

New Zealand.

ANALYSIS.

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1918, No. 9.

Title.	AN Act to amend the Law relating to the Raising and Maintenance of Expeditionary Forces for Service abroad during the Present War. [10th December, 1918.]
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
Short Title.	1. This Act may be cited as the Expeditionary Forces Amendment Act, 1918, and shall be read together with and deemed part of the Expeditionary Forces Act, 1915.
Period of enlistment of members of Expeditionary Force extended by six months.	2. (1.) Section nine of the Expeditionary Forces Act, 1915, is hereby amended by omitting the words "six months," and substituting the words "twelve months." (2.) Section twenty-five of the Expeditionary Forces Act, 1915, is hereby amended by repealing subsection four thereof. (3.) The said sections nine and twenty-five as so amended shall be deemed to have formed part of the said Act as from the passing of that Act, and shall extend and apply accordingly to all non-commissioned officers and men who are already at the passing of this Act members of an Expeditionary Force, whether by way of voluntary enlistment or otherwise, notwithstanding anything to the contrary in the attestation of the members of that Force.

(4.) Nothing in this section shall affect the obligation of military service of non-commissioned officers or men who at the passing of this Act are members of the New Zealand (Samoan) Expeditionary Force by way of voluntary enlistment.

3. Section twenty-eight of the Expeditionary Forces Act, 1915, is hereby amended by omitting the words "six months," and substituting the words "twelve months."

4. (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.

(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.

5. (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 Forces and of persons who have been discharged from an Expeditionary Force.

(2.) The Governor-General may also appoint an officer of the Defence Forces to be the Military Superintendent* of any such military hospital, and such Superintendent shall have military command over all persons for the time being undergoing treatment in that hospital, whether as resident patients therein or otherwise.

(3.) Every person who has been discharged from an Expeditionary Force and is for the time being undergoing treatment in a military hospital, whether as a resident patient therein or otherwise, shall be subject to military law in all respects as if he were still a member of an Expeditionary Force.

6. The Expeditionary Force Reserve constituted by the Military Service Act, 1916, may be at any time hereafter abolished by the Governor-General by Proclamation.

7. (1.) The Minister of Defence may, without further appropriation than this Act, pay out of the War Expenses Account a bonus to all officers, non-commissioned officers, and men who, whether before or after the passing of this Act, have been honourably discharged from an Expeditionary Force after service therein beyond the seas.

(2.) Such bonus shall be determined in accordance with a scale to be prescribed by Order in Council.

(3.) In the case of any officer, non-commissioned officer, or man who, after service in an Expeditionary Force beyond the seas, has died while still a member of that Force, or who, after such service beyond the seas, has died after being honourably discharged from that Force but without receiving such bonus, the bonus may be paid to or divided between his widow, children, father, or mother as the Minister of Defence thinks fit in each particular case.

Section 28 of Expeditionary Forces Act, 1915 (relative to suspension of limitation of Territorial Force), amended.
Members of Expeditionary Force in time of peace to be subject, until discharged, to military law.

Military hospitals may be established.

Expeditionary Force Reserve may be abolished.

Bonus to soldiers of the Expeditionary Forces.

(4.) The bonus authorized by this section shall not be claimed or recovered by any person as a matter of right, but shall be deemed to be a free gift by the State in recognition of the honourable service of soldiers of the Expeditionary Forces in the present war, and may in any case be withheld or deferred or subjected to terms and conditions as the Minister of Defence, having regard to the interests or deserts of the recipient, thinks just and proper.

Military Defaulters.

Military Defaulters
List.

8. (1.) The Minister of Defence shall, as soon as practicable after the passing of this Act, cause to be prepared and published in the *Gazette* a list, to be called the Military Defaulters List, in which shall be set out, so far as ascertainable, the names, occupations, and abodes of all men who since the commencement of the present war with Germany and before the passing of this Act—

(a.) Have been convicted by court-martial of any offence of such a nature as to indicate, in the opinion of the Minister, an intent permanently to evade or refuse to fulfil their obligations of military service in the present war; or

(b.) Having been called up for service with the New Zealand Expeditionary Force under the Military Service Act, 1916, have deserted from that Force or have otherwise made default in the performance of the obligations imposed on them by or in pursuance of that Act in such manner as to indicate, in the opinion of the Minister, an intent permanently to evade or refuse to fulfil their obligations of military service in the present war; or

(c.) Having been members of the Expeditionary Force Reserve constituted by the Military Service Act, 1916, have illegally evaded enrolment in that Reserve in such circumstances as to indicate, in the opinion of the Minister, an intent permanently to evade military service in the present war.

(2.) All men whose names appear in the Military Defaulters List are hereinafter referred to as military defaulters.

Religious objectors
not to be placed on
Military Defaulters
List.

9. Notwithstanding anything in the last preceding section, no man who has since the commencement of the present war with Germany and before the passing of this Act been convicted by a court-martial of any such offence as aforesaid shall be placed or retained on the Military Defaulters List if the Minister of Defence is satisfied that such offence was due to the offender's *bona fide* religious objections to military service.

Amendment of
Military Defaulters
List.

10. (1.) The Minister of Defence may from time to time, by notice published in the *Gazette*, amend the Military Defaulters List by deleting the names of men inserted therein in error, by adding thereto the names of men who have been omitted therefrom in error, and by correcting or supplying any error or defect in the name or description of any military defaulter.

(2.) The entry of any name in the Military Defaulters List shall not be invalidated by any error in the name or description of the military defaulter so referred to.

11. Any man whose name has been entered in the Military Defaulters List may, within the time and in the manner prescribed by regulations under this Act, appeal to a Stipendiary Magistrate on the ground that he has been entered in the list in error, and the Magistrate shall have jurisdiction to hear and determine such appeal, and if the appeal is allowed the name of the appellant shall be removed from the list.

Appeals against entry in Military Defaulters List.

12. (1.) If any military defaulter is not in New Zealand at the passing of this Act, it shall not be lawful for him at any time within ten years after the passing of this Act to return to New Zealand, and if and as often as he does so or remains in New Zealand he may be arrested by any constable without warrant, and shall be liable on summary conviction to imprisonment for any term not exceeding twelve months.

Military defaulters not to return to New Zealand.

(2.) Sections forty-nine and one hundred and twenty-two of the Justices of the Peace Act, 1908, shall have no application to a prosecution for such offence.

(3.) On any prosecution for such an offence it shall be presumed that the accused was out of New Zealand at the passing of this Act unless the contrary is proved.

(4.) Nothing in this section shall be so construed as to preclude the trial and punishment of any military defaulter for any other offence which he may have committed against the Army Act, the Expeditionary Forces Act, 1915, or the Military Service Act, 1916.

(5.) Any military defaulter so returning to New Zealand shall on the expiry of the sentence imposed on him for the offence of so returning or for any offence against the Army Act, the Expeditionary Forces Act, 1915, or the Military Service Act, 1916, be deported from New Zealand by order of the Minister of Defence.

(6.) On the issue of any such order the defaulter may be arrested by any constable and placed on board any British ship about to leave New Zealand, and retained in custody on board that ship until she has left New Zealand.

13. (1.) All military defaulters are hereby deprived of civil rights for a period of ten years from the passing of this Act.

Military defaulters deprived of civil rights.

(2.) Every man so deprived of civil rights shall be incapable—

(a.) Of being appointed or of continuing to hold any office or employment in the service of the Crown or of any local or other public authority:

(b.) Of being elected or appointed or of continuing to hold office as a member of either House of Parliament or as a member of any local or other public authority:

(c.) Of being enrolled as an elector or voting at any election of a member or members of either House of Parliament or of a member or members of any local or other public authority.

14. Every man deprived of civil rights who accepts or attempts to obtain any office or employment for which he is so disqualified, or exercises or attempts to exercise any vote of which he is so deprived, or does any act with intent to procure his enrolment as an elector at any such election as aforesaid, shall be liable on summary conviction to imprisonment for any term not exceeding twelve months, and sections forty-nine and one hundred and twenty-two of the Justices

Exercise of civil rights by military defaulters an offence.

of the Peace Act, 1908, shall have no application to a prosecution for any such offence.

Change of name by
military defaulters
prohibited.

15. Every military defaulter who at any time within ten years after the passing of this Act assumes or uses or continues to use any name other than the name under which he is entered for the time being in the Military Defaulters List shall be liable on summary conviction to imprisonment for any term not exceeding twelve months, and sections forty-nine and one hundred and twenty-two of the Justices of the Peace Act, 1908, shall have no application to a prosecution for any such offence.
