



ANALYSIS

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|-------------------------------------------------------------|-----------------------------------------------------------------|
| Title | |
| 1. Short Title | 5. Pay and allowances of members of the Air Force |
| 2. Interpretation | 6. Sale of Liquor Act not to apply to messes in air force camps |
| 3. Regulations | 7. Repeals |
| 4. Air Board Orders for the administration of the Air Force | |

1968, No. 58

An Act to amend the Royal New Zealand Air Force Act 1950
[12 December 1968]

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 Royal New Zealand Air Force Amendment Act 1968, and shall be read together with and deemed part of the Royal New Zealand Air Force Act 1950 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “non-commissioned officer”, and substituting the following definition:

“‘Non-commissioned officer’ means an airman of the rank of flight-sergeant, sergeant, or corporal; and also includes a chief petty officer or petty officer or leading rating of the Naval Forces and a non-commissioned officer of the Army below the rank of warrant officer duly attached or lent to or seconded for service with the Air Force:”.

(2) The said section 2 is hereby further amended by repealing the definition of the term "warrant officer", and substituting the following definition:

"'Warrant officer' means an airman of the rank of warrant officer or master aircrew; and includes a warrant officer of the Army duly attached or lent to or seconded for service with the Air Force; and 'warrant rank' has a corresponding meaning:".

3. Regulations—The principal Act is hereby further amended by repealing section 16, and substituting the following section:

"16. (1) The Governor-General may from time to time, by Order in Council, make regulations not inconsistent with this Act for all or any of the following purposes:

"(a) Providing, in cases where any person subject to this Act is found guilty of any specified breach of discipline or is convicted of any specified offence by a Court Martial or a civil Court, for forfeiture of any part of his pay (not being good conduct badge pay):

"(b) Providing, in cases where a person subject to this Act—

"(i) Has caused the loss or destruction of or damage to any property of any description (whether belonging to the Crown or not) and has been found liable to pay compensation for the loss, destruction, or damage; or

"(ii) Has, after investigation, been found liable for barrack damage; or

"(iii) Is required to repay any sum unlawfully retained by him,—

for stoppages from his pay (not being good conduct badge pay) or for withholding or delaying any retiring allowance or any increment in pay or any other emolument or benefit that would otherwise be due to him:

"(c) Providing for the establishment and conduct of messes for the accommodation and recreation of officers and airmen, and, in particular, prescribing rules for the regulating in any such mess of the sale and consumption of liquor (being liquor as defined in section 2 of the Sale of Liquor Act 1962):

- “(d) Making provision for insurance indemnities for the estates of officers and airmen killed in flying accidents:
- “(e) Making provision for the payment of compensation for personal effects and for loss of or damage to service kit:
- “(f) Providing for funerals and burials of deceased officers and airmen:
- “(g) Providing for the formation and upkeep of musical bands:
- “(h) Providing for education (other than training) of officers and airmen:
- “(i) Authorising such social welfare organisations as may be approved by the Minister to conduct activities in air force camps on such terms and conditions as the Air Board may determine:
- “(j) Prohibiting access, or restricting access on such conditions as may be prescribed, of any person (whether he is subject to this Act or not) to any air force area, and making such other provisions as may be necessary or expedient for the control and security of any such area:
- “(k) Providing for the vesting in the Crown of discoveries, inventions, and improvements made by officers and airmen in processes, apparatus, and machines, and for the payment of rewards, expenses, or other emoluments in respect of them, and prescribing conditions for their vesting and use:
- “(l) Empowering the Defence Council or the Air Board to authorise the employment of persons in a civil capacity, that employment to be in accordance with such conditions and in such occupations and gradings as may from time to time be approved or determined by the State Services Commission:
“Provided that no regulations made under this paragraph shall derogate from the provisions of the State Services Act 1962 or from any regulations made under that Act:
- “(m) Prescribing the functions and duties of members of the Air Board:
- “(n) Regulating the procedure for the holding of meetings of the Air Board:

- “(o) Providing for matters and procedures relating to discipline of persons subject to this Act and to the enforcement of discipline:
- “(p) Providing for such matters as are contemplated by or necessary for giving full effect to this Act or for its due administration.
- “(2) Regulations made pursuant to paragraph (j) of subsection (1) of this section may include provisions—
- “(a) Authorising the officer in charge of any air force area, or any officer or airman duly authorised by him, to search and detain for the purposes of search any person (whether he is subject to this Act or not) while he is upon or in or is entering or leaving, or about to enter or leave, the area, both as to his person and also as to any vehicle, ship, boat, aircraft, receptacle, parcel, or chattel of every description in his possession or under his control:
- “(b) Authorising the officer in charge of any air force area, or any officer or airman duly authorised by him, to apprehend and detain any person (being a person not subject to this Act) who is upon or in or entering or leaving, or about to enter or leave, the area in any case where the person is found committing or is suspected on reasonable grounds of having committed an offence against regulations made under this subsection or against the Official Secrets Act 1951 upon or in the area or while entering or leaving or attempting to enter or leave the area, for the purpose of delivering him to a member of the Police so that, where appropriate, he may be arrested pursuant to the powers of the Police:
- “(c) Authorising the officer in charge of any air force area, or any officer or airman duly authorised by him, to require any person (whether subject to this Act or not) who is upon or in or entering or leaving, or about to enter or leave, the area to identify himself and give an explanation of his presence:
- “(d) Providing for members of the Police to exercise any of the aforesaid powers:
- “(e) Requiring any officer or airman duly authorised as aforesaid to produce such warrant or other evidence of his authority as may be prescribed in the regulations when exercising any power under the regulations:

“(f) Notwithstanding anything in section 102 of this Act, prescribing offences for breaches of any such regulations, and prescribing, on summary conviction for any such offence, a term of imprisonment not exceeding three months or a fine not exceeding two hundred dollars, or both.

“(3) Any such regulations may make different provision for different commands, branches, corps, formations, units, and ranks in the Air Force.

“(4) All regulations made under this section shall come into force on such date as may be prescribed in the regulations, being the date of the regulations or any other date whether before or after the date of the regulations:

“Provided that no regulations under paragraph (a) or paragraph (b) or paragraph (j) or paragraph (o) of subsection (1) of this section shall come into force before the date of their being made.

“(5) For the purposes of subsection (2) and paragraph (j) of subsection (1) of this section, the term ‘air force area’ means any land or water (whether within New Zealand or not) set apart, used, or occupied for the purposes of the Air Force (whether the property of the Crown or private or other property used by the Air Force with the consent of the owner).”

4. Air Board Orders for the administration of the Air Force—(1) The principal Act is hereby further amended by repealing section 23 (as amended by section 2 (2) of the Royal New Zealand Air Force Amendment Act 1963), and substituting the following section:

“23. (1) Without limiting the powers of the Defence Council under section 13 of the Defence Act 1964 to issue Air Board Orders, the Air Board may from time to time, by Air Board Order,—

“(a) Divide any portion of the Air Force into such commands, branches, corps, formations, and units with such names and designations as it thinks fit:

“(b) Abolish, alter, or reconstitute any such commands, branches, corps, formations, and units, and change or abolish any such names or designations:

“(c) Divide New Zealand into air force districts and areas with such names and designations as it thinks fit; and abolish, alter, or reconstitute any such districts or areas, and change or abolish any such names or designations.

“(2) Without limiting the powers of the Defence Council under section 13 of the Defence Act 1964, or of the Air Board under subsection (1) of this section or under any other section of this Act, to issue Air Board Orders, the Air Board may from time to time issue Air Board Orders, not inconsistent with this Act, for all or any of the following purposes:

“(a) Prescribing the terms and conditions of service (not being conditions of service referred to in paragraph (b) of this subsection) applicable to officers, airmen, and members of the Air Training Corps:

“(b) Prescribing the rates or amounts and the conditions for the payment of pay, allowances, expenses, grants, bonuses, and gratuities determined under section 23A of this Act as being payable to officers, airmen, and members of the Air Training Corps:

“(c) Subject to any determination made under section 23A of this Act, prescribing conditions for the payment, forfeiture, stopping, or restoration of good conduct badge pay:

“(d) Subject to the provisions of any other enactment or of any Royal Warrant, prescribing procedures for the award, wearing, forfeiture, and restoration of medals and decorations:

“(e) Subject to the provisions of the Public Revenues Act 1953, regulating the accounting for money and stores in the Air Force.

“(3) Any orders made under subsection (2) of this section may make different provision for different commands, branches, corps, formations, and ranks in the Air Force.

“(4) For the purposes of subsection (2) of this section, the term ‘terms and conditions of service’, in relation to the service of officers, airmen, and members of the Air Training Corps, includes terms and conditions relating to—

“(a) Appointments, enlistment (including attestation procedures), qualifications for appointment and promotion, promotions, reversion, and reduction in rank:

“(b) Transfers, attachments, and secondments to units in the Air Force or in other branches of the Defence Forces:

“(c) Discharges from service, retirements (including ages for retirement), re-engagements, extensions of service, cancellations of commissions, annulment or variation of appointments, and redundancies:

- “(d) The grant of leave, including annual leave, sick leave, overseas leave, compassionate leave, urgent private business leave, and such other classes of leave as may from time to time be determined by the Air Board:
- “(e) Subject to any regulations made under section 16 of this Act, discipline:
- “(f) Training (including courses of instruction and examinations):
- “(g) Health (including medical, surgical, and dental treatment) and welfare.”

(2) Section 11 of the principal Act (as substituted by section 2 (1) of the Royal New Zealand Air Force Amendment Act 1957) is hereby further amended by inserting in subsection (1), after the words “subject to such conditions as may be prescribed by regulations”, the words “or by Air Board Orders or as may be determined under section 23A of this Act, as the case may require”.

(3) Section 12 of the principal Act is hereby amended by omitting the words “as prescribed by regulations made under this Act, or while there are no such regulations or so far as any such regulations do not extend, by Air Board Orders”, and substituting the words “such as may be prescribed by regulations made under this Act or by Air Board Orders or as may be determined under section 23A of this Act, as the case may require”.

5. Pay and allowances of members of the Air Force—The principal Act is hereby further amended by repealing section 23A (as inserted by section 3 (1) of the Royal New Zealand Air Force Amendment Act 1962), and substituting the following section:

“23A. (1) The pay (including any good conduct badge pay and any flying pay), allowances, expenses, grants (including end of service grants), bonuses, and gratuities payable to officers, airmen, and members of the Air Training Corps shall be at such rates or of such amounts as are from time to time determined by the Minister with the concurrence of the Minister of Finance, and shall be subject to any conditions determined by the Minister with like concurrence.

“(2) Any such determination may make different provision in respect of different commands, branches, corps, formations, and ranks in the Air Force.

“(3) Any such rates or amounts or conditions may relate to a period commencing on or before or after the date on which they are determined.

“(4) All rates or amounts determined under this section and the conditions subject to which they are payable shall be promulgated in Air Board Orders or in such other publication as the Defence Council or the Air Board may determine.

“(5) Without limiting the provisions of subsection (4) of this section, the Minister shall from time to time publish in the *Gazette* all rates of pay determined under this section.

“(6) For the purposes of subsection (1) of this section, the term ‘allowances’ includes ration, mess, and meal allowances, marriage allowances, wife allowances, child allowances, separation allowances, lodging allowances, location allowances, flying allowances, parachuting allowances, professional allowances for medical practitioners and other professionally qualified personnel, uniform and clothing allowances, and travelling allowances, and such other categories of allowances as may from time to time be determined by the Air Board.”

6. Sale of Liquor Act not to apply to messes in air force camps—The principal Act is hereby further amended by inserting, after section 23B (as inserted by section 2 (1) of the Royal New Zealand Air Force Amendment Act 1963), the following section:

“23c. Nothing in the Sale of Liquor Act 1962 shall prohibit or restrict the sale, keeping for sale, exposing for sale, offering for sale, supply, possession, control, or consumption of liquor (being liquor as defined in section 2 of the Sale of Liquor Act 1962) in any camp mess.”

7. Repeals—The following enactments are hereby consequentially repealed:

- (a) Section 4 of the Royal New Zealand Air Force Amendment Act 1959:
- (b) Section 2 of the Royal New Zealand Air Force Amendment Act 1960:
- (c) Subsections (1) and (2) of section 2 of the Royal New Zealand Air Force Amendment Act 1961:
- (d) Sections 2 and 3 of the Royal New Zealand Air Force Amendment Act 1962:
- (e) Subsection (2) of section 2 of the Royal New Zealand Air Force Amendment Act 1963:

(f) Paragraph (d) and paragraph (f) of section 2 of the
Royal New Zealand Air Force Amendment Act
1967.

This Act is administered in the Ministry of Defence.
