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1958, No. 32

**An Act to make provision for registration for national service
and for matters incidental thereto** [23 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the National Service Registration Act 1958.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Certificate of registration” means a certificate of registration in the national service register issued under this Act:

“Medical Board” means a Medical Board appointed under this Act:

“Minister” means the Minister of Labour:

“Secretary” means the Secretary of Labour appointed under the Labour Department Act 1954; and includes any person for the time being authorised by the Minister to exercise or perform any of the Secretary’s powers and functions under this Act.

(2) For the purposes of this Act a person shall be deemed to have attained a given age at the commencement of the relevant anniversary of the day of his birth.

(3) For the purposes of this Act a person shall be deemed to be ordinarily resident in New Zealand if his home is in New Zealand.

(4) Every person who has arrived in New Zealand (whether before or after the commencement of this Act) with the intention of establishing his home in New Zealand or with the intention of remaining in New Zealand for an indefinite period shall be deemed for the purposes of this Act to be ordinarily resident in New Zealand from the date of his arrival.

(5) Without limiting the provisions of subsections three and four of this section, it is hereby declared that every person who (having arrived in New Zealand before or after the commencement of this Act) has remained or remains in New Zealand for a continuous period of not less than twelve months shall, unless and until he satisfies the Secretary to the contrary, be deemed for the purposes of this Act to be ordinarily resident in New Zealand. For the purposes of this subsection the continuous presence of any person in New Zealand shall not be deemed to have been interrupted by his absence from New Zealand for any period or periods if none of those periods exceeds four months.

(6) Every person for the time being engaged under New Zealand articles in any ship shall be deemed for the purposes of this Act to be ordinarily resident in New Zealand unless he satisfies the Secretary that he is not ordinarily resident in New Zealand and is ordinarily resident in some other country.

Registration for National Service

3. Liability to register—(1) Subject to the provisions of this Act, every male person ordinarily resident in New Zealand who attained or attains the age of eighteen years on or after the first day of July, nineteen hundred and fifty-eight, and is not a person specified in section four of this Act, shall be liable to register for national service:

Provided that the Minister may from time to time, by notice in the *Gazette*, fix any age above the age of eighteen years, but not exceeding twenty-one years, as the age at which the liability to register as aforesaid shall arise.

(2) Any such notice shall take effect from such date as may be specified therein. Notwithstanding anything in this Act any such age may be so fixed either in years, or in years and months; and every such notice shall have effect according to its tenor.

(3) Subject to the provisions of this Act, every male person who, on or after the date of the commencement of this Act, becomes ordinarily resident in New Zealand after having attained the age of eighteen years or, as the case may be, such later age as may be fixed for the time being by notice given by the Minister under this section but before attaining the age of twenty-one years, shall be liable to register for national service.

(4) Subject to the provisions of this Act, every male person who became ordinarily resident in New Zealand before the date of the commencement of this Act and after having attained the age of eighteen years, but who will not attain the age of eighteen years and nine months before that date, shall be liable to register for national service.

4. Persons not liable to register—The following persons shall not be liable to register for national service or remain subject to registration under this Act:

- (a) A person employed in the service of the Government of any country other than New Zealand, being a person whose presence in New Zealand is occasioned solely by his employment in that service, or a child of any such person:
- (b) A regular minister of any religious denomination or a regular member of any religious order:
- (c) A person in respect of whom a reception order is in force under the Mental Health Act 1911 (whether or not he is detained in an institution under that

Act), or who is for the time being detained in an institution under that Act, whether as a voluntary boarder or otherwise:

- (d) A person who is totally blind:
- (e) A person who is in receipt of an invalid's benefit under the Social Security Act 1938 (whether in respect of blindness or otherwise).

5. Age for registration—(1) Every person to whom subsection one of section three of this Act applies shall become subject to registration on the day on which he attains the age of eighteen years or, as the case may be, such later age as may be fixed for the time being by notice given by the Minister under the said section three or (if he is then out of New Zealand) on the date of his return to New Zealand:

Provided that every such person who attains the age of eighteen years before the date of the commencement of this Act shall become subject to registration on that date.

(2) Every person to whom subsection three of section three of this Act applies shall become subject to registration on the date on which he becomes ordinarily resident in New Zealand.

(3) Every person to whom subsection four of section three of this Act applies shall become subject to registration on the date of the commencement of this Act.

(4) Every person who, immediately before the date of commencement of this Act, was subject to registration under the Military Training Act 1949 shall, as from that date, be subject to registration under this Act; and the provisions of this Act shall apply to him accordingly.

6. Registration for national service—(1) Every person who becomes subject to registration (other than a person to whom subsection four of section five of this Act applies, and who has registered for service in the Armed Forces under the Military Training Act 1949) shall, within fourteen days thereafter, apply in accordance with this section for registration for national service.

(2) Every application under this section shall be made in a form to be provided by the Minister and shall state the applicant's name, residential address, and occupation, and such other particulars as are specified in the form or required by the Secretary.

(3) Every such application shall be made by delivering it at or posting it by registered letter addressed to the district office of the Department of Labour nearest to the applicant's place of residence:

Provided that the Secretary may, in any case where the application is posted, require the applicant to attend at the district office to complete the application in person.

(4) The Secretary shall ensure—

(a) That upon application being duly made for registration under this section, the name and address of the applicant (together with particulars of the matters with respect to which information was given by the applicant) are entered in a national service register to be kept for the purposes of this Act; and

(b) That upon the applicant being registered, a certificate of registration is issued to him in a form to be provided by the Minister.

(5) If any person registered in the national service register has notified the Secretary that he has a preference for naval, army, or air force service, or conscientiously objects to serving with the Armed Forces, that fact shall be recorded in the register.

(6) Every person shall remain subject to registration under this Act for six years from the date of the receipt by the Department of Labour of his application for registration under this Act or under the Military Training Act 1949, unless he sooner ceases to be ordinarily resident in New Zealand.

(7) If at any time while a person registered in the national service register remains subject to registration under this Act any change occurs in his name or address he shall forthwith send by post to the address specified thereon the certificate of registration issued to him, having first written on the back thereof his correct name and address for the time being.

(8) Upon the receipt of any such notification the Secretary shall cause the necessary corrections to be made in the register and shall either cause the certificate to be corrected and returned to the person registered or cause a fresh certificate to be issued to him.

Medical Examination

7. **Notice for medical examination**—The Secretary may from time to time cause to be served on any person subject to registration under this Act a written notice requiring that

person to submit himself to medical, X-ray, visual, or dental examination at such place and time as may be specified in the notice.

8. Medical Committee—(1) For the purposes of this Act the Minister shall appoint an advisory Committee to be called the Medical Committee.

(2) The Medical Committee shall consist of—

(a) A registered medical practitioner appointed by the Minister on the nomination of the Council of the New Zealand Branch of the British Medical Association:

(b) The Director-General of Health or a registered medical practitioner appointed by the Minister on the recommendation of the Minister of Health:

(c) The Secretary of Labour.

(3) The appointed members of the Medical Committee shall hold office during the pleasure of the Minister and one of the members of the Committee shall be appointed by the Minister to be the Chairman thereof.

(4) The functions of the Medical Committee shall be to advise the Minister in the exercise of his functions under this Act in relation to medical examination and in particular in relation to the grades or categories to be prescribed and the appointment of Regional Medical Officers, and to advise the Secretary in the exercise of his functions in relation to the approval of registered medical practitioners for appointment to Medical Boards.

(5) In the exercise of their functions under this Act in relation to the matters referred to in subsection four of this section, the Minister and the Secretary shall have regard to the recommendations of the Medical Committee.

9. Regional Medical Officers—(1) For the purposes of this Act the Minister may appoint such number of Regional Medical Officers as he from time to time thinks necessary.

(2) Each Regional Medical Officer shall be a registered medical practitioner and shall hold office during the pleasure of the Minister.

(3) Each Regional Medical Officer shall exercise his functions in such region as may from time to time be specified in that behalf by the Minister.

10. Medical Boards—(1) For the purposes of this Act each Regional Medical Officer may from time to time appoint such number of Medical Boards as he thinks fit.

(2) Each Medical Board shall consist of such number of persons, being two or more, as the Regional Medical Officer thinks necessary, all of whom shall be registered medical practitioners for the time being approved by the Secretary for the purposes of this Act.

(3) The members of each Medical Board shall be appointed by the Regional Medical Officer to hold office during his pleasure. The same person may be appointed as a member of two or more Medical Boards.

(4) One member of each Medical Board shall be appointed as the Chairman thereof by the Regional Medical Officer.

(5) Every Medical Board shall exercise its functions in such localities, or in respect of such persons or classes of persons, as the Regional Medical Officer from time to time directs.

11. Medical examination—(1) Where a Medical Board is unable to complete a medical examination on one occasion it may direct the person examined to submit himself to a further medical examination by a Medical Board at a specified place and time.

(2) The Regional Medical Officer may direct a person examined to submit himself to examination by a consultant examiner.

(3) There shall be paid to persons submitting themselves to medical examination under this Act such travelling and other allowances, which may include compensation for loss of remunerative time, as may from time to time be directed or approved by the Minister of Finance or prescribed by regulations made under this Act.

12. Report of Medical Board—(1) Every person examined by a Medical Board shall be placed by the Board in one or other of such grades or categories as are for the time being prescribed by the Minister.

(2) The Medical Board may give the person examined such information as in its discretion it thinks fit as to the result of his examination and the nature of the report. The Regional Medical Officer shall give full particulars of the report to any registered medical practitioner upon application made with the consent of the person examined or of his parent or guardian.

(3) Every report by a Medical Board shall be signed by the members of the Board, and every alteration, erasure, or interlineation shall be initialled by at least one of the members.

(4) If the members of any Medical Board are in doubt or unable to agree as to any question arising in relation to the examination of any person or as to their report thereon, the question shall be referred to the Regional Medical Officer, and his decision shall be final.

(5) The report of the Medical Board, after confirmation by the Regional Medical Officer, shall be forthwith transmitted to the district office of the Department of Labour nearest to the place of the medical examination.

Miscellaneous

13. Members of Committees or Board not to be deemed to be public servants—No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1912 or the Superannuation Act 1956 by reason of his being a member of the Medical Committee or of a Medical Board or a Regional Medical Officer.

14. Remuneration and travelling expenses—There shall be paid out of money appropriated by Parliament for the purpose to the members of the Medical Committee or of any Medical Board and to every Regional Medical Officer remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if all such persons were members of a statutory Board within the meaning of that Act.

15. Proceedings not to be questioned for want of form or appealed against—(1) Proceedings before any Medical Board shall not be held bad for want of form.

(2) No appeal shall lie from any order or direction or requirement or decision given or issued in any such proceedings or by the Minister or the Secretary or any Regional Medical Officer; and, except on the ground of lack of jurisdiction, no proceedings, order, direction, requirement, or decision as aforesaid shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

16. Exercise of Secretary's functions—(1) In the exercise of his administrative functions under this Act the Secretary shall be subject to the control of the Minister.

(2) On the occurrence from any cause of a vacancy in the office of Secretary, and in case of the absence from duty of the Secretary (from whatever cause arising), and so long as the vacancy or absence continues, the powers and functions of the Secretary may be exercised and performed by any person authorised in that behalf by the Minister.

(3) The fact that any person exercises or performs any power or function of the Secretary with the concurrence of the Minister shall be conclusive evidence of his authority to do so.

17. Delegation of powers by Secretary—(1) The Secretary may from time to time, either generally or in respect of any particular area or in respect of any particular class of activity, delegate to any person any of his powers and functions under this Act, including the power of delegation conferred by this section.

(2) Subject to any general or special directions given or conditions attached by the Secretary, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Secretary or by any other person making the delegation.

(6) Every delegation made under this section by the Secretary or by any other person holding any office shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the Secretary or other officer by whom it was made may have ceased to hold office, and shall continue to have effect as if made by his successor in office.

18. Service of notices—(1) Where the Secretary or any other person issues any requirement under this Act he may cause notice of the requirement to be served on any person, and every person on whom the notice is served shall be bound thereby.

(2) Except where otherwise specially provided, any notice required to be served on any person for the purposes of this Act may be served by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(3) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(4) Any notice served under this Act may be at any time varied or revoked by a subsequent notice.

19. Lost certificates of registration—If, while any person remains subject to registration, a certificate of registration issued to that person is lost, destroyed, or defaced, that person shall forthwith report the fact to a district office of the Department of Labour, and in a case where the certificate is defaced shall at the same time lodge the certificate at or send it to the district office; and the Secretary, on being satisfied that the facts reported are correct, shall, where the certificate has been lost or destroyed or so far defaced as to make it desirable to do so, issue a fresh certificate of registration; and the certificate so issued may be marked in any manner that the Secretary may consider suitable for the purpose of indicating that it has been issued under this section.

20. Power of police to question persons liable for registration—(1) Any constable may question any person who may reasonably be supposed to be subject to registration under this Act as to all or any of the following matters, namely, his name, occupation, and residential address, the date and place of his birth, and his registration in the national service register.

(2) Every person who fails or refuses to answer forthwith any question so put to him, or who answers any such question in a false or wilfully misleading manner, commits an offence against this Act.

21. Production of certificate of registration, etc.—Any constable may require any person who may reasonably be supposed to be subject to registration under this Act to produce his certificate of registration (if any) or any documents relating to any of the matters specified in subsection one of section twenty of this Act forthwith if he has the same in his possession, or to produce at any specified place within a specified time any such certificate or document that he has under his control or may be able to obtain.

22. Employers not to employ persons who fail to register—Every person who at any time employs or retains in his service for more than fourteen days any person subject to registration who has not applied for registration under this Act commits an offence against this Act, unless he proves that he believed on reasonable grounds that the person so employed or retained in his service was not subject to registration or that he had duly applied for registration.

23. Offences—(1) Every person commits an offence against this Act who—

- (a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or any direction or requirement given or imposed under this Act:
- (b) Restricts, obstructs, or deceives, or attempts to resist, obstruct, or deceive any Medical Board, or the Secretary, or any person who is exercising or attempting to exercise any power or function under this Act:
- (c) With intent to deceive, makes any false or misleading statement in or any material omission from any communication with or application to the Minister, the Secretary, or any other person (whether in writing or otherwise) for the purposes of this Act:
- (d) With intent to deceive, forges or uses, or lends to or allows to be used by any other person, any certificate issued under this Act; or, with intent to

deceive, makes, or has in his possession, any document so closely resembling any certificate so issued as to be calculated to deceive:

(e) Offers any bribe or other unlawful or improper inducement to any person with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of this Act.

(2) Every person who commits an offence against this Act shall be liable on summary conviction,—

(a) In the case of an individual, to a fine not exceeding fifty pounds:

(b) In the case of a company or other corporation, to a fine not exceeding two hundred pounds.

24. Evidence and procedure—(1) Where in any prosecution for an offence against this Act any question arises as to whether the defendant has received any exemption or has made any application or fulfilled any obligation required from or imposed on him by this Act, the negative shall be presumed until the contrary is proved:

Provided that, if it appears to the Court that there are special circumstances giving rise to doubt as to any of the matters aforesaid, the Court may require the matter to be proved by the prosecution.

(2) Any certificate of registration purporting to be issued under this Act shall, in the absence of proof to the contrary, be sufficient evidence of the registration in the national service register of the person to whom the certificate relates.

(3) A copy purporting to be certified by or on behalf of the Secretary of any entry in the national service register shall, in the absence of proof to the contrary, be sufficient evidence of the entry.

(4) A certificate purporting to be signed by or on behalf of the Secretary of the absence of an entry in the national service register shall, in the absence of proof to the contrary, be sufficient evidence of the facts stated in the certificate.

(5) The absence of an entry in the national service register relating to any person shall, in the absence of proof to the contrary, be sufficient evidence that no application for registration under this Act has been made by that person.

(6) Section fourteen of the Summary Proceedings Act 1957 shall not apply with respect to any prosecution for an offence against this Act.

25. Regulations—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act, and for the due administration thereof.

(2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of their making if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

26. Saving of existing liability for service—(1) Notwithstanding the repeal of the enactments specified in subsection one of section twenty-seven of this Act, every person who has been transferred or is deemed to have been transferred to any Reserve under section three of the Military Training Act 1949 shall remain a member of that Reserve for the period of six years specified in that section; and if at any time during that period any change occurs in his name or address he shall forthwith notify the change to such person and in such manner as may be notified to him by orders issued by or under the authority of the Minister of Defence.

(2) All persons who, under section seventeen of the Military Training Act 1949, are members of any Armed Force on the day immediately preceding the date of the commencement of this Act by reason of having been served with an enlistment notice and who are not members of the Reserve of that Force on that day shall be deemed to have been transferred under section three of the Military Training Act 1949 to that Reserve on that day.

27. Repeals, amendments, and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) The Labour Department Act 1954 is hereby amended by omitting from the First Schedule the words “The Military Training Act 1949 (No. 23)”, and substituting the words “The National Service Registration Act 1958 (No. 32)”.

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the

time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the document was made or the thing was done.

Section 27 (1)

SCHEDULE

ENACTMENTS REPEALED

- 1949, No. 23—The Military Training Act 1949.
1951, No. 13—The Military Training Amendment Act 1951.
1951, No. 79—The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the Conscientious Objection Committee and the Medical Committee established under the Military Training Act 1949; and so much of the Second Schedule as relates to the Military Training Act 1949.
1952, No. 8—The Military Training Amendment Act 1952.
1953, No. 6—The Military Training Amendment Act 1953.
1954, No. 16—The Military Training Amendment Act 1954.
1954, No. 71—The Labour Department Act 1954: So much of the Second Schedule as relates to the Military Training Act 1949 and to the Military Training Amendment Act 1951.
1955, No. 63—The Companies Act 1955: Section 474 (5) (b).
1956, No. 41—The Military Training Amendment Act 1956.
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