



THE
NEW ZEALAND GAZETTE
EXTRAORDINARY.

Published by Authority.

WELLINGTON, TUESDAY, OCTOBER 10, 1916.

Military Service Act, 1916.—Regulations as to Appeals to Military Service Boards.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this tenth day of October, 1916.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

I, ARTHUR WILLIAM DE BRITO SAVILE, Earl of Liverpool, Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, do hereby, in pursuance of the authority conferred upon me by the Military Service Act, 1916, make the following regulations with respect to appeals to the Military Service Boards constituted under that Act.

REGULATIONS.

1. On the hearing of appeals the Crown may be represented by any person appointed in that behalf by the Minister of Defence either generally or with respect to any class of appeals or with respect to any particular appeal. The representative of the Crown is hereinafter referred to as the Military Representative.

2. The Military Representative at the hearing of an appeal shall have a right to be heard in opposition thereto, to produce evidence, and to cross-examine witnesses.

3. The Chairman of a Military Service Board shall give to the Commandant such reasonable notice of the time and place of the hearing of an appeal as may be sufficient to afford to a Military Representative a reasonable opportunity of being present at the hearing.

4. An appellant may, on the hearing of his appeal, be represented by a barrister or solicitor or, with the leave of the Board, by any other person.

5. All appeals shall be heard in public, unless the Board in any particular case, due regard being given to the interests of the appellant and of all other persons concerned, considers that the hearing or any part thereof should take place in private; provided that the Board may deliberate in private as to the determination of the appeal or as to any question arising in the course of the proceedings.

6. The hearing of an appeal may from time to time be adjourned by the Board to any time and place or *sine die*; but, if adjourned *sine die*, reasonable notice of the time and place of the continuance thereof shall be given by post, telegraph, or otherwise to the appellant or his representative and to the Military Representative.

7. When the hearing of an appeal has been completed the Board may reserve its determination, and may thereafter determine the appeal at any time and place, and either publicly or privately, and either with or without previous notice to the appellant or the Military Representative.

8. The forms set out in the Schedule hereto may be used for the purposes of the Military Service Act.

9. In determining an appeal on the ground set out in paragraph (c) of section 18 of the Military Service Act the Board shall, unless it sees good reason to the contrary, accept as sufficient a certificate by the Minister of Defence that the occupation of the reservist is of such a nature that the calling-up of that reservist for military service is contrary to the public interest.

10. Notwithstanding anything to the contrary in subsection (3) of section 18 of the Military Service Act, a Board shall be under no obligation to accept as sufficient evidence of undue hardship the facts set out in that subsection, if the Board is satisfied that by reason of estrangement between the reservist and his parents, or by reason of any other exceptional circumstances, the calling-up of the reservist for military service would not in fact be a cause of undue hardship to his parents.

11. A Military Service Board shall not allow an appeal on the ground set out in paragraph (e) of section 18 of the Military Service Act until and unless the reservist has signed and delivered to the Commandant or to the Board an undertaking in form No. 8 in the Schedule hereto signifying his willingness to perform non-combatant work or services.

12. (1.) When any reservist who is required under section 35 of the Military Service Act to show cause why he should not be called up for service gives notice of appeal on the ground that he or any brother of his is permanently unfit for military service, the Commandant shall forthwith after the receipt of such notice of appeal cause every person so alleged to be unfit for military service to be required under section 7 of the said Act to submit himself for examination before a Board of medical officers (hereinafter called a Medical Board).

(2.) The report of the Medical Board shall be transmitted through the Commandant to the Military Service Board appointed to hear the appeal.

(3.) The Military Service Board shall not determine the appeal until that Board has received from the Commandant, in respect of every person so alleged to be unfit for military service, either the report of a Medical Board or an intimation that such person has made default in submitting himself for examination before a Medical Board.

SCHEDULE.

Form No. 1.

Military Service Act, 1916.

NOTICE OF APPEAL BY RESERVIST CALLED UP FOR SERVICE BY LOT.

To the Commandant, New Zealand Defence Forces, Wellington.

HAVING been called up by lot for service with the New Zealand Expeditionary Force, I hereby appeal to a Military Service Board on the following grounds [*Appellant must strike out any ground on which he does not desire to appeal; he may, however, appeal on more than one ground*]:—

- (a.) That when so called up I was not a reservist.
- (b.) That when so called up I was a reservist of the Second Division.
- (c.) That my calling-up for service is contrary to the public interest because of my occupation—namely [*State nature of occupation*].
- (d.) That my calling-up for service will be a cause of undue hardship for the following reasons: [*State shortly reason or reasons*].
- (e.) That I have religious objections in accordance with section 18 of the Military Service Act, 1916.

My full name is :
 My occupation is :
 My postal address is :

I send herewith the following documents in support of my appeal:
 [Give list of enclosed documents, if any].

[Ordinary signature of appellant.]

NOTE.—This notice must be posted by registered letter addressed to the Commandant, New Zealand Defence Forces, Wellington, within ten days after the day of the gazettement of the notice by which the reservist was called up for service.

Form No. 2.

Military Service Act, 1916.

NOTICE OF APPEAL BY EMPLOYER OF RESERVIST CALLED UP FOR SERVICE BY LOT.

To the Commandant, New Zealand Defence Forces, Wellington.
 ON behalf of [Full name of reservist], who has been called up for military service, and who is in my employment, I hereby appeal to a Military Service Board on the following grounds [Strike out any ground on which you do not desire to appeal; you may, however, appeal on more than one ground]:—

- (a.) That when so called up he was not a reservist.
- (b.) That when so called up he was a reservist of the Second Division.
- (c.) That his calling-up for service is contrary to the public interest because of his occupation—namely [State nature of occupation].
- (d.) That his calling-up for service will be a cause of undue hardship for the following reasons: [State shortly reason or reasons].
- (e.) That he has religious objections in accordance with section 18 of the Military Service Act, 1916.

His full name is :
 His occupation is :
 His postal address is :
 My full name is :
 My occupation is :
 My postal address is :

I send herewith the following documents in support of this appeal:
 [Give list of enclosed documents, if any].

[Ordinary signature of employer.]

[If the reservist is employed by a firm, any partner may appeal. If the reservist is employed by a company or corporation, the appeal should be made by and in the name of the company or corporation.]

NOTE.—This notice must be posted by registered letter addressed to the Commandant, New Zealand Defence Forces, Wellington, within ten days after the day of the gazettement of the notice by which the reservist was called up for service.

Form No. 3.

Military Service Act, 1916.

NOTICE OF APPEAL BY RESERVIST REQUIRED TO SHOW CAUSE UNDER SECTION 35.

To the Commandant, New Zealand Defence Forces, Wellington.

HAVING received notice from the Minister of Defence under section 35 of the Military Service Act, 1916, to show cause why I should not be called up for service with the New Zealand Expeditionary Force, I hereby appeal to a Military Service Board on the following grounds [Appellant must strike out any ground on which he does not desire to appeal; he may, however, appeal on more than one ground]:—

- (a.) That I am not a reservist.
- (b.) That I am a reservist of the Second Division.
- (c.) That my calling-up for service is contrary to the public interest because of my occupation—namely [State nature of occupation].
- (d.) That my calling-up for service will be a cause of undue hardship for the following reasons: [State shortly reason or reasons].
- (e.) That I have religious objections in accordance with section 18 of the Military Service Act, 1916.
- (f.) That I am permanently unfit for military service.

(g.) That when I received the said notice from the Minister of Defence I had no brother who belonged to the First Division of the Reserve.

(h.) That when I received the said notice from the Minister of Defence all my brothers who belonged to the First Division of the Reserve were permanently unfit for military service.

My full name is :

My occupation is :

My postal address is :

I send herewith the following documents in support of my appeal:
[Give list of enclosed documents, if any].

[Ordinary signature of appellant.]

NOTE.—This notice must be posted by registered letter addressed to the Commandant, New Zealand Defence Forces, Wellington, within ten days after the receipt of the notice of the Minister of Defence requiring the reservist to show cause.

Form No. 4.

NOTICE UNDER SECTION 35 OF THE MILITARY SERVICE ACT, 1916.

WHEREAS I, James Allen, Minister of Defence for the Dominion of New Zealand, am satisfied with respect to the family to which you belong that it consists of or includes two or more brothers who belong to the First Division of the Expeditionary Force Reserve and are not permanently unfit for military service, and that you are one of those brothers: And whereas the enrolment of the said First Division has been duly proclaimed and directed:

Now, therefore, I hereby give you notice, in pursuance of the provisions of section 35 of the Military Service Act, 1916, to show cause before a Military Service Board why you should not be called up for service with the New Zealand Expeditionary Force.

Dated this day of , 191 .

.....
Minister of Defence.

To [Name and address of reservist].

NOTE.—(1.) You have a right of appeal to a Military Service Board on the grounds mentioned in section 35 of the Military Service Act.

(2.) Such appeal must be commenced within ten days after the receipt of this notice by posting to the Commandant of the Defence Forces at Wellington a registered letter containing a notice of appeal with the particulars prescribed by section 23 of the said Act.

(3.) If you do not so appeal you will become a member of the New Zealand Expeditionary Force on the day following that on which your right of appeal expires, and you will be liable to military service accordingly.

Form No. 5.

Military Service Act, 1916.

NOTICE OF HEARING OF APPEAL.

TAKE notice that your appeal under the Military Service Act will be heard by the Military Service Board at the Magistrate's Court-house [or, as the case may be] at , on , the day of , 191 , at o'clock in the noon, or so soon thereafter as it can be heard.

Dated this day of , 191 .

.....
Chairman of the Board.

To [Name and postal address of appellant].

Form No. 6.

Military Service Act, 1916.

SUMMONS TO WITNESS BEFORE A MILITARY SERVICE BOARD.

TAKE notice that you are required to appear before the Military Service Board at the Magistrate's Courthouse [or, as the case may be] at , on , the day of , 191 , at o'clock in the noon, there to give evidence on the appeal of [Name, occupation, and address of reservist] under the Military Service Act, 1916. Herein fail not.

Dated this day of , 191 .

.....
Chairman of the Board.

Form No. 7.

Military Service Act, 1916.

DETERMINATION OF MILITARY SERVICE BOARD.

Wellington [*or, as the case may be*] Military Service Board.In the matter of [*Full name, address, and occupation of the reservist*].Appeal under section [18, 30, or 35, *as the case may be*] of the Military Service Act, 1916, by the above-named [*or by on behalf of the above-named*].THIS appeal having been duly considered by the above-named Military Service Board, it is this day determined by the Board that the appeal be dismissed [*or that the appeal be allowed on the following grounds: (State shortly the grounds on which appeal allowed)*].

Dated this day of , 191 .

, Chairman of Board.

, Member of Board.

, Member of Board.

To the Commandant, New Zealand Defence Forces, Wellington.

Form No. 8.

Military Service Act, 1916.

UNDERTAKING OF RELIGIOUS OBJECTOR TO PERFORM NON-COMBATANT SERVICE.

To the Commandant, New Zealand Defence Forces, Wellington.

I, [*Full name, address, and occupation of reservist*], having appealed to a Military Service Board on the ground of my religious objections to military service, hereby undertake, if my appeal is allowed on that ground, faithfully and willingly to perform such non-combatant work or services, including service in the Medical Corps and the Army Service Corps, whether in or beyond New Zealand, as may be required of me in accordance with regulations made under the Military Service Act, 1916, and at such rate of payment as may be prescribed by such regulations.

Dated this day of , 191 .

[*Signature of reservist.*]

J. F. ANDREWS,

Clerk of the Executive Council.