

*Constitution of Rural Fire District*

B. C. FREYBERG, Governor-General

By his Deputy,

H. F. O'LEARY

## ORDER IN COUNCIL

At the Government House at Wellington, this 17th day of November, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**P**URSUANT to the Forest and Rural Fires Act, 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby constitute and declare the area described in the First Schedule hereto to be a rural fire district, to be known as the "Oraka Rural Fire District"; and doth hereby specify the trees and other plants situated on the lands described in the Second Schedule hereto as the property for the protection of which the district is constituted; and doth hereby further specify the period between the first day of October in any one year and the thirtieth day of April in the following year (both days inclusive) as a closed fire season in the said district; and doth hereby declare that this Order in Council shall come into force on the day following publication thereof in the *Gazette*; and doth hereby prescribe that the said district shall be administered for the purposes of the said Act by a rural fire committee which shall be known as the "Oraka Rural Fire Committee," and, with respect to the said Rural Fire Committee, doth hereby make the following regulations.

## REGULATIONS

1. In these regulations, unless inconsistent with the context,—

"Act" means the Forest and Rural Fires Act, 1947:

"Committee" means the Oraka Rural Fire Committee constituted by these regulations:

"District" means the Oraka Rural Fire District:

"Minister" means the Commissioner of State Forests:

Words importing persons include companies and other incorporated bodies:

Words importing the singular number include the plural, and *vice versa*.

2. The Oraka Rural Fire Committee shall be a body corporate having perpetual succession and a common seal, with power to make, alter, and renew the same, and with power to purchase, take, on hire or otherwise acquire, hold, transfer, and lease property, real and personal, to sue and be sued in any Court, and to do and suffer all that bodies corporate may lawfully do and suffer.

## MEMBERS

3. The Committee shall consist of three members, who shall be appointed in the following manner:—

(a) One member shall be appointed by N.Z. Forest Products, Limited, by writing signed on its behalf by one director and the secretary thereof:

(b) One member shall be appointed by Redwood Forests, Limited, by writing signed on its behalf by one director and the secretary thereof:

(c) If the office of a member of the Committee appointed under subclause (a) or subclause (b) of this regulation shall become vacant under Regulation 6 hereof, the same shall be filled up by his appointor, subject, nevertheless, to the provisions of Regulation 8 (2) hereof:

(d) One member (herein referred to as the sawmillers' representative) shall be appointed either by a resolution passed by a majority of those present at a meeting of the proprietors of sawmills operating within the district or by a majority vote by ballot of those present at such a meeting, as those so present by resolution determine:

(e) On the appointment of the sawmillers' representative, every proprietor aforesaid shall, in respect of both a resolution and a ballot, have one vote if his annual production shall not exceed 250,000 board feet; and if his annual production shall exceed that number of board feet he shall be entitled to one vote for every complete 250,000 board feet comprised in his annual production. For the purposes of this subclause, a proprietor's annual production shall be deemed to mean the total quantity, in board feet, of sawn timber produced by him in the district during the period of twelve months ending the 31st March in the year in which the appointment is to be made; and a board foot shall be deemed to mean a piece of sawn timber 12 inches square by 1 inch thick:

(f) A statutory declaration by any such proprietor or by his or its secretary or auditor shall be conclusive proof of such annual production:

(g) A company may vote on the appointment of sawmillers' representative by a director, officer, or servant of the company thereunto authorized by writing signed by a director, secretary, or manager of the company. A partnership shall vote by some one of its partners, and failing agreement between them the Returning Officer shall decide the choice by lot.

4. (1) The Secretary of N.Z. Forest Products, Limited, shall be the Returning Officer for the first appointment of the sawmillers' representative, and shall convene the necessary meeting, conduct such ballots, and take such other steps as may be required for that appointment, and shall also convene the first meeting of

the committee. Thereafter the Secretary of the Committee shall be the Returning Officer. A Returning Officer acting under this regulation shall have power, without limitation to the generality of the powers and authorities vested in him thereby, to do and perform all or any of the following acts, matters, and things:—

(a) He may convene any meeting by notice published once in some newspaper circulating in the district, or in such other manner as he may think fit, and may fix the time and place of such meeting:

(b) He may determine what persons are competent to vote on any resolution or ballot for the appointment of the sawmillers' representative, and may act on such evidence as to this, and any other matters, as he thinks sufficient:

(c) He may regulate the procedure at any meeting, appoint scrutineers, and generally do all such things as he may think proper or expedient for carrying out the objects of the meeting:

(d) He may make and keep such minutes, records, voting lists, and other material as he thinks proper.

(2) A Returning Officer shall be entitled to be indemnified out of the funds of the Committee against all costs, charges, and expenses incurred by him in and about carrying out the duties and powers imposed or conferred upon him under these regulations.

(3) The decision and determination of the Returning Officer in all matters falling within the scope of his duties and powers aforesaid shall be final and conclusive.

5. Subject to the provisions of these regulations as to resignation and forfeiture of office, a member shall hold office for five years commencing from the date of his appointment, and thereafter until his successor has been appointed. A retiring member shall be eligible for reappointment.

6. The office of a member of the Committee shall become vacant and the vacancy shall be deemed to be a casual vacancy if the member—

(a) Dies; or

(b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Committee; or

(c) Becomes a bankrupt or makes any composition with his creditors for less than twenty shillings in the pound or makes an assignment of his estate for the benefit of his creditors; or

(d) Becomes of unsound mind; or

(e) Is convicted on indictment or is sentenced by the Supreme Court on a plea of "guilty" to any charge of an indictable offence, or is sentenced by any Court for any offence to imprisonment without the option of a fine or to reformatory detention under any Act; or

(f) Is absent without leave from three consecutive meetings of the Committee; or

(g) Acts in contravention of Regulation 8 hereof; or

(h) Being a director, officer, or servant of an incorporated company which has taken part in his appointment to the Committee ceases to hold office or employment under that company.

7. A member of the Committee shall not vote or take part in the discussion of any matter before the Committee in which he may receive remuneration from the Committee in the terms of any contract or as salary or wages, or as the rent or hire of property or equipment.

8. (1) Subject to Regulation 3 (c) hereof, a casual vacancy occurring in the Committee shall be filled by the appointment by the Committee of some fit person representing the interest affected to the Committee for the residue of the term for which the member whose office has become vacant was appointed.

(2) In any case where a casual vacancy has not been filled within a period of three months, the Minister may appoint to the Committee some fit person to represent the interest affected for the residue of the term for which the member whose office has become vacant was appointed.

9. The powers of the Committee shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of the 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.

## MEETINGS

10. The Committee shall meet for the despatch of business at such time and place as it may appoint, and a meeting may be summoned at any time by the Chairman.

11. The Minister may direct a meeting to be convened at any time, and thereupon a meeting shall be so held.

12. (1) The first meeting of the Committee shall be held at a time and place to be appointed in that behalf by the Secretary of N.Z. Forest Products, Limited.

(2) At the first meeting the Committee shall appoint one of its members to be Chairman.

(3) The Chairman shall preside at every meeting of the Committee at which he is present. In the absence of the Chairman from any meeting of the Committee the members present shall select one of their number to be the Chairman of that meeting.

(4) Subject to the provisions of these regulations, the Committee may make such arrangements as it thinks fit for the holding of its meetings, the procedure thereat, and generally for the conduct of its business and the exercise of its functions.

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