

1957/152



## THE UNDERGROUND WATER COMMITTEE REGULATIONS 1957

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 3rd day of July 1957

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Underground Water Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

#### PART I—PRELIMINARY

**1. Title**—These regulations may be cited as the Underground Water Committee Regulations 1957.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Underground Water Act 1953;

“Committee” means an Underground Water Committee constituted under the Act as the Underground Water Authority in any area; but does not include any existing local authority constituted as an Underground Water Authority;

“Minister” means the Minister of Works.

(2) In their application to any Underground Water Committee, these regulations shall be subject to the Order in Council constituting that Underground Water Committee and to any regulations made under the Act specifically relating to that Underground Water Committee.

#### PART II—MEMBERSHIP OF COMMITTEES

**3. Disqualification for membership**—The following persons shall be incapable of being appointed to the Committee for any underground water area by any constituent local authority, that is to say:

(a) An alien:

(b) A mentally defective person within the meaning of the Mental Health Act 1911:

- (c) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled:
- (d) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him.

**4. Appointment of members**—On a day not later than two months after the date of the constitution of an Underground Water Committee under paragraph (b) of subsection (1) of section 6 of the Act and on some day after the date prescribed by law for each succeeding triennial general election of members of the constituent local authorities (being in each case a day not later than the 31st day of January next following the date for that election), each constituent local authority shall appoint the members of the Committee whom it is entitled to appoint:

Provided that nothing in this regulation shall render invalid any appointment made after the last date specified in this regulation for the making of that appointment.

**5. Term of office**—(1) Every member of any Committee appointed under regulation 4 of these regulations shall come into office on the day following the date on which he is appointed, and, unless his office sooner becomes vacant, shall continue in office until his successor comes into office.

(2) Every member appointed by a constituent local authority to fill any extraordinary vacancy occurring on the Committee shall come into office on the day after the date of his appointment, and shall hold office only for the residue of the term for which his predecessor was appointed, or (where subclause (3) of this regulation applied to his predecessor but does not apply to him) until his successor is appointed in accordance with regulation 4 hereof and comes into office.

(3) Notwithstanding the provisions of subclauses (1) and (2) of this regulation, any member who is not also a member of the constituent local authority by which he is appointed shall hold office only during the pleasure of that local authority.

**6. Extraordinary vacancies**—(1) The office of a member appointed by a constituent local authority shall become vacant, if—

- (a) He resigns his office by writing under his hand delivered to the Secretary or Chairman of the Committee, or dies:
- (b) He is absent without leave from four consecutive ordinary meetings of the Committee:
- (c) Being a member of the constituent local authority by which he is appointed, he ceases to be a member of that local authority:
- (d) Not being a member of the local authority by which he is appointed, he is removed from office by that local authority:
- (e) He is convicted of any offence to which subclause (2) of regulation 13 of these regulations applies.

(2) Any vacancy occurring under this regulation shall be deemed an extraordinary vacancy.

(3) In the event of an extraordinary vacancy occurring, the constituent local authority concerned shall forthwith appoint a member to fill the vacancy.

**7. First meeting**—(1) The first meeting of the Committee after its constitution shall be convened by that constituent local authority which has the greatest number of representatives on the Committee. In the event of there being more than one constituent local authority so qualified then the meeting shall be convened by the constituent local authority so qualified whose name first appears in the Order in Council constituting the Underground Water Committee. The first meeting shall be held at such time (being not later than three months after the date of constitution of the Committee) and place as the convening constituent local authority may appoint; and, if the meeting is not so convened, the time and place thereof shall be fixed by the Minister.

(2) Notice of the time and place of the first meeting shall be sent by the convening constituent local authority or the Minister, as the case may be, to all members of the Committee and all the constituent local authorities having representatives on the Committee not later than one week before the date of the meeting.

### PART III—CONDUCT OF MEETINGS

**8. Election of Chairman**—(1) The Committee shall at the first meeting after its constitution and thereafter at the first meeting of the Committee in each calendar year, elect one of its members to be Chairman of the Committee:

Provided that no election shall be held if the Chairman for the time being was elected less than six months before the due date for election of the Chairman.

(2) While the Chairman is being elected at any meeting, the Secretary shall preside, or (if there is no Secretary) then some person appointed by the Committee, whether or not he is a member of the Committee, shall so preside, and in the case of an equality of votes the person so presiding shall determine the election by lot in such manner as the Committee determines.

(3) The Chairman shall come into office on his election and shall hold office until the election of his successor.

(4) The Chairman may resign his office by writing under his hand delivered to the Committee, and in any such case, or in the event of his ceasing from any cause to be a member of the Committee, his office shall become vacant, and the Committee shall forthwith meet to elect a new Chairman.

(5) The Committee may at any time elect a Deputy Chairman.

**9. Ordinary meetings**—(1) The Committee shall hold ordinary meetings at such times and at such places as the Committee from time to time appoints.

(2) The Chairman or the Secretary (if any) shall give notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings and the members shall attend the meetings without further notice thereof.

**10. Chairman to preside**—The Chairman shall preside at every meeting of the Committee at which he is present. If at any meeting of the Committee the Chairman for the time being is not present or there is no Chairman, the Deputy Chairman (if any) shall preside at the

meeting, and if the Deputy Chairman also is not present at the meeting or there is no Deputy Chairman, the Committee shall appoint some member present to act as Chairman in respect of that meeting. The Deputy Chairman or person so appointed shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting.

**11. Quorum**—(1) A quorum of the Committee shall consist of not less than half of the total number of members on the Committee.

(2) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

(3) No business shall be transacted at any meeting of the Committee unless at least a quorum of members is present thereat during the whole of the time at which the business is transacted.

**12. How questions to be decided by Committee**—(1) All acts of the Committee and all questions before the Committee may be done and decided at a meeting of the Committee by the majority of such members of the Committee as are present and vote.

(2) The Chairman of any meeting of the Committee shall have a deliberative vote and in case of an equality of votes shall have a casting vote also.

**13. Members not to vote on certain matters**—(1) A member of the Committee shall not vote or take part in the discussion of any matter before the Committee in which he has, directly or indirectly, any pecuniary interest apart from any interest as a user of water or in common with the public.

(2) A member who knowingly offends against this regulation commits an offence against these regulations and shall be liable on summary conviction to a fine not exceeding £5 for every offence, and upon conviction his office as a member of the Committee shall become vacant.

**14. Minutes of proceedings**—Minutes of the proceedings of the Committee shall be kept in a book the pages of which shall be numbered consecutively and that book shall be kept in the office of the Committee and shall be open to inspection without fee during all office hours by any member of the Committee or by any member of a constituent local authority.

**15. Standing orders**—Subject to the provisions of the Act and of these regulations the Committee may by resolution make such standing orders for the holding and conduct of meetings as it thinks fit.

T. J. SHERRARD,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

These regulations make general provisions governing the appointment of members of Underground Water Committees by the constituent local authorities, and also governing the conduct of meetings of such Committees.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 July 1957.

These regulations are administered in the Ministry of Works.