

Dear everyone - sorry - can't make the meeting. 121.1

Aspects of the Law surrounding Cadets

Sections 56 to 61 of the Defence act deal specifically with cadets.

The attached photocopy is complete ... the various substitutions of various other acts etc. are already included in the act. In other words where it says "[Sub-s.(1) substituted by etc] the substitution has already been made in this copy of the act.

1. It is interesting that the wording of section 57 "Every person" but the act goes on only to talk about boys.
2. Section 57 (a) states that if a student has a letter of objection from a parent or gaurdian then that student is not required to do cadets.

I spoke to a number of people (legal aid U.C.T., people involved with the banned sticker in Durban etc.) and all seem to think that there is no problem with publicising the act. The problems arose with the sticker saying "You can say no to cadets" because this was 'encouraging' people not to do cadets. It appears that there is room to actually say that "if you have problems with cadets and have discussed it with your parents then get a note from them and you don't have to do cadets". This may also be a dicey approach. The safest would be to say that x,y and z are stated in the defence act.

It is quite all right to draw the links between militarization and cadets but there may be problems with saying that cadets prepares one for the army. Any publication that contains these sort of links should not also be publicising section 57(a) as this may be construed as encouraging people not ot do cadets.

Any attack on cadets itself would be a problem as cadets are funded by the state and each cadet corp is "established under the directions of the minister or a person acting under his authority". Thus anything aimed at cadets could be seen either as subversion or treason(the latter is very unlikley!)

I personally would recomend a series of activities aimed at publicising the act as well as drawing the the links between cadets and militarization. I would also favour pushing the line of "cadets prepares you for the army" but very gently. We must avoid saying "we have enough army in the army ... why do army at school?!" This is definitely a clomp kak ... so the line of cadets prepares you for the army must be well worked out ... what do we mean by it? Are we working for an end to consription or to get people not to go. **NO WE WANT PEOPLE TO THINK AND CADETS IS DEFINITELY NOT CONDUCTIVE TO THINKING.**

So long I hope I haven't bored you right out of your fucking cotton picking little skulls.

Love dave.

CHAPTER VII

* THE CADET CORPS

56. **Establishment and organization of Cadet Corps.**—(1) There shall be a Cadet Corps which shall consist of such cadet detachments as may under such conditions as may be prescribed be established under the directions of the Minister or a person acting under his authority at any school or other educational institution.

[Sub-s. (1) substituted by s. 31 of Act No. 85 of 1967 and by s. 3 of Act No. 28 of 1970.]

(2) The Cadet Corps shall be organized in such manner as may be prescribed.

(3) Any cadet detachment established prior to the commencement of this Act elsewhere than at a school or other educational institution, shall be deemed to have been established under sub-section (1).

57. **Liability for service as a cadet.**—Every person domiciled in the Republic may, if he is a scholar or student at a school or other educational institution, be required between his twelfth and his seventeenth year, both included, to undergo training as a cadet in accordance with regulations, unless—

(a) his parent or guardian has objected thereto in writing; or

(b) he has been exempted from such training under prescribed conditions,

and may voluntarily undergo such additional training as may be prescribed.

58. **Extension of period of cadet training.**—A citizen or any other person domiciled in the Republic may if he is a scholar or student at a school or other educational institution where a cadet detachment has been established, while remaining a scholar or student at such school or institution continue to receive training as a cadet up to and including his twentieth year.

59.

[S. 59 repealed by s. 32 of Act No. 85 of 1967.]

60.

[S. 60 repealed by s. 33 of Act No. 85 of 1967.]

61. **Cost of training to be defrayed by State.**—All arms, ammunition, uniforms, equipment, instruction and training prescribed for cadets shall be provided at public expense.

[S. 61 substituted by s. 34 of Act No. 85 of 1967.]

(Defence Act, No 44 of 1957)

- * There is no problem in publicising the act
- * It appears that there is no room in the act to discourage people from doing cadets
- * It is quite alright to draw links between militarization and cadets, but there may be problems in saying that cadets prepares one for the SADF
- * Any publication which draws links between militarization and cadets, should also not be publicising section 57(a) as this may be contrued as encouraging people not to do cadets
- * Any attack on cadets itself might be a problem as cadets are funded by the state and each cadet corps is established under the directions of the minister or a person acting under his authority". Thus anything aimed at attacking cadets could be seen as subversion

(3) Any person charged under this section with having failed to notify an officer of any change in his address, or with having failed to furnish an officer with any information, shall be presumed to have so failed, unless he produces—

- (a) an acknowledgment by the officer concerned of his notification of such change or of his having furnished such information; or
- (b) other proof to the satisfaction of the court that he has in fact notified the officer concerned of such change or furnished him with such information.

[Sub-s. (3) substituted by s. 29 (c) of Act No. 85 of 1967.]

55. Liability to maintain uniform and equipment.—(1) A member of the Reserve shall maintain in his possession and in good order any articles of uniform and equipment which may have been issued to him, under such conditions as may be prescribed.

[Sub-s. (1) substituted by s. 20 of Act No. 103 of 1982.]

(2) Any such member shall when called up for service or at such other times as may be prescribed, produce such articles of uniform and equipment.

[S. 55 substituted by s. 30 of Act No. 85 of 1967.]

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- (c) uses any language or does any act or thing with intent to recommend to, encourage, aid, incite, instigate, suggest to or otherwise cause any other person or any category of persons or persons in general to refuse or fail to render any service to which such other person or a person of such category or persons in general is or are liable or may become liable in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding six years or to both such fine and such imprisonment.

[S. 121 amended by s. 23 of Act No. 77 of 1963 and by s. 20 (c) of Act No. 39 of 1966 and substituted by s. 10 of Act No. 83 of 1974.]

121A. Prohibition of certain acts in connection with service as mercenaries.—(1) Any person who—

- (a) is a member of the South African Defence Force or the Reserve or an auxiliary or voluntary nursing service established in terms of this Act and who binds himself to serve or renders service as a mercenary; or
- (b) makes any utterance or performs any act or does anything with intent to advise, encourage, assist, incite, instigate, suggest to or otherwise persuade any member referred to in paragraph (a) to bind himself to serve or to render service as a mercenary,

shall be guilty of an offence.

(2) Any person convicted of a contravention of—

- (a) subsection (1) (a), shall be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment;
- (b) subsection (1) (b), shall be liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

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