

officer or non-commissioned officer of the Defence Forces." And subsection (2): "Every person who while in military custody as aforesaid fails or refuses to submit to or perform such military training, discipline, or duties, or to render obedience to any such orders, or is guilty of insolent, disorderly, or insubordinate conduct, shall be guilty of an offence punishable on summary conviction before a Magistrate, and may on such conviction be sentenced to a further term of military custody not exceeding twenty-eight days." And subsection (3): "The provisions of subsections three, four, and five of section six of this Act shall extend and apply to any such prosecution or conviction." So that really the effect of that is that a man who is insubordinate or disorderly can only receive more of the same punishment that he is already undergoing, and that before a Magistrate.

5. *A Member.*] Could that go on repeating itself?—*Ad infinitum*, I believe.

6. What power have you got to make regulations?—Under section 97 of the principal Act the Commandant can prescribe regulations, which receive the sanction of the Minister of Defence: "All orders relating to any particular branch of the Defence Forces given under the authority of or in the execution of this Act by the Commander-in-Chief, or by any officer of the said Forces, shall be valid and effectual if given verbally on parade, or by advertisement in a newspaper circulating in the district, or by a printed or written notice affixed at a place previously appointed for that purpose, or issued in any other manner customary in His Majesty's military service, unless in cases where this Act specially requires any such order to be in writing." Under the powers conferred by that section (97), the Commandant of the Defence Forces, with the approval of the Minister, prescribes the detention regulations.

7. Where is that power to make regulations?—Under section 4 (1) (b).

8. Now, I want to know whether under these clauses of the Act you consider you have power to make regulations dealing with detention in these detention barracks?—I may say that before we promulgated these regulations that question was decided by the Crown Law Officer. The regulations were submitted to him and he passed them as correct.

9. Do you consider that you have power to make regulations to put men in confinement?

10. *Hon. Mr. Smith.*] Would that not come under section 8 of 1912?

11. *Hon. Mr. Allen.*] Supposing they committed a breach of discipline whilst in detention, what powers of punishment have you?—None at all; but I may say that the first regulations under which these people were placed in solitary confinement included confinement in separate rooms or cells: that is to say, the solitary confinement was part of the punishment detention.

12. Have you power to make the regulations that they be detained in separate rooms or cells?—*[Colonel Heard]* In some instances, as in barracks here, you cannot do otherwise. Those who are in detention each have a separate room—you cannot help it; it is not a punishment; it is actually a part of the routine.

13. *A Member.*] The Minister raised the point as to under what section of the Act you made that regulation?—*[Colonel Collins]* Under section 8 (1) of the Defence Act, 1912.

14. *Hon. Mr. Allen.*] Under that section you have power that they may be detained in solitary confinement: you have some power to punish in detention if that is so?—*[Colonel Heard]* No, sir, not in the sense as understood as a punishment. Solitary confinement as a punishment is confining a man to a dark cell—that we have no power to do. I think that is according to the present regulations. In solitary confinement a man is shut up for the best part of a day in a solitary small cell and fed on bread and water—that is a punishment. The mere fact of living in a cell by themselves is not a punishment—it is part of the detention.

15. What powers have you under subsection (1), clause 8?—*[Colonel Collins]* No power. The point is, you cannot punish a man for breach—you cannot make his punishment more severe.

16. I would like you to tell us what your experience is in regard to these young fellows in detention from the point of view of discipline?—It did not appear to me that any of them were anxious to undergo any form of detention.

17. That is natural, I suppose. Were they obeying the rules and regulations?—No, sir, they were not. They were not parading, they were not performing physical drill, nor fatigues; as far as I could see they were doing nothing except remaining in the rooms in which they had been shut.

18. They claim that they did certain work that was not military?—They may have; possibly that is so. Until the non-military work gave out I believe they were engaged on it, but when there was no more the officer in command said they must undertake such work as cleaning guns, armaments, &c.

19. When they refused, what happened to them—was there any punishment inflicted on them?—No, sir, there was not. They may have thought that they were punished, because the detention regulations lay down that offenders are to be confined in separate rooms or cells. In the first instance they were not so confined: there were several of them in a barrack-room. On their declining to work they were then placed two in a room—I think in one case there was one man in a room—so that the officer in command treated them more leniently at first than the regulations laid down; but when he found that they were giving trouble he adhered more strictly to the regulations.

20. What about half-rations?—As regards that, the officer in command, Lieutenant MacDonald, said it seemed wrong that these people who were idle should live like fighting-cocks when they were taking no exercise. He consulted the medical officer, who advised a reduced scale of rations for men in idleness.

21. Then that statement that they had only one slice of bread was not right?—So far as I could ascertain it was not right.