

Serial Number 1941/210.



**THE NATIONAL SERVICE EMERGENCY REGULATIONS 1940,
AMENDMENT NO. 7.**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 12th day of
November, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the National Service Emergency Regulations 1940, Amendment No. 7, and shall be read together with and deemed part of the National Service Emergency Regulations 1940* (hereinafter referred to as the principal regulations).

2. Regulation 1 of the principal regulations is hereby amended by inserting in clause (3), in their appropriate alphabetical order, the following definitions:—

“ ‘Camp Supervisor’ , in relation to any detention camp, means the person for the time being in charge of that camp:

“ ‘Controlling Officer’ means the Controlling Officer of Detention appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Controlling Officer:

* Statutory Regulations 1940, Serial number 1940/117, page 281.
Amendment No. 1: Statutory Regulations 1940, Serial number 1940/186, page 599.
Amendment No. 2: Statutory Regulations 1940, Serial number 1940/223, page 731.
Amendment No. 3: Statutory Regulations 1941, Serial number 1941/3, page 7.
Amendment No. 4: Statutory Regulations 1941, Serial number 1941/73, page 277.
Amendment No. 5: Statutory Regulations 1941, Serial number 1941/148, page 479.
Amendment No. 6: Statutory Regulations 1941, Serial number 1941/154, page 499.

“ ‘Defaulter’ means a man who for the time being has been committed to defaulters’ detention and has not been discharged therefrom:

“ ‘Detention camp’ or ‘camp’ means a place appointed by the Minister for the detention of defaulters:

“ ‘Inmate’, in relation to any detention camp, means a defaulter who for the time being has been admitted to that camp and has not been transferred or temporarily released therefrom by the Minister:”.

3. The principal regulations are hereby amended by inserting, after Regulation 3, the following regulation:—

“REGULATION 3A.—CONTROLLING OFFICER OF DETENTION.

“(1) There shall from time to time be appointed for the purposes of these regulations an officer of the Public Service, to be called the Controlling Officer of Detention, who shall be subject to the control of the Minister and of the Director.

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

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

4. (1) The heading to Regulation 4 of the principal regulations is hereby amended by omitting the words “AND DIRECTOR”, and substituting the words “DIRECTOR AND CONTROLLING OFFICER”.

(2) Regulation 4 of the principal regulations is hereby amended as follows:—

- (a) By inserting in clause (1), after the word “Director”, the words “or the Controlling Officer”:
- (b) By inserting in clause (2), after the words “by the Director”, the words “or by the Controlling Officer”:
- (c) By inserting in clause (2), after the words “or the Director”, the words “or the Controlling Officer”:
- (d) By inserting in clause (2), after the words “or Director”, the words “or Controlling Officer”:
- (e) By inserting in clause (3), after the words “and of the Director”, the words “and of the Controlling Officer”:
- (f) By inserting in clause (3), after the words “or by the Director”, the words “or by the Controlling Officer”:
- (g) By inserting in clause (5), after the word “Director” the words “or of the Controlling Officer”.

5. (1) Regulation 17 of the principal regulations is hereby amended by revoking clauses (4) and (5), as set out in Regulation 9 (2) of the National Service Emergency Regulations 1940, Amendment No. 4, and substituting the following clauses:—

“(4) Every man who, whether or not he has been called up for service under these regulations, becomes a member of the Second New Zealand Expeditionary Force, whether by transfer from any other armed force or otherwise, shall have such rank in the Second New Zealand Expeditionary Force as he may from time to time be appointed to or granted therein, whether or not he holds any rank (commissioned or otherwise) in any other armed force.

“(5) Every man who, whether or not he has been called up for service under these regulations, becomes a member of the Territorial Force, whether by transfer from any other armed force or otherwise, shall have such rank in the Territorial Force as he may from time to time be appointed to or granted therein, whether or not he holds any rank (commissioned or otherwise) in any other armed force.”

(2) Clause (2) of Regulation 9 of the National Service Emergency Regulations 1940, Amendment No. 4, is hereby consequentially revoked.

6. Regulation 28A of the principal regulations, as amended by Regulation 7 of the National Service Emergency Regulations 1940, Amendment No. 5, is hereby further amended by inserting, after clauses (2) and (5A) respectively, the following clauses:—

“(3) No appeal on the ground specified in paragraph (e) of clause (1) of Regulation 21 hereof shall be determined on its merits by an Appeal Board, or remitted to the Director by a Man-power Committee under clause (1c) of Regulation 21 hereof, until every appeal made to the Appeal Board or to the Man-power Committee, as the case may be, by or in respect of the same appellant on any other ground has been dismissed, struck out, or withdrawn.”

“(5B) The amount so ordered or directed to be paid in respect of any income year by the appellant or by any other person on his behalf shall be deductible by way of special exemption under the Land and Income Tax Act, 1923, from the assessable income of the appellant for that year.”

7. Regulation 41 of the principal regulations is hereby amended as follows:—

(a) By inserting in paragraph (a) of clause (1), after the words “that force”, the words “or any other armed force”:

(b) By adding to paragraph (b) of clause (1) the words “or any other armed force”:

(c) By adding to clause (2) the words “or any other armed force”.

8. Regulation 44A of the principal regulations is hereby amended as follows:—

- (a) By omitting “and 43” from paragraph (b) of clause (1), and substituting “43, and 44B”:
- (b) By inserting in clause (4), after the words “thinks fit”, the words “or as may be prescribed by or under these regulations”.

9. Regulation 44A of the principal regulations is hereby further amended by inserting, after clause (4), the following clauses:—

“(4A) Any defaulter may be taken from place to place under the escort of a constable or of a person authorized in that behalf by the Minister or by the Controlling Officer. While under such escort, or while awaiting classification, transfer to a detention camp, medical examination, or discharge, any defaulter may be placed in the custody of the police or detained in any prison. Every defaulter who is directed by or under the authority of the Minister or of the Controlling Officer to proceed to any place without escort shall travel as directed and report at the place and time so directed.

“(4B) Any defaulter may from time to time be required by the Controlling Officer or by any constable to submit himself for examination or re-examination by a Medical Board or by any medical practitioner. It shall be lawful for any medical practitioner to examine or re-examine any defaulter for the purposes of these regulations, whether with or without the consent of that defaulter. The provisions of this clause shall be in addition to and not in derogation of the provisions of Regulations 19, 37, and 41 hereof.

“(4C) Every defaulter who is reported by a Medical Board or by a registered medical practitioner to be suffering from any contagious disease may be detained in any prison for the purposes of medical treatment for such period as the Minister, acting on the report of a Medical Board or of a registered medical practitioner, deems necessary.”

10. Regulation 44A of the principal regulations is hereby further amended by adding the following clause:—

“(11) Any power of arrest without warrant conferred by this regulation may be exercised on a Sunday or on any other day. A warrant for the apprehension of any person charged with an offence to which this regulation applies may be granted and executed on a Sunday or on any other day.”

11. The principal regulations are hereby amended by inserting, after Regulation 44A, the following regulation:—

“REGULATION 44B.—DETENTION CAMPS.

“(1) The Camp Supervisor of every detention camp shall keep a Register of Admissions and Discharges, in which shall be entered in respect of each defaulter the following particulars:—

“(a) His name in full:

“(b) The place where the order for detention was made:

“(c) The name of the Minister or Magistrate by whom the order was made:

“(d) The date of the order:

“(e) The date of admission:

“(f) Particulars as to transfer or temporary release:

“(g) The date of discharge:

“(h) Any other particulars from time to time directed by the Minister to be entered.

“(2) Every inmate may upon admission be searched by the Camp Supervisor, or by an officer of the camp authorized by him in that behalf, and the Camp Supervisor or officer aforesaid may take from any inmate anything that in his discretion he considers it necessary or expedient to remove from the custody of the inmate.

“(3) The Camp Supervisor may also, if he has reason to suspect that any inmate is at any time after his admission in possession of any such thing, search or cause that inmate to be searched, and may take from any inmate any such thing found in his custody.

“(4) The Camp Supervisor shall cause to be entered in a book kept for the purpose a list of all articles so taken from any inmate, together with the name of the inmate and the date of search. Every entry in that book shall be signed by the Camp Supervisor on the day on which it is made.

“(5) Every inmate shall promptly and to the satisfaction of the Camp Supervisor obey all orders given by or under the authority of the Camp Supervisor, whether as to the performance of any work or duties or as to the preservation of good order, discipline, and punctuality, or otherwise. The Camp Supervisor shall ensure as far as possible that every inmate is employed on productive or useful work except in cases of physical incapacity by reason of illness or injury.

“(6) Except with the prior consent of the Camp Supervisor and in accordance with any orders given in that behalf by or under the authority of the Camp Supervisor, no inmate shall go or attempt to go, or at any time be, outside the camp or outside the bounds of detention from time to time prescribed by the Controlling Officer. Every inmate who commits an offence against this clause shall be deemed for the purposes of Regulation 44A hereof to have escaped from defaulters' detention.

“(7) No inmate shall send or attempt to send any letter or postal packet otherwise than in accordance with this regulation and any rules or orders made or given in that behalf by or under the authority of the Controlling Officer. All letters written by inmates and addressed to the Minister shall be immediately forwarded by the Camp Supervisor without being opened. Every other letter written by any inmate, or postal packet of any description, shall be submitted in the first place for the perusal or inspection of the

Camp Supervisor, who may in his discretion refuse to permit it to be forwarded. Every such refusal shall be forthwith reported to the Controlling Officer by the Camp Supervisor.

“(8) No inmate shall receive or attempt to receive any article, letter, or packet of any description except through the hands of the Camp Supervisor. Every article, letter, or packet addressed to or delivered for any inmate may be inspected or opened by the Camp Supervisor, who may in his discretion refuse to deliver it to the inmate. Every such refusal shall be forthwith reported to be Controlling Officer by the Camp Supervisor.

“(9) No inmate of any detention camp shall be permitted to receive visits from any person without the consent of the Camp Supervisor. An officer of the camp may be present during any interview between an inmate and a visitor and may, for any reason deemed by him to be sufficient, terminate the interview at any time.

“(10) The Controlling Officer may make rules for the control and regulation of the internal management of any camp. In particular, in pursuance of this clause, the Controlling Officer may make rules for all or any of the following purposes:—

- “(a) Fixing the hours of work and leisure, the times of rising and of retiring, and the hours for meals:
- “(b) Providing for the personal cleanliness of inmates, and the maintenance of cleanliness and tidiness throughout the camp:
- “(c) Providing for the decent and orderly conduct of inmates:
- “(d) Prescribing work and duties to be performed by inmates, and the areas and places for the performance thereof:
- “(e) Prohibiting trafficking among inmates or the conduct of any business or communications between inmates and any other persons inside or outside the camp:
- “(f) Restricting the number of letters or packets that may be sent or received by inmates:
- “(g) Prohibiting the congregation of inmates for the purpose of meetings or discussions or for any other unauthorized purpose:
- “(h) Prohibiting or regulating smoking within the camp or any parts thereof:
- “(i) Providing for the care of camp property and the prevention of damage thereto or abuses thereof:
- “(j) Providing for the awarding to inmates of good conduct or industry marks entitling them to monetary payments:
- “(k) Establishing a system of minor punishments to be imposed by the Camp Supervisor for breaches of the rules or of this regulation (such as the deprivation of privileges, the withholding of good conduct or industry marks, the restriction of bounds, or the ordering of alternative work or duties).

“(11) Instead of imposing a minor punishment on any inmate for any breach of the rules, the Camp Supervisor may refer the matter to the Controlling Officer, who may, in his discretion, impose on the inmate a minor punishment as aforesaid or a punishment involving close confinement within the camp or a reduction in the dietary scale, or both such confinement and such reduction. In any case where he considers it necessary, the Camp Supervisor may place the inmate in close confinement pending the consideration of the matter by the Controlling Officer.

“(12) The Camp Supervisor shall cause to be kept in a book to be provided for that purpose a record of all breaches of the rules and of the punishments inflicted in respect thereof.

“(13) No person other than an inmate shall be in any detention camp, or communicate directly or indirectly with any inmate of any camp, or deliver to or receive from any inmate any article, letter, or packet of any description, without the permission of the Controlling Officer or of a person authorized in that behalf by the Controlling Officer. In any proceedings for an offence against this clause the burden of proving that any person had permission as aforesaid shall be on the defendant.

“(14) The Camp Supervisor of any detention camp, or any person authorized in that behalf by the Camp Supervisor,—

“(a) May direct any person not to enter or remain in the camp or loiter in the vicinity of the camp:

“(b) May give such directions as he thinks fit to any person who enters or remains in or is about to enter the camp for regulating his conduct while in the camp, whether in relation to anything that he has with him or otherwise:

“(c) May search any person approaching, entering, remaining in, or leaving, or attempting to approach, enter, or leave the camp, and may detain any such person for the purpose of searching him:

“(d) May arrest without warrant any person who commits or is reasonably suspected of having committed or of being about to commit an offence against these regulations in relation to the camp or in relation to any inmate thereof.

“(15) Every person commits an offence against this regulation who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this regulation or any rule, order, or direction made or given under this regulation.”

T. R. AICKIN,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 13th day of November, 1941.

These regulations are administered in the National Service Department.