

FOREST ENACTMENT 1968

(No. 2 of 1968)

FOREST (NORTHERN KUAMUT CONSERVATION AREA) RULES 2016

In exercise of the powers conferred by section 42 of the Forest Enactment 1968 [No. 2 of 1968], the Chief Minister makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Forest (Northern Kuamut Conservation Area) Rules 2016.
- (2) These Rules are deemed to have come into operation on 30 June 2016.

Interpretation

2. In these Rules -

"Enactment" means the Forest Enactment 1968 [No. 2 of 1968];

"Forest Reserve" means the Northern Kuamut Forest Reserve as delineated in F.D. Map No. 75/136 constituted under the Forest (Constitution of Forest Reserves and Amendment) Enactment 1984 [No. 4 of 1984];

"Management Committee" means the Northern Kuamut Conservation Area Management Committee established under rule 4;

"Sabah Foundation" means the Sabah Foundation established by section 3 of the Sabah Foundation Enactment 1996 [No. 8 of 1996].

Application

3. These Rules and the privileges and conditions declared in these Rules shall apply to the Forest Reserve.

Establishment of the Management Committee

4. There shall be established a Northern Kuamut Conservation Area Management Committee for the purpose of the Forest Reserve.

Membership of the Management Committee

5. (1) The Management Committee shall consist of the following members:
- (a) a Chairman;
 - (b) the Director of the Forestry Department if he is not appointed as a Chairman under subrule (2) or (3), or his authorised representative;
 - (c) the Permanent Secretary of the Ministry of Tourism, Culture and Environment or his authorised representative;
 - (d) the Director of the Wildlife Department or his authorised representative;
 - (e) the Director of the Environment Protection Department or his authorised representative;
 - (f) a representative of the University Malaysia Sabah;
 - (g) the Director of the Sabah Foundation if he is not appointed as a Chairman under subrule (2) or 3), or his authorised representative;
 - (h) the District Officer of Tongod or his authorised representative; and
 - (i) not more than three persons to be appointed by the Chief Minister.

(2) The Chairman of the Management Committee shall be appointed by the Chief Minister on rotation between -

- (a) the Director of Forestry Department; and
- (b) the Director of Sabah Foundation.

(3) Notwithstanding subrule (2), the Chief Minister may in his absolute discretion appoint such other person as he may deem fit to be the Chairman.

(4) A member under paragraph 1 (g) shall be appointed for a period of three years from the date of appointment.

Duration of appointment as Chairman

6. The Chairman shall hold office for a term of two years from the date of his appointment.

Secretary of the Management Committee

7. The Secretary of the Management Committee shall be appointed by the Management Committee among person serving in the Sabah Forestry Department or Sabah Foundation for such period as may be determined by the Management Committee.

Procedure of the Management Committee

8. (1) Subject to the Enactment and the Rules, the Management Committee shall have the powers to determine its own procedures.

(2) The Management Committee shall hold a meeting at least once every six (6) months.

(3) The venue of meeting shall be at places to be determined by the members of the Management Committee.

(4) The meeting of the Management Committee may be called upon fourteen (14) days prior written notice. Such notice may be waived by written consent of all members.

(5) The meeting of the Management Committee may be conducted by telephone conference or any other form of instantaneous communication agreed by all members unanimously.

(6) Each member is entitled to appoint his proxy to attend any meeting of the Management Committee by completing and returning to the Management Committee the proxy form to be attach to the notice for meeting within the time period stipulated in the relevant notice.

Management objectives and role of the Management Committee

9. (1) The management objectives of the Forest Reserve are -
- (a) to protect in perpetuity as much as possible the biological diversity of the Forest Reserve, expressed at genetic, individual, sub-species, species, habitat and ecosystem levels of organization;
 - (b) to promote research into all aspect of the composition and functioning of the ecosystem of the Forest Reserve including comparative studies of disturbance and recovery processes following logging of nearby areas;
 - (c) to promote education and training in conservation, natural history, ecology, forestry and related sciences;
 - (d) to promote the Forest Reserve for appropriate recreation and nature tourism provided that such activities do not significantly compromise the management objectives for the Forest Reserve; and
 - (e) to integrate the management objectives of the Forest Reserve with other planned development in surrounding areas so as to create a model management area in the Northern Kuamut Forest Reserve which is constituted under the Forests (Constitution of Forest Reserves and Amendment) Enactment 1984 [No. 4 of 1984] that combines conservation, forestry and nature of tourism activities on a sustainable long-term basis.

(2) The role of the Management Committee shall be to plan, co-ordinate, facilitate monitor and evaluate the management objectives of the Forest Reserve under subrule (1).

Powers and functions of the Management Committee

9. The powers and functions of the Management Committee shall be -
- (a) to advise the Director of Forestry on the conservation and protection measures of the Forest Reserve;
 - (b) to advise on any proposal for development within the Forest Reserve;
 - (c) to accept or reject any proposed research to be carried out with the Forest Reserve;
 - (d) to address appropriately the findings of research to be carried out with the Forest Reserve;
 - (e) to forge relationship with local or overseas organization for the purpose of research, conservation and education;
 - (f) to provide guidelines on the role of collaborators for the Forest Reserve; and
 - (g) to invite other organizations including overseas organization into the Management Committee on an *ad hoc* basis for the purpose of implementing the roles of the Management Committee in terms of funding, expertise and services.

Day-to-day management

10. Without prejudice to the duties and powers of the Director of the Forestry Department and his officers under the Enactment, the day-to-day management of the Forest Reserve shall be carried out by the Sabah Foundation which, in consultation with the Management Committee, may determine the procedure for the following matters:

- (a) the matrix of the management organization of the Forest Reserve;

- (b) the control and regulation of entry of persons into the Forest Reserve including the regulation of the period during which the persons may remain therein and the conditions under which they may do so;
- (c) the establishment of such research centres, jungle lodges, observatory towers, cabins and other similar structures as may be deemed necessary to carry out the purpose of the Forest Reserve; and
- (d) such other matters as may be necessary for the more effectual carrying out such day-to-day management of the Forest Reserve.