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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

25th October, 1917.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Sir James Allen.

EXPEDITIONARY FORCES AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Period of enlistment of members of Expeditionary Force extended by six months. 3. Exclusion from Expeditionary Force Reserve of persons in holy orders and regular ministers of religion. 4. Application of Military Service Act to natural-born British subjects (other than Natives) in the Cook Islands. 5. Employers not to employ Reservists who are not enrolled. 6. Section 18 of Military Service Act, 1916, amended. 7. Section 19 of Military Service Act, 1916, amended. 8. Constitution of Soldiers Financial Assistance Board. 9. Men convicted for failure to enrol in Reserve to be called up for service with Expeditionary Force. | <ol style="list-style-type: none"> 10. Abolishing limitation of time within which informations may be laid for failure by Reservists to notify change of address. Application of amendment to past offences. 11. Medical examination of Reservists. 12. Officers on Retired List deemed to continue to be officers of Defence Forces. Validation of sentences of Courts-martial. Pending proceedings not affected by this section. 13. Members of Expeditionary Force in time of peace to be subject, until discharged, to military law. 14. Persons convicted of desertion from Expeditionary Force or of disobedience to military orders to be deprived of civil rights. 15. Military hospitals may be established. 16. Allowance of appeal in cases where three or more brothers of appellant are serving or have served with Forces. |
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A BILL INTITULED

AN ACT to amend the Law relating to the Raising and Maintenance of Expeditionary Forces for Service abroad during the Present War. Title.

5 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 Expeditionary Forces Amendment Act, 1917, and shall be read together with and deemed part of Short Title.
10 the Expeditionary Forces Act, 1915.

2. (1.) Section nine of the Expeditionary Forces Act, 1915, is hereby amended by omitting the word "six," and substituting the word "twelve." Period of enlistment of members of Expeditionary Force extended by six months.

(2.) Notwithstanding anything to the contrary in the Expeditionary Forces Act, 1915, or in any other Act, or in the attestation 15
of any member of an Expeditionary Force, section nine of the

Expeditionary Forces Act, 1915, as amended by this section, shall apply to all persons who now are or may hereafter become non-commissioned officers or men of an Expeditionary Force, whether by voluntary enlistment or otherwise.

Struck out.

Exclusion from Expeditionary Force Reserve of persons in holy orders and regular ministers of religion.

3. (1.) Notwithstanding anything to the contrary in the Military Service Act, 1916, the Expeditionary Force Reserve established under that Act shall not, on and after the passing of this Act, include any person—

- (a.) Who is in holy orders or is a regular minister of any of the religious bodies or denominations ; or
- (b.) Who is a teacher in a public school within the meaning of the Education Act, 1914, or a teacher, lecturer, or professor in any secondary school, technical school, technical high school, college, or university established under that or any other Act, or a teacher in any private school which is not conducted for pecuniary profit.

(2.) Every person who at the passing of this Act is a member of the Expeditionary Force by reason of his being called up for service under the Military Service Act, 1916, and is then in New Zealand, shall be entitled as of right to his discharge from that Force if he would not have been included in the Reserve if this Act had been in force when he was so called up.

Application of Military Service Act to natural-born British subjects (other than Natives) in the Cook Islands.

4. (1.) On and after the passing of this Act the Expeditionary Force Reserve established under the Military Service Act, 1916, shall include every male natural-born British subject who is for the time being of military age, and who is at the passing of this Act or subsequently becomes resident in the Cook Islands, with the following exceptions :—

- (a.) Natives within the meaning of the Cook Islands Act, 1915 ; 30
and
- (b.) Persons who, if they were residents of New Zealand, would not be included in the Reserve.

(2.) The persons added to the Reserve by this section shall be allocated to the First Division of the Reserve or to the Second Division thereof, as the case may be, in the same manner as if they had been resident in New Zealand on the passing of the Military Service Act, 1916. 35

(3.) The Resident Commissioner of Niue (in the case of Reservists resident in the Island of Niue) and the Resident Commissioner of Rarotonga (in the case of all other Reservists in the Cook Islands, shall give notice in such manner as may be prescribed to all Reservists resident in the Cook Islands of their obligations under the Military Service Act, 1916, and this Act, and every Reservist resident in the Cook Islands shall, within fourteen days after the publication of such notice, or within fourteen days from the date of his becoming a member of the Reserve thereafter, make application in writing in the prescribed form, addressed to the Resident Commissioner, for enrolment in the Reserve. 40 45

(4.) The Resident Commissioner of Niue or the Resident Commissioner of Rarotonga (as the case may be) shall, as soon as practicable, forward to the Government Statistician at Wellington all applications for enrolment in the Reserve made under this section, 50

and the Government Statistician shall add the names of all such Reservists to the register or to the appropriate register accordingly.

(5.) The provisions of the Military Service Act, 1916, shall, with the necessary modifications, apply to Reservists in the Cook Islands in the same manner as they apply to Reservists resident in New Zealand, save that all prosecutions for offences against the said Act committed by Reservists or other persons in the Cook Islands may be had before the High Court of the Cook Islands, and the said Court shall have jurisdiction in all such cases accordingly.

(6.) For the purpose of carrying the provisions of this section into effect, the Governor-General may, by Order in Council, make all such regulations as may be deemed necessary with respect to the hearing of appeals from Reservists in the Cook Islands who may be called up for service under the Military Service Act and for all such other matters as may be required, and all regulations under this section shall have the force of law as if they were included in this Act.

5. (1.) Every person shall be guilty of an offence punishable on summary conviction by a fine not less than *twenty* pounds and not more than *one hundred* pounds who, at any time after the enrolment of any division or class of the Reserve has been proclaimed and directed, retains in his service for more than seven days or employs in his service any man who belongs to that division or class and who by his own default is not enrolled therein, unless the defendant proves that he believed on reasonable grounds that the man so employed or retained in his service was enrolled in that division or class, or had not made default in procuring his enrolment therein.

Employers not to employ Reservists who are not enrolled.

(2.) Section forty-nine of the Justices of the Peace Act, 1908, shall have no application to a prosecution for an offence against this section, and every such prosecution may be commenced at any time within twelve months after the date of the commission of the offence.

(3.) This section is in substitution for section forty of the Military Service Act, 1916, and that section is hereby accordingly repealed.

(4.) This section shall be deemed to have been in force as from the passing of the Military Service Act, 1916.

6. Subsection one of section eighteen of the Military Service Act, 1916, is hereby amended by inserting, after the word "member" in paragraph (e), the words "or an adherent."

Section 18 of Military Service Act, 1916, amended.

7. Section nineteen of the Military Service Act, 1916, is hereby amended by repealing subsection six, and substituting the following subsection:—

Section 19 of Military Service Act, 1916, amended.

"(6.) Except with the precedent consent of the Minister of Defence, to be given only in cases of emergency, of which the Minister shall be the sole judge, no sitting of a Board shall take place unless all the members of the Board are present. With the consent of the Minister given as aforesaid, any two members may sit and act as the Board. In any case the decision of not less than two members shall be the decision of the Board."

8. Notwithstanding anything in section nineteen of the Military Service Act, 1916, the Military Service Board constituted under that section, by warrant dated the thirtieth day of March, nineteen

Constitution of Soldiers Financial Assistance Board.

hundred and seventeen, and known and distinguished as the Soldiers Financial Assistance Board, may consist of not more than five persons, to be appointed by the Governor-General, and to hold office pursuant to the provisions of the said section.

Men convicted for failure to enrol in Reserve to be called up for service with Expeditionary Force.

9. Section thirty-four of the Military Service Act, 1916, is hereby amended by omitting from subsection one the words "the Commandant may, by notice delivered to him, call him up for service," and substituting the words "he shall thereupon be deemed to have been called up for service." 5

Abolishing limitation of time within which informations may be laid for failure by Reservists to notify change of address.

10. (1.) Section forty-three of the Military Service Act, 1916, is hereby amended by adding thereto the following subsection:— 10

"(4.) Section forty-nine of the Justices of the Peace Act, 1908, shall have no application to a prosecution for an offence against this section."

Application of amendment to past offences.

(2.) No information that has been heretofore laid but not disposed of, or that may be hereafter laid, in respect of an offence committed before the passing of this Act, shall be dismissed on the ground that the information was not laid within the time limited by section forty-nine of the Justices of the Peace Act, 1908. 15

Medical examination of reservists.

11. Section forty-seven of the Military Service Act, 1916, is hereby amended— 20

(a.) By inserting, after the words "who presents himself for the purpose of being so examined," in subsection one, the words "and also every other man whom such medical practitioner may be so requested to examine"; and 25

(b.) By adding to the said subsection the words "Every examination under this section shall be made at such time and place as such authorized officer may direct."

Officers on Retired List deemed to continue to be officers of Defence Forces.

12. (1.) Officers who at any time since the commencement of the Defence Act, 1909, have been placed on the Retired List, or who may hereafter be placed on that list, are hereby declared to continue and to have at all times since their retirement, and whether before or after the passing of this Act, continued to be officers of the Defence Forces to all intents and purposes so long as they remain on that list; and the validity, lawfulness, and operation of all acts done by such officers, whether before or after the passing of this Act, shall in all Courts and in all proceedings whatsoever be determined accordingly in the same manner as if this enactment had been in force at all times since the commencement of the Defence Act, 1909. 30 35

Validation of sentences of Courts-martial.

(2.) All sentences which before the passing of this Act, and whether in or out of New Zealand, have been passed by Courts-martial, or by officers purporting to exercise summary jurisdiction under the Army Act, upon any person as being a member of an Expeditionary Force, are hereby validated and confirmed, and no such sentence shall be questioned in any Court or in any proceedings, whether on the ground of the improper constitution of the Court by which the sentence was passed or on any other ground. 40 45

Pending proceedings not affected by this section.

(3.) Notwithstanding anything in the foregoing provisions of this section, all proceedings which have, before the twenty-fifth day of October, nineteen hundred and seventeen, been commenced in any Court in respect of any irregularity in the constitution of any Court-martial, or in respect of any sentence passed by any Court-martial or 50

by officers purporting to exercise summary jurisdiction under the Army Act, shall be continued and determined in all respects as if this section had not been passed.

13. (1.) Section fifteen of the Defence Amendment Act, 1912 (relating to the application of the Army Act in time of peace), shall be read and shall operate as if, after the words "Permanent Force" in subparagraph (ii) of paragraph (b), there were inserted the words "or of an Expeditionary Force raised under the Expeditionary Forces Act, 1915," and all non-commissioned officers and men of any such Expeditionary Force shall in time of peace be subject to military law accordingly.

Members of Expeditionary Force in time of peace to be subject, until discharged, to military law.

(2.) Section eighteen of the Defence Amendment Act, 1912, shall have no application in any proceedings in respect of an offence committed by any person who in time of peace is subject to military law by reason of the foregoing provisions of this section.

14. (1.) Every person who has heretofore been or who may hereafter be convicted of desertion from the Expeditionary Force, whether such offence has been committed in New Zealand or elsewhere, and whether before or after the passing of this Act, shall, by operation of this section, be deprived of civil rights for a period of ten years from the date of such conviction. For the purposes of this section the finding of a Court of Inquiry, established pursuant to section seventy-two of the Army Act, whether in New Zealand or elsewhere, that any person has been absent from the Expeditionary Force without leave, shall be deemed to be a conviction of that person on a charge of desertion.

Persons convicted of desertion from Expeditionary Force or of disobedience to military orders to be deprived of civil rights.

(2.) Any person so deprived of civil rights shall, during the period of deprivation, be incapable of being appointed to or of continuing to hold any office or employment, whether permanent or temporary, in the Public Service, or in the service of any local authority, or of being elected or appointed or of continuing to hold office as a member of the Legislative Council, or of being elected or of continuing to hold office as a member of the House of Representatives, or of being elected or appointed or of continuing to hold office as a member of any local authority, and shall not be entitled to vote at any election of a member or members of either House of Parliament or at any election of a member or members of a local authority :

Provided that the fact that any person to whom this section relates votes at any election or acts as a member of any local authority contrary to the provisions of this section shall not invalidate such election or the acts or proceedings of such authority.

(3.) On the conviction of any person as aforesaid, whether such conviction is by a Court-martial or otherwise, the Commandant shall cause to be transmitted to the Under-Secretary of Internal Affairs a notice of such conviction and of the disabilities imposed by this section on the offender.

(4.) On receipt of any such notice the Under-Secretary aforesaid shall cause a minute thereof to be sent to the Chief Electoral Officer under the Legislature Act, 1908, and to the secretary or clerk of every local authority, and the name of the offender shall forthwith be erased from every electoral roll on which it appears.

(5.) Notice of every such conviction shall also be published in the *Gazette*, and in such other manner as the Minister of Defence may direct.

(6.) Every person deprived of civil rights by reason of this section who, during the period of deprivation, accepts any office or employment for which he is disqualified under this section, or applies for enrolment as an elector of any electoral district under the Legislature Act, 1908, or as an elector of any local authority, or votes or attempts or offers to vote at any election at which he is not entitled, by reason of this section, to vote, commits an offence and is liable on summary conviction before a Stipendiary Magistrate to a fine of *twenty* pounds.

(7.) For the purposes of this section "local authority" means the governing body (however designated) of any corporation or institution maintained or supported in whole or in part by grants of public money, or by the proceeds of endowments of Crown lands, or out of rates, tolls, fees, or fines which any such body is empowered by law to levy, claim, receive, or enforce, and includes the corporation (if any) of which the local authority is the governing authority.

Military hospitals may be established.

15. (1.) The Governor-General may from time to time, by Proclamation, declare any place or institution or any part of an institution to be a military hospital available for the purpose of the medical treatment of members of the Expeditionary Force and of persons who have been discharged from that Force.

(2.) The Governor-General may also appoint an officer of the Defence Forces to be the Military Superintendent of any military hospital, with military command over the persons for the time being undergoing treatment therein.

(3.) Every person who has been discharged from the Expeditionary Force and is for the time being undergoing treatment in a military hospital shall be subject to military law in all respects as if he were a member of the Expeditionary Force in New Zealand.

(4.) Any such person may be transferred from any military hospital to any other such hospital, and shall, until he is received in such last-mentioned hospital, continue at all times to be under the military authority of the Military Superintendent of the hospital from which he is transferred.

Allowance of appeal in cases where three or more brothers of appellant are serving or have served with Forces.

16. Section eighteen of the Military Service Act, 1916, is hereby amended by adding to subsection three the words "or that at least three of the brothers of the appellant are serving, or have served, with some portion of His Majesty's Forces in connection with the present war, and that he has no other brother or brothers of military age."