



ANALYSIS

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1967, No. 28

An Act to amend the Navy Act 1954

[26 October 1967]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Navy Amendment Act 1967, and shall be read together with and deemed part of the Navy Act 1954 (hereinafter referred to as the principal Act).

2. Meaning of "officer" and "rating"—Section 2 of the principal Act is hereby amended—

(a) By inserting in the definition of the term "officer", after the words "Commonwealth naval force", the words "and also includes, where the context so requires, an officer of the Army or the Air Force duly attached or lent to or seconded for service with the Naval Forces or any portion thereof":

(b) By inserting in the definition of the term "rating", after the words "Royal Marine in the Naval Forces", the words "and also includes a soldier of the Army or an airman of the Air Force duly attached or lent to or seconded for service with the Naval Forces or any portion thereof".

3. Non-public funds—The principal Act is hereby further amended by inserting, after section 13B (as inserted by section 2 (1) of the Navy Amendment Act 1962), the following section:

“13c. (1) The Defence Council, or the Naval Board acting pursuant to a delegation by the Council, may from time to time, by Navy Instructions or Orders, establish or authorise the establishment of such funds under such names as it thinks fit for the benefit of naval ships, naval establishments and other places, members of the Naval Forces, their dependants and the dependants of deceased members, visiting servicemen, and such other persons and objects of any kind whatsoever as the Council or the Naval Board, as the case may be, considers will be of advantage to the Naval Forces and the members thereof.

“(2) Without limiting the provisions of subsection (1) of this section, money forming part of any such fund may from time to time, with the prior consent of the Defence Council, or of the Naval Board acting pursuant to a delegation by the Council, be expended in the acquisition of any estate or interest in land (whether Crown land or not) to be held for any of the objects of the fund. Notwithstanding anything in any enactment or rule of law, any estate or interest in land so acquired (including any tenure on which Crown land may be acquired under the Land Act 1948) may be vested in and held in the name of Her Majesty the Queen for the purposes of this section.

“(3) Any estate or interest in land acquired pursuant to subsection (2) of this section may be disposed of with the prior consent of the Defence Council, or of the Naval Board acting pursuant to a delegation by the Council, and on that disposal the estate or interest shall cease to be subject to the provisions of this section. The proceeds of any such disposition shall be held for the purposes of the fund from which the money for the acquisition of the estate or interest in the land was expended.

“(4) All documents which require to be executed for the purposes of subsection (2) or subsection (3) of this section by or on behalf of Her Majesty may be executed by the Secretary of Defence or a Deputy Secretary of Defence, and, if so executed, shall be as valid and effectual as if executed by or on behalf of Her Majesty.

“(5) The Defence Council, or the Naval Board acting pursuant to a delegation by the Council, may from time to time issue Navy Instructions or Orders—

“(a) Providing for the administration, supervision, control, investment, accounting, and auditing of the assets of any fund established under this section:

“(b) Varying the objects of any such fund, or abolishing any such fund and transferring its assets to any other such fund, having due regard to the purposes for which the varied or abolished fund was established and to any conditions specifically imposed by any person from whom any money in the fund was received, and subject, in the case of any fund to which section 4 of the Finance Act 1951 applies, to the provisions of that section.

“(6) Notwithstanding anything in the Public Revenues Act 1953, the assets of any fund established under this section shall be deemed not to be public moneys or public stores within the meaning of that Act:

“Provided that the accounts of any fund established under this section may, if considered desirable by the Controller and Auditor-General, be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Revenues Act 1953 in respect of public money and public stores.

“(7) The Crown shall not be liable in respect of any loss sustained by any fund established under this section, whether arising out of any act or omission of an employee of the Crown or for any other cause whatsoever.

“(8) The provisions of this section shall apply with respect to all funds established before the commencement of this section for any of the purposes specified in subsection (1) of this section and in existence at the commencement of this section as if they had been established under this section. If any question arises as to whether any fund is a fund to which this subsection applies, it shall be decided by the Minister with the concurrence of the Minister of Finance, and that decision shall be final.

“(9) Where any part of the Naval Forces has been abolished, altered, or reconstituted, whether before or after the commencement of this section, its non-public funds and all other private property of that part of the Naval Forces shall be at the disposal of the Defence Council or of the Naval Board acting pursuant to a delegation by the Council, and accordingly shall be transferred to or held or disposed

of for the benefit of such other part or parts of the Naval Forces, or otherwise for such purposes as are authorised by subsection (1) of this section, as the Defence Council or the Naval Board, as the case may be, may determine.”

4. Period of service of officers of Royal New Zealand Navy—Section 21 of the principal Act is hereby amended by repealing the proviso to subsection (1), and substituting the following proviso:

“Provided that in time of war or other like emergency the Governor-General may, by Proclamation, order that officers who would otherwise be entitled to be released shall be liable to continue to serve, and thereupon those officers shall be liable to continue to serve for such period as the Defence Council, or the Naval Board acting pursuant to a delegation by the Council, may require during the continuance of a state of war or other like emergency.”

5. Engagement of ratings—Section 22 of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided that in time of war or other like emergency the Governor-General may, by Proclamation, order that ratings who would otherwise be entitled to be released shall be liable to continue to serve, and thereupon those ratings shall be liable to continue to serve for such period as the Defence Council, or the Naval Board acting pursuant to a delegation by the Council, may require during the continuance of a state of war or other like emergency.”

This Act is administered in the Ministry of Defence.
