

A BILL INTITULED

AN ACT to enable Provincial Councils to simplify the  
Machinery of Provincial Governments. Title.

**B**E IT ENACTED by the General Assembly of New Zealand in  
Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be “The Provincial Govern- Short Title.  
ments Act 1868.”

2. In this Act the word “Council” means “Provincial Council.” Interpretation.

PART I.

3. If the Council of any Province by an absolute majority of the  
whole number of the members of such Council shall adopt a resolution  
in the form set forth in the first Schedule hereto or to the like effect after  
10 the same shall have been read aloud to the members present by the  
Speaker of such Council or the person acting for him at three meetings  
of the Council held on different days and between the first and second  
and second and third of which days of meeting respectively there shall  
have been an interval of not less than seven nor more than fourteen  
15 clear days it shall be lawful for the Governor with the advice and  
consent of the Executive Council of New Zealand to order that the  
sections of this Act contained in Part II. thereof shall on a day to be  
fixed in such order by the Governor with such advice and consent as  
aforesaid come into operation within such Province and on the day  
20 so fixed the provisions contained in the said sections of this Act shall  
come into operation within such Province.

4. If any such resolution shall be adopted by any Council in the  
manner prescribed by this Act it shall be the duty of the Speaker of  
such Council if he shall have acted as such at the meeting of the  
25 Council at which such resolution was adopted or if not for the person  
acting as Speaker of such Council at the meeting thereof when such  
resolution was adopted to transmit within seven days from such day of  
meeting to the Colonial Secretary a copy of the resolution so adopted  
together with a certificate under his hand in the form in the second  
30 Schedule hereto or to the like effect appended to such copy and if any  
such Speaker or person acting as Speaker aforesaid shall neglect or  
refuse to transmit such resolution to the Colonial Secretary as required  
by this Act he shall forfeit and pay to Her Majesty a penalty of five  
hundred pounds to be sued for by the Attorney-General of New Zealand  
35 in the name and on behalf of Her Majesty the Queen.

## PART II.

Superintendents of Provinces in which this Part of the Act is in operation to be elected under provisions of the Act.

When elections to take place.

5. The Superintendents and Deputy Superintendents of Provinces in which this Part is in operation shall be elected and appointed as hereinafter provided and not otherwise.

6. At the first meeting of the Council of every Province in which this Part shall be in operation the Council shall after electing one of their body to preside at the election and before proceeding to the despatch of any other business by an absolute majority of the whole number of the members of the Council elect one of their body to be the Superintendent of such Province and one other member of their body to be Deputy Superintendent of such Province and at such elections of Superintendent and Deputy Superintendent the member elected to preside thereat shall have an original and in case of an equality of votes a casting vote.

Superintendent or Deputy ceasing to be a member of Council to vacate office.

7. Subject to the provisions hereinafter contained whenever the seat of any member so elected Superintendent or Deputy Superintendent shall from any cause become vacant such person shall thereupon and thereby cease to be Superintendent or Deputy Superintendent as the case may be.

When office of Superintendent vacant new election to be held.

8. In any of the cases when the office of Superintendent shall become vacant as aforesaid or as provided for by the Constitution Act subject to the provisions hereinafter contained a new election shall in manner aforesaid take place at such meeting of the Council as hereinafter provided.

Deputy Superintendent removable by Council and on vacancy occurring new election of Deputy to take place.

9. Any person elected to be Deputy Superintendent shall be subject to be removed by a resolution agreed to by two-thirds of the members present at a special meeting and upon a vacancy occurring in the office of Deputy Superintendent by removal as aforesaid or by death resignation or otherwise a new election shall be held in manner aforesaid at such meeting of the Council as is hereinafter provided.

Continuance in office of Deputy Superintendent.

10. Any person elected Deputy Superintendent of any Province shall continue in office till he die resign or be removed or cease to be a member of the Council of such Province. Provided that if at the expiration or dissolution of any Council a Deputy Superintendent shall be in office he shall notwithstanding that he shall by such expiration or dissolution have ceased to be a member of the Council continue to hold office until the first meeting of the next Council.

At what meetings elections of Superintendents and Deputies to take place.

11. When the vacancy in the office of Superintendent or Deputy Superintendent of any Province is caused by the expiration or dissolution of the Council and in any case in which a vacancy of such offices shall happen or exist at a time when no Council for such Province is for the time being in existence the election of the Superintendent and Deputy Superintendent of such Province shall take place at the first meeting of the Council after the election of such Council and on the day hereinafter prescribed for such first meeting and in other cases such elections shall take place at a special meeting of the Council to be convened as hereinafter provided.

Governor may by the Order in Council bringing Part II. into operation in any Province appoint the then Superintendent to be Superintendent of the Province as if elected under the provisions of this Act.

12. If a Council of any Province shall have been elected and be in existence at the time of the making such Order in Council as aforesaid bringing this Part of this Act into operation in such Province and a Superintendent of such Province be in office at such time aforesaid it shall be lawful for the Governor in and by such Order to appoint the person then being Superintendent to be Superintendent of such Province and such person shall on the coming into operation of this Part within such Province be Superintendent thereof as if elected in the manner provided by this Part and

shall until the dissolution or expiration of such Council be a member thereof but if the Governor shall not appoint such person to be Superintendent the office of Superintendent shall on the day preceding the day fixed for the coming into operation of this Part of this Act in such Province become vacant and an election of a member of the Council of such Province to be Superintendent shall be held in the manner provided by this Part.

13. The person in office as Deputy Superintendent in any Province in which this Part shall be brought into operation at the time when this Part is brought into operation therein shall cease to hold office as such Deputy Superintendent immediately before the first meeting of the Council held thereafter.

Person in office as Deputy Superintendent to cease to hold office immediately before the first meeting of the Council held after the coming into operation of this Act.  
Superintendent to be elected if not appointed by the Governor.

14. If a Council shall be in existence in any Province at the time when this Part of this Act is brought into operation therein the Council of such Province shall hold its first meeting on the second Wednesday after the coming into operation of this Part of this Act in such Province and at such time and place as the Governor shall appoint and shall if the Superintendent of such Province shall not have been appointed by the Governor under the provisions hereinbefore contained then elect one of their body to be Superintendent of such Province in the manner provided by this Part of this Act and shall then elect one of their body to be Deputy Superintendent in the manner provided by this part of this Act.

15. The first meeting of the first and every successive Council of every Province elected after the coming into operation of this Part of this Act in such Province shall be held on the third Wednesday after the return day of the writs issued for the election of such Council or the latest of such return days if such writs be not all made returnable on the same day and at such time and place as the Governor shall from time to time appoint.

First meetings of Council.

16. If the first meeting of any Council on which any election ought to be held as herein provided shall for any cause whatever not be held on the day hereinbefore prescribed or if any such election shall not be held on the day so prescribed it shall be lawful for the Governor to appoint some other day as the day on which such first meeting or such election shall be held.

If no election held on day appointed Governor may appoint a day.

17. Any person elected or appointed to be Deputy Superintendent of any Province as aforesaid shall have exercise be subject to and perform all the powers authorities responsibilities and duties of the Superintendent except as hereinafter provided Provided that he shall act only during the absence of the Superintendent of such Province and in case of any vacancy arising by the disallowance of the election or removal from office of the Superintendent or by the death or resignation of such Superintendent he shall act only during such vacancy and until the successor to such Superintendent shall have been elected.

Powers of Deputy Superintendent.

18. No person acting as Deputy Superintendent under this part shall have exercise or perform any of the powers duties or authorities created or conferred by the Constitution Act except such powers duties and authorities as are created or conferred by the twelfth section of the said Act.

Certain powers not conferred on Deputy Superintendents.

19. Whenever the office of Superintendent of any Province shall be vacant and no Deputy Superintendent is in office and the Council of such Province shall have been dissolved or have expired and no Council shall for the time being have been elected it shall be lawful for the Governor to appoint some fit and proper persons being inhabitants of the Province to be Superintendent and Deputy Superintendent of such Province and such persons shall hold office fill the first meeting of the Council elected after such appointment and shall then cease to hold office.

When no Superintendent or Deputy in office and Council not in existence Governor may appoint Superintendent.

20. Upon the resignation of a Superintendent or Deputy Superintendent

Superintendent

resigning office as Superintendent on acceptance of resignation his seat as member to become vacant and not to be able to resign seat.

Superintendent of any Province being accepted by the Governor the seat of such Superintendent as member of the Council of such Province shall thereby become vacant and the provisions contained in the ninth section of the Constitution Act shall not apply to any member of the Council of any Province elected Superintendent or Deputy Superintendent thereof. 5

Seat of member not vacated by election to office of Superintendent.

21. The seat of the member elected to the office of Superintendent shall not become vacant by reason of his being elected Superintendent or Deputy Superintendent.

Twentieth and twenty-first sections of Constitution Act not to apply to Provinces in which Part II. is in operation.

22. The twentieth and twenty-first sections of the Constitution Act shall not apply to Provinces in which this Part is in operation but therein the Superintendent shall preside at all meetings of the Council thereof at which he shall be present and in his absence except when the Deputy Superintendent is by law acting for him and is present and in the absence of the Deputy Superintendent when so acting some member elected by the Council shall preside. 10 15

Superintendent's vote.

23. Notwithstanding anything in the twenty-third section of the Constitution Act to the contrary all questions which shall arise in any Council shall be decided by the majority of votes of the members present including the Superintendent and in all cases where the votes shall be equal the Superintendent shall have an original as well as a casting vote but whenever a member is presiding in the absence of the Superintendent such member shall not have an original vote but shall in cases wherein the votes are equal have a casting vote. 20

Meetings to be held at times to be appointed.

24. The sixteenth section of the Constitution Act shall not apply to the Councils of any Province with respect to which this Part is in operation and every such Council shall hold meetings for the transaction of general business and such meetings shall be held on such day and hour in each month or stated space of time as the Council shall from time to time appoint and when any such appointment is made the Superintendent shall cause notice to be given thereof to each of the members and they shall afterwards until the time of such meetings is changed and notice of such change given to the members attend such meetings without notice. 25 30

Notice of times appointed.

Where meetings shall be held.

25. All meetings of the Council of any Province in or for which there shall at the time be no place of meeting appointed as hereinafter provided shall be held at some convenient place within the Province appointed by the Governor and all meetings of the Council of any Province for which there shall at the time be a place of meeting appointed as hereinafter provided shall be held at such place. 35 40

Place of meeting of Council.

26. The Council may from time to time appoint provide and maintain a fit and convenient chamber in which to hold its meetings and fit and convenient offices for meetings of committees of the Council and for the use of members and officers of the Council.

Adjournment of meetings.

27. The members present at the first or any meeting or at any adjourned meeting may from time to time adjourn such meeting and if at any meeting of the Council there be not present within half an hour after the time appointed for such meeting the number of the members by law authorized to exercise the powers vested in the Council the members present or the major part of them or any one member if only one be present or the clerk of the Council if no member be present may adjourn such meeting to another day not further distant than three days from the day of such adjournment. 45 50

Special meetings.

28. The Council may hold special meetings and any of the members not being less in number than one-sixth of the whole Council may require a special meeting to be held but no such meeting shall be held unless seven clear days' notice thereof at least be given to each member or delivered or sent by post at or to the usual place of abode or business of each member within the Province and such notice shall be delivered or sent by such officer or person and shall be in such 55 60

form as shall be prescribed by Standing Orders of the Council which orders the Council is hereby authorized to make from time to time in such manner and form as to such Council may appear fit.

29. Where by this Act the Council are empowered to do any- Special Meeting.  
 5 thing at a special meeting only they shall not do such thing unless the resolution to do the same have been agreed to by the Council in some special meeting.

30. The Council may at any meeting from time to time appoint Committees of Council and quorum.  
 10 Committees for the purpose of superintending or managing any public works which the Council has authorized to be carried on or for any other purpose (except for the purpose of making laws or for the election of Superintendents) which in the opinion of the Council would be better regulated and managed by means of such Committee and they may fix the quorum of such Committee and of every such  
 15 Committee the Superintendent shall be Chairman *ex officio* and such Committees may sit and act notwithstanding the adjournment of the Council.

31. Every Committee so appointed may meet from time to time Meetings of Committees and Chairman.  
 20 and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the Committee unless the quorum of members (if any) fixed by the Council and if no quorum be fixed three members be present and at all meetings of the Committee if the Chairman be not present one of the members present shall by  
 25 the majority of voices and if they be equally divided by lot be appointed Chairman and all questions shall be determined by a majority of the votes of the members present and in case of an equal division of votes the Chairman shall have a casting vote in addition to his vote as a member of the Committee,

32. No proceeding of the Council or of any Committee shall be Vacancy in number of members not to invalidate proceedings.  
 30 invalidated or be illegal in consequence only of there being any vacancy in the number of members at the time of such proceeding.

33. All proceedings of the Council or of a Committee thereof or Nor want of capacity &c. of any person to be member.  
 35 of any person acting as a member thereof shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the members of the Council or persons acting as aforesaid or that they or any of them were incapable of being such members be as valid as if every such person had been duly elected or appointed and was capable of being a member of the Council.

34. The Superintendent may enter into contracts with any persons Made in which Council may enter into contracts and effect thereof.  
 40 for the execution of any works directed or authorized by the Council to be done or for furnishing materials or for any other things necessary for the public service of the Province and authorized by the Council to be obtained and the power hereby granted to the Superintendent to  
 45 enter into contracts may lawfully be exercised as follows that is to say—

Any contract which if made between private persons would be by law required to be in writing and under seal the  
 50 Superintendent may make in writing and under the public seal of the Province and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the Superintendent may make in  
 55 writing signed by him and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the Superintendent may make by parol only  
 60 without writing and in the same manner discharge the same.

**FIRST SCHEDULE.**

RESOLVED that this Council is of opinion that it is expedient that Part II. of "The Provincial Governments Act 1868" should be brought into operation within the Province of

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**SECOND SCHEDULE.**

I HEREBY certify that the above is a true copy of a resolution adopted by the Provincial Council of the Province of \_\_\_\_\_ by an absolute majority of the members of such Council on the \_\_\_\_\_ day of \_\_\_\_\_ and that the same had been previously read aloud by the Speaker of such Council or the person acting for him at three meetings of the Council held on different days at intervals of not less than seven or more than fourteen clear days in accordance with the terms of "The Provincial Governments Act 1868."

A.B.

Speaker of the Provincial Council of the Province of \_\_\_\_\_

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