

1883.  
NEW ZEALAND.

---

## THE PERMANENT OFFICERS' SALARIES ACT, 1880

(MEMORANDUM BY THE CONTROLLER AND AUDITOR-GENERAL RESPECTING).

*Laid on the Table by the Hon. Major Atkinson, with Leave of the House.*

SIR,—

Audit Office, 4th May, 1883.

After the Act ("Permanent Officers' Salaries Act, 1880") was passed three years ago, by which 10 per cent. of my salary was taken away for nine months, I prepared a petition to Parliament, as a protest against that measure. I abstained from presenting it, because I was unwilling to embarrass the Government by awaking discussion on a measure on which it had resolved. Mr. Hall having resigned, and a new Government having been constituted, and a new House of Representatives having been elected, I have not carried out my original intention. But as I am persuaded that the measure in question is one of great constitutional importance, and as I am still very unwilling to trouble Parliament with any question which may even appear to be of a personal character, whilst at the same time I feel it a duty to the office I have the honour to hold not to allow such a measure to remain on the Statute Book without my respectful protest, I beg to lay before you the reasons for such protest, and to request you to be so good as to communicate them to Parliament should you think fit to do so, and to take such other steps as you may think fit thereon.

An Act ("Public Revenues Act, 1865") was passed in 1865 constituting the office of the Controller of the Public Account, to be held upon good behaviour, and from which the holder could be removed only by address from both Houses of Parliament, and the salary to which was made a permanent charge upon the Consolidated Fund. Whilst the Governor was empowered to remove the Controller from his office during the recess of Parliament for malversation in his duties, it was expressly provided that the salary should continue to be paid to the Controller until Parliament had approved of his removal.

I respectfully submit that an office so created has ever been deemed to be a patent office, of the nature of a freehold for life, subject to the due performance of its duties, standing on exactly the same footing as that of Her Majesty's Judges, and of pensioners by permanent Act.

In 1872 ("Public Revenues Act, 1872") the office of Controller was abolished, and its duties were vested in two Commissioners of Audit, the status of the office being the same as that of the Controller. This Act was passed after full discussion with myself, and upon my consent to waive all claims arising under the Controllers Act in consideration of receiving the office of Commissioner of Audit, my appointment to which was provided for in the Act of 1872.

In 1878 ("Public Revenues Act, 1878") a further Act was passed by which the Commissioners of Audit were abolished and two new offices were created, those of Controller and Auditor-General and Assistant-Controller and Auditor, the tenure of these offices being the same as before, and the salaries being made, as before, a permanent charge on the Consolidated Fund. This Act was also passed after full consultation with me, and after a similar consent on my part to waive all claims arising under former Acts, on condition of receiving the office of Controller and Auditor-General, to which I was appointed by the statute itself.

In accepting each of the above offices, including that which I have still the honour to fill, I did so in the belief that the privileges and emoluments attached thereto were secured to me by the good faith and honour of the State, and that no alteration could be made in those privileges or emoluments without entitling me to full compensation for a breach of a binding contract.

In accepting each of the above offices I respectfully submit I had to abandon the occupations in which I had been or might be engaged, and at the same time to withdraw from political life and to resign my seat in the House of Representatives, of which I had been a member from its first establishment except when I was absent from the colony, and with it to resign all chance of those honours and emoluments which attach to a political career, and which may not be deemed to be beyond the reach of one who had twice been a Minister of the Crown, and had on several other occasions been offered and had declined a similar honourable position. It may be not unreasonably presumed that I should not have abandoned such a career except in the belief that the contract into which I entered was one which rested on the good faith and honour of the State, confirmed by an Act of the Assembly under provisions which have been three times repeated in successive statutes, and the violation of which it was impossible for me to contemplate.

In the year 1880 an Act was passed by which the salary which was secured to me by statute was diminished by 10 per cent. for nine months of the year. In stating to the House that the Government intended to reduce the salaries of the Civil Service by 10 per cent. for the then current year, the Premier, Sir John Hall, is reported to have said that this reduction was to apply