

Hon. Mr. Hanan.

ELECTION OF MINISTERS AND PARTY GOVERNMENT REFORM.

ANALYSIS.

Title.	
1. Short Title.	10. Representation of Native race on Executive Council.
2. Constitution of Executive Council.	11. Minister's right to speak in both Houses.
3. Mode of electing Executive Council.	12. Governor-General may not be recommended to grant dissolution without consent of House.
4. Governor-General's approval.	13. Candidate for office not to offer expenditure of public money as inducement for election.
5. Appointment of Prime Minister and allocation of portfolios.	14. Section 215 of Legislature Act, 1908, amended.
6. Powers, privileges, &c., of Ministers and Executive Councillors. Tenure of office.	15. Minister not to be paid travelling expenses or allowances when making political addresses prior to election.
7. How office of Minister or Executive Councillor becomes vacant.	Schedule.
8. Mode of filling vacancies during session.	
9. Mode of filling vacancies during recess.	

A BILL INTITULED

AN ACT to provide for the Direct Election of the Executive Council and Reform of Party Government. Title.

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 Election of Ministers and Party Government Reform Act, 1923. Short Title.

2. There shall be *eleven* 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. Constitution of Executive Council.

3. The Executive Council shall be appointed as hereinafter provided :— Mode of electing Executive Council.

(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 *ten* 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 six 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 the candidates.

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 *ten* 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 un erased the names of the candidates for whom he votes, and shall sign his name at the foot of the voting-paper.

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.

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 *ten* 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) or so many of them as in regard to whom these conditions are fulfilled, shall be declared by the Speaker to be duly elected as Ministers; 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, 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.

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 *eleven* 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-General the names of such members as having been so
10 elected, and of their consent as aforesaid.

Governor-General's approval.

15 5. When the Governor-General shall have signified his approval of the Ministers and Executive Councillor elected as aforesaid, the members so elected shall together form the Executive Council. They shall appoint one of their own number (being a member of the House of Representatives) to be Prime Minister, and shall allocate the portfolios of the several Departments of government among the *eleven* who have been elected to be Ministers as they think fit, and, with the approval of the Governor-General, shall be gazetted as Ministers of the several Departments respectively, and may, with the like approval,
20 from time to time rearrange the allocation of their respective offices, including that of Prime Minister.

Appointment of Prime Minister and allocation of portfolios.

25 6. Except where inconsistent with this Act, the Ministers and Executive Councillors elected hereunder shall possess, exercise, and perform all the powers, privileges, and duties that Ministers and Executive Councillors have respectively 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 until the election of their successors, unless they shall die, resign, or become disqualified.

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

30 7. The office of a Minister or Executive Councillor shall become vacant by death, by resignation of his seat in writing, by letter addressed to the Governor-General, or by his becoming bankrupt or insolvent, or being convicted of any indictable offence, or being found insane, or on a motion of want-of-confidence being carried against him
35 in the House of Representatives, or by his absence from New Zealand for twenty-eight days without leave of the Governor-General.

Tenure of office.

How office of Minister or Executive Councillor becomes vacant.

40 8. If, while Parliament is in session, a vacancy or vacancies in the Executive Council shall occur, the like proceedings for the election of a member or members to fill the vacancy or vacancies shall, *mutatis mutandis*, as soon as practicable 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.

45 9. If a vacancy or vacancies shall occur while Parliament is not in session, the Governor-General 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,
50 a member or members (being either the member or members so temporarily appointed, or any other member or members) to fill the vacant seat or seats in the Executive Council.

Mode of filling vacancies during recess.

Representation of
Native race on
Executive Council.

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 Council 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 authorized 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-General
may not be
recommended to
grant dissolution
without consent of
House.

12. No Executive Council and no Minister shall recommend the Governor-General to dissolve the House of Representatives without the consent of the House expressed by resolution thereof.

Candidate for office
not to offer
expenditure of
public money as
inducement for
election.

13. (1.) Every person who, being a candidate at any election of Ministers under this Act, directly or indirectly offers, promises, or promises to procure or to endeavour to procure, the expenditure of public money on any public work in any electorate (whether such expenditure be by way of grant, loan, or subsidy) in order to induce the member of Parliament for that electorate to vote for him or to refrain from voting at such election shall be incapable of holding or continuing to hold any position as a Minister of the Crown until after the general election of members next ensuing.

(2.) The question whether any person is incapable as aforesaid shall be determined by a Select Committee of the House consisting of fifteen members, to be appointed in the manner prescribed by the Standing Orders of the House. The proceedings of every such Committee shall be open to the public, save that the Committee may sit in private to consider its decision in any case.

Section 215 of
Legislature Act,
1908, amended.

14. Section two hundred and fifteen of the Legislature Act, 1908, is hereby amended by adding the following paragraph:—

“(h.) Being a Minister of the Crown, at any time after the seat of a member of Parliament for any electoral district becomes vacant and before the date fixed for the return of the writ issued for the election of a member of Parliament for that electoral district offers or promises to procure or to endeavour to procure the expenditure of public money on any public work in or for the benefit of that electoral district (whether such expenditure be by way of grant, loan, or subsidy) in order to induce any elector in that electorate to vote for the return of any particular person as the member of Parliament for that electoral district.”

Minister not to be
paid travelling
expenses or
allowances when
making political
addresses prior to
election.

15. No Minister of the Crown shall be entitled to receive any public moneys in respect of the period elapsing between the date when the seat of any member of Parliament for any electoral district becomes vacant and the date for the return of the writ issued for the election of a member of Parliament for that electorate as travelling expenses or allowances while travelling to or returning from or travelling within any electoral district in which he addresses any public political meeting. This section shall apply in the case of a general election as well as a by-election.

SCHEDULE.

Schedule.

FORM OF VOTING-PAPER FOR ELECTION OF EXECUTIVE COUNCIL.

For Office of Minister.

Candidates, being Members of the House of Representatives.

~~BENSON, George.~~
CAXTON, William.
DAWSON, John.
EVERITT, John.
~~FENTON, Richard.~~
GORDON, Charles.
HERBERT, George.
~~IRVINE, Hugh.~~
~~JACOBS, Percy.~~
KERR, Lewis.
LITTLE, Frederick.
MONSON, Thomas.
~~NEWTON, James.~~
OGILVIE, Stuart.
PARSONS, Joseph.

Candidates, being Members of the Legislative Council.

ASHWORTH, Thomas.
~~BYNGE, Cecil.~~
CHALMERS, Walter.
~~DISTON, Harry.~~
~~EVANS, Richard.~~

I vote for the candidates whose names are unerased.

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

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1923.