

Hon. Sir. W. J. Steward.

ELECTIVE EXECUTIVE.

ANALYSIS.

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A BILL INTITULED

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

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

1. This Act may be cited as the Elective Executive Act, 1909.

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).

3. Such Executive shall be appointed as hereinafter provided:—

(1.) Upon the first assembling of Parliament after each general election held subsequently to the passing of this Act, 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 voting-paper, containing in alphabetical order the names of all candidates nominated for the office of Minister. 5

Such voting-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 poll, in a locked 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. 10 15

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 sign his name at the foot of the voting-paper. 20

In the event of any voting-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. 25

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. 30

(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 by the Speaker to be duly elected as Ministers, or so many of them as in regard to whom these conditions are fulfilled; and if by reason of an equality of votes for any two or more candidates the result of the poll is indecisive, or if the required proportionate number of votes be not recorded for any candidate or candidates among the *nine* highest on the list of results, a second poll shall be forthwith taken as regards all candidates other than those declared elected, and at the close thereof 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 poll, 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; and, in the event of a tie between any two or more candidates, the same shall be decided by the casting-vote of the Speaker. 35 40 45 50

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 poll 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 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, 10 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 15 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.

Governor's approval.

5. When the Governor shall have signified his approval of the Ministers and Executive Councillor elected as aforesaid, the *nine* 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 governments 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.

Appointment of Premier and allocation of portfolios.

6. Except where inconsistent with this Act, the Ministers and 30 Executive Councillors elected hereunder shall possess, exercise, and perform all the powers, privileges, and duties that Ministers and Executive Councillors have possessed, exercised, or performed prior to the passing of this Act, and they shall severally hold office for the term of the Parliament by which they are elected, and thereafter 35 until the election of their successors, unless they shall die, resign, or become disqualified.

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

Tenure of office.

7. The office of a Minister or Executive Councillor shall become vacant by death, by resignation of his seat in writing, by letter 40 addressed to the Governor, or by his becoming bankrupt or insolvent, or being convicted of any indictable offence, or being found insane, or by his absence from New Zealand for twenty-eight days without leave of the Governor.

How office of Minister or Executive Councillor becomes vacant.

8. If, while Parliament is in session, a vacancy or vacancies in the Executive shall occur, the like proceedings for the election of a 45 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.

Mode of filling vacancies during session.

9. If a vacancy or vacancies shall occur while Parliament is not in session, the Governor in Council shall appoint a person or persons, 50 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

Mode of filling vacancies during recess.

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 seat or seats in the Executive.

Representation of Native race in Executive.

10. 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.

Minister's right to speak in both Houses.

11. 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.

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

12. 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.

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 unerasad.

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