

MINUTES OF EVIDENCE.

WEDNESDAY, 1ST OCTOBER, 1913.

Colonel HEARD examined. (No. 1.)

1. *The Chairman.*] Colonel Heard, will you now give us your evidence?—Of course, you will understand that as regards the question of detention and the want of powers in the officer commanding the barracks, the question cannot very well be settled until this petition is settled and done with.

2. *Hon. Mr. Allen.*] I would like Colonel Heard to explain to the Committee exactly what the difficulties are as found in the administration of the Act?—If I may be allowed to go back a little bit, I would like to point out (it is a repetition, I know) that the Defence Act is a civil Act—that on the infringement of the Defence Act in any of its clauses the offender is not treated by the military authorities, but is reported for the breach of that clause to the police. The police then take the case in hand and the offender is brought before a Magistrate. The Magistrate, if the offender is guilty, imposes a fine. If the offender refuses to pay the fine the Magistrate naturally imposes a punishment of imprisonment for a term; so that from first to last the military have nothing to do with the matter, and the punishment is a civil punishment in the ordinary Court of law for refusing to pay a fine. Now, on account of the objection of a certain section of the community to the punishment of imprisonment, which is a punishment for a civil offence, this detention was introduced last year. Detention is a military punishment entirely. Military detention as we have it at Home consists of the offender being kept in what is practically a military prison, but instead of (as in the old days) his turning a crank and such useless things, he now is obliged to do a certain amount of military drill, physical exercises, and so forth, to keep him fit, and beyond that he does indoors a certain amount of useful work in the way of making mattresses for military barracks, &c. None of his work is unproductive; it is all of use, and it is entirely military work. Now, in this case here you have for a civil offence enacted that the offender shall be punished in a military fashion, which, to my mind, is a little inconsistent. An offender in all other cases goes to prison, and is dealt with there by people who have the necessary powers to enforce discipline and obedience to the rules; but in our case here the authorities who have to carry out the detention have no powers whatever to enforce discipline or to see that the rules of the detention barracks are carried out, and, to my mind, it is an impossible position. We are placed in a humiliating position; we are open to all kinds of insult, to all kinds of acts of insubordination, and are perfectly helpless. I speak very strongly about it because I feel very strongly. It is not a position in which military officers should be placed. An Imperial officer like Colonel Collins, who went to report on certain allegations made by certain people, was insulted in the most gross manner by men who are supposed to be soldiers, which in European armies and in our own Army at Home would be dealt with in the most severe fashion possible. In this case Colonel Collins had to bear the insult and nothing could be done to punish the offenders. You see what our position is: this sort of thing cannot conduce to military efficiency, and only encourages those who are insubordinate. These young men are encouraged in all their insubordination and everything that they ought not to do by people in Christchurch who have abused the privileges that have been given them—that is to say, these young men have been allowed to receive visits periodically from relatives, and those that are not relatives, provided they behave themselves. These privileges have been taken advantage of by Mr. Mackie and his friends, who have come there and encouraged these young men, and we have no hold on them whatever. I think, in view of this impossible situation, something must be done to put it right. It is causing a great deal of trouble. It will get worse, I am certain, unless it is put a stop to. I am perfectly satisfied that Mr. MacDonald and the men under him in Ripa Island are doing their duty in a most tactful manner, most long-suffering and humane. If they were civilians they would have the power of dealing with them themselves, but being soldiers their hands are tied, and it is not fair, gentlemen—I do not think it is fair. I hope this Committee will come to some conclusion by which you will mitigate our humiliating position and help us to bring order where disorder now reigns. The only suggestion I can make is that if you cannot trust us to carry out the necessary powers which we hope you will give us to enforce discipline—if you cannot trust us to do that, well, I hope you will take the matter out of our hands altogether: if these young men will not be subordinate, then that they be taken away altogether and relegated to prison, where they can be dealt with and where discipline can be maintained. That is all I have to say, gentlemen.

3. I should like you to make it clear what are the powers you have exactly?—Colonel Collins has got the details of them.

4. *The Chairman.*] Will you give us these particulars, Colonel Collins?—Section 8, subsection (1), of the Defence Act, 1912, deals with this: “Every person who is in military custody as aforesaid shall be subject to such military training, discipline, and duties as the Commandant of the Defence Forces with the approval of the Minister from time to time prescribes or appoints, either generally or in any particular case or classes of cases, and shall obey all lawful orders received by him in respect of such training, discipline, and duties received by him from any