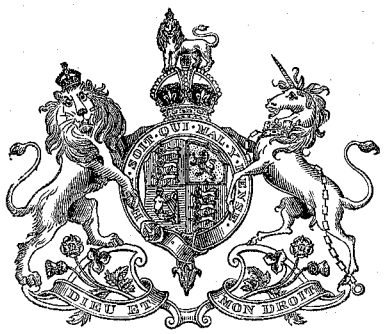
AMENDED: See Act, 1917 No. 14.
AMENDED: See Act, 1918 No. 9.
AMENDED: See Act, 1920 No. 25.

New Zealand.



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1916, No. 8.

Title. An Act to make Further Provision for the Raising and Maintenance of Expeditionary Forces during the Present War.

[*1st August, 1916.*

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 Military Service Act, 1916, and shall be read together with and deemed part of the Expeditionary Forces Act, 1915 (hereinafter referred to as the principal Act). **Short Title.**

2. In this Act, unless a contrary intention appears,— **Interpretation.**

"Authorized officer" means an officer of the Defence Forces nominated by the Commandant as an authorized officer for the purposes of this Act:

"Reservist" means a member of the Reserve constituted by this Act, whether enrolled therein or not:

"The Expeditionary Force" means the New Zealand Expeditionary Force raised under the principal Act:

"Medical officer" means any person who, with the authority or approval of the Minister of Defence or the Commandant or an authorized officer, is employed in the medical examination of men called up under this Act for service in the Expeditionary Force or voluntarily enlisting for such service:

"Military age" means any age not less than twenty years and less than forty-six years:

"Government Statistician" means the officer for the time being holding office under that title under the Census and Statistics Act, 1910, or any other person for the time being acting in the place of that officer:

"Unit" means in this Act a company, squadron, battery, or other like division of a military force.

The Expeditionary Force Reserve.

3. (1.) There is hereby established in connection with the Expeditionary Force a reserve called the Expeditionary Force Reserve (hereinafter referred to as the Reserve). **Expeditionary Force Reserve.**

(2.) The Reserve consists of every male natural-born British subject who is for the time being of military age, and who is at the passing of this Act, or subsequently becomes, resident in New Zealand, with the following exceptions:—

(*a.*) Members of any Expeditionary Force raised under the principal Act;

(*b.*) Men who have, whether before or after the passing of this Act, been discharged in consequence of disablement or ill health from the Expeditionary Force, or from any other portion of His Majesty's Forces, after service beyond the seas during the present war in that Force or with such Forces;

(*c.*) Men undergoing a sentence of imprisonment for a term not less than one year, or in confinement as of unsound mind; and

(*d.*) Natives, within the meaning of the Native Land Act, 1909.

4. (1.) The Reserve shall consist of two divisions, to be distinguished as the First Division and the Second Division thereof. **Divisions of the Reserve.**

(2.) The First Division consists of all Reservists who on the passing of this Act are—

(*a.*) Unmarried men; or

(*b.*) Married men whose marriage took place subsequently to the first day of May, nineteen hundred and fifteen, except such as have a child under sixteen years of age by a previous marriage; or

(*c.*) Widowers with no children under sixteen years of age; or

(*d.*) Men whose marriage has been dissolved or who are judicially separated from their wives by decree of judicial separation, separation order, or otherwise, and who have no children under sixteen years of age.

(3.) The Second Division of the Reserve shall consist of all other Reservists.

(4.) The Governor in Council may from time to time divide either or both of the divisions of the Reserve into such classes (if any) as he thinks fit.

Enrolment of the Reserve.

5. (1.) At any time and from time to time after the passing of this Act the Governor may, by Proclamation, proclaim and direct the enrolment of the First Division of the Reserve, or of any class or classes of that division.

(2.) At any time and from time to time after the enrolment of the First Division, or of all the classes (if any) thereof, has been directed as aforesaid the Governor may, by Proclamation approved in the Executive Council, proclaim and direct the enrolment of the Second Division of the Reserve, or of any class or classes of that division.

Preparation of register.

6. (1.) Forthwith after the enrolment of either division of the Reserve, or of any class or classes thereof, has been so proclaimed and directed the Government Statistician shall prepare a register of such division, class, or classes in such manner as the Governor in Council directs.

(2.) For the purpose of this section the Government Statistician shall make use of the National Register of Men compiled under the National Registration Act, 1915, together with all other available sources of information.

(3.) The register shall be amended from time to time by correcting errors therein, adding the names of Reservists thereto, and striking out the names of all men who cease to belong to the Reserve or to the division or class in which they are enrolled, to the intent that the register shall at all times, so far as practicable, be a correct and complete record of all men who for the time being belong to the division or class which is so enrolled.

(4.) On production to the Government Statistician of a certificate under the hand of an authorized officer that any person enrolled in the Reserve has, whether before or after the passing of this Act, volunteered for service beyond New Zealand with an Expeditionary Force, and that he has not been accepted for such service, the Government Statistician shall endorse on the register a statement of such fact.

(5.) Nothing done under this Act shall be rendered in any manner invalid or unlawful by reason of any error or defect in the register.

(6.) If the Government Statistician is in doubt as to whether any man is a Reservist or not, he shall enrol that man in the Reserve; and if he is in doubt as to whether any man belongs to the First Division or to the Second Division of the Reserve, he shall enrol that man in the First Division.

(7.) The register shall in all Courts and in all proceedings be sufficient evidence that the men named therein belong to the division or class in which they are so enrolled, until the contrary is proved.

(8.) Any extract certified under the hand of the Government Statistician (of whose signature all Courts may take judicial notice) shall, in all Courts and in all proceedings, be sufficient *prima facie* evidence of the contents of the register.

Certain persons may be discharged from the Reserve.

7. (1.) If the Commandant determines, upon evidence satisfactory to him, that either of the parents of any Reservist is or at any time was, by birth or by naturalization or otherwise, a subject of an enemy nation, or that such Reservist, or either of his parents, is or was at any time employed in the service of an enemy nation, the Commandant may, if he thinks fit, discharge him from the Reserve.

(2.) If the Commandant is satisfied, on the report of any medical officer, that any Reservist is permanently medically unfit for military service, the Commandant may, if he thinks fit, discharge him from the Reserve. "Military service" as used in this subsection means any service in connection with or for the purposes of the present war.

(3.) Every Reservist who, without reasonable cause, the proof whereof shall lie on him, fails to submit himself for examination by any medical officer or by any registered medical practitioner when required so to do by an authorized officer shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding three months.

Transfer of Reservists to the Expeditionary Force.

Warrant for calling up Reservists.

8. At any time and from time to time after the Governor has in manner aforesaid proclaimed and directed the enrolment of either division of the Reserve, or of any class or classes thereof, and during the present war with Germany, the Minister of Defence may, by warrant signed by him, authorize and require the Commandant of the Defence Forces to call up from such division, class, or classes for service with the Expeditionary Force such number of men as the said Minister thinks necessary.

REFER TO ACT, 1917 No. 14 Section 2

Selection of Reservists by lot.

9. (1.) In pursuance of such warrant of the Minister of Defence the Commandant shall cause the number of men specified in the warrant to be selected by lot from the men whose names appear in the register of the division, class, or classes to which the warrant relates.

(2.) The number so authorized to be called up for service may be so selected either at once or by such instalments as the Commandant thinks necessary.

(3.) Such selection by lot shall be made by the Government Statistician in such manner as the Governor in Council directs.

The selection shall take place in the presence of a Stipendiary Magistrate, who shall certify to the Minister of Defence the names of the men on whom the lot has fallen.

Calling up Reservists.

10. (1.) The Minister of Defence shall thereupon publish in the *Gazette*, and in such other manner (if any) as he thinks fit, a notice setting forth the names (together with the abodes and occupations so far as known) of the men on whom the lot has so fallen, and declaring that those men are called up for service with the Expeditionary Force.

(2.) Every such gazetted notice shall be for all purposes conclusive proof that the men so named therein have been lawfully called up for service with the Expeditionary Force, save that no man so named shall be thereby precluded from proving on appeal, in accordance with the provisions hereinafter contained, that at the time when he was so called up he was not a member of the Reserve or of that division or class thereof from which the selection by lot was made.

(3.) The Minister may from time to time, by notice in the *Gazette*, correct any error in the gazetted list of men so called up for service, and the original notice shall thereupon take effect in its amended form as from the date of the first gazetting thereof.

(4.) No such notice shall be invalidated by any error in the name, abode, or occupation of any man so called up.

(5.) In addition to the notice in the *Gazette* published pursuant to the foregoing provisions of this section the Minister shall, so far as practicable, give notice to every man called up for service with the Expeditionary Force, by registered letter addressed to him at his last known place of abode, that he has been so called up:

Provided that failure to give notice under this subsection shall not affect the validity of the calling-up of any man, or limit the effect of the notice gazetted pursuant to the foregoing provisions of this section.

(6.) A copy of the *Gazette* in which any notice under this section is published shall be exhibited in some conspicuous place at all post-offices in New Zealand.

Transfer of Reservists to the Expeditionary Force.

11. Every man so called up for service with the Expeditionary Force shall, on the day following the gazetting of the notice calling him up, be deemed to be transferred from the Reserve to the Expeditionary Force, and shall remain, until lawfully discharged therefrom, a member of that Force in the same manner to all intents and purposes, subject, however, to the provisions of this Act, as if he had voluntarily enlisted therein and taken the oath of allegiance under the principal Act.

Military command of Reservists called up.

12. Every man who is so called up for service with the Expeditionary Force, or who has voluntarily enlisted therein and taken the oath of allegiance, shall at all times thereafter, both before and after he has been attached to some unit of that Force, be under the military command of the Commandant and of all authorized officers, and for all disobedience to such command shall be liable under the Army Act accordingly; but nothing in this section shall take away or affect his subjection to any military command which would exist

independently of this section or his liability for disobedience thereto.

13. Every man who has been called up for service with the Expeditionary Force under this Act may, in addition to the obligation of obedience to the orders of authorized officers under this Act or to other lawful military command, be required from time to time by the Commandant, by notice in the *Gazette*, to report at any time and place; and if he fails duly to present himself at the place and time so notified (or in case of sickness or other unavoidable impediment, then at the same place and as soon as possible after the time so notified) he ~~may be tried and punished under the Army Act for the offence of desertion or of absenting himself without leave, as the case may be;~~ ADD hereto

Notice to Reservists to report.

AMENDED: VIDE INSET

Provided that such sickness or other impediment shall be no defence unless he has given written notice thereof to the Commandant or an authorized officer before or as soon as possible after the time so notified.

14. (1.) If the Commandant is satisfied that any man who has been called up for service in the Expeditionary Force is permanently medically unfit for active service beyond the seas, the Commandant shall either—

Reservists medically unfit.

(*a.*) Discharge him from the Expeditionary Force and from the Reserve; or

(*b.*) Discharge him from the Expeditionary Force, in which case he shall be deemed to be retransferred to the division or class of the Reserve from which he was called up; or

(*c.*) Exempt him from foreign service, in which case he shall remain a member of the Expeditionary Force liable for military service in New Zealand in such capacity as the Commandant from time to time thinks fit.

(2.) The Commandant may exercise the power conferred on him by this section, on the report of any medical officer, if such report affords, in his opinion, conclusive evidence that the man to whom it relates is permanently unfit for active service beyond the seas.

(3.) In any other case the Commandant shall submit the matter to a Board of not less than three medical officers, and shall act on the report of that Board.

(4.) "Military service" as used in this section means any service in connection with or for the purposes of the present war.

15. If a member of the Expeditionary Force remains in New Zealand after the unit to which he is attached has left New Zealand for military service beyond the seas, he shall, unless he proves that he so remained in New Zealand through circumstances over which he had no control or with the leave or by the orders of an officer of the Defence Forces having military command over him or that an appeal against his being called up for military service had been duly lodged and had not been determined, be deemed ~~guilty of desertion from that Force, and shall be liable under the Army Act and this Act accordingly.~~ ADD hereto

Desertion by remaining in New Zealand.

AMENDED: VIDE INSET

16. If a member of the Expeditionary Force leaves New Zealand or does any act with intent to leave New Zealand for any place beyond the seas, except in the course of his military service, he shall

Desertion by leaving New Zealand.

AMENDED: VIDE INSET

be deemed ~~guilty of desertion from that Force, and shall be liable under the Army Act and this Act accordingly.~~ ADD hereto

Punishment of deserters.

REPEALED: Vide Inset.

17. Every man who is guilty of deserting from the Expeditionary Force shall, in addition to his liability under the Army Act, be guilty of an indictable offence punishable by imprisonment with hard labour for any term not exceeding five years, but he shall not be punished twice for the same offence.

Appeals.

Appeal by Reservists called up.

18. (1.) Every man so called up for service with the Expeditionary Force shall have a right of appeal to a Military Service Board on any of the following grounds:—

(*a*.) That when so called up he was not a member of the Reserve:

(*b*.) That when so called up from any division or class of the Reserve he was a member of some other division or class the calling-up of which had not been authorized by the Minister of Defence under this Act:

(*c*.) That by reason of his occupation his calling-up for military service is contrary to the public interest:

(*d*.) That by reason of his domestic circumstances or for any other reason his calling-up for military service will be a cause of undue hardship to himself or others:

(*e*.) That he was on the fourth day of August, nineteen hundred and fourteen, and has since continuously been a member of a religious body the tenets and doctrines of which religious body declare the bearing of arms and the performance of any combatant service to be contrary to Divine revelation, and also that according to his own conscientious religious belief the bearing of arms and the performance of any combatant service is unlawful by reason of being contrary to Divine revelation.

(2.) A Military Service Board in determining an appeal on any of the grounds specified in paragraphs (*c*), (*d*), or (*e*) of the last preceding subsection shall act in accordance with regulations (if any) which the Governor in Council may think fit to make in this matter and which are in force at the date of the determination of the appeal.

(3.) In the absence of regulations to the contrary it shall be sufficient evidence of undue hardship, on an appeal on any of the grounds specified in paragraph (*d*) of subsection one hereof, that the appellant is the sole surviving son of his parents who is of military age, and that at least one of his brothers has served with some portion of His Majesty's Forces in connection with the present war and has lost his life by reason of such service.

(4.) A Military Service Board shall not allow any appeal on the ground specified in paragraph (*e*) of subsection one hereof unless the appellant shall signify in the prescribed manner his willingness 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 him at such rate of payment as may be prescribed.

Constitution of Military Service Boards.

19. (1.) For the purpose of such appeals there shall be established a Military Service Board or such number of Military Service Boards as the Governor from time to time thinks necessary.

(2.) When two or more Military Service Boards are so constituted, each of them shall be distinguished by such distinctive name as the Governor thinks fit.

(3.) Every such Board shall consist of three persons to be appointed by the Governor and to hold office during his pleasure.

(4.) One member of each such Board shall be appointed by the Governor as the Chairman thereof.

(5.) Each Board shall sit at such times and places as may be determined by the Chairman.

(6.) No sitting of a Board shall take place unless all the members of the Board are present, but the decision of a majority of the members shall be the decision of the Board.

Acting-members of Boards.

20. (1.) In the event of the sickness or other incapacity of the Chairman or any other member of a Board the Governor may appoint any person to act in the place of such Chairman or other member during his incapacity.

(2.) No such appointment and no act done in pursuance thereof shall be questioned on the ground that the occasion therefor had not arisen or had ceased, and no act done by any member of a Board shall be questioned on the ground that an acting-member of the Board was then in office.

Procedure of Boards.

21. (1.) The procedure of a Military Service Board shall, subject to this Act and to any regulations which may be made by the Governor in Council in that behalf, be such as the Board thinks fit.

(2.) A Board may admit and accept such evidence as it thinks fit, whether admissible in a Court of law or not.

Commissions of Inquiry Act applied.

22. Each Military Service Board shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply accordingly.

Notice of appeal.

23. (1.) Every appeal to a Military Service Board shall be instituted by posting to the Commandant of the Defence Forces at Wellington a registered letter containing a notice of appeal.

(2.) Every such notice shall be so posted within ten days after the day of the gazetting of the notice by which the appellant was called up for service.

(3.) Every such notice shall state the name, occupation, and postal address of the appellant and the grounds of his appeal, and may, if the appellant thinks fit, be accompanied by any documentary evidence or statement of facts which he desires to bring to the knowledge of the Board.

Transmission of notice to Board.

24. (1.) On receipt of any such notice of appeal (whether posted within the time limited by this Act or not) the Commandant shall transmit the same to the Chairman of that Military Service Board which in the opinion of the Commandant may most conveniently hear the appeal.

(2.) The Commandant may, if he thinks fit, transmit along with the notice of appeal any documentary evidence or statement of facts which he desires to bring to the knowledge of the Board.

Hearing of appeal.

25. (1.) If in any case the Board is satisfied from any documentary evidence or statement of facts supplied to the Board in manner aforesaid, or as the result of any information otherwise obtained by the Board, that the appeal should be allowed, the Board may allow the appeal without calling on the appellant or hearing evidence.

(2.) In all other cases the Chairman of the Board shall, so soon as may be after the receipt by him of the notice of appeal, appoint a time and place for the hearing of the appeal, and shall by post, telegraph, or otherwise give reasonable notice thereof to the appellant by notice addressed to him at the postal address mentioned in his notice of appeal, and the Board shall thereafter proceed to determine the appeal accordingly, whether the appellant appears or not:

Provided that, if notice of appeal has not been posted within the time fixed by section twenty-three hereof, the Board shall not hear the appeal unless it is satisfied that the failure to post the notice within the time so fixed was not due to the negligence of the appellant.

Determination of Board.

26. (1.) The determination of the Board on any such appeal shall be in writing signed by the Chairman and at least one other member of the Board, and shall, if the appeal is allowed, set out shortly the grounds on which it was allowed.

(2.) The determination so signed shall be transmitted by the Chairman to the Commandant of the Defence Forces.

(3.) Every such determination shall, for the purposes of this Act, be conclusive of the facts so found, save that on the application of the Commandant the Board may, if it has reason to suppose that the determination may have been procured by fraud, or that new and material evidence has been discovered, rehear the appeal, and cancel, vary, or confirm its previous determination.

Suspension of obligation of military service.

27. The pendency of any such appeal shall in no way suspend the obligation of military service and obedience imposed on the appellant by this Act, save so far as any such suspension may be expressly allowed to the appellant by the Minister of Defence or by the Military Service Board.

Effect of allowance of appeal.

28. On the allowance of any such appeal the appellant shall thereupon cease to be a member of the Expeditionary Force, and shall (except when the Board has determined that he was not a member of the Reserve) be deemed to be retransferred to the Reserve, and shall thereafter remain subject to the provisions of this Act in the same manner in all respects as if he had not yet been called up for service with the Expeditionary Force:

Provided that where an appeal is allowed solely on the ground specified in paragraph (*c*) of section eighteen hereof the Commandant may, at any time after the allowance of such appeal, by notice delivered to the appellant, again call him up for service with the Expeditionary Force if he is satisfied that the appellant has ceased to be engaged in the occupation in which he was engaged on the allowance of his appeal, and the appellant shall thereupon become a member of the Expeditionary Force accordingly, and all

the provisions of this Act shall, so far as applicable, apply to him in the same manner as if he had been again selected from the Reserve by lot and had been called up by a notice published by the Minister of Defence in the *Gazette*.

Liability for military offences before allowance of appeal.

29. The allowance of any such appeal shall in no way take away the liability of the appellant for any military offence committed by him in the interval between his calling-up for military service and the allowance of his appeal, and he shall remain liable under this Act and the Army Act accordingly as if he still remained a member of the Expeditionary Force.

Appeals by employers.

30. (1.) Any such appeal may be instituted by the employer of a person called up for service under this Act (who shall for the purposes of this Act be deemed to be the appellant) on behalf of that appellant; and in such case notice of the time and place of the hearing of the appeal shall be given by the Chairman of the Board to the employer, at a postal address notified by him, and also to the appellant, and the employer and the appellant shall be entitled to be heard thereon; but the dismissal of an appeal so instituted shall not preclude an appeal by the appellant himself, whether on the same or on any other grounds.

(2.) In the case of men employed by the Crown, the right of appeal conferred on employers by this section may be exercised either by the permanent head of the Department in which such men are employed or by the Minister of the Crown for the time being administering that Department.

Final Appeal Board may be constituted.

31. (1.) The Governor may, if he thinks fit, constitute and establish by regulations under this Act a Board to be called the Final Appeal Board, to consist of such number of persons as the Governor determines, to be appointed by him, and to hold office during his pleasure.

(2.) (*a.*) The Final Appeal Board, if constituted and established, may hear and determine appeals from Military Service Boards, but only in such classes of cases, and subject to such limitations and conditions, and in such manner, as shall from time to time be prescribed by regulations.

(*b.*) The determination of a Military Service Board in any case in which a further appeal to the Final Appeal Board is permitted and is duly lodged and prosecuted shall be suspended in its effect pending the decision on such further appeal by the Final Appeal Board, and the decision of the Final Appeal Board shall for all purposes of this Act take effect in lieu of the determination of the Military Service Board appealed from.

(3.) (*a.*) If a Final Appeal Board is constituted and established, the Minister of Defence or any Military Service Board may from time to time refer to the Final Appeal Board for determination any question whether of interpretation, of administration, or of procedure which may arise under such of the provisions of this Act as relate to exemptions or discharges from the Reserve or to appeals to Military Service Boards.

(*b.*) Any such question may be so referred whether it be of general or of particular application, and whether it has or has not arisen for decision in any appeal to a Military Service Board.

(*c.*) The determination of the Final Appeal Board on every such question shall be notified to the Military Service Boards, and every Military Service Board shall be bound by such determination in all appeals which may thereafter be heard by it, unless or until the Final Appeal Board, upon further reference by the Minister of Defence or by a Military Service Board, shall (as it is hereby empowered to do) vary or alter such determination.

(4.) (*a.*) If the Final Appeal Board is constituted and established, any Military Service Board may, subject to prescribed conditions and limitations, refer the whole or any part of the subject-matter of any appeal (whether such matter be of law or of fact) to the Final Appeal Board for decision.

(*b.*) The decision of the Final Appeal Board upon any matter so referred shall have effect as if it had been the decision of the Military Service Board by which such matter was referred.

Local Subdivisions of the Reserve.

District registers of the Reserve.

32. (1.) In addition to a general register of the whole of a division or class of the Reserve, subdivisional registers (hereinafter called district registers) may be prepared in accordance with this section.

(2.) The Minister of Defence may at any time, by order signed by him, divide New Zealand into such areas (hereinafter called recruiting districts) as he thinks fit, and may from time to time revoke or vary any such order.

(3.) While any such order remains in force the register of any division or class of the Reserve shall be divided into as many district registers as there are recruiting districts; and the Government Statistician shall enter on each district register the names of those members of the division or class who, to the best of his knowledge or belief, are resident in the recruiting district to which the district register relates at the date of the constitution of that district, or at any later date at which they first become members of that division or class.

(4.) No man who has been enrolled on any district register shall thereafter be transferred to any other district register because of any change in his residence after such enrolment.

(5.) All the provisions of this Act as to a register of an entire division or class of the Reserve shall, so far as applicable, apply equally to each district register.

(6.) The district registers may be amended from time to time by the Government Statistician for the purpose of correcting errors as to the residence of Reservists, and Reservists may be transferred from one district register to another accordingly; but no such error shall invalidate any entry on a district register, or confer upon any man called up for service with the Expeditionary Force any right of appeal to a Military Service Board.

(7.) So long as any such order establishing recruiting districts remains in force the Minister of Defence, in any warrant issued by him for the calling-up of men from the Reserve for service in the Expeditionary Force, shall specify the recruiting district or districts from which they are to be so called, and the number to be so called from each district so specified, but no such warrant shall issue until and unless the Governor in Council has authorized the issue thereof.

In exercise of the powers conferred by this section the Minister may authorize the calling-up of men from any one or more recruiting districts to the exclusion of the others.

(8.) On the issue of any such warrant in respect of any recruiting district the number of men therein specified in respect of that district shall be selected by lot from the men enrolled in the register of that district, and all the provisions of this Act shall apply in the same manner in all respects as if the selection had been made from an undivided register of the entire division or class of the Reserve.

Application for Enrolment in the Reserve.

Application to be made for enrolment in Reserve.

33. (1.) When the enrolment of any division or class of the Reserve has been proclaimed and directed by the Governor in manner aforesaid every Reservist who belongs to that division or class (unless he has already before the passing of this Act furnished to the Government Statistician in pursuance of the National Registration Act, 1915, a true statement setting forth the particulars required by any Proclamation made under that Act) shall, within fourteen days after the day of the gazetting of the Proclamation by which the enrolment of that division or class is so proclaimed and directed (or in the case of sickness, absence from New Zealand, or other unavoidable impediment, so soon as possible thereafter), make application in writing for enrolment in that division or class of the Reserve.

(2.) Every man who at any time after the Governor has in manner aforesaid proclaimed and directed the enrolment of any division or class of the Reserve becomes during the present war with Germany a member of that division or class by attaining the age of twenty years, or by becoming resident in New Zealand, or in any other manner, shall, within fourteen days after so becoming a member thereof, make application to be enrolled in that division or class, unless he has already, before the passing of this Act, furnished to the Government Statistician, in pursuance of the National Registration Act, 1915, a true statement setting forth the particulars required by any Proclamation made under that Act.

(3.) Every application under this section shall state the name, abode, occupation, and date of birth of the applicant, together with such further particulars (if any) as may be prescribed by regulations made under this Act.

(4.) Every such application shall be made by posting the same by registered letter addressed to the Government Statistician at Wellington.

(5.) Every man who, being required to make application in accordance with this section, fails to make such application accordingly shall be liable on summary conviction before a Magistrate to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds. Section forty-nine of the Justices of the Peace Act, 1908, shall have no application to a prosecution for an offence against this section.

Men failing to make application for enrolment may be called up for service.

34. (1.) If during the present war with Germany any man is convicted of an offence against the last preceding section, the Commandant may, by notice delivered to him, call him up for service

with the Expeditionary Force, and he shall thereupon become a member of that Force, and all the provisions of this Act shall, so far as applicable, apply to him in the same manner as if he had been selected from the Reserve by lot and had been called up by a notice published by the Minister of Defence in the *Gazette*.

(2.) Any man so convicted and called up while undergoing imprisonment, whether in default of payment of a fine or otherwise, shall be released on the warrant of an authorized officer; but if he is subsequently discharged from the Expeditionary Force because medically unfit for service or because of the allowance of an appeal by a Military Service Board, he shall, on the warrant of an authorized officer, be returned to the custody from which he was so released, and shall complete the term of his imprisonment in the same manner as if he had not been so released, and the period during which he has been at large shall not be computed as part of that term.

(3.) Service with the Expeditionary Force beyond the seas, or actual service for three months as a member of that Force in any camp of military training, shall constitute a pardon for any offence committed against the last preceding section.

Miscellaneous.

Special provisions for the calling-up of members of one family.

35. (1.) If the Minister of Defence is satisfied with respect to any family that it consists of or includes two or more brothers who belong to the First Division of the Reserve, and are not permanently unfit for military service, he may, at any time and from time to time after the enrolment of the First Division of the Reserve has been proclaimed and directed, give or cause to be given notice to all or any of those brothers to show cause before a Military Service Board why they should not be called up for service with the Expeditionary Force.

(2.) Any man to whom such notice has been given may within ten days thereafter appeal to a Military Service Board on any ground on which he might have appealed had he been called up for service with the Expeditionary Force on the day on which such notice was given to him, or on the ground that the Minister of Defence in giving such notice acted in error as to any of the circumstances set forth in the last preceding subsection.

(3.) All the provisions of this Act as to appeals to a Military Service Board by men called up for service shall, so far as applicable, extend and apply to an appeal under this section.

(4.) On the allowance of any such appeal the notice so given by the Minister of Defence to the appellant shall (subject to the power of the Board to rehear any appeal) lapse and be of no effect.

(5.) If any man to whom notice has been so given fails to appeal in manner and within the time aforesaid, or if his appeal is disallowed, he shall on the day following that on which his right of appeal expires, or that on which the determination of the Board is signed, as the case may be, be deemed to be called up for service with the Expeditionary Force, and he shall thereupon become a member of that Force, and all the provisions of this Act shall, as far as applicable, apply to him in the same manner as if he had been selected from the Reserve by lot and had been called up by a notice published by the Minister of

Defence in the *Gazette*, save that he shall have no further right of appeal to a Military Service Board.

(6.) In this section the term "brothers" includes brothers of the half-blood.

Service may be required from certain persons exempted from combatant service.

36. (1.) The nature of the work or service to be required from persons exempted from combatant service upon the ground specified in paragraph (*e*) of subsection one of section eighteen hereof, and the rate or rates of payment for such work or service, and the person or persons by whom such work or service is to be directed, and all such other matters as may be deemed by the Governor in Council to be necessary or expedient in order to enforce the requirement from such persons so exempted of work or service in lieu of combatant service, shall be prescribed by regulations under this Act.

(2.) Every person exempted from combatant service on the ground aforesaid who refuses or neglects to do such work or perform such service as shall be required of him pursuant to such regulations, or fails to do such work or perform such service with due diligence, shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to a term of imprisonment not exceeding twelve months.

Division of the Expeditionary Force into units.

37. The Expeditionary Force may be divided from time to time into such units and other divisions as the Commandant, or the Officer Commanding such Force abroad, or any officer of the Defence Forces acting with the authority of the Commandant or such Officer Commanding thinks fit; and men of the Expeditionary Force shall be attached to such units as the Commandant, or such Officer Commanding, or any officer of the Defence Forces acting with the authority of the Commandant or such Officer Commanding from time to time directs.

Evidence.

38. (1.) If in any prosecution under this Act or the Army Act any question arises as to whether the accused is a member of the Reserve, or of any division or class the enrolment of which has been directed, or has been called up from the Reserve for service with the Expeditionary Force, or has been attached to any unit thereof, the affirmative shall be presumed until the contrary is proved.

(2.) If in any such prosecution any question arises as to whether the accused has received any discharge, exemption, or permission, or has made any application or fulfilled any obligation required from or imposed on him by this Act or by the National Registration Act, 1915, the negative shall be presumed until the contrary is proved.

Indictable offences.

39. Every person shall be guilty of an indictable offence, punishable by imprisonment with hard labour for any term not exceeding three years, who—

(*a.*) Wilfully deceives or attempts to deceive a Military Service Board in the exercise of its jurisdiction under this Act; or

(*b.*) Wilfully deceives or attempts to deceive the Government Statistician in the exercise of his functions with respect to the enrolment of the Reserve; or

(*c.*) Wilfully deceives or attempts to deceive any medical officer in respect of the medical examination of any member of the Expeditionary Force or of any person offering himself

for service with that Force, whether such member or person so offering is the accused himself or any other person; or

(*d.*) Wilfully deceives or attempts to deceive any person with intent to procure his own discharge or the discharge of any other person from the Expeditionary Force, or from the Reserve; or

(*e.*) Wilfully deceives or attempts to deceive any person with intent to procure his own exemption or the exemption of any other person from foreign service as a member of that Force, or to procure his own rejection or the rejection of any other person offering himself for service with that Force; or

(*f.*) Offers any bribe or other unlawful or improper inducement to any medical officer, officer of the Defence Forces, member of a Military Service Board, or other person whatever in the exercise of any powers, duties, or functions under or for the purposes of this Act; or

(*g.*) Does any act with intent to evade the enrolment of the accused himself or of any other person in the Reserve or in any division or class thereof, or the calling-up of the accused or any other person for service with the Expeditionary Force, or the continuance of the service of the accused or any other person in that Force; or

(*h.*) Incites any person to commit any of the foregoing offences or to refuse to render the service which is required of him as a member of the Expeditionary Force or which may be so required of him if he becomes a member of that Force; or

(*i.*) Conspires with any other person to commit any of the offences mentioned in this section.

Employers not to employ Reservists unless enrolled.

40. Every person shall be guilty of an offence, punishable on summary conviction by a fine not less than twenty pounds and not more than one hundred pounds, who at any time after the enrolment of any division or class of the reserve has been proclaimed and directed employs in his service or continues in such employment for more than seven days any man who belongs to that division or class and who is not enrolled therein, unless the defendant proves that he believed on reasonable grounds that the man so employed or retained in his service did not belong to that division or class or was enrolled therein.

Employers not to employ deserters.

41. Every person who employs or retains in his service any man who has deserted from or is absent without leave from the Expeditionary Force shall be guilty of an offence punishable on summary conviction by imprisonment for any term not exceeding three months, or by a fine not less than fifty pounds and not more than one hundred pounds, unless the defendant proves that he did not know that the man so employed or retained in his service was a deserter or absent without leave.

Reservists not to change their names.

42. Every Reservist who without the written consent of the Minister of Internal Affairs assumes or uses or continues the use of any name other than that by which he was customarily known on

the first day of November, nineteen hundred and fifteen, shall be guilty of an offence punishable on summary conviction by imprisonment for any term not exceeding three months, or by a fine not exceeding fifty pounds.

Reservists to give notice of change of abode.

43. (1.) Every man who after being enrolled in the Reserve changes his place of abode shall within fourteen days thereafter give notice of the fact and of his new abode by registered letter addressed to the Government Statistician at Wellington.

(2.) Every man of military age who, before his enrolment in the Reserve and whether before or after the passing of this Act, changes or has changed his place of abode as set out in the return furnished by him under the National Registration Act, 1915, shall within fourteen days after the passing of this Act or after such change of abode (whichever date is the later) give notice of the fact and of his new abode by registered letter addressed to the Government Statistician at Wellington.

(3.) Every person who, being required by this section to give notice of a change of abode, fails to do so in accordance with this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Power of police to question Reservists.

44. (1.) After the enrolment of the First Division of the Reserve, or of any class thereof, has been proclaimed and directed, any constable may question any man who may reasonably be supposed to be of military age as to any or all of the following matters, namely: his name, occupation, and abode, the date and place of his birth, his enrolment in the Reserve, and any other matters relevant to the question of his membership of the Reserve or of any division or class thereof, or his membership of the Expeditionary Force.

(2.) Any man who fails or refuses forthwith to answer any question so put to him, or who answers any such question in a false or wilfully misleading manner, shall be guilty of an offence punishable on summary conviction by imprisonment for any term not exceeding three months, or by a fine not more than fifty pounds, and any man reasonably suspected of any such offence may be detained by any constable and brought before a Justice of the Peace to be dealt with according to law.

Obligation to give information for the purposes of this Act.

45. (1.) After the enrolment of the First Division of the Reserve, or of any class thereof, has been proclaimed and directed, no person having in his possession any information which relates to the name, occupation, age, abode, nationality, or domestic condition of any man who is or may reasonably be supposed to be of military age, or which may be of use in enabling any such man to be found, or which is in any other manner relevant to the purposes of this Act, shall withhold such information from the Government Statistician, or from any constable (acting with the authority of the Commandant) or officer of the Defence Forces, on being required to disclose the same.

(2.) Any person committing an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

Publication in *Gazette* to be notice to all concerned.

46. The publication in the *Gazette* of any Proclamation, Order in Council, Warrant, or notice, published under the authority of this Act shall, for all purposes whatever, be deemed to be sufficient notice thereof to all persons concerned, and the liability of all

persons under this Act and the Army Act shall be determined accordingly.

Medical examination of Reservists.

47. (1.) It shall be the duty of every registered medical practitioner on the request of any authorized officer to examine with due care and diligence in respect of fitness for military service every man who presents himself for the purpose of being so examined, and forthwith to transmit to that authorized officer a written report of the result of such examination.

(2.) Every such report shall conform to the requirements prescribed by the request in pursuance of which it was made.

(3.) For every such examination and report any medical practitioner not being in receipt of salary in the civil or military service of the Crown shall be entitled to receive from the public revenues such fee as may be prescribed by the Minister of Defence.

(4.) Every medical practitioner who fails or refuses to fulfil the requirements of this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Publication of names of men discharged or exempted from foreign service.

48. Whenever, by reason of the allowance of an appeal by a Military Service Board or by reason of medical unfitness or on any other ground whatever, a man has been discharged from the Expeditionary Force or exempted from foreign service at any time before he has served with that Force beyond the seas, his name, occupation, and abode shall be forthwith published by the Commandant in the *Gazette*, together with a statement of the ground on which he has been so discharged or exempted.

Transfer of men to the New Zealand (Samoan) Expeditionary Force.

49. Every person who has been called up from the Reserve for service with the New Zealand Expeditionary Force under this Act may, whether before or after he has been attached to any unit of that Force, and whether with or without his consent, be transferred by the Minister of Defence to the New Zealand (Samoan) Expeditionary Force, and shall thereupon be and remain a member thereof accordingly until duly discharged, in the same manner in all respects as if he had voluntarily enlisted therein under the principal Act and taken the oath of allegiance.

Application of Act to Natives.

50. The Governor may, by Proclamation, extend the provisions of this Act, with such modifications as he thinks necessary, so as to provide for the compulsory calling-up of Natives for military service with the Expeditionary Force.

Voluntary enlistment.

51. (1.) The Governor may at any time and from time to time, by Proclamation approved in the Executive Council, proclaim that the voluntary enlistment of Reservists over twenty-one years of age, or of any division or class of such Reservists, in the Expeditionary Force shall, at a day to be specified in the Proclamation, cease either throughout New Zealand or in any recruiting district or districts specified in the Proclamation. Any such Proclamation may be at any time in like manner revoked.

(2.) After the day so specified in such a Proclamation made with respect to the whole of New Zealand, and while the Proclamation remains in force, no Reservist to whom the Proclamation applies shall be enlisted in the Expeditionary Force otherwise than by calling up for service under the provisions of this Act.

(3.) After the day so specified in such a Proclamation made with respect to any recruiting district, and while the Proclamation remains in force, no Reservist who is resident in that district and belongs to any class or division to which the Proclamation applies shall be enlisted in the Expeditionary Force otherwise than by calling up for service under the provisions of this Act.

(4.) Officers of the Expeditionary Force may be appointed in the same manner as if no such Proclamation had been made.

(5.) No enlistment shall be invalid because made in breach of this section.

(6.) Save as provided in this section, nothing in this Act shall preclude the voluntary enlistment of members of the Expeditionary Force in accordance with the provisions of the principal Act.

Medical treatment of members of Expeditionary Force.

52. (1.) Every member of the Expeditionary Force shall be guilty of an offence punishable as if it were an offence against section eighteen of the Army Act who, whether within or beyond New Zealand,—

(*a.*) Refuses to allow himself to be vaccinated or inoculated for the purpose of rendering him immune from any disease or fit for military service on being required so to do by any officer having military authority over him; or

(*b.*) Refuses to submit himself to treatment by a medical or dental officer on being required so to do by any officer having military authority over him, if such treatment is deemed necessary for the purpose of rendering him fit for military service.

(2.) It shall be lawful for any person authorized in that behalf by the Commandant of the Defence Forces, or by the Officer Commanding the Expeditionary Force or any unit of the Expeditionary Force, whether in or beyond New Zealand, to vaccinate or inoculate any member of the Expeditionary Force, whether with or without the consent of such member, for the purpose of rendering him immune from any disease or fit for military service.

(3.) This section shall apply to all members of the Expeditionary Force, whether they are members thereof by voluntary enlistment or otherwise howsoever, and whether they are members of the Force at the passing of this Act or become members after that date.

Attestation of members of Expeditionary Force.

53. (1.) The Governor may from time to time, by Order in Council, make regulations requiring the attestation, in such form or forms as may be prescribed,—

(*a.*) Of members of the Expeditionary Force or of any class or classes of such members; or

(*b.*) Of persons who may offer to become members of that Force by voluntary enlistment, before their acceptance as such members.

(2.) Such attestation may be taken by any officer of the Defence Forces before whom the oath of allegiance may be taken pursuant to section eight of the principal Act, or by any person authorized in that behalf by regulations under this section.

(3.) Every person who, having become subject to military law, is proved to have made a wilfully false answer to any question set forth in his attestation paper, as prescribed by regulations under this

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section, ~~shall be liable in the same manner in all respects as if he had committed an offence against section thirty-three of the Army Act (relating to false declarations on enlistment)~~ ADD hereto

(4.) For the purposes of this section the term "attestation" has the same meaning as in the Army Act.

Regulations.

54. (1.) The Governor may, by Order in Council gazetted, make such regulations as he deems necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2.) All regulations under this Act shall be laid before Parliament within fourteen days after the gazetting thereof if Parliament is then in session, or, if not, then within fourteen days after the commencement of the next ensuing session.