

63. Could not that be altered in such a way as to give you power to deal with these men who do not register?—I do not think so. I do not think it would be a good thing.

64. Why?—The position in this country is peculiar. These young men who belong to the Territorials are only military men when they have their uniform on; otherwise they are civilians, and it would not do for the military people to deal with civilians. There would be a lot of trouble: there would be an outcry—very rightly. It would be rather inconsistent for the military authorities to see to the observance of a civil law.

65. The first breach of the Defence Act is failing to register, is it not?—It is a civil act. Until a young man has taken the oath and been posted to a unit he does not come under us; he is not a soldier.

66. *Hon. Mr. Callan.*] He is not under you unless he is at drill or in camp?—That is so. I want to make that quite clear.

67. *Hon. Dr. Collins.*] That is where the chief difficulty lies. The military discipline is a part of the law of the country and the bulk of the people approve of it, and the question to my mind is whether it is not possible to make the military law start at the point of registration. I do not know how you are going to get over the difficulty with these men if the civil law is going to conflict with the military law?—That is how it stands, and I do not think it ought to be altered. That is the inconsistency of military detention. You have, we will say, a young man who has refused to register. He is not a soldier—has not become a soldier; yet he is put under military detention, which in itself is an inconsistency.

68. He is not a soldier until he is registered? When does he become a soldier?—After he has taken the oath and been posted to a unit.

69. There are three steps to go through before he becomes a soldier—that is to say, he has to register, to take the oath, and to be posted?—Yes.

70. It is there where the whole difficulty lies. These men first of all will not register. Do any of them refuse to take the oath?—A certain number, for various reasons.

71. *Hon. Mr. Callan.*] After having registered?—Yes.

72. *Hon. Dr. Collins.*] Then do any who have taken the oath refuse when they have been posted?—No doubt. No young man can conscientiously object to register. There is nothing in that: there is no military duty performed in that. After that you can bring your conscience or your religion into play.

73. But many of them refuse to register at all?—Yes.

74. Because of conscientious reasons?—Any reason—chiefly cussedness.

75. It is impossible for you to deal with these men at all until they are posted?—Quite. We are not concerned in them: we are only concerned in training.

76. Were the bulk of these men on Ripa Island men who had refused to register?—I could not tell you without getting the information.

77. *Mr. Isitt.*] Williams refused?—Yes. No doubt some of them did.

78. *Hon. Dr. Collins.*] Had they all refused to take the oath?—I do not know about all of them; some of them perhaps had. They are of all sorts. Some have been posted and have not turned up for parades, and so on. Those are soldiers, because they have been posted. It is quite fair to put them in military detention, because they are soldiers. You are quite right to force them to drill or let them take the consequences. But these others who have not registered, and have not taken the oath, and have not been posted, are not soldiers at all, yet we deal with them on military detention. It is not consistent. They are civilians.

79. We are proposing here to try and give some alternative service to these people who are not under the military service?—Yes, who do not want to come under it.

80. Has it ever been suggested to you by any of them what kind of alternative service they would do?—No; they have never made any suggestion at all. I think their hope is to evade all personal service of any kind.

81. *Hon. Mr. Smith.*] I want to get it as emphatically as possible that you approve of the civil side of this defence scheme as at present existing?—In what way?

82. That not registering, not taking the oath, should be a civil offence?—It is a civil offence, and not turning up to parade is a civil offence: all those are civil offences.

83. Your opinion is that they should continue to be civil offences?—Certainly. We do not wish to be mixed up in any enforcement of the Act as far as its civil clauses go. We will deal with the young men when we have got them. The Act produces these young men—places them in our hands for training. That is all we are concerned with: that is all we want to be concerned with. It is not right that we should be concerned with it in any other way.

84. They are only under military authority and military discipline when they are on parade or in uniform going to or from parade?—That is so.

85. That is the extent of the military authority?—That is the extent of our authority over them.

86. If we had some system of alternative service and the conscientious objector did not register but preferred the alternative service, all those who did register would then come under the military authorities and would be dealt with under the military law?—Not until they had been posted.

87. I mean, so far as breaches of the Defence Act are concerned: you would take charge of them then?—Only when they are in our hands on parade.

88. After they have registered and become subject to the military law while on parade, if they commit a breach of that law or if they commit a civil offence—for instance, refusing to attend parade—those men you would take into detention, because they do not object to drill?—No, they do not object to drill.

89. But the other men you would prefer to be clear of altogether?—Absolutely. Soldiers we will deal with; others we do not want to.