1882.

NEW ZEALAND.

NEW ZEALAND PENSIONS BILL, 1881

(CORRESPONDENCE RELATIVE TO THE).

Laid on the Table by Mr. Speaker, 6th June, 1882.

No. 1.

Sir Francis Dillon Bell to Sir Erskine May, K.C.B.

Dear Sir Erskine May,— London, 14th March, 1882.

In pursuance of your kind permission, I beg to bring under your notice a difference which arose lately between the two Houses in New Zealand about the right of amending Bills. The difference was cognate to the one about the Council amendment in the Railways Bill, which you let me bring before you some time ago.

The present dispute is whether a Bill on the subject of pensions, which had been passed by the House of Representatives, was one which the Legislative Council could amend by omitting a certain clause.

The Speaker of the House (Sir Maurice O'Rorke) held that the Council could not strike out the clause; the Clerk of Parliaments (Major Campbell) thought they might. I was therefore asked to solicit your opinion.

I enclose a copy of the Bill. It was brought in by a private member, its general object being to "regulate the granting of pensions" to Civil servants. The dispute was about clause 6, which was alleged to affect injuriously the right of a Civil servant under the existing law. The clause is shown by being enclosed within lines on the copy of the Bill.

I also send you an extract from our *Hansard*, giving an account of what passed in both Houses.

The difference seems to have practically turned on the point whether the clause which the Council struck out was one coming within the principle defined by yourself in the case of clauses omitted by the Lords as being "upon a subject separable from the general object of the Bill;" but it was contended that the Bill was a money Bill, and as such incapable of being amended at all.

The points on which Sir Maurice O'Rorke would like your opinion are these:—

1. Was the Bill a money Bill?
2. Could the Council omit this particular clause?
3. If not a money Bill, was it one of such a character that it was capable of being amended generally in any way; for instance, could clause 6 have been amended by altering its retrospective effect, instead of being simply omitted?

To which I should like to add,—

4. Must a money Bill be brought in by a Minister, signifying the consent thereto of the Crown, or may a private member bring it in without such consent being signified?

You will see in the debates the formal reasons that were exchanged between the Houses when the Representatives disagreed to the Council amendment. There was a further interchange of reasons afterwards, but they were only repetition; at last there was a Free Conference, but the Houses were unable to agree. The Bill was therefore lost, and the same battle will probably be fought over again next session. An expression of your opinion, if you could spare a little of the time every moment of which is now so precious, would no doubt be accepted at once by both sides.

I have, &c.,

Sir Erskine May, K.C.B., &c. F. Dillon Bell.

No. 2.

Sir Erskine May, K.C.B., to Sir F. D. Bell.

Dear Sir Francis Bell,— House of Commons, 23rd March, 1882.

I have read, with great attention and interest, all the papers you have sent me regarding the New Zealand Pensions Bill. The case is exceedingly well argued on both sides; and I will very briefly state my own opinion upon the points in dispute.

1. As the Bill related to the granting of pensions, payable out of the public revenues, and to such pensions exclusively, I consider it to have been a money Bill.

2. Such being the character of the Bill, I am of opinion that the Commons would not have accepted from the Lords any such amendment as that made by the Council, but would have disagreed to it on the ground of privilege, or would have laid the Bill aside.

3. I do not think clause 6 was separable from the other clauses of the Bill, or that the precedents cited of the omission of clauses by the Lords were applicable to this case.

4. For all purposes of privilege, as between the two Houses, a Bill relating solely to charges upon the public revenue is a money Bill, whether introduced by a Minister of the Crown or by a private member.

I need scarcely add that, in answering your questions, I have confined myself to the practice of the Imperial Parliament, and offer no opinion upon questions specially concerning the colonial Constitution, or the action of its authorities.

I have, &c.,

Sir Francis Dillon Bell, K.C.M.G., &c. T. Erskine May.

By Authority: George Didsbury, Government Printer, Wellington.—1882.