

SESS. II.—1891.  
NEW ZEALAND.

---

# PUBLIC ACCOUNTS COMMITTEE

(REPORTS OF) ON THE ARREARS OF THE HON. DR. POLLEN'S PENSION.

*Brought up 4th and 10th September, 1891, and ordered to be printed.*

THE papers relating to the retiring-allowance of the Hon. Dr. Pollen having been referred to the Public Accounts Committee, with a request that the Committee will take into their consideration and report upon the Hon. Dr. Pollen's claim for payment of retiring-allowance for the period from the 3rd July, 1873, to the 30th October, 1876, the Committee have the honour to report as follows :—

The Hon. Dr. Pollen in 1873 had the right to retire on an annual pension. Instead of retiring he took office on the 3rd July, 1873, as Minister of the Crown, and ceased to draw the salary attached to his Civil Service offices, the duties of which however he continued to perform. In consequence of the passing in 1876 of the Disqualification Act, the Hon. Dr. Pollen, on the 30th October in that year, resigned his offices in the Civil Service, but continued Minister till 1877. The Hon. Dr. Pollen then claimed his pension, which after some time was fixed at £418 15s. per annum, calculated from the date at which he resigned his office in the Civil Service. He now claims that his pension should date from the time when he became entitled in 1873.

In the circumstances, and following the precedent in the Hon. W. Gisborne's case, the Public Accounts Committee recommend that the Hon. Dr. Pollen be paid the equivalent of the time from the 3rd July, 1873, to the 30th October, 1876, being £1,389 0s. 5d.

4th September, 1891.

ALFRED SAUNDERS,  
Chairman.

THE House having been pleased to refer back the report of this Committee on the claim of the Hon. Dr. Pollen for reconsideration, your Committee have again given the subject their most careful attention. It is probable that the report referred back dealt too briefly with a subject which has caused much disputation and has engaged the attention of several previous Public Accounts Committees; but your Committee found, on investigation, that, freed from political bias, the conclusion they came to appeared so clear, and was arrived at with such unanimity, that your Committee did not consider that an exhaustive report was necessary.

Even now your Committee do not think any good purpose would be served by dealing minutely with the various stages of the claim; but the following parliamentary papers on the subject may be noted for reference, viz.: B.-17, 1880; I.-5, 1881; Legislative Council Journals, No. 13, Sess. II., 1884; Report of Public Petitions (I.-11c.), 1886. In particular, your Committee did not, and do not now propose to, deal with the calculations by which the exact amount of the annual pension was arrived at. It was adjusted after considerable disputation, but, having been fixed more than eleven years ago, it appeared to your Committee that no good purpose would be served by reopening the subject after the lapse of several Parliaments and the recognition of many Ministries.

Your Committee directed their attention, and have again given their consideration, to what they took, and again take, to be the real question—namely, whether the Hon. Dr. Pollen has a claim to the payment of arrears of pension for the period between the date when he ceased to draw the salaries on which the pension was based and the date from which that pension was paid—a period of over three years.

In 1873 the Hon. Dr. Pollen attained an age and had completed a period of service which entitled him to retire on a pension. On the 3rd of July of that year he accepted, with Ministerial rank, a seat in the Legislative Council, of which he had been previously a member. It would have been competent for him to have previously had his pension fixed, and if that had been done he would, without doubt, have been entitled to draw his pension, quite irrespective of any salary he

might receive in respect of his position in the Ministry. He continued to discharge as far as possible the duties of his Civil Service offices while a Minister of the Crown. While he was still a member of the Executive, the Disqualification Act of 1876 was passed. By it a person holding any Civil Service office was prohibited from being a member of either House of Parliament. The Hon. Dr. Pollen being a member of the Legislative Council, the alternative before him was to resign his political position or his Civil Service offices. On the 30th October, 1876, he resigned the Civil Service offices, from which he had retired so far as emoluments were concerned over three years before. When he resigned these offices he expressly reserved his right to such pension as he might be entitled to. He might have then further claimed to have had the amount of the pension settled, but, being at the time in a position of power which other men might have used to their own advantage, he honourably refrained from raising the question till he was no longer in a position to influence the decision.

He continued a Minister of the Crown till the 13th October, 1877, when he applied that the amount of his pension might be settled. It was ultimately fixed at the amount mentioned in the previous report, but was allowed only from the 30th October, 1876. A point has been sought to be made of a mistake in a memorandum by the Hon. Dr. Pollen as to the date from which he claimed his pension, but, unless his explanation of the matter is to be rejected, there is nothing to be made of that. The question is as to his right, and not as to verbal accuracy in the course of a somewhat heated controversy. There is, however, a point worthy of notice in the course of that controversy. The Controller-General minuted, "If all were treated alike, Dr. Pollen is entitled to pension from 1873." The question, therefore, which appeared to the Committee as that to be considered was whether the pension fixed in 1880 should be paid from the time when the salaries ceased, on which it was calculated, or from the time the offices were formally resigned. It is true that during the interval he received larger allowances as a Minister of the Crown, but that does not appear to your Committee to touch the question of principle—whether the pension should be paid from the time when he ceased to draw the salaries on which the pension itself was calculated.

Your Committee consider that no good reason can be urged against the payment of the arrears from the date when the right accrued.

Your Committee therefore beg to affirm the recommendation of their former report.

ALFRED SAUNDERS,  
Chairman.

10th September, 1891.

*Approximate Cost of Paper.*—Preparation, nil; printing (1,200 copies), £1 2s. 6d.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1891.

Price, 3d.]