

Mr. O'Connor.

ELECTIVE EXECUTIVE.

ANALYSIS.

| | |
|---|--|
| Title. | 10. Mode of election by Council. |
| Preamble. | 11. Speaker to certify appointments. |
| 1. Short Title. | 12. Office may be annulled. |
| 2. To be six Ministers and two Executive Councillors. | 13. If vacancies arise, new appointments to be made. |
| 3. Ministers and members to be appointed. | 14. Powers, privileges, and duties of Ministers, &c. |
| 4. House of Representatives to appoint five Ministers and one Executive Councillor. | 15. Cabinet minutes and quorum. |
| 5. Legislative Council to appoint one Minister and one Councillor. | 16. Tenure of office. |
| 6. Governor to consent to appointment. | 17. Recommendation as to dissolution of House. |
| 7. The offices of Ministers appointed by House. | 18. When seat to become vacant. |
| 8. The Minister appointed by Legislative Council. | 19. Seat in Council suspended. |
| 9. The mode of election by House. | 20. Right of speech to Ministers. |
| | 21. Salaries of Executive Councillors. |
| | 22. Any Minister can resign. |
| | 23. Causes of vacating office. |
| | 24. Governor to appoint if vacancy out of session. |

A BILL INTITULED

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

WHEREAS it is desirable that the existing system of appointing Ministers and members of the Executive Council should be altered, Preamble.
5 and that the Parliament itself should appoint the Executive :

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

- 10 1. The Short Title of this Act is " The Elective Executive Act, Short Title.
1893."
- 2. There shall be six Ministers and two members of the Executive Council without office. To be six Ministers and two Executive Councillors.
- 3. At the first meeting of the Parliament after a general election, the Ministers and members of the Executive Council shall be 15 appointed as hereinafter provided. Ministers and members to be appointed.
- 4. The House of Representatives shall appoint five Ministers and one Executive Councillor without ministerial office. House of Representatives to appoint five Ministers and one Executive Councillor.
- 5. The Legislative Council shall appoint one Minister and one Executive Councillor without ministerial office. Legislative Council to appoint one Minister and one Councillor.
- 20 6. The appointment of a person as Minister or as Executive Councillor without office shall not be valid until the Governor has given his consent thereto by message addressed to both Houses. Should the Governor refuse his consent to the appointment of any person, Governor to consent to appointment.

the House of Representatives or the Legislative Council, as the case may be, shall proceed to a new election, as in the case of a vacancy in the office.

The offices of Ministers appointed by House.

7. The five Ministers to be appointed by the House of Representatives shall hold the following offices:—

5

- (1.) Premier;
- (2.) Colonial Treasurer;
- (3.) Minister of Justice, or, if a Barrister, Attorney-General;
- (4.) Minister of Public Works;
- (5.) Minister of Lands.

10

The Minister appointed by Legislative Council.

8. The Minister to be appointed by the Legislative Council may hold any of the other ministerial offices mentioned in "The Civil List Act 1863 Amendment Act, 1873."

The mode of election by House.

9. The following shall be the mode of election by the members of the House of Representatives:—

15

- (1.) Upon the assembling of the House at its first meeting after the general election, and as soon as the Speaker has been elected, he shall, during the twenty-four hours ensuing after his election, receive nominations for the five Ministers and Executive Councillor before mentioned. Any person elected or qualified to be elected to the House of Representatives shall be eligible for appointment, and the nomination shall be in writing, signed by five members of the House of Representatives.
- (2.) The Speaker shall, after the twenty-four hours aforesaid, fix a time for the election of the Ministers, which shall be not more than three days nor less than one day after the delivery of the nominations.
- (3.) If only one person is nominated for any office, then he shall be declared elected. If more than one shall be nominated, then there shall be a ballot taken for such office.
- (4.) If at the first ballot there shall be an absolute majority of the total votes cast for any person, then that person shall be appointed; but if there be not such an absolute majority, then a further ballot shall be taken; and if there be not an absolute majority at the end of the third ballot, then a fourth ballot shall be taken between the two persons who have obtained the highest number of votes, and then the person that obtains the highest number of votes shall be elected.

20

25

30

35

40

45

50

Mode of election by Council.

10. The like proceeding shall be taken in the Legislative Council for the election of a Minister, and for a member of the Executive Council without ministerial office, by the Legislative Council.

Speaker to certify appointments.

11. So soon as the Ministers and the Executive Council have been appointed as aforesaid, the Speakers of the House of Representatives and of the Legislative Council respectively shall certify to the Governor the elections made.

Office may be annulled.

12. The House of Representatives may, at any time, by a majority of all the members of the House, declare the appoint-

ment by it of any Minister or member of the Executive Council annulled; and the Legislative Council may, by a like majority, declare the appointment by it of the Minister or member of the Executive Council annulled.

- 5 13. Whenever there is any vacancy in the office of Minister or member of the Executive Council, the House of Representatives shall, if the vacancy be in an office appointed by the House, and the Legislative Council shall, if the vacancy be in an office appointed by the Council, proceed to a new appointment in the manner herein-
- 10 before provided for elections.
14. The Ministers and Executive Councillors appointed under this Act shall have the powers, privileges, and duties that Ministers and Executive Councillors now have by law; and every Minister shall, by virtue of his office, be an Executive Councillor.
- 15 15. Minutes of all meetings of Cabinet shall be taken, and where members differ a division shall be recorded, and copies of all Cabinet minutes shall be laid on the table of both Houses of Parliament at the beginning of every session. No business shall be transacted at Cabinet meetings unless four members are present, and
- 20 three must concur in every resolution to make it valid.
16. All members of the Executive Council shall be appointed for the same time as the Parliament by which they were elected, and shall hold office until their successors shall have been appointed.
- 25 17. No Cabinet, and no Minister, shall recommend the Governor to dissolve the House of Representatives without the consent of the House expressed by resolution thereof.
18. If any member of the House of Representatives shall be appointed a Minister, his seat shall thereupon become vacant.
- 30 19. If a member of the Council shall be appointed a Minister his right to his seat shall be suspended so long as he continues a Minister.
20. 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.
- 35 21. 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 House of Representatives or 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
- 40 not attending the meeting of Parliament.
22. 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.
- 45 23. The office of a Minister or Executive Councillor shall become vacant by resignation as aforesaid, by his becoming bankrupt or insolvent or being convicted of any indictable offence, or being found insane, or by absence from the colony without leave of the Governor.
24. If a vacancy in the office of Minister or Executive Councillor shall arise when the Parliament is not in session, the
- 50 Governor shall appoint some person to act in the office vacated till Parliament assembles.

If vacancies arise, new appointments to be made.

Powers, privileges, and duties of Ministers, &c.

Cabinet minutes and quorum.

Tenure of office.

Recommendation as to dissolution of House.

When seat to become vacant.

Seat in Council suspended.

Right of speech to Ministers.

Salaries of Executive Councillors.

Any Minister can resign.

Causes of vacating office.

Governor to appoint if vacancy out of session.