

Disallowed by Governor P. G. Gage
No. 233

439



EXECUTIVE COUNCIL ORDINANCE, 1862.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVI., No 97.

ANALYSIS.

Preamble.

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| <ol style="list-style-type: none">1. Repeal of Executive Council Ordinance 1861, except Session 1.2. The Government to be administered by Superintendent with advice of an Executive Council3. The Executive Council to consist of not less than four nor more than six; and non-official members to be paid.4. The powers of the Superintendent and Executive Council may be defined.5. Treasurer to give security, and Accountant and Sub-Treasurer to give security.6. Monies to be paid under warrant of Superintendent and by cheques signed by Treasurer and countersigned by Sub-Treasurer. | <ol style="list-style-type: none">7. Instructions to Provincial Agents for payment of Money, &c., to be countersigned by the Treasurer, &c.8. Members of the Executive Council and other Officers may resign on written Notice.9. Superintendent to appoint Officers for discharging the business of the Province.10. Superintendent to prescribe Rules for transacting the business of the several Departments of the Province.11. Any Officer suspended or removed may appeal to Provincial Council.12. Official Appointments not to lapse, but to continue in force till revoked or new Appointments made.13. Short Title. |
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AN ORDINANCE to Amend the Laws constituting an Executive Government for the Province of Otago.

WHEREAS an Ordinance was passed by the Provincial Council of Otago in the twenty-fifth year of the reign of Her present Majesty intituled "An Ordinance to amend and Consolidate the Laws constituting an Executive Government for the Province of Otago:" And whereas it is expedient further to amend the said Laws,
Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the said Province with the advice and consent of the Provincial Council thereof as follows:

Repeal of Executive Council Ordinance 1861 except Section 1.

1. The before recited Ordinance shall be and is hereby repealed save and except the first Section thereof.

The Government to be administered by Superintendent with advice of an Executive Council

2. Subject to the provisions of this Ordinance the Administration of the Provincial Executive Government is hereby vested in the Superintendent who shall act only by and with the advice and consent of an Executive Council the members of which shall be appointed by the Superintendent and hold office during his pleasure: The Superintendent when present shall preside and shall have a deliberative as well as a casting vote in all its acts and proceedings and no act or resolution of the Executive Council shall have any effect unless two Members besides the Superintendent or Deputy-Superintendent or Speaker of the Provincial Council when either of them is duly acting in his stead shall be present and in the absence of the Superintendent from any other cause than that involving the appointment of a Deputy-Superintendent or the Speaker or in the absence of the Deputy-Superintendent or the Speaker in the case aforesaid unless three Members shall be present one of whom to be chosen by themselves shall preside.

The Executive Council to consist of not less than four nor more than six and non-official members to be paid.

3. The Executive Council shall consist of not less than four nor more than six Members being Members also of the Provincial Council of whom one shall be Provincial Secretary another shall be the Provincial Treasurer and a third shall be Secretary of Public Works. The Provincial Solicitor if a Member of the Provincial Council but in that case only shall be also an *ex officio* Member of the Executive Council. The remanent Members thereof if any shall be non-official Members. And the non-official Members shall be paid for their attendance such sums as shall be voted by the Provincial Council Provided always that when deemed expedient the offices of Provincial Secretary Provincial Treasurer and Secretary of Public Works or any two of them may be held conjointly by the same individual.

The powers of the Superintendent and Executive Council may be defined.

4. With a view of insuring the efficient discharge of the duties of the several departments of the Government and the full development of the principal of Ministerial Responsibility the powers and action of the Superintendent and the Executive Council in all matters in which such powers are derived from and are subject to the control of the Provincial Council and are not regulated by express enactment may from time to time be defined and regulated by Resolution of the Provincial Council assented to by the Superintendent.

Treasurer to give security and Accountant and Sub-Treasurer to give security.

5. The Treasurer before entering upon the duties of his office shall give to the Superintendent sufficient and satisfactory security for the due and faithful discharge of the duties of his said office and shall be assisted by a Sub-Treasurer who shall act also as Accountant and shall give similar security.

Monies to be paid under warrant of Superintendent and by cheques signed by Treasurer and countersigned by Sub-Treasurer.

6. No public monies shall be paid by the Treasurer except under warrant signed by the Superintendent and by the Auditor or Deputy-Auditor after examination and all monies except sums under five pounds shall be paid by cheques signed by the Treasurer and countersigned by the Sub-Treasurer and not otherwise.

7. All instructions by the Superintendent to the Provincial Agents or other persons not resident in the Colony for the payment of monies or for the sale or appropriation of Debentures or other Securities belonging to the Government shall be countersigned by the Treasurer and the Auditor or Deputy-Auditor.

Instructions to Provincial Agents for payment of money, &c., to be countersigned by the Treasurer, &c.

8. It shall be lawful for any Member of the Executive Council or for any other officer to be appointed by the Superintendent in pursuance of this Ordinance by written notice addressed to the Superintendent to resign his office and upon the receipt by the Superintendent of such resignation the office of such member or officer shall become vacant but nevertheless the person so resigning shall be bound to execute the duties of his office after his resignation for any period required by the Superintendent not exceeding one month and shall also be bound to hand over by a signed inventory all documents writings books money or other property connected with his office to any person authorised by the Superintendent to receive the same.

Members of the Executive Council and other Officers may resign on written notice.

9. The Superintendent shall from time to time by and with the advice and consent of the Executive Council and not otherwise appoint all such officers as he shall deem necessary for the effective discharge of the business and affairs of the Province and fill up existing offices with fit and proper persons whenever any vacancy shall occur therein and shall in like manner with such advice and consent and not otherwise suspend and remove any officer from his employment for neglect of duty or for any other just and sufficient cause.

Superintendent to appoint Officers for Discharging the Business of the Province.

10. The Superintendent shall with the advice and consent of the Executive Council prescribe rules for transacting the business of the several Departments of the Province and from time to time alter the same as to him may appear necessary.

Superintendent to prescribe Rules for transacting the business of the several Departments of the Province.

11. Any Officer suspended or removed from office shall have a right to appeal by Petition to the Provincial Council.

Any Officer suspended or removed may appeal to Provincial Council.

12. No official appointment shall lapse by any vacancy in or new election to the office of Superintendent nor until such appointment shall be revoked or another substituted for it.

Official Appointments not to lapse but to continue in force till revoked or new appointments made.

13. This Ordinance shall be termed and may be cited and referred to as "The Executive Council Ordinance 1862."

Short Title.

Passed the Provincial Council this eighth day of December, one thousand eight hundred and sixty-two.

CHARLES SMITH,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Assented to on behalf of the Governor at Dunedin this fifteenth day of December one thousand eight hundred and sixty-two.

J. L. C. RICHARDSON,
Superintendent of the Province of Otago.