

Rt. Hon. R. J. Seddon.

DEFENCE ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Defence Act, 1886."

Title.

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

1. The Short Title of this Act is "The Defence Act Amendment Act, 1900," and it shall form part of and be read together with "The Defence Act, 1886" (hereinafter called "the principal Act").

Short Title.

2. The principal Act is hereby amended as follows:—

Amendment of principal Act.

(1.) As to section two: By inserting the following definition after the definition of the word "camp":—

" 'Commandant of the Defence Forces' means the officer appointed by the Governor to command the whole of the Defence Forces, and to have charge of the defences of the colony."

(2.) As to the same section: By omitting the words "includes a troop of cavalry, battery, or" in the definition of the

- word "corps," and substituting in lieu thereof the words "means a battalion of mounted rifles, a battery of artillery, a brigade of naval artillery, or a battalion of infantry, and includes a."
- (3.) As to the same section: By the addition, after the words "the Permanent Militia," in the definition of "Defence Forces," of the words "any rifle-club." 5
- (4.) As to subsection two of section five: By omitting the words "Commander of the Forces, or of any portion of them," and substituting in lieu thereof the words "Commandant of the Defence Forces." 10
- (5.) As to subsection one of section six: By the addition of the words "and may regulate the uniforms to be worn."
- (6.) As to section eight: By omitting the first paragraph thereof, and substituting in lieu thereof the following: "Officers of the Permanent Staff and Permanent Militia shall take precedence of rank of officers of other branches of the Defence Forces. Officers of the Militia and Volunteers, when serving together or on the staff, shall rank with each other of like rank according to the dates of their commissions." 15 20
- (7.) As to section eleven: By omitting the words "Defence Forces" in the form of oath of allegiance, and substituting in lieu thereof the words "Permanent Militia, or Militia, or Volunteer Force, as the case may be." 25
- (8.) As to section twenty-nine: By omitting the words "adjutant of the regiment or battalion, or commanding officer of an independent troop, corps, or company, as the case may be," and substituting in lieu thereof the words "Enrolment Officer." 30
- (9.) As to section thirty: By omitting the words "adjutant of the regiment or battalion division, or officer commanding the independent corps, troops, or company division, as the case may be," and substituting in lieu thereof the words "Enrolment Officer of the district." 35
- (10.) As to section thirty-one: By omitting the words "adjutant or officer commanding" whenever they occur, and substituting in lieu thereof the words "Enrolment Officer."
- (11.) As to subsection two of section thirty-five: By omitting the word "Militia," and substituting in lieu thereof the words "part of the Defence Forces." 40
- (12.) As to section thirty-six: By omitting the words "adjutant of the battalion, or officer commanding the independent division," and substituting in lieu thereof the words "any Enrolment Officer." 45
- (13.) As to section fifty-two: By omitting the words "Commander of the Forces," and substituting in lieu thereof the words "Commandant of the Defence Forces"; and by the addition of the words "the Commandant or" next after the words "reasonable excuse," and of the words "or district" next after the words "his corps." 50

- (14.) As to section fifty-three: By omitting the words "one year's," and substituting in lieu thereof the words "three years'."
- 5 (15.) As to section seventy-nine: By omitting the words "fifty pounds" wherever they occur, and substituting in lieu thereof the words "one hundred pounds."
- 10 (16.) As to section eighty-nine: By omitting the words "Commander of the Forces," and substituting in lieu thereof the words "Commandant of the Defence Forces"; and by the insertion of the words "and may apportion the quota to be furnished by each or any district or sub-district," immediately before the words "and to lead the said Forces."
- 15 (17.) As to section ninety-eight: By omitting the words "Commander of the Forces," and substituting in lieu thereof the words "Commandant of the Defence Forces."
- 20 (18.) Sections twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty-three, forty-two, forty-three, forty-four, and eighty-four to eighty-eight are hereby repealed.

## DUTIES OF THE COMMANDANT OF THE DEFENCE FORCES.

3. Without in any way limiting the powers and functions of the Governor or the Minister of Defence, the Commandant of the Defence Forces shall at all times be responsible to the Minister of

25 Defence for the following matters, that is to say:—

Duties of Commandant of Defence Forces.

- (1.) The discipline, military training, and efficiency of the Defence Forces.
- (2.) The care, maintenance, and distribution of military stores, clothing, arms, accoutrements, and munitions of war when
- 30 placed under his control by the Minister of Defence.
- (3.) The construction, maintenance, and custody of all fortifications, works, and buildings, and charge of all magazines, storehouses, and lands belonging to the military authorities of the colony.
- 35 (4.) The provision and maintenance of horses and transport for the troops, and directing land and water transport.
- (5.) The collection and record of strategical and other information.
- 40 (6.) The preparation and maintenance of detailed plans for the mobilisation of the Defence Forces.

## ENROLMENT OF THE MILITIA.

4. For the purposes of enrolling and organizing the Militia, the Governor may from time to time by any general order—

"Military districts and "sub-districts."

- 45 (1.) Divide the colony into "military districts" and "sub-districts" and define or alter the boundaries thereof;
- (2.) Appoint fit persons, to be called "Enrolment Officers," for each of such districts or sub-districts, or as he may deem expedient.

Appointment of Enrolment Officers.

Roll of persons  
liable to serve.

5. Every Enrolment Officer shall prepare annually a roll, showing the names and such other particulars as may be prescribed of all persons resident in the district or sub-district who are liable to serve in Class I. of the Militia, and for this purpose shall, if necessary, make actual inquiry at each house in his district or sub-district, and adopt any other means in his power to make and complete a correct roll. 5

Householder to give  
information.

6. Every master or mistress of any licensed publichouse, lodginghouse, or private dwellinghouse shall upon the application of any Enrolment Officer give all such information as to the names, ages, qualifications, and liability to serve in the Militia of all persons residing or lodging in such house as such officer may demand and such master or mistress shall be able to give. 10

Complete roll to be  
posted.

7. On or before a date to be fixed in each year by regulations every Enrolment Officer shall forward to the Commandant of the Defence Forces the complete roll of his district or sub-district, and shall cause copies thereof to be placed in conspicuous places in his district or sub-district. 15

Notice to be given  
to persons enrolled.

8. A notice in such form as may be prescribed shall be sent by the Enrolment Officer, within five days of the posting of such rolls, to every person whose name is enrolled therein, informing him of his liability to serve in the Militia, and giving him such instructions as may be prescribed by regulations. 20

Roll *prima facie*  
evidence.

9. Every such roll shall be *prima facie* evidence of the particulars contained therein, but no person shall be relieved from serving in the Militia by reason of the omission from or the erroneous entry of his name in such roll. 25

Person liable to  
serve to give in his  
name within twenty  
days.

10. Every man liable to be enrolled in the Militia under the principal Act, and not so enrolled, shall, within twenty days of the posting of the roll in the district wherein he resides, give in his name, age, and place of residence, either personally or in writing, to the Enrolment Officer of the district. 30

Division of force  
into battalions, &c.

11. On the completion of such rolls the force available for service in the Militia, as appearing on such rolls, shall be divided into companies, regiments, and battalions, or other divisions as may be directed by the Commandant of the Defence Forces, and such officers shall be appointed thereto by the Governor as he shall deem necessary. 35

#### IMPERIAL RESERVE.

Imperial Reserve.

12. The Governor may establish as part of the forces an Imperial Reserve, and with respect to such reserve the following provisions shall apply:— 40

- (1.) Members of any other branch of the forces may enlist in the reserve. The term of enlistment shall not exceed three years.
- (2.) A sum not exceeding five pounds per year may be paid to each member of the reserve who passes the prescribed standard of efficiency and receives a certificate of efficiency.
- (3.) The reserve shall be subject to such special regulations with respect to discipline, drill, equipment, training (including training in camp), and otherwise as the Governor prescribes. 50

- 5 (4.) The regulations may provide that, in the case of a Volunteer or a Militiaman who is enrolled in the Imperial Reserve, his camp-drill in the reserve shall count as camp-drill in the Volunteer Force or Militia.
- 10 (5.) The regulations may also provide for members of the reserve receiving payment according to a prescribed scale whilst in camp.
- 15 (6.) The reserve may, at the cost in all things of the Imperial Government, and in accordance with any arrangements made between the Governor and that Government, be employed on Imperial service outside New Zealand, within limits to be fixed by Act or approved by resolution of both Houses of Parliament.
- 20 (7.) The reserve may also be employed on service outside the colony in accordance with any arrangement in that behalf made between the Governor, the Imperial Government, and the Governments of the Australian Colonies, and in such case the costs of the service shall be apportioned between New Zealand, the Imperial Government, and the arranging colonies, in such manner as is agreed between them.
- 25 (8.) Every arrangement or agreement under the two *last preceding* subsections shall be subject to the approval of Parliament, to be expressed either by Act or by resolution of both Houses.
- (9.) The rate of pay whilst on service outside New Zealand shall not be less than the rate paid to the Fifth Contingent, now on service in South Africa.

## PERMANENT MILITIA.

- 30 **13.** Every member of the Permanent Militia enrolled under the provisions of section seventy-three of the principal Act shall serve for a period of eight years from the time of his enrolment, subject to the following provisions:— Period of enrolment.
- 35 (1.) At the expiration of five years' service he shall be enrolled in a reserve list, and shall serve in the reserve for the remainder of such period of eight years.
- (2.) Every member enrolled in such reserve list shall be liable during the remainder of his term of service to be called on at any time to rejoin the Force for duty.
- 40 (3.) Every member of the Permanent Militia may at the expiration of five years' service, if of good character, be allowed to continue in active service for a further period to be fixed by regulations.
- 45 (4.) Every member of the Permanent Militia may obtain his discharge at his own request at any time during the first three years on payment of the sum of three pounds, and at any time during the next succeeding two years on payment of the sum of two pounds, and after five years of service without payment.
- 50 (5.) Every member obtaining his discharge by payment as aforesaid shall be enrolled on the reserve list, and shall be liable to be called on at any time to rejoin the Force for duty during the remainder of the period of eight years aforesaid.

Regulations.

14. The Governor may from time to time make regulations for all or any of the following purposes:—

- (1.) Determining the number of men who may be enrolled in the Permanent Artillery, and the qualifications required of recruits ; 5
- (2.) Determining the rate of pay to which members of the Permanent Militia shall be entitled according to their various grades ;
- (3.) Regulating the promotion of the members ;
- (4.) Fixing a limit as to age beyond which non-commissioned officers and men shall cease to serve in the Permanent Militia and Volunteers ; 10
- (5.) Generally for providing for the efficient maintenance of the Permanent Militia ; and
- (6.) The cases in which and the conditions subject to which soldiers or sailors from foreign warships may be permitted to land in New Zealand. 15

## DEFENCE RIFLE-CLUBS.

Defence rifle-clubs.

15. (1.) The Governor may, by notice in the *Gazette*, accept the service of Defence rifle-clubs. 20

Constitution of Defence rifle-clubs.

(2.) Defence rifle-clubs shall be formed and governed in such manner as the Governor prescribes by regulations under this Act.

Members thereof may be enrolled in force.

16. The Governor may, by Proclamation, cause any members of Defence rifle-clubs to be enrolled in the forces if required.

## CADET CORPS. 25

Cadet corps.

17. (1.) The Governor may from time to time make regulations for the formation, equipment, and training of cadet corps in connection with the public schools.

(2.) The Governor may give the control of the aforesaid cadet corps to the Education Boards or the Education Department in such manner and to such extent as he thinks fit. 30

(3.) The Governor may also from time to time make regulations for the formation, equipment, and training of cadet corps for youths who are not connected with the public schools, such corps to be under the control of the Defence Department. 35

## COURTS OF INQUIRY.

Constitution of Court.

18. The Commander-in-Chief, the Defence Minister, the Commandant of the Defence Forces, and any officer commanding a district may summon commissioned officers of the Defence Forces under their command to form a Court of Inquiry, which Court shall consist of not less than three such officers, of whom the senior officer present shall be the President, to examine into the truth of any charge or complaint preferred against any officer, non-commissioned officer, or any other member of the Defence Forces : 40

Provided that no officer of the Militia or Volunteers, except those on the Permanent Staff, shall sit on a Court of Inquiry dealing with a charge or complaint relating solely to the Permanent Militia, and no Volunteer officer shall sit on a Court dealing with a charge or complaint relating solely to the Militia. 45

19. Such Court shall be summoned by delivering to each member thereof a summons in the form following :—

How summoned.

“ I, A. B., [*Rank of officer convening the Court*], do hereby summon you, C. D., in terms of section *nineteen* of “ The Defence Act Amendment Act, 1900,” to attend at \_\_\_\_\_, at the hour of \_\_\_\_\_ o’clock in the \_\_\_\_\_ noon, to examine into the truth of certain charges to be preferred against E. F., of the \_\_\_\_\_

“ (Signed) \_\_\_\_\_ “ A. B.”

20. If any officer of the Defence Forces summoned as aforesaid shall refuse or neglect to attend at such time and place as may be named in such summons for the meeting of the Court, he shall render himself liable to have his commission cancelled, subject, however, as follows :—

Penalty for neglect to attend Court.

(1.) Every member of any Court appointed under this Act to inquire into the conduct of an officer of the Defence Forces shall be of equal or superior rank to the officer whose conduct is to be inquired into, and one member, at least, shall be of superior rank.

(2.) Every summons shall be delivered personally to the officer summoned at least twenty-four hours before the time appointed for the meeting of the Court.

(3.) No officer shall be compelled to attend as a member of any Court when the place of meeting is distant more than twenty miles from his usual place of residence.

(4.) No officer who shall have conducted or held a preliminary inquiry as to any charge or complaint preferred against an officer, non-commissioned officer, or member of the Defence Forces shall sit as president or member of a Court of Inquiry into the same charge or complaint.

21. All Courts of Inquiry so constituted shall have power and authority, and are hereby required, to administer an oath to every witness or other person who shall be examined before such Court in any matter relating to any proceeding before the same.

Witnesses to be sworn.

(1.) All persons who may be required to give or produce evidence, and whether required on behalf of the prosecution or of the person charged, shall be summoned by the convening officer.

(2.) Any person so duly summoned who shall not attend such Court, or shall refuse to be sworn or affirmed, or to give evidence, or to answer all such questions as the Board may legally demand of him, shall be liable to the same pains and penalties as if such person had, after being duly summoned or subpoenaed, neglected to attend on a trial in any proceeding before a Magistrate or two or more Justices of the Peace.

Refusal to attend or give evidence.

(3.) Any person who wilfully gives false evidence before any such Court shall be guilty of perjury, and may be dealt with, prosecuted, and punished accordingly.

False evidence.

22. (1.) In any case where any charge or complaint is preferred against any commissioned officer of the Defence Forces, such officer may be placed under arrest by the senior officer present, and such

Proceedings when officer charged.

charge or complaint shall, with all convenient speed, be heard before a Court of officers constituted as hereinbefore provided, but the duties of such Court shall be confined to taking evidence upon oath and reporting thereon.

(2.) Such report and evidence shall forthwith be forwarded by the President of the Court to the Commanding Officer for transmission to the Minister of Defence, who shall submit the same to the Governor for his decision. 5

Remuneration of members of Court and witnesses.

23. All officers comprising a Court as hereinbefore constituted shall, if they are not at the time in receipt of regular pay from Her Majesty's Government in the colony, be paid for their services at the rate of one pound one shilling for each day or part of a day during which they shall respectively sit as members of such Court, and all witnesses duly summoned by the convener of a Court of Inquiry shall be entitled to the same fees and privileges as if such witnesses had been duly summoned or subpoenaed to attend on a trial in any proceeding before the Supreme Court. 10 15

#### RIFLE-RANGES, ETC.

Rifle-ranges may be sold or let.

24. (1.) Whenever any lands acquired by purchase under the powers contained in section sixty-eight of the principal Act have become disused or are found to be unsuitable, such lands may, with the sanction of the Governor, be sold at such price or let for such term of years and at such rent as may be determined on by the trustees in whose names such lands are vested, and the proceeds derived from such sale or letting shall be paid into and form part of the funds of the Volunteer corps to which such lands belonged. 20 25

(2.) In every case where land has been set aside as a reserve for a rifle-range such reserve shall by force of this Act be deemed to be vested in the Minister of Defence, and shall be held and administered by him under this Act. 30

Provision of drill-grounds for Volunteers and submarine-mining drill, and regulating the right of access thereto.

25. The Governor may from time to time—

- (1.) Proclaim suitable places throughout the colony, whether Crown lands or, with the consent of the owner or owners thereof, private lands, as drill-grounds for Volunteers;
- (2.) Permit the use of foreshores of harbours or sea-areas, excepting fairways and anchorages, for submarine-mining drills; 35
- (3.) Regulate the use of such places, foreshores or sea-areas for the purposes aforesaid, and limit the right of access thereto of the general public whenever any drill, inspection, or parade is taking place thereon. 40

#### FOREIGN TROOPS.

Foreign soldiers or sailors not to land without permission of Governor.

26. (1.) Soldiers or sailors from a foreign warship shall not land at any port in New Zealand without the permission of the Governor obtained through the Consular office of the country to which the ship belongs: Provided that this prohibition shall not apply to individual officers and men who may desire to land whilst the Governor's permission is being obtained. 45

(2.) Forthwith upon the arrival of a foreign warship at any port or place in New Zealand it shall be the duty of the harbour



authorities of the port, or if there are no harbour authorities, then for the Customs authorities, to bring this section to the notice of the commander of the ship.

## GENERAL PROVISIONS.

- 5       27. An honorary member of any Volunteer corps shall not wear the uniform of the corps except with the previous consent of the Governor. Honorary members not to wear uniform.
- 10       28. All military clothing, saddlery, and equipments imported into the colony for the *bona fide* use of a Volunteer corps shall, on the certificate in writing of the Minister of Defence that the same are or have been imported for such purpose, be admitted into the colony free of Customs duty. Equipments to be admitted free of Customs duty.
- 15       29. (1.) All members of the Defence Forces, with the exception of members of Defence rifle-clubs, shall be exempt from serving upon any jury. Exemption from serving on juries.
- (2.) Subsection twelve of section six of "The Juries Act, 1880," is hereby repealed.
- 20       30. (1.) All Volunteer drill-sheds and grounds shall be exempt from municipal or other local rates. Drill-sheds, &c., not liable to rates.
- (2.) Section two of "The Rating Act, 1894," is hereby amended by the addition of the words "or for Volunteer drill-sheds or grounds," after the words "signal stations," where the same occur in clause nine of the definition of the words "rateable property."
- 25       31. All arms and accoutrements supplied by the Government to the Defence Forces shall remain the property of the Government, and may be withdrawn at any time by order of the Commandant. Arms, &c., property of Government.