

Hon. Major Steward.

ELECTIVE EXECUTIVE.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Election of the Executive Council. Title.

WHEREAS it is desirable to provide for the direct election by Preamble.
Parliament of Ministers of the Crown and members of the Executive
5 Council :

BE IT THEREFORE 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 is "The Elective Executive Act, Short Title.
10 1901."

2. There shall be *eight* members of the Executive Council Constitution of Executive.
holding Ministerial office (hereinafter termed "Ministers"), and one
member of the Executive Council without Ministerial office, who
shall together constitute such Executive Council, hereinafter termed
15 "the Executive."

3. Such Executive shall be appointed as hereinafter provided :— Mode of appointing Executive.
(1.) Upon the first assembling of Parliament after each general
election, so soon as the House of Representatives shall have elected
the Speaker, the members thereof shall proceed to elect *seven* Ministers
20 from among the members of the said House, and one Minister
from among the members of the Legislative Council, in manner
following :—

(2.) Nominations of candidates shall be handed in to the Speaker, in writing, not later than six post meridiem of the day next following that upon which he is himself elected, and shall be signed in each case by not less than ten nominators, all of whom must be members of the House of Representatives, and by the candidate nominated. 5

(3.) If no more than the required number of members be nominated, such members shall be declared elected; but if there be more than the requisite number of nominations, then the list of members nominated shall be printed on a special Order Paper, issued immediately upon the close of the nominations, and the Speaker shall 10 appoint a time (not being less than twenty-four nor more than forty-eight hours after the issue of such list) for the taking of the vote, and shall supply to each member of the House of Representatives then in attendance on Parliament a ballot-paper, containing in alphabetical order the names of all candidates nominated for the office of 15 Minister.

Such ballot-papers shall be in the form of the Schedule hereto, and shall be deposited, at or before the hour fixed for the closing of the ballot, in a locked ballot-box to be provided by the Speaker, and whereof the key shall be in his custody; and every 20 member then in attendance on Parliament (except the Speaker, who shall have only a casting-vote, as in subsection *four* of this section provided) shall be required to vote for as many candidates as are required to be elected, and any member or members who shall refuse or neglect so to do shall be guilty of contempt, and for the purpose 25 of the quota required for an effectual election under subsection *four* of this section shall not be counted as in attendance on Parliament.

Each member voting shall strike out the name or names of the candidate or candidates for whom he does not vote, and shall leave un erased the names of the candidates for whom he votes, and shall 30 sign his name at the foot of the ballot-paper.

In the event of any ballot-paper being informal, the same shall be returned by the Speaker to the member voting, to be by him completed in manner hereinbefore provided.

The names of members voting, and of the candidates for whom 35 they have voted, shall be recorded in the Journals, and shall be laid by the Speaker on the table of the House.

(4.) The *eight* candidates having the highest number of votes (always provided that such number be not less than an absolute majority of the whole number of members voting), shall be declared 40 elected, or so many of them as in regard to whom these conditions are fulfilled; and if there be an equality of votes for any two or more candidates, or if the required proportionate number of votes be not recorded for any candidate or candidates among the *eight* highest on the list, a second ballot shall be forthwith taken; and 45 if then the requisite conditions to complete the election be not fulfilled, or if there be still a tie between any two or more candidates, a third ballot shall be forthwith taken; and if after such third ballot there shall still be a failure to complete the election, or there shall still be a tie, then the Speaker shall declare those candidates 50 elected who have polled the highest aggregate number of votes upon the totals of the three ballots added together; and in the event of a tie or ties shall himself decide the same by his own casting-vote.

Upon the result of the election being declared, any member or members elected may decline to serve, and thereupon nominations shall be called for and if need be a ballot shall be taken, in manner hereinbefore provided, to fill up the vacancy or vacancies.

5 (5.) The Legislative Council shall in like manner elect one Executive Councillor without Ministerial office.

4. So soon as *eight* members shall have been elected to be Ministers, and one member to be an Executive Councillor without office as aforesaid, and shall have in writing notified the Speaker of the House 10 by which they shall have been elected of their consent jointly to accept office, such Speaker shall certify to the Governor the names of such members as having been so elected, and of their consent as aforesaid ; but the appointment of any such member as a Minister or Executive Councillor shall not be valid until the Governor by message addressed 15 to both Houses of Parliament shall have signified his approval. Should the Governor refuse his approval of the appointment of any one or more of such Ministers or of such Executive Councillor, the House of Representatives or Legislative Council, or both Houses, as the case may require, shall, in manner hereinbefore provided, forth- 20 with proceed to a new election to fill up the vacancy or vacancies.

5. When the Governor shall have signified his approval of the Ministers and Executive Councillor elected as aforesaid, the *nine* 25 members so elected shall together form the Executive. They shall appoint one of their own number, being a member of the House of Representatives, to be Prime Minister, and shall allocate the port- folios of the several departments of government among the *eight* who have been elected to be Ministers as they shall think fit, and, with the approval of the Governor, shall be gazetted as Ministers of the several departments respectively, and may, with the like approval, 30 from time to time rearrange the allocation of their respective offices, including that of Prime Minister.

6. The Prime Minister shall be appointed from year to year for a term of not exceeding twelve months, and the same member of the Executive shall not continue to be Prime Minister for a longer term 35 than one year unless he be reappointed to such office by vote of the Executive.

7. Except where inconsistent with this Act, the Ministers and Executive Councillors appointed hereunder shall possess, exercise, and perform all the powers, privileges, and duties that Ministers and 40 Executive Councillors have possessed, exercised, or performed prior to the passing of this Act.

8. The Executive and the several members thereof shall continue in office until the assembling of a new Parliament, and there- 45 after until the election of their successors, unless either of the following contingencies shall occur, that is to say :—

- (1.) Unless such Executive shall resign as a whole ;
- (2.) Unless *five* or more members thereof holding Ministerial office resign simultaneously, or die, or become disqualified, or are voted out as hereinafter provided, in either of 50 which cases the whole Executive shall be deemed to have resigned ;
- (3.) Unless one or more members, of whom less than *five* are Ministers, shall be voted out, or shall become dis-

Governor's approval.

Appointment of Prime Minister, and allocation of port-folios.

Annual election of Prime Minister.

Powers, privileges, &c., of Ministers and Executive Councillors.

Tenure of office.

qualified, or shall resign, in either of which cases he or they shall forthwith cease to be a member or members of the Executive, or to hold Ministerial office.

How office of Minister or Executive Councillor becomes vacant.

9. The office of a Minister or Executive Councillor shall become vacant by resignation, as hereinafter mentioned, by his becoming bankrupt or insolvent, or being convicted of any indictable offence, or being found insane, or by his absence from the colony for twenty-eight days without leave of the Governor, or by his removal from office in manner hereinafter provided. 5

Procedure on proposal for removal from office.

10. At any time during the sitting of Parliament, a vote upon the proposal that the whole Executive, or any member or members thereof elected by the House of Representatives, be removed from office, may be demanded by requisition to the Speaker of such House, signed by not less than twenty-five members thereof; and a vote upon the proposal that the Executive Councillor elected by the Legislative Council be removed from office may be demanded by requisition to the Speaker of the Legislative Council, signed by not less than fifteen members of such Council. 10 15

The Speaker to whom any such requisition is addressed shall forthwith forward a copy thereof to the member or members of the Executive affected, and shall lay the requisition on the table of the House or Council at the commencement of the first sitting held after its receipt; and the proposal in such requisition contained shall stand upon the Order Paper of such House or Council as the first business for the next succeeding sitting-day as a motion in the name of the member whose name appears first as a signatory to such requisition. 20 25

Absolute majority required to carry proposal.

11. No such proposal as aforesaid shall be deemed to be carried unless affirmed by an absolute majority of the whole House or Council.

Not more than one ballot may be demanded during same session.

12. Not more than one such vote as regards the Executive as a whole, or as regards the same member or members thereof, may be demanded during the same session of Parliament; and no motion of want of confidence in the Executive, or in any member or members thereof, or for the removal of any member or members therefrom, shall be received except as provided by section *ten* of this Act. 30

Mode of filling vacancies during session.

13. If, while Parliament is in session, the whole Executive or any member or members thereof shall, under the provisions of sections *eight* and *nine* of this Act, cease to hold office or to be a member or members of the Executive, the like proceedings for the election of a member or members to fill the vacancy or vacancies shall, *mutatis mutandis*, be had and taken as are in this Act prescribed in the case of an election held at the first assembling of a new Parliament. 35 40

Mode of filling vacancies during recess.

14. If either of the contingencies in sections *eight* and *nine* of this Act mentioned which may occur when Parliament is not in session shall so occur, the Governor in Council shall appoint a person or persons, being a member or members of the House of Representatives or of the Legislative Council, as the case may require, to act in the office or offices vacated until Parliament assembles, and until the said House or Council, or both, as the case may require, shall have elected, in like manner as is hereinbefore provided in the case of a vacancy or vacancies occurring during session, a member or members (being either the member or members so temporarily appointed, or other member or members) to fill the vacant seats in the Executive. 45 50

15. No Executive, and no Minister, shall recommend the Governor to dissolve the House of Representatives without the consent of the House expressed by resolution thereof.

Governor shall not be recommended to grant dissolution without consent of House.

5 16. Every Minister shall have the right to speak in both Houses of Parliament on any Bill or resolution affecting his department, or introduced by him; but no Minister shall have the right to vote except in the House in which he holds a seat.

Ministers' right to speak in both Houses.

10 17. An Executive Councillor not holding Ministerial office shall not be paid any salary in addition to the payment he may receive as a member of the Legislative Council, but he may be paid travelling-expenses at the rate of two guineas per day when he shall be absent from his home on public business, and not attending the meeting of Parliament.

Payments to Executive Councillor not holding Ministerial office.

15 18. Any Minister or Executive Councillor may, by letter addressed to the Governor, resign his position, and on receipt of such resignation the Governor shall declare the office vacant.

Minister or Executive Councillor may resign.

20 19. Nothing in this Act contained shall be construed as repealing the provision made by any other Act for the appointment of a member or members of the Executive as a representative or representatives of the Native race, but such member or members (not exceeding two) may be appointed as heretofore by law provided, and shall be entitled to such emolument as is authorised by any statute in that behalf.

Representation of Native race in the Executive.

SCHEDULE.

FORM OF VOTING-PAPER FOR ELECTION OF EXECUTIVE.

Schedule.

For Office of Minister.

Candidates.

BROWN, Alfred.
~~COX, Benjamin.~~
 DAVIS, Charles.
~~ELLIOT, Duncan.~~
 FINCH, Edward.
 GRACE, Frederick.
~~HARRIS, George.~~
 IRVING, Henry.
 JOHNSON, Isaac.
~~KING, John.~~
 LEWIS, Kenneth.
 MORRIS, Llewellyn.

For Executive Councillor without Portfolio.

Candidates.

~~ANDERSON, John.~~
 BRUCE, Henry.
~~CHAPMAN, Thomas.~~

I vote for the candidates whose names are unerased.

(Signed) [*Member's name*], Member for [*Name of seat*].
 [or Member of Legislative Council].