

Hon. Sir W. J. Steward.

ELECTIVE EXECUTIVE.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Constitution of Executive.</p> <p>3. Mode of appointing Executive.</p> <p>4. Governor's approval.</p> <p>5. Appointment of Premier, and allocation of portfolios.</p> <p>6. Powers, privileges, &amp;c., of Ministers and Executive Councillors.</p>	<p>7. Tenure of office.</p> <p>8. How office of Minister or Executive Councillor becomes vacant.</p> <p>9. Mode of filling vacancies during session.</p> <p>10. Mode of filling vacancies during recess.</p> <p>11. Minister or Executive Councillor may resign.</p> <p>12. Representation of Native race in the Executive.</p> <p>Schedule.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

A BILL INTITULED

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

BE IT 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, 1903." Short Title.

2. There shall be *eight* members of the Executive Council 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 "the Executive"). Constitution of 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 from among the members of the said House, and *one* Minister and *one* Executive Councillor without Ministerial office 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.

(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 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 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 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 *seven* candidates, being members of the House of Representatives, and for *two* candidates, being members of the Legislative Council.

Each member voting shall strike out the name or names of the candidate or candidates for whom he does not vote, and shall leave unerased the names of the candidates for whom he votes, and shall 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; and if any member or members shall refuse or neglect so to do, then for the purpose of the quota required for an effectual election under subsection *four* of this section such member or members shall not be counted as in attendance on Parliament.

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

(4.) The *seven* candidates for the office of Minister (being members of the House of Representatives), and that candidate for the office of Minister (being a member of the Legislative Council), 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 elected as Ministers, 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, a second ballot shall be forthwith taken, and the Speaker shall declare those candidates elected as Ministers up to the number required who have polled the highest number of votes at such second ballot, and in the event of a tie or ties shall himself decide the same by his own casting-vote. That candidate, being a member of the Legislative Council, who stands next in number of votes to the Legislative Councillor elected a Minister shall be declared elected an Executive Councillor without Ministerial office.

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 4. So soon as *eight* members shall have been elected to be Ministers, and one member to be an Executive Councillor without Governor's approval.  
 10 office as aforesaid, and shall have in writing notified the Speaker of their consent jointly to accept office, the Speaker shall certify to the Governor the names of such members as having been so elected,  
 15 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 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  
 20 or of such Executive Councillor, the House of Representatives shall, in manner hereinbefore provided, forthwith proceed to a new election to fill up the vacancy or vacancies.

5 5. When the Governor shall have signified his approval of the Ministers and Executive Councillor elected as aforesaid, the *nine* Appointment of Premier, and allocation of portfolios.  
 20 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 Premier, and shall allocate the portfolios of the several departments of government among the *eight* who have been elected to be Ministers as they shall think fit, and, with  
 25 the approval of the Governor, shall be gazetted as Ministers of the several departments respectively, and may, with the like approval, from time to time rearrange the allocation of their respective offices, including that of Premier.

30 6. 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 Executive Councillors have possessed, exercised, or performed prior Powers, privileges, &c., of Ministers and Executive Councillors.  
 to the passing of this Act.

35 7. The Executive and the several members thereof shall continue in office until the assembling of a new Parliament, and thereafter until the election of their successors, unless any of the following contingencies shall occur, that is to say:— Tenure of office.

- (1.) Unless such Executive shall resign as a whole;
- 40 (2.) Unless *five* or more members thereof holding Ministerial office resign simultaneously, or die, or become disqualified, in any of which cases the whole Executive shall be deemed to have resigned;
- 45 (3.) Unless one or more members, of whom less than *five* are Ministers, shall resign, die, or become disqualified, in any of which cases he or they shall forthwith cease to be a member or members of the Executive, or to hold Ministerial office.

50 8. 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. How office of Minister or Executive Councillor becomes vacant.

Mode of filling  
vacancies during  
session.

9. If, while Parliament is in session, the whole Executive or any member or members thereof shall, under the provisions of the *last two preceding* sections 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. 5

Mode of filling  
vacancies during  
recess.

10. If either of the contingencies in sections *seven* and *eight* 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 House of Representatives 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. 15

Minister or Execu-  
tive Councillor may  
resign.

11. 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 his office vacant. 20

Representation of  
Native race in the  
Executive.

12. 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. 25

---

SCHEDULE.

Schedule.

FORM OF VOTING-PAPER FOR ELECTION OF EXECUTIVE.

**For Office of Minister.**

*Candidates, being Members of the House of Representatives.*

BROWN, Alfred.

~~COX, Benjamin.~~

DAVIS, Charles.

~~ELLIOT, Duncan.~~

FINCH, Edward.

GRACE, Frederick.

~~HARRIS, George.~~

IRVING, Henry.

JOHNSON, Isaac.

~~KING, John.~~

LEWIS, Kenneth.

*Candidates, being Members of the Legislative Council.*

~~ANDERSON, John.~~

BRUCE, Henry.

~~CHAPMAN, Thomas.~~

MORRIS, Llewellyn.

I vote for the candidates whose names are unerased.

(Signed) [Member's name], Member for [Name of seat].