



Headquarters
New Zealand Defence Force
Defence House
Private Bag 39997
Wellington Mail Centre
Lower Hutt 5045
New Zealand

OIA-2023-4835

29th September 2023

Dear [REDACTED]

I refer to your email of 28 July 2023 to the Ministry of Defence seeking the following information:

all relevant documentation and communications (internal or external) from Ministry of Defence and or Defence Force, relating to the topic of 'Conscription', and or, the National Party's policy of youth offender military academies.

Your request was transferred to the New Zealand Defence Force (NZDF) in accordance with the Official Information Act 1982 (OIA). I apologise for the significant delay in providing this response.

With respect to the National Party policy of youth offender military academies, there is no documentation concerning this. In 2022 and 2023 the NZDF responded to media queries stating that no discussions have taken place with, or advice provided to, the National Party.

With respect to the topic of conscription, a search of readily retrievable records dating from 2009 was undertaken. The results of this search are enclosed. Personal information is withheld to protect privacy in accordance with section 9(2)(a) of the OIA. The contact details of NZDF personnel are withheld in accordance with section 9(2)(k) of the OIA to avoid malicious or inappropriate use of staff information, such as phishing, scams or unsolicited advertising.

The following extract is provided from a 2018 resource for the 'Māori at War' tour at the National Army Museum:

World War One: Western Front

➤ Objectors to conscription

- Recruitment to provide reinforcements to the Māori Pioneer Battalion was widened to include Niue Islanders and Rarotongans, to keep up numbers
- The iwi of the Waikato-Maniapoto area had refused to support the Empire's war by sending their young men overseas, half a century after the Settler Government, backed by British Army troops, had broken the military resistance in the area and confiscated large areas of land

- In 1916, conscription was introduced for Pākehā. This was extended in 1917 to Māori, but only in the Waikato-Maniapoto area. The passive resistance campaign against this conscription was led by Princess Te Puea Herangi. This conscription of Māori came only a few years after Māori were officially banned from volunteering to participate in the Boer War.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely

AJ WOODS

Air Commodore

Chief of Staff HQNZDF

Enclosures:

1. Relevant email correspondence
2. Response, dated 21 March 2016
3. Response, dated 8 July 2016

From: s. 9(2)(a)
Sent: Monday, 29 April 2013 11:02 a.m.
To: s. 9(2)(a)
Subject: FW: unclassified : Enactable legislation for mass conscription

s. 9(2)(a) would you please upload this email trail as an OMD RFI. Open and closed today. Thanks s. 9(2)(a)

From: s. 9(2)(a) [mailto:s.9(2)(a)@parliament.govt.nz]
Sent: Monday, 29 April 2013 10:06 a.m.
To: s. 9(2)(a)
Subject: RE: unclassified : Enactable legislation for mass conscription

Cheers! Useful to know.

From: s. 9(2)(a) [mailto:s.9(2)(a)@NZDF.mil.nz]
Sent: Monday, 29 April 2013 9:54 a.m.
To: s. 9(2)(a)
Cc:
Subject: unclassified : Enactable legislation for mass conscription

s. 9(2)(a)

There is nothing in current Defence legislation that allows for conscription. As s. 9(2)(a) points out below special legislation would need to be enacted to allow for this.

s. 9(2)(a)

From: s. 9(2)(a)
Sent: Monday, 29 April 2013 9:22 a.m.
To: s. 9(2)(a)
Subject: RE: Enactable legislation for mass conscription

Hi s. 9(2)(a)

Yes legislation would have to be introduced by Parliament to allow for this.

Regards

s. 9(2)(a)
Major | Assistant Director Personnel Law | Defence Legal Services
Headquarters New Zealand Defence Force, Private Bag 39997, Wellington
s. 9(2)(k)

From: s. 9(2)(a)
Sent: Monday, 29 April 2013 9:18 a.m.

To: s. 9(2)(a)
Subject: FW: Enactable legislation for mass conscription

s. 9(2)(a)

Would you please provide a few sentences on this? Presumably if we were facing WWII then legislation would be enacted to allow for conscription?

s. 9(2)(a)

From: s. 9(2)(a) @parliament.govt.nz]
Sent: Monday, 29 April 2013 8:55 a.m.
To: s. 9(2)(a)
Cc:
Subject: FW: Enactable legislation for mass conscription

s. 9(2)(a)

Rather than treat as a formal Ministerial, I can respond to this one. Could you just confirm with DLS whether any legislation exists which would enable mass conscription?

Cheers

s. 9(2)(a)

From: s. 9(2)(a)
Sent: Tuesday, 9 April 2013 2:35 p.m.
To: Hon. Jonathan Coleman (MIN)
Subject: Enactable legislation for mass conscription

To the Office of Jonathan Coleman

Greetings

As I understand national service went out in the 1960s or early 70s. I would like the office could tell me on behalf of the minister, if legislation exists which could enact mass conscription ("mass levy") in the event of national situation. I look forward to hearing from you in time. Thanks.

Yours sincerely,

s. 9(2)(a)

The information contained in this Internet Email message is intended for the addressee only and may contain privileged information, but not necessarily the official views or opinions of the New Zealand Defence Force. If you are not the intended recipient you must not use, disclose, copy or distribute this message or the information in it. If you have received this message in error, please Email or telephone the sender immediately.

GI-2016-0264

21 March 2016

s. 9(2)(a)

Dear s. 9(2)(a)

I refer to your email of 4 March 2016 asking:

1. *What, to your knowledge, is the definition of a conscientious objector?*
2. *What, to your knowledge, are some of the reasons (with special consideration to social and political viewpoints) that people become conscientious objectors?*
3. *What is your organisations viewpoint on conscientious objectors (i.e. do you condemn or support conscientious objection?)*
4. *To your knowledge, and with regard to the previous question, how has your organisations' viewpoint and treatment of conscientious objectors changed or developed, if at all?*
5. *What circumstances would need to arise for conscription to be reintroduced, and how would conscientious objectors be treated in this hypothetical scenario?*

During the First World War, New Zealand followed the United Kingdom and enacted the Military Service Act 1916 to allow conscription. Under section 18(e) of that Act, individuals could appeal the call for service based on religious grounds and, pursuant to section 36, individuals who fulfilled the criteria were exempted from combat. Conscription was reintroduced in 1940 following the outbreak of the Second World War, with a number of people again objecting to service on religious, political or philosophical grounds. Someone who appealed service in this way was called a "conscientious objector".

Unfortunately, the NZDF does not hold any information on the reasons people became conscientious objectors. Further details about the history of conscription in New Zealand may be found in *The Oxford Companion to New Zealand Military History*, ed. Ian McGibbon, (OUP, 2000) and on the website *Te Ara: The Encyclopaedia of New Zealand*.

Currently, service in the NZDF is voluntary, and a Service member may generally terminate his or her service by seeking release as long as he or she gives sufficient notice. There are some limited exceptions to this rule, such as those contained in sections 53, 54, 55 and 57 of the Defence Act 1990.

The NZDF has no specific policies or orders about conscientious objection, but at the same time the concept of conscientious objection is incompatible with the concept of voluntary service and obedience to orders. Accordingly, should a serving member of the NZDF decide that she or he conscientiously objected to serving, the most likely outcome would either be discharge or release from their Service in accordance with the relevant Defence Force Orders.

In the past, the military's stance on conscientious objectors during the First and Second World War was generally unsympathetic, and a number of objecting individuals were interned during the war, many in rural camps and most for the duration of the wars.

When conscription was reinstated following a public referendum in 1949, a three-person Conscientious Objection Committee was established to decide exemptions from combat duty. From 1961 until 1972, the Army maintained a selective National Service Scheme under which individuals could be called upon to serve. As the Army was comparatively large during this period, however, most appeals against selective service were accepted.

In times of actual or imminent war or when deemed necessary for the security of the nation, Parliament may enact legislation providing for the conscription or compulsory military training of some adults. The Governor-General may also order members of the Regular Forces who would otherwise be released or discharged to be liable for continuing service and declare the Reserve Forces liable for continuing service in New Zealand or elsewhere. In addition, the Governor-General can transfer members of the Reserve Forces to the Regular Force.

I trust this satisfies your request for information.

Yours sincerely



G.R. SMITH

Commodore, RNZN
Chief of Staff HQNZDF

OIA-2016-2493

8 July 2016

s. 9(2)(a)

Dear s. 9(2)(a)

I refer to your email of 23 June 2016 to the Ministry of Defence in which you ask:

If there was a conflict between new zealand and an organisation is there any new zealand law stating that you will be drafted to fight for new zealand?

Your request was transferred to the New Zealand Defence Force on 24 June 2016 for response.

There is no existing legislation providing for conscription in New Zealand. If New Zealand became involved in an armed conflict of a scale and intensity that required conscription, it would be a decision for the government of the day to make. It is probable that a specific Act of Parliament would be passed specifying the conditions under which New Zealanders would be conscripted.

I trust this satisfies your request for information.

Yours sincerely



G.R. SMITH
Commodore, RNZN
Chief of Staff HQNZDF