

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
12th March, 1943.*

*Hon. Mr. Semple*

## MINISTRY OF WORKS

### ANALYSIS

Title.	3. Commissioner of Works and Deputy Commissioner of Works.
1. Short Title.	4. Delegation of Minister's powers.
2. Minister of Works. Repeal.	Schedule.

### A BILL INTITULED

AN ACT to establish a Ministry of Works under the Public Works Act, 1928, and to make Consequential Amendments of that Act and other Enactments. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ministry of Works Act, 1943, and shall be read together with and deemed Short Title.  
10 part of the Public Works Act, 1928 (hereinafter referred to as the principal Act). See Reprint of Statutes, Vol. VII, p. 622

2. (1) The Governor-General may appoint a member of the Executive Council to hold office during his pleasure as the Minister of Works (hereinafter referred Minister of Works.  
15 to as the Minister).

(2) The Minister shall be charged with the administration of the principal Act and with the execution of all Government works, including the erection of

See Reprint  
of Statutes,  
Vol. III, p. 798

dwellings and other works undertaken for the purposes of Part I of the Housing Act, 1919. The Minister shall also be charged with the administration of such of the provisions of the Housing Act, 1919, and its amendments as relate to the setting-apart, reservation, acquisition, development, or improvement of any land for the purposes of Part I of that Act or to any work undertaken for the purposes of the said Part I: 5

Provided that nothing in this subsection shall affect the exercise by any other Minister of the Crown or by any local authority or public body or by any other person or authority of any powers for the time being conferred on him or it by any other Act. 10

(3) Any moneys required for any purpose for which moneys may be paid out of the Housing Account may be paid either out of that account or, subject to appropriation by Parliament, out of the Public Works Account. 15

(4) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule. 20

(5) All references to the Minister of Public Works in any Act, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, deed, instrument, application, license, notice, or other document whatsoever, shall, unless inconsistent with the context or with the provisions of this Act, be hereafter read as references to the Minister of Works. 25

(6) Where the Minister is authorized to enter into any contract or agreement or make any lease under the principal Act or any other Act, all the rights and liabilities in respect thereof and all benefit and advantage thereunder or interest therein shall vest in his successor or successors in office without the necessity of any transfer or assignment whatsoever. 30

Repeal.

(7) Section five of the principal Act is hereby repealed. 35

Commissioner  
of Works  
and Deputy  
Commissioner  
of Works.

**3.** (1) There may from time to time be appointed a Commissioner of Works (hereinafter referred to as the Commissioner) and a Deputy Commissioner of 40

Works (hereinafter referred to as the Deputy Commissioner), who shall advise and assist the Minister in the exercise of his functions and shall exercise and perform such other powers, duties, and functions as may be conferred or imposed on them.

(2) The Commissioner and the Deputy Commissioner shall be appointed by the Governor-General in Council to hold office during his pleasure.

(3) The provisions of the Public Service Act, 1912, and of the Public Service Superannuation Act, 1927, shall not apply with respect to the Commissioner or the Deputy Commissioner.

See Reprint  
of Statutes,  
Vol. VII,  
pp. 522, 559

(4) In the exercise of their powers, duties, and functions the Commissioner and the Deputy Commissioner shall be subject to the control of the Minister, and the Deputy Commissioner shall also be subject to the control of the Commissioner.

(5) Any of the powers, duties, and functions of the Commissioner may be exercised and performed by the Deputy Commissioner at any time, whether or not there is a vacancy in the office of Commissioner and whether or not the Commissioner is absent from duty. Nothing in this subsection shall prevent the exercise of any power or function by the Commissioner in person.

(6) On the occurrence from any cause of a vacancy in the office of Commissioner or Deputy Commissioner (whether by reason of death or resignation or otherwise), and in case of the absence from duty of the Commissioner or the Deputy Commissioner (from whatever cause arising), the powers, duties, and functions of the Commissioner or of the Deputy Commissioner, as the case may be, may be exercised and performed by any person authorized in that behalf by the Minister.

(7) The fact that the Deputy Commissioner exercises or performs any power, duty, or function of the Commissioner, or the fact that any other person, with the concurrence of the Minister, exercises or performs any power, duty, or function of the Commissioner or of the Deputy Commissioner, shall be conclusive evidence of his authority so to do.

(8) For the purposes of this section the powers, duties, and functions of the Commissioner shall be deemed to include such of the powers of the Minister as the Commissioner may for the time being be authorized to exercise pursuant to a delegation under section *four* of this Act, and the powers, duties, and functions of the Deputy Commissioner shall be deemed to include all the powers, duties, and functions of the Commissioner. 5

Delegation  
of Minister's  
powers.

4. (1) The Minister may from time to time, by writing under his hand, delegate to the Commissioner any of the powers conferred on the Minister by the principal Act or otherwise. 10

(2) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister in person. 15

(3) Any such delegation may be made subject to such conditions and restrictions (if any) as the Minister thinks fit, and may be made either generally or in relation to any particular matter. 20

(4) Unless and until any such delegation is revoked it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Commissioner to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Commissioner or for the time being exercising the functions of the Commissioner. 25 30

(5) The fact that the Commissioner or any person lawfully acting for the Commissioner exercises any power of the Minister shall, in the absence of proof to the contrary, be sufficient evidence of his authority so to do. 35

SCHEDULE.

Schedule.

ENACTMENTS AMENDED.

Section 2 (4)

Title of Enactment.	No. of Section affected.	Nature of Amendment.
1919, No. 32— The Housing Act, 1919 (Reprint of Statutes, Vol. III, p. 798)	Section 10 ..	By omitting the references to the Board, and substituting in each case a reference to the Minister of Works; by omitting the words "with the approval of the Minister"; and by adding the words "The Board may from time to time, with the approval of the Minister of Finance, purchase for the purposes of this Part of this Act any dwelling-house, including the site and the garden or other premises in connection therewith".
	Section 11 ..	By omitting the words "The Board may, with the approval of the Minister", and substituting the words "The Minister of Works may"; by inserting, after the words "any such dwelling", the words "and the Board may from from time to time, alter, enlarge, repair, or otherwise improve any such dwelling"; by inserting in the proviso, after the words "Provided that", the words "the Minister of Works or"; and by omitting from the proviso the word "Board's", and substituting the word "Crown's".
	Section 12 ..	By omitting the words "by the Board".
	Section 18 (1)	By inserting, after the words "purchase any dwelling", the words "the Minister of Works or"; and by inserting, before the word "its", the words "his or".

ENACTMENTS AMENDED—*continued.*

Title of Enactment.	No. of Section affected.	Nature of Amendment.
1919, No. 32— The Housing Act, 1919 (Reprint of Statutes, Vol. III, p. 798)	Section 25 ..	By omitting the words “ the Board may, with the approval of the Minister ”, and substituting the words “ the Minister of Works or (with the approval of the Minister of Finance) the Board may ”.
1936, No. 12— The State Advances Corporation Act, 1936	Section 21 ..	By omitting the words “ by the Board of Management ”.
1937, No. 20— The State Advances Corporation Amendment Act, 1937	Section 5 (1)	By omitting the words “ Board of Management of the Corporation ”, and substituting the words “ Minister of Works ”; and by omitting the word “ its ”, and substituting the word “ his ”.
1940, No. 14— The Housing Amendment Act, 1940	Section 6 ..	By omitting from subsections (1) and (2) the word “ Board ”, and substituting in each case the words “ Minister of Works ”; and by inserting in subsection (3) and also in subsection (4), after the word “ Board ”, the words “ or by the Minister of Works ”.
	Section 9 ..	By inserting, before the word “ Board ”, the words “ Minister of Works or the ”.
	Section 12 ..	By omitting the words, “ constructed by or vested in the Board ”, and substituting the words “ constructed by the Minister of Works or the Board or vested in or held on behalf of the Crown ”.