

II. FUNCTIONS OF THE COMMISSION

The general functions of the Commission are set out in section 12 of the Local Government Commission Act, 1946, as follows :—

The functions of the Commission shall be to review from time to time the functions and districts of local authorities and to inquire into proposals and prepare schemes for the reorganization thereof and generally to review and to report to the Minister upon such matters relating to local government as may be determined by the Commission or referred to it by the Minister.

Its powers are more specifically defined in section 13, as amended in 1947, where it is authorized to draw up a reorganization scheme to provide for any one or more of the following matters :—

- (a) The union into one district of two or more adjoining districts, whether districts of the same kind or not.
- (b) The merger of any district in any other district.
- (c) The constitution of a new district or districts.
- (d) The abolition of any district or districts.
- (e) The transfer of all or any of the functions of any local authority to any other local authority.
- (f) Any alteration of the boundaries of adjoining districts.
- (g) The conversion of a district into a district of a different kind.
- (h) The inclusion in any district of any area adjoining that district.

Subsection (3) of section 13, however, restricts the powers of the Commission in respect of trading undertakings of counties, boroughs, or Town Boards. A trading undertaking for this purpose is defined as follows :—

“Trading undertaking” means any tramway service, ferry service, or other service for the conveyance of passengers or goods, any gas or electric-light undertaking, any power-supply undertaking, any milk-supply undertaking, and such other undertakings as may from time to time be declared by the Governor-General by Order in Council to be trading undertakings for the purposes of this Act.

In so far as these trading undertakings are concerned, the Commission is prohibited from transferring the whole or any part of such trading undertakings from any county, borough, or Town Board except on the union, merger, or abolition of the district of such local-governing authority.

The effect of this provision is that the Commission, for instance, could not transfer the electric-power undertaking of a borough to a Power Board. Neither could it set up a Tramway Board to undertake the work of a tramway controlled by a Borough Council.

Most of the general enactments providing for the incorporation of specific types of local authorities provide machinery whereby adjustments of boundaries, amalgamations, and such-like reorganizations can take place. Under the Municipal Corporations Act, if it is desired that a certain area should be brought into a borough, the residents in that area may petition His Excellency the Governor-General requesting that the area be incorporated in the borough. The content of the petition is advertised, and if objections are received a special Commission is set up consisting of a Magistrate, a Commissioner of Crown Lands, and a District Valuer to hear evidence on the petition and objections thereto. The report of such special Commission is submitted to His Excellency the Governor-General, following which, if the report is favourable, an Order in Council is issued making the desired adjustment. Similar provisions occur in several of the other statutes, although there are minor differences of procedure.

In view of the setting-up of the Local Government Commission, it was obviously desirable that there should be some uniformity of procedure. Even small boundary adjustments may involve important issues which may subsequently become the subject of investigation by the Local Government Commission. Section 24 of the Local Government Commission Act therefore provided that all such applications shall be referred to the Local Government Commission for general consideration. If the Commission so