

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 28th Day of September, 1910.

DEFENCE AMENDMENT BILL.

Right Hon. Sir J. G. WARD, in Committee, to move the following new clause:—

Provision as to
Courts-martial.

A. (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.

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

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 This section is in substitution for section seventy-two of the Defence Act, 1909, and that section is hereby repealed accordingly.