

# New Zealand.

ANNO VICESIMO NONO

V I C T O R I Æ R E G I N Æ .

No. 74.

## ANALYSIS.

Title.	Countersignature of Comptroller.
1. Short Title.	11. Comptroller to prepare order to transfer.
2. Governor to appoint Comptroller.	12. Proviso if requisition in excess.
3. Comptroller not to be member of Executive Council &c. &c.	13. Governor's warrant.
4. Tenure of office and salary.	14. "Bank Sheet" to be furnished.
5. Power to Governor to suspend Comptroller.	15. Moneys not expended.
6. Comptroller to take oath of office.	16. Each Minister to recommend expenditure for his department not authorized by law.
7. Governor may appoint deputy in certain cases. Deputy to take oath.	17. Amount of annual unauthorized transfer not to exceed £40,000.
8. Receivers of Revenue to pay into bank to "Public Account."	18. Orders &c. for unauthorized expenditure to be laid before the House of Representatives a next session.
9. Loans &c. to be paid to "Public Account."	19. Penalties.
10. Manner of transfer from "Public Account" to Treasury Account. Requisition of Treasurer.	

## AN ACT to controul the issue of Public <sup>Title.</sup> Moneys. [30th October 1865.]

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

I. The Short Title of this Act shall be "The Comptroller's Act 1865." <sup>Short Title.</sup>

II. So soon as conveniently may be after the passing of this Act <sup>Governor to appoint Comptroller.</sup> the Governor in the name and on behalf of Her Majesty shall by commission under the seal of the Colony appoint a fit and proper person to be the Comptroller of the Public Accounts of the General Government of the Colony and from time to time afterwards in case of the death resignation or removal of any such Comptroller shall appoint some other fit and proper person in his stead Provided always that if at any time hereafter the office of Comptroller shall be abolished the person holding the office at that time shall have no claim for compensation on account of such abolition.

III. No Comptroller appointed under this Act shall during his con- <sup>Comptroller not to be member of Executive Council &c. &c.</sup> tinuance in office be capable of being a member of the Executive Council of the Colony or of either House of the General Assembly or a Superintendent of any Province or a member of any Provincial Council or of holding any other place of profit or any political appointment whatever.

IV. The Comptroller shall hold office during good behaviour and shall <sup>Tenure of office and salary.</sup> only be removable therefrom by the Governor in the name and on behalf of Her Majesty upon an address from both Houses of the General Assembly for such removal and there shall be paid to the Comptroller out of the General Revenue of the Colony a clear annual salary of eight hundred pounds such amount to include clerical assistance.

*Comptroller's.*

Power to Governor to suspend Comptroller.

V. It shall be lawful for the Governor in Council at any time when the General Assembly is not in session to suspend any Comptroller and such suspension unless sooner revoked by the Governor in Council shall continue in force until the end of the then next session of the General Assembly.

Comptroller to take oath of office.

VI. Every Comptroller immediately on his appointment shall take and subscribe an oath before the Governor to perform the duties of his office faithfully and to the best of his skill and ability and shall enter into bond with two sufficient sureties in such sum as may be directed by the Governor.

Governor may appoint deputy in certain cases.

VII. In case of the illness suspension or absence of the Comptroller it shall be lawful for the Governor to appoint some person to act as the deputy of the Comptroller during such illness suspension or absence and every such deputy shall during the time that he shall act as such deputy have all the powers and perform all the duties of the Comptroller and shall receive such remuneration not exceeding after the rate of eight hundred pounds per annum as the Governor in Council shall determine. Every deputy before acting as such shall take and subscribe before the Governor a similar oath to that hereinbefore prescribed to be taken by the Comptroller.

Deputy to take oath.

Receivers of Revenue to pay into Bank to "Public Account."

VIII. Every Receiver or Collector of Public Revenues or any other persons in the public service to whom any moneys shall be legally payable for or on account of the revenue shall under regulations to be framed by the Governor in Council (not inconsistent with the provisions of this Act) pay all such moneys which shall come to his possession or controul into such bank or banks at such place and in such manner and at such times as the Governor in Council shall from time to time appoint and such moneys shall be paid by such Receiver or other officer aforesaid to an account in such bank to be called the "Public Account" and shall be disposed of as hereinafter mentioned and not otherwise and if any Receiver or other officer aforesaid shall fail to pay the said moneys as hereinbefore directed he shall forfeit any sum not exceeding five hundred pounds.

Loans &c. to be paid to "Public Account."

IX. All moneys raised for special public purposes by Acts hereafter to be in force shall be paid into such bank to the credit of the "Public Account" and shall be disposed of and accounted for in the same manner as if they had formed part of the current annual revenue of the Colony unless otherwise provided by law.

Manner of transfer from "Public Account" to Treasury Account.

X. All moneys paid into any bank to the "Public Account" as hereinbefore directed shall be deemed and taken to be money lent by Her Majesty to the person to whom such bank may belong and such money shall be drawn from such said account in the following manner only that is to say—the Treasurer shall as often as occasion may require calculate the amount of moneys likely to become due and payable out of the said account during a period not exceeding one month next after such calculation and shall thereupon prepare a requisition and shall set forth therein the said amount classifying and arranging it under the heads of service that shall have been employed in the appropriation thereof and after having signed such requisition shall transmit the same to the said Comptroller and such instrument when countersigned by him shall be the authority for the making of the order next hereinafter mentioned.

Requisition of Treasurer.

Countersignature of Comptroller.

Comptroller to prepare order to transfer.

XI. Before countersigning any such requisition as aforesaid the Comptroller shall ascertain that the sums therein mentioned as being on account of the public service are then legally available for and applicable to the services mentioned in such requisition and after countersigning such requisition shall thereupon make out an order in

*Comptroller's.*

writing directing the amount of the items in the said requisition to be transferred from the "Public Account" to the account of the Colonial Treasurer and every such order shall be signed by the Comptroller and forwarded to the Colonial Treasurer and when signed by him and delivered to the bank to which the same is directed shall be sufficient authority to such bank to make the transfer mentioned therein and no money standing to the credit of the "Public Account" shall be dealt with except by the way of transfers to the Colonial Treasurer's account in the manner above directed.

XII. Provided that if any such requisition for transfer of moneys from the "Public Account" in excess of or without the appropriation of the General Assembly be submitted by the Colonial Treasurer to the Comptroller for his signature then if the same shall be accompanied by an order or authority signed by the Colonial Treasurer and by at least two other members of the Executive Council being Ministers expressly directing the Comptroller to countersign such requisition for transfer then and in that case it shall be the duty of the Comptroller to countersign such requisition and forward to the Colonial Treasurer the order for the transfer of the amount from the "Public Account" to the account of the Colonial Treasurer. Proviso if requisition in excess.

XIII. No part of Her Majesty's revenue shall be issued by the Colonial Treasurer except in pursuance of warrants under the hand of the Governor directed to the Colonial Treasurer. Governor's warrant.

XIV. Every person into whose hands any moneys shall be paid to the "Public Account" as hereinbefore directed shall at such times as he shall be directed by the Governor deliver or send by the post to the Colonial Treasurer and Comptroller respectively a copy (to be called the "Bank Sheet") of so much of the debit and credit sides of the "Public Account" respectively as shall not then have been sent by such person to the Colonial Treasurer and Comptroller respectively. "Bank Sheet" to be furnished.

XV. All sums of money which are or shall be appropriated to the public service in any financial year and which shall not be expended during such year shall be carried to the credit of the following year and shall not be applied in any future year to the particular service for which the appropriation shall have been made unless a contract or engagement shall have been made or entered into before the expiration of such financial year by which a liability so to issue or apply the same shall have been incurred but such sums shall be subject to the appropriation of the General Assembly as ordinary revenue of the year ensuing. Moneys not expended

XVI. Before the Colonial Treasurer or any Minister shall sign or give any order or direction to the Comptroller to countersign a requisition for transfer of money not authorized as provided for in section XII. of this Act the Minister presiding over the department of the public service to which the same shall relate shall in writing recommend the payment to be made stating the circumstances under which such money is required to be paid and the special grounds on which he recommends that the same be paid and such recommendation shall be approved in writing by the Colonial Treasurer and two members at least of the Executive Council being Ministers and such recommendation shall be appended to the requisition submitted to the Comptroller and shall be left with him. Each Minister to recommend expenditure for his department not authorized by law.

XVII. Provided also that the whole amount in any financial year of such transfers of money without such legal authorization as aforesaid shall not exceed forty thousand pounds or such further sum as may be at any time or from time to time provided by Act of the General Assembly. Amount of annual unauthorised transfer not to exceed £40,000.

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*Comptroller's.*

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Orders &c. for un-authorized expenditure to be laid before the House of Representatives at next session.

XVIII. It shall be the duty of the Comptroller immediately on the opening of the then next ensuing session of the General Assembly to lay before the House of Representatives all such special orders and directions for payment of money with the accompanying recommendations as may have been addressed to him since the preceding session of the General Assembly.

Penalties.

XIX. If any Comptroller shall countersign any cheque draft or order for payment of money or any debenture or other public security except in accordance with the provisions of this Act he shall be liable to forfeit and pay to Her Majesty the sum of one thousand pounds and an additional sum equal to the amount of the cheque draft or order debenture or public security so countersigned and all such sums together with full costs of suit shall be recoverable by action suit or information in the Supreme Court in like manner as money due to Her Majesty within the Colony.