may at any time resign his office by notice in writing addressed to the Chairman of the Committee.

(5) If any appointed member of any Committee dies or resigns, or is removed from office pursuant to subclause (3) of this regulation, the vacancy so created shall be filled by appointment by the Minister of such person as he thinks fit to hold office for the residue of the term for which the vacating member was appointed.

(6) Unless he sooner dies, resigns, or is removed from office pursuant to subclause (3) of this regulation, every appointed member of any Committee shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed has expired.

(7) For the purposes of subclause (2) (b) of this regulation, neither the acceptance of an apology for the absence of any appointed member, nor the appointment, pursuant to regulation 7 (1) of these regulations, of a substitute for an appointed member, shall constitute leave of the Committee for the appointed member to be absent from that meeting.

7. Substitute for member—(1) Where any appointed 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 member 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 pursuant to subclause (1) of this regulation, he shall be deemed for all purposes to be a member of the Committee.

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

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

(2) A special meeting of a Committee may be called at any time by the Chairman, and he shall call a special meeting whenever any 3 members so request in writing.

(3) Notice of a proposed meeting, signed by or on behalf of the Chairman, shall be sent by post or delivered to the postal address of each member not less than 21 days before the date appointed for the meeting:

Provided that, in case of any urgency or emergency, the said period may be reduced by the Chairman, and the notice to attend the meeting shall be conveyed to each member in such manner as the Chairman may consider appropriate in the circumstances.

(4) Nothing in subclause (3) of this regulation shall apply in respect of any member where the time and place of any meeting or meetings has been appointed at any prior meeting of the Committee at which the member was present.

(5) At every meeting of any Committee a majority of the members (including the Chairman or his deputy) shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.

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

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

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

(9) The powers of a Committee shall not be affected by any vacancy in its membership, nor shall the proceedings of any Committee be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.

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

9. Minutes of meetings—(1) The Chairman shall ensure that proper minutes are 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 such proceedings shall be presumed to have been duly conducted.

10. Secretary of Committee—The Conservator may from time to time designate an officer of the Forest Service to act as Secretary to the Committee.

11. Functions of Advisory Committees—The functions of a Committee shall be to advise the Minister on the management of the park or parks in respect of which for the time being it is constituted, and to make such recommendations on those matters as the Committee thinks fit.

12. Committees may appoint subcommittees—(1) Every Committee may from time to time appoint subcommittees of its members and such other persons as it thinks fit for the purposes of gathering data, drafting reports, and other preparatory work in relation to the functions and duties of the Committee:

Provided that no Committee shall appoint any officer or employee of the Forest Service to be a member of any such subcommittee without the consent of the Conservator.

(2) Every such subcommittee shall be subject in all things to the control of the Committee and may at any time be discharged, altered, or reconstituted by the Committee.

PART II

CONTROL OF PUBLIC ENTRY AND USE OF PARKS

13. Parks open to public—(1) Subject to these regulations, the public shall have freedom of entry and access to any park for the purpose of recreation and the enjoyment of the park.

(2) Nothing in these regulations shall permit any person to enter any park when his entry to the park is prohibited pursuant to the Forest and Rural Fires Act 1977 or any regulations, prohibition, or notice made or issued under that Act.

14. Closure of parks—(1) The Conservator may, by notice published in accordance with subclause (2) of this regulation, close or restrict access to any park or any specified part thereof, if he reasonably believes or anticipates that—

(a) Danger may arise to members of the public through any forestry or wildlife management or other operations, the state or condition of the land, or any other cause; or

(b) Danger or damage may arise to any access way, water, soil, forest product, or wildlife, or any recreational, educational, historical, cultural, scenic, aesthetic, or scientific amenity or feature of the park, in the absence of such closure or restriction.

(2) Every such notice shall—

(a) Describe the area concerned, the period or periods during which the closure or restrictions shall apply, and the reason for the closure or restrictions:

(b) Be published at least twice in some newspaper circulating in the area in which the park is situated and in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin, not less than 7 days and not more than 28 days before the closure or restriction is to take effect.

15. Emergency closure of parks—(1) Notwithstanding anything in regulation 14 of these regulations, where, in the opinion of the Conservator, conditions will arise or have arisen that present an extreme hazard to life or property (including the park itself or its amenities), he may issue or cause to be issued, in such manner as he thinks necessary, a notice closing or restricting access to the park or any part thereof forthwith upon the giving of the notice or at any later time specified in the notice.

(2) Where any notice is given under subclause (1) of this regulation the Conservator shall cause it to be given to the local news media and at least twice in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin, unless the notice is revoked before such publication can be effected.

16. Signs on park roads and tracks—Upon closing or restricting access to any area pursuant to regulation 14 or regulation 15 of these regulations, the Conservator shall erect signs on all established roads and tracks at or near the point where they enter 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 closure or restrictions apply, and the reasons therefor.

17. Variation or revocation of notices—Any notice given under this Part of these regulations may at any time be extended, modified, renewed, or revoked in the same manner as the original notice was or could have been given.

18. Notices to be notified to Director-General and published in Gazette—Upon a Conservator giving a notice pursuant to regulation 14 or regulation 15 or regulation 17 of these regulations, he shall forthwith notify the Director-General of the notice, and the Director-General shall, as soon as practicable, cause a copy of the notice to be published in the *Gazette* in any case where in his opinion the notice is likely to continue in force for a period of not less than 28 days from the date of its receipt by the Director-General.

19. Vehicles—Except pursuant to a permit or other lawful authority, no person shall enter, travel in, or leave any park in or with any vehicle other than by roads or tracks or routes designated as access routes by the Conservator and notified in such manner as he thinks fit, or stand any vehicle in any part of a park other than at parking places designated and notified as such by the Conservator.

20. Vessels—Except pursuant to a permit or other lawful authority, no person shall enter any park with or in any vessel, or use any vessel in any park.

21. Aircraft—Except pursuant to a permit or other lawful authority, no person shall hover any helicopter above any park, or land any aircraft on any land or water within any park.

22. Use of park amenities—The Conservator may, by notice clearly displayed on all established roads and tracks leading into the park, or clearly displayed in the vicinity of any park amenity, impose conditions upon the use of any road, track, bridge, building, camp site, picnic area, or other amenity in any park.

23. Prohibited items—Except pursuant to a permit or other lawful authority, no person shall enter any park with any trap, snare, or poison for the hunting of wildlife, or any trap, snare, or chainsaw, or have in his possession in any park any such poison or any trap, snare, or chainsaw.

24. Notices prohibited—No person shall post any placard, bill, poster, notice, or sign within any park without the prior written permission of the Conservator.

25. Litter—No person shall leave any park without ensuring that all litter for which he is responsible has been deposited in a litter receptacle or removed from the park; or, where such disposal or removal of such litter is not reasonably practicable, that it has been properly buried.

26. Permits subject to Forest and Rural Fires Act 1977—Every permit or other lawful authority issued under these regulations shall be deemed to be subject to the Forest and Rural Fires Act 1977 and any regulations, prohibition, or notice made or issued under that Act.

27. Exemptions for forest officers and others employed in parks—The prohibitions contained in these regulations shall not apply to any forest officer while performing the duties of his employment or to any other person acting under the direction of a forest officer.

28. Display of notices—Where any notice is required to be displayed on all established roads and tracks leading into a park or part of a park pursuant to regulation 16 or regulation 22 of these regulations, it shall not be necessary, in any proceedings for an offence against these regulations, to prove that such notice was displayed on every such road or track if it is proved that the notice was displayed on the road or track by which the defendant entered the park.

29. Offences and penalty—Every persons commits an offence who acts in contravention of, or fails to comply with, any provision of this Part of these regulations or any notice given under regulation 16 of these regulations, and is liable on summary conviction to a fine not exceeding \$300.

30. Revocations and saving—(1) The State Forest Park Regulations 1969* and the State Forest Parks and Recreation Areas Notice 1975† are hereby revoked.

(2) Notwithstanding the revocation of the State Forest Park Regulations 1969* by subclause (1) of this regulation, Part I of those regulations shall continue to apply, as if they had not been revoked, in respect of any park until the Minister sets up an Advisory Committee for that park pursuant to regulation 3 of these regulations.

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1969/42
†S.R. 1975/43

EXPLANATORY NOTE

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

These regulations consolidate and amend the State Forest Park Regulations 1969 and the State Forest Parks and Recreation Areas Notice 1975, which they revoke and replace.

Part I relates to Advisory Committees. The principal change is a requirement for public notification of the intention to create Committees and of vacancies in the membership of Committees. Appointed members may hold office for not more than 9 years in total.

Part II relates to the right of the public to access to parks, the closure of parks, and the conduct of the public within parks.

The principal changes are—

- (a) A requirement for greater public notification of the closure of parks:
- (b) A change of emphasis in the provision relating to litter. All persons are required to use litter bins or remove their litter from the park, and only if this is not practicable may it be buried. Previously the requirement was to place litter in litter bins or ensure its burial or burning.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 October 1979.

These regulations are administered in the New Zealand Forest Service.