

Right Hon. Sir J. G. Ward.

DEFENCE AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 5 of principal Act amended.</p> <p>3. Repeal : Commandant substituted for Council of Defence.</p> <p>4. Section 23 of principal Act amended.</p> <p>5. Section 25 of principal Act amended.</p> <p>6. Section 35 of principal Act amended.</p>	<p>7. Scout Cadets. Repeal.</p> <p>8. Section 40 of principal Act amended.</p> <p>9. Section 41 of principal Act amended.</p> <p>10. Board of Appeal on dismissals.</p> <p>11. Capitation allowance.</p> <p>12. Corps' accounts. Audit.</p> <p>13. Consequential amendments. Schedule.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

A BILL INTITULED

AN ACT to amend the Defence Act, 1909.

Title.

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 Defence Amendment Act, 1910, and shall form part of and be read together with the Defence Act, 1909 (hereinafter called the principal Act.)

Short Title.

2. Section five of the principal Act is hereby amended by omitting all the words of paragraph (b) after the word "responsible," and substituting the words "for the organization, discipline, training, and efficiency of the Forces ; and may also appoint such staff as may be necessary to assist the Commandant."

Section 5 of principal Act amended.

3. Section twelve of the principal Act is hereby repealed, and all references in that Act to the Council of Defence shall hereafter, except as specially provided by this Act be deemed to be references to the Commandant, or, if there is no Commandant, then to the officer appointed to act for him.

Repeal : Commandant substituted for Council of Defence.

*New.*

4. (1.) Regulations made under the principal Act may declare what classes of persons shall be exempt from liability to be transferred from the General Training Section to the Territorial Force as provided by section twenty-three of the principal Act.

Exempted classes.

(2.) The burden of proving exemption from such liability shall rest on the person claiming exemption.

(3.) Section twenty-three of the principal Act is hereby amended by omitting the words "either by ballot or" in subsection two.

Section 23 of principal Act amended.

5. Subsection three of section twenty-five of the principal Act is hereby repealed, and the following substituted in lieu thereof :—

Section 25 of principal Act amended.

“(3.) Every member of the Territorial Force shall, on attaining the age of twenty-five years, be drafted in the prescribed manner into the Reserve :

“Provided that on application any officer, warrant officer, or sergeant may, if approved, be permitted to continue in the Territorial Force, but not beyond the age for retirement prescribed for the rank for the time being held by him.” 5

Section 35 of  
principal Act  
amended.

6. (1.) Section thirty-five of the principal Act is hereby amended by omitting paragraphs (c) and (d), and substituting the following :—

“(c.) From eighteen years of age, or from any later date no 10  
which they cease to attend a secondary school as  
aforesaid, to twenty-five years of age, in the General  
Training Section, or the Territorial Force in the case  
of their transfer to that Force ; and

“(d.) From twenty-five years to thirty years of age, in the 15  
Reserve.”

*New.*

(2.) Nothing in this section shall affect any person who on the commencement of this Act is over the age of twenty-one years, but every such person who is over that age and is not over thirty years 20  
of age shall continue to be liable to be trained as if this Act had not  
been passed.

*Struck out.*

Scout Cadets.

7. (1.) The Minister of Education may, at the request of the 25  
controlling authority, take over the control of the Boy Scouts or any  
of them who are not Junior Cadets, and when so taken over they  
shall form a separate branch of the Junior Cadets and be known as  
the “Scout Cadets,” and be subject to the provisions of the principal  
Act so far as they relate to the Junior Cadets, except that the 30  
restrictions as to age-limit contained in subsection one of section  
thirty-seven thereof shall not apply to Scout Cadets, and Scout  
Cadets may continue as such until they attain the age of eighteen  
years or cease to attend a secondary school, whichever is the later.

(2.) The amount of training of the Scout Cadets shall be 35  
equivalent to that fixed for the Senior Cadets, and shall be as  
prescribed by regulations.

*New.*

7. (1.) The Minister of Defence and the Minister of Education 40  
may at the request of the controlling authority take over the control of  
the Boy Scouts, or permit the formation of Boy Scout units in the  
Senior and Junior Cadets respectively.

(1A.) Such units may be designated Boy Scout Cadets, and wear  
the Scout uniform, but shall be subject to the provisions of the  
principal Act so far as they relate to Senior and Junior Cadets.

(2.) The training of the Boy Scout Cadets shall be as prescribed 45  
for Senior and Junior Cadets, and in addition they may practise the  
training set out in the Scout-training text-book.

(3.) All Scout Cadets, on attaining the age of eighteen years,  
or on any later date on which they cease to attend a secondary 50  
school, shall be drafted in the manner prescribed into the General  
Training Section.

(4.) This section is in substitution for section thirty-nine of the principal Act ; and that section is hereby accordingly repealed.

Repeal.

8. Section forty of the principal Act is hereby amended by repealing subsection two, and substituting the following :—

Section 40 of principal Act amended.

5 “(2.) The compulsory training in the Senior Cadets in any year ending on the last day of February shall not exceed ~~be less than~~ sixty-four hours.”

9. Section forty-one of the principal Act is hereby amended as follows :—

Section 41 of principal Act amended.

10 *Struck out.*

(a.) As to subsection one, by inserting, after the words “ Senior Cadets,” the words “ or Scout Cadets ” ;

(b.) As to subsection two, by omitting the words “ in each year ending the last day of February,” and substituting the words “ in the case of each person liable to be trained therein during the first year of his training,” and by adding at the end of the subsection the words “ and during every subsequent year until he attains the age of twenty-five shall be as prescribed ” ; and

(c.) As to subsection five, by omitting the words “ who has been classified as efficient for three years,” and substituting the words “ on his attaining the age of twenty-five years.”

*New clause.*

9A. Section fifty-nine of the principal Act is hereby amended by adding at the end of subsection one the words “ or are being exercised or trained.”

Section 59 of principal Act amended.

*Struck out.*

10. (1.) When, except in time of war, any officer or non-commissioned officer is dismissed he shall have a right of appeal to a Board of Appeal as hereinafter mentioned.

Board of Appeal on dismissals.

(2.) The Board shall consist of—

The Chief Justice, or some other Judge of the Supreme Court appointed by the Chief Justice, who shall be President of the Board ; and

Two officers of a rank not lower than that of Colonel.

(3.) The Board in the case of every appeal shall be deemed to be a Commission within the meaning of section thirteen of the Commissions of Inquiry Act, 1908.

(4.) The Governor may from time to time, by Order in Council gazetted, make regulations prescribing the procedure for bringing an appeal before the Board.

(5.) This section shall extend and apply to all dismissals made during the twelve months preceding the passing of this Act, as well as to subsequent dismissals.

11. Section fifty-nine of the Defence Act, 1908, is hereby amended by repealing subsection two, and substituting the following :—

Capitation allowance.

“(2.) The capitation allowance in respect of each member shall be paid to the officer commanding the corps to which the member belongs, and shall be held by that officer as the property of the corps and applied in defraying such incidental expenses of the corps as are authorised by regulations.”

Corps accounts.

12. (1.) The officer commanding each corps shall cause accounts to be kept of the income and expenditure and the assets and liabilities of the corps, and shall during the month of April in each year cause such accounts to be balanced to the thirty-first day of March of that year.

Audit.

(2.) All such accounts shall from time to time be audited by the Audit Office.

*New.*

Provision as to Courts-martial.

12A. (1.) The Governor may, from time to time, by warrant under his hand—

- (a.) Convene or authorise any qualified officer to convene a general Court-martial for the trial, under this Act, of any person subject to military law ; and
- (b.) Give a general authority to any qualified officer to convene general or district Courts-martial for the trial, under this Act, of such persons subject to military law as are for the time being under or within the territorial limits of his command ; and
- (c.) Empower any qualified officer to delegate to any officer under his command, not below the degree of field-officer of the Permanent Force or Permanent Staff, a general authority to convene general or district Courts-martial for the trial, under this Act, of such persons subject to military law, as are for the time being under or within the territorial limits of his command ; and
- (d.) Reserve for confirmation by himself, or empower any qualified officer to confirm, the findings and sentences of general or district Courts-martial ; and
- (e.) Empower any officer for the time being authorised to confirm the findings and sentences of general or district Courts-martial to reserve for confirmation such findings and sentences ; and.
- (f.) Make regulations for the convening, composition, procedure, and powers of Courts-martial.

(2.) For the purposes of this section "qualified officer" means the Commandant of the Defence Forces ; the Officer Commanding the Permanent Force ; an Officer Commanding a District.

(3.) For the purposes of this section the following persons are persons subject to military law as officers :—

- (a.) Officers of the Permanent Force and Permanent Staff ; and
- (b.) All other officers of the Defence Forces on all occasions when performing military duty, or going to or from the place of parade, exercise, or military duty.

(4.) For the purposes of this section the following persons are persons subject to military law as soldiers : Non-commissioned officers and men of the Defence Forces (including the Permanent Staff), on all occasions when performing military duty, or going to or from the place of parade, exercise, or military duty.

(5.) The powers and duties of Courts-martial shall be as prescribed by regulations made hereunder.

(6.) The provisions of the Army Act in so far as they relate to Courts-martial shall, subject to the provisions of this Act, apply to Courts-martial convened under this Act.

*New.*

(6A.) All military inquiries shall be open to the Press, except when the Court is dealing with matters of procedure, or is deliberating.

5 (7.) The rules of evidence and the rules of procedure contained in the Manual of Military Law published by the British War Office shall, *mutatis mutandis*, apply to all proceedings of Courts-martial.

(7A.) This section shall extend and apply to all dismissals made during the twelve months preceding the passing of this Act:

10 Provided that the right to a trial by Court-martial be claimed by the person dismissed within *three* months after the passing of this Act.

(8.) This section is in substitution for section seventy-two of the Defence Act, 1909, and that section is hereby repealed accordingly.

15 12B. All regulations made under this Act or the principal Act shall be laid before Parliament within fourteen days after the gazetting thereof if Parliament is then sitting, or, if not, then within fourteen days after the commencement of the next ensuing session.

Regulations to be laid before Parliament.

20 13. The principal Act is hereby further amended in the manner and to the extent indicated in the Schedule hereto.

Consequential amendments.

SCHEDULE.

Schedule.

CONSEQUENTIAL AMENDMENTS OF THE DEFENCE ACT, 1909.

Number of Section affected.	Nature and Extent of Amendment.
Section 13 (2)	By omitting the words "to review generally and to report to the Council on the results of the policy of the Council, and for that purpose."
Section 24 (1)	By omitting the words "Council of Defence," and substituting the words "Commandant with the approval of the Minister."
Section 40 (5)	By omitting the words "Council of Defence," and substituting the word "Governor."
Section 67 (1)	By omitting the words "the Council of Defence."