

The National Peace Council presents this statement in support of the petition already submitted, and asks for its careful consideration by the Joint Committee.

Signed on behalf of the National Peace Council.

CHAS. R. N. MACKIE, Secretary.

That is my statement, sir, and that really is the whole of our case.

2. *Hon. Mr. Allen.*] The first thing mentioned was the refusal to carry coal. Do you know whether the R.N.Z.A. themselves carry that coal?—I believe so.

3. Did they regularly carry it?—I do not know.

4. You know that they did carry it?—I believe so.

5. Then why could not these men carry it?—There were two reasons: one was because there were wharf labourers out of work who should have had the work, and the second was that they considered it military duty.

6. Military duty to carry coals to cook their own meals?—It was under military detention.

7. That is another story. Now, you dealt with cases that came before Mr. Bishop, the Magistrate, and I think I understood you to say that Mr. Bishop dismissed the case because the regulations had not been gazetted?—That was so, sir.

8. Do you mean to infer that they were not legal?—That is the only inference we could draw; that was what Mr. Bishop said.

9. Will you produce his words?—That as the regulations had not been gazetted under the provisions of the Defence Act, the boys could not be charged with the offence, unless the regulations had been properly gazetted. Mr. Bishop asked Lieutenant MacDonald to produce his regulations, and he produced a typewritten copy. He said he must have a gazetted copy.

10. Can you produce his remarks in print: that is simply your statement?—I cannot. That was why he dismissed the case, though.

11. Well, I think at this stage I ought to produce the Solicitor-General's opinion. I will read it myself: "I have perused the draft regulations submitted in reference to offenders committed to military custody, and approve same as altered in red ink. These regulations do not require to be gazetted, but must be prescribed by the Commandant of the Defence Forces with the approval of the Minister of Defence. They should be posted up in the place of detention so that the offenders may see clearly what orders they have to obey and what constitutes an offence against the detention regulations. Of course, it is for the Magistrate to say whether what an offender does constitutes an offence within the meaning of section 8 of the Defence Amendment Act, 1912, but I think that the Magistrate would take these regulations as a guide, and would uphold a breach of any of them as a breach of discipline or insubordinate conduct. I also enclose a form of attachment order and two forms of warrants of commitment to military custody, and a regulation to be gazetted prescribing the forms." And then this further opinion: "These regulations do not require to be printed: they should be posted up in the place of detention so that the offenders may see clearly what constitutes an offence against the regulations." Were these posted up in the place of detention?—Not so that the boys could see them. Not so far as I know.

12. Then we will get evidence on that elsewhere. Do you say that the Commandant has no power to make regulations?—It depends. I say that under the Defence Act he has no power to make regulations for punishment—most distinctly.

13. Where?—Section 8.

14. Has he power to make regulations for discipline?—I do not think so.

15. Then what is the meaning of the first four lines of section 8: will you read that section?—"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 class of cases, and shall obey all lawful orders received by him in respect of such training, discipline, and duties from the officer or non-commissioned officer of the Defence Forces."

16. Does not that give power to the Commandant to make regulations?—Yes, with your approval.

17. Were the original regulations approved by the Minister?—I presume not, because the gazetted regulations were published afterwards.

18. You presume that they were not approved. If they were approved then your case falls to the ground?—It does if they were properly approved.

19. *Mr. Callan.*] You say, Mr. Mackie, that the regulations were not posted up in the places where the boys were confined?—Yes.

20. How do you know?—I was there.

21. Did you look to see whether the regulations were posted up?—Yes.

22. You would swear that the regulations were not posted up?—So far as I saw they were not posted up.

23. In regard to the cells the windows of which were closed, was there any medical examination of these cells or rooms?—There was not.

24. Were the doors closed?—Yes, the doors of the cells were locked.

25. You are sure that they were locked?—The witnesses say so; I did not see them locked myself.

26. How large did you say the rooms were?—About 8 ft. by 10 ft.

27. How high?—Some of them were just partitions about 6 ft. or 7 ft. high, and then there was a sloping roof above.

28. Partitions going up to the top?—In some of them.

29. There was a good deal of ventilation at the top?—Oh, yes.

30. *Hon. Major Harris.*] Have you seen the cells? Did they take their food in the cells?—I believe so, sir; I think the only time they were out was during exercise.