



ANALYSIS

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1957, No. 33

An Act to amend the New Zealand Army Act 1950

[18 October 1957]

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 New Zealand Army Amendment Act 1957, and shall be read together with and deemed part of the New Zealand Army Act 1950 (hereinafter referred to as the principal Act).

2. Period of service in Regular Force—(1) The principal Act is hereby amended by repealing section twelve, and substituting the following section:

“12. (1) Every officer and soldier of the Regular Force shall be liable to serve for the period of his appointment or engagement, subject to such conditions as may be prescribed by Army Orders:

“Provided that, subject to the approval of the Army Board, any such officer or soldier may obtain his discharge at any time during the period of his appointment or engagement on payment of such amount as may be prescribed by Army Orders, not exceeding,—

“(a) In the case of an officer, two hundred pounds, or (if a woman) one hundred pounds:

“(b) In the case of a soldier, one hundred pounds, or (if a woman) fifty pounds.

“(2) Any amount payable by any officer or soldier under subsection one of this section shall be in addition to any amount payable by him to the Crown under any bond, agreement, or contract for any special purpose.”

(2) Section four of the New Zealand Army Amendment Act 1954 is hereby repealed.

3. Persons receiving pay but not duly attested—The principal Act is hereby amended by inserting, after section twelve, the following section—

“12A. Where a person has received pay (whether before or after the commencement of this section) as a soldier of the Regular Force without having been duly attested for service in the Regular Force, then—

“(a) He shall be deemed to be a soldier of the Regular Force until discharged:

“(b) He may claim his discharge at any time, and if he does so he shall be discharged with all convenient speed, and, notwithstanding anything in section twelve of this Act, without being under any liability to make any payment in respect of his discharge.”

4. Appointment of officers—The principal Act is hereby amended by repealing section sixteen, and substituting the following section:

“16. (1) The Governor-General may—

“(a) In the name and on behalf of Her Majesty, by commission under the Public Seal of New Zealand, appoint to the Army or any portion thereof such officers as seem to him to be necessary:

“(b) Promote any such officer to higher rank:

“(c) Cancel any such commission, or summarily dismiss any such officer, or annul or vary any such appointment, or discontinue the services of any such officer in any capacity wherein he is no longer required, or compulsorily transfer any such officer to the Army Reserve.

“(2) Notice of all appointments and other acts under this section shall be published in the *Gazette*.”

5. Constitution and quorum of Army Board—Section twenty of the principal Act is hereby amended by repealing subsections two and three, and substituting the following subsections:

“(2) The Board shall consist of—

“(a) The Minister, who shall be the President of the Board:

“(b) The Chief of the General Staff, who shall be the First Military Member:

“(c) The Vice Chief of the General Staff, who shall be the Second Military Member:

“(d) The Adjutant-General, who shall be the Third Military Member:

“(e) The Quartermaster-General, who shall be the Fourth Military Member:

“(f) The Army Secretary:

“(g) One associate member (being an officer of the Territorial Force) to be from time to time appointed by the Governor-General and to hold office during his pleasure.

“(3) Four members of the Board (other than the associate member) shall form a quorum.”

6. Fraudulent enlistment—(1) Section thirty-three of the principal Act is hereby amended by inserting in subsection one, after the words “Territorial Force”, the words “or an emergency force”.

(2) Section two of the principal Act is hereby amended by inserting in subsection one, after the definition of the term “detention barrack”, the following definition:

“‘Emergency force’ means any military force forming part of the Army that is for the time being declared by the Governor-General, by Order in Council, to be an emergency force:”.

7. Repealing provisions as to hard labour—Section sixty-four of the principal Act is hereby amended by repealing subsection six.

8. Mode of complaint by officer—The principal Act is hereby amended by repealing section one hundred and thirty-nine, and substituting the following section:

“139. (1) If an officer thinks himself wronged in any matter by a superior officer, or by a superior military authority, or by

the exercise by the Governor-General of any power under section sixteen of this Act, and on application to his commanding officer does not obtain the redress to which he thinks he is entitled, he may make a complaint with respect to that matter to the Army Board.

“(2) The Army Board shall inquire into every such complaint and grant any redress within its jurisdiction which appears to it to be necessary, or (if so required by the officer) shall through the Minister make a report to the Governor-General in order to receive the directions of the Governor-General thereon.”

9. Enforcement by Magistrate's Court of fines awarded by detachment and other commanders—Section one hundred and fifty-six of the principal Act is hereby amended by inserting, after the words “commanding officer”, the words “or by an officer dealing with a charge under section eighty or section eighty-one of this Act”.
