

(Hon. Mr. Vogel.)

# Provincial Powers Transfer.

## ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. All powers of any Provincial Government may on recommendation of Superintendent and Provincial Council of the Province be transferred to the Governor. Powers of Provincial Councils to cease. Provincial revenue to be paid to Special Fund of Public Account. Governor in Council empowered to regulate expenditure and direct issues.</p> <p>3. Provincial Council may resolve that gaols police and harbours ought to be administered by Governor. If Superintendent concurs Governor in Council may proclaim that Superintendent's powers &amp;c. as to such matters shall cease and be transferred to Governor. Powers of Provincial Council to cease. From day appointed Provincial revenues to be paid to Special Fund of Public Account. Governor in Council empowered to regulate expenditure and direct issues.</p> | <p>4. If suitable sufficient provision not made by any Province for maintenance of Gaols Police Land and Survey Departments Governor in Council may give notice to Superintendent of what is required to be done.</p> <p>5. If at the expiration of months after notice the requirements thereof are not complied with powers of Superintendent to vest in Governor till end of the then next Session of the General Assembly. Powers vested in Provincial Council to cease. Provincial revenue to be paid to Special Fund of Public Account. Governor in Council empowered to regulate expenditure and direct issues.</p> <p>6. Inquiry may be made by Commissioner with powers under "The Commissioners Powers Act 1867."</p> <p>7. Powers transferred to Governor may be delegated.</p> |
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## A BILL INTITULED

AN ACT to transfer to the Governor in certain events Title.  
the Powers conferred on Superintendents.

**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 Powers Transfer Act 1871." Short Title.

2. If the Provincial Council of any Province shall by resolution passed by a majority of Members present at a meeting of such Council signify its opinion that it is inexpedient for such Council to continue to provide or apply necessary means to meet the expenditure for the administration of the local government of such Province generally and that all the powers and duties conferred or imposed on the Superintendent of such Province either solely or acting with the advice and consent of the Executive Council of such Province by any Act of the General Assembly or any Act or Ordinance of the Superintendent and Provincial Council of such Province should cease to be exercised or performed by the Superintendent of the Province and if a copy of the resolution so passed be by the order of such Provincial Council forwarded to the Superintendent of such Province and be afterwards transmitted to the Governor by the Superintendent of such Province accompanied by a statement in writing signed by him signifying his concurrence in the opinion signified in such resolution it shall be lawful for the Governor if it shall seem to him expedient so to do and with the advice and consent of the Executive Council of the Colony by Proclamation published in the *New Zealand Gazette* to declare that from and after a day to be named in such Proclamation all such powers and duties as aforesaid so conferred or imposed on the Superintendent of such Province either solely or with the advice and consent of the Executive Council of such Province by any Act of the General Assembly or any Act or Ordinance of the Superintendent and Provincial Council of such Province shall cease to be exercised or performed by such Superintendent until the end of the Session of the General Assembly then next ensuing and shall be transferred to and conferred and imposed on the Governor.

All powers of any Provincial Government may on recommendation of Superintendent and Provincial Council of the Province be transferred to the Governor.

Superintendent to  
cease exercise of  
powers.

And from and after such day so appointed in such Proclamation all such powers and duties as aforesaid shall until such day aforesaid cease to be exercised or performed by such Superintendent and shall until the end of the Session of the General Assembly aforesaid be conferred and imposed on the Governor.

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Powers of Provincial  
Council to cease.

And from and after the day so appointed in such Proclamation as aforesaid and until the end of the Session of the General Assembly aforesaid all the powers duties and authorities of the Provincial Council of such Province shall cease to be exercised or performed by such Council.

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Provincial revenue  
to be paid to  
Special Fund of  
Public Account.

And from and after the day appointed in such Proclamation all moneys payable to the Provincial Account or to the Provincial Treasurer of such Province or any other person for or on account of the revenue of such Province on any account whatsoever under or by virtue of "The Public Revenues Act 1867" or any Acts amending the same or "The Payments to Provinces Act 1871" or any other Act of the General Assembly or under or by virtue of any Act or Ordinance of the Superintendent and Provincial Council of such Province shall until the end of the Session of the General Assembly aforesaid cease to be paid to such Provincial Account or Provincial Treasurer or other person aforesaid and shall be payable and paid to the Public Account of the Colony to the credit of the Special Fund and shall be kept there at a separate account to be called "The Provincial Account of the Province of" [*naming the Province*] and such moneys shall until such day of the Session of the General Assembly aforesaid be chargeable with all the costs charges and expenses of administering and managing the local government of such Province and the costs charges and expenses to be incurred in the exercise and performance of the powers and duties so transferred as aforesaid from the Superintendent of such Province to the Governor.

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Governor in Council  
empowered to  
regulate expenditure  
and direct issues.

And the issue and application of such moneys and all such costs charges and expenses as aforesaid shall from time to time be authorized and regulated by the Governor in Council.

Provincial Council  
may resolve that  
gaols police and  
harbours ought to be  
administered by  
Governor. If Super-  
intendent concurs  
Governor in Council  
may proclaim that  
Superintendent's  
powers &c. as to such  
matters shall cease  
and be transferred to  
Governor.

3. If the Provincial Council of any Province shall by resolution passed by a majority of the Members present at a meeting of such Council signify its opinion that it is inexpedient for such Council to continue to provide or apply means to meet the expenditure necessary for the maintenance of the Gaols Police Crown lands Survey and Harbour Establishments within the Province and that all the powers and duties conferred or imposed on the Superintendent of such Province either solely or with the advice and consent of the Executive Council of such Province relating to the administration or management of gaols police Crown lands surveys or harbours within such Province by any Act of the General Assembly or any Act or Ordinance of the Superintendent and Provincial Council of such Province should cease to be exercised or performed by the Superintendent of such Province and if a copy of the resolution so passed be by the order of the Provincial Council of such Province forwarded to the Superintendent thereof and be afterwards transmitted to the Governor by such Superintendent accompanied by a statement in writing signed by him signifying his concurrence in the opinion expressed in such resolution it shall be lawful for the Governor if it shall seem to him expedient so to do and with the advice and consent of the Executive Council of the Colony by Proclamation published in the *New Zealand Gazette* to declare that from and after a day to be named in such Proclamation all the powers and duties conferred or imposed on the Superintendent of such Province either solely or with the advice and consent of the Executive Council of such Province relating to the management and administration of the gaols police Crown lands surveys and harbours within such Province by any Act of the General Assembly or any Act or Ordinance of the Superintendent and

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Provincial Council of such Province shall cease to be exercised or performed by such Superintendent until the end of the Session of the General Assembly then next ensuing and shall be transferred to and conferred and imposed on the Governor.

5 And from and after such day so appointed as in such Proclamation as in this section aforesaid all such powers and duties as in this section aforesaid shall until the end of the Session of the General Assembly aforesaid cease to be exercised or performed by such Superintendent and shall until the end of such Session be conferred and imposed on the Governor.

Superintendent's powers to cease.

10 And from and after the day so appointed in such Proclamation as in this section aforesaid and until the end of such Session of the General Assembly aforesaid all the powers duties and authorities of the Provincial Council with regard to gaols police and harbours within such Province shall cease to be exercised or performed by such Council.

Powers of Provincial Council to cease.

15 And from and after the day appointed in such Proclamation as in this section aforesaid all fees and other moneys payable to the Provincial Account or to the Provincial Treasurer of such Province or to any other person for or on account of the revenues of such Province under any Act or Ordinance of the General Assembly or the Superintendent and Provincial Council of such Province relating to any of the subjects mentioned in the First Schedule hereto or under "The Public Revenues Act 1867" or any Act amending the same or under "The Payments to Provinces Act 1871" as the balance of the Consolidated Fund shall until the end of such Session of the General Assembly aforesaid cease to be paid to such Provincial Account or Treasurer or other person aforesaid and shall be payable and paid to the Public Account of the Colony to the credit of the Special Fund and shall be kept there at a separate account to be called "The Provincial Account of the Province of

20 of " [naming the Province] and such moneys shall until such day of the Session of the General Assembly in this section aforesaid be chargeable with all the costs charges and expenses of the administration management and maintenance of gaols and harbours Crown lands and surveys and of police and such other matters in connection there-

25 with within the said Province as may now by law be administered or managed by the Superintendent of such Province and the costs charges and expenses to be incurred in the exercise and performance of the powers and duties so transferred as in this section aforesaid from the Superintendent of such Province to the Governor.

From day appointed Provincial revenue to be paid to Special Fund of Public Account.

30 And the issue and application of such moneys as aforesaid and all such costs charges and expenses as aforesaid shall from time to time be authorized and regulated by the Governor in Council.

Governor in Council empowered to regulate expenditure and direct issues.

35 If the Governor shall so order there may from time to time be transferred to the Provincial Account of such Province from the moneys so paid to the Special Fund any such sum or sums as are not in the opinion of the Governor likely to be required to meet such costs charges and expenses as aforesaid.

Governor may authorize payments to Provincial Account of balances not required for expenses of departments transferred.

4. If it shall be made to appear to the Governor in Council that in any Province sufficient and suitable provision is not made for the maintenance of the Gaols the Police the Crown Lands Survey and Harbour Departments or any of them within such Province or that such Gaols or Police or Departments are not maintained in a proper state of efficiency the Governor in Council may cause a notice in writing under the hand of the Colonial Secretary to be sent to the Superintendent of such Province declaring in what respects the provision for such department is defective and any other particulars which the Governor in Council may direct and such notice shall state what is required to be done or supplied to make good such deficiency.

If suitable sufficient provision not made by any Province for maintenance of Gaols Police Land and Survey Department Governor in Council may give notice to Superintendent of what is required to be done.

5. If the Governor in Council at the expiration of 60 months from the delivery of such notice to the Superintendent is satisfied that all that was required by such notice to be done or supplied has not been done or supplied nor is in course of being

If at the expiration of months after the requirements thereof are not complied with powers of Superintendent to

vest in Governor till end of the then next Session of the General Assembly.

done or supplied with due despatch it shall be lawful for the Governor if it shall seem to him expedient so to do and with the advice and consent of the Executive Council of the Colony by Proclamation published in the *New Zealand Gazette* to declare that from and after a day to be named in such Proclamation all such powers and duties as aforesaid conferred or imposed on the Superintendent of such Province either solely or with the advice and consent of the Executive Council of such Province by any Act or Acts of the General Assembly or any Act or Ordinance of the Superintendent and Provincial Council of such Province shall cease to be exercised or performed by such Superintendent until the last day of the Session of the General Assembly then next ensuing and shall be transferred to and conferred and imposed on the Governor and from and after such day so appointed in such Proclamation all such powers and duties as aforesaid shall until such day aforesaid cease to be exercised or performed by such Superintendent and shall until such day aforesaid be conferred and imposed on the Governor.

Powers vested in Provincial Council to cease.

And from and after the day so appointed in such Proclamation as aforesaid and until such last day of the Session of the General Assembly aforesaid all the powers duties and authorities of the Provincial Council of such Province shall cease to be exercised or performed by such Council.

Provincial revenue to be paid to Special Fund of Public Account.

And from and after the day appointed in such Proclamation all moneys payable to the Provincial Account or to the Provincial Treasurer of such Province or any other person for or on account of the revenue of such Province on any account whatsoever under or by virtue of "The Public Revenues Act 1867" or any Act amending the same or "The Payments to Provinces Act 1870" or any other Act of the General Assembly or under or by virtue of any Act or Ordinance of the Superintendent and Provincial Council of such Province shall until such last day of the Session of the General Assembly aforesaid cease to be paid to such Provincial Account or to the Provincial Treasurer thereof or other person aforesaid and shall be payable and paid to the Public Account of the Colony to the credit of the Special Fund and shall be kept there at a separate account to be called "The Provincial Account of the Province of [naming the Province]" and such moneys shall until such last day of the Session of the General Assembly aforesaid be chargeable with all the costs charges and expenses of administering and managing the local government of such Province and the costs charges and expenses to be incurred in the exercise and performance of the powers and duties so transferred as aforesaid from the Superintendent of such Province to the Governor.

Governor in Council empowered to regulate expenditure and direct issues.

And the issue and application of such moneys and all such costs charges and expenses as aforesaid shall from time to time be authorized and regulated by the Governor in Council.

Inquiry may be made by Commissioner with powers under "The Commissioners Powers Act 1867."

6. The Governor in Council may at any time either before the giving of such notice or the making of such Order in Council as aforesaid cause an inquiry to be held into the condition and management of the Gaols and Police and the Land and Survey Departments within such Province by a Commissioner or Commissioners to be appointed by the Governor in Council: And such Commissioner or Commissioners shall for the purpose of such inquiry have all the powers and authorities conferred by "The Commissioners Powers Act 1867" or Commissioners appointed by the Governor in Council.

Powers transferred to Governor may be delegated.

7. It shall be lawful for the Governor in Council from time to time to delegate to such person or persons and subject to such restrictions and conditions as may seem fit all or any of the powers duties and authorities transferred to and conferred or imposed on him under or in pursuance of the sections of this Act except the power of authorizing and regulating such costs charges and expenses as are mentioned in the said sections respectively and in like manner to alter or revoke any such delegation.