



Armed Forces Discipline Amendment Act 2010

Public Act 2010 No 48
Date of assent 6 July 2010
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- Title**
This Act is the Armed Forces Discipline Amendment Act 2010.
- Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Armed Forces Discipline Act 1971.

4 Interpretation

The definition of **competent service authority** in section 2(1) is amended by inserting the following paragraph after paragraph (a):

“(ab) includes every Judge; and”.

5 Arrest of deserters from other armed forces

Section 92A(4) is amended by omitting “The provisions of subsections (3) to (7) of section 101 do not” and substituting “Section 101(3) to (5) does not”.

6 Charge must be certified if disciplinary officer may impose certain punishments

(1) The heading to section 112 is amended by adding “**or make certain compensation orders**”.

(2) Section 112 is amended by repealing subsection (1) and substituting the following subsection:

“(1) A disciplinary officer must, after a charge is referred to him or her under section 109 or 110 but before the accused is brought before him or her, consider whether he or she may, if the accused were found guilty,—

“(a) impose a punishment consisting of or including 1 or more of the following:

“(i) detention:

“(ii) reduction in rank:

“(iii) a fine of an amount that exceeds the accused’s basic pay for a period of 7 days; or

“(b) order the accused to pay an amount by way of compensation that exceeds the accused’s basic pay for a period of 7 days.”

(3) Section 112(3) is amended by repealing paragraph (a) and substituting the following paragraph:

“(a) he or she considers that, if the accused were found guilty,—

- “(i) a punishment consisting of or including 1 or more of the punishments referred to in subsection (1)(a) may be imposed; or
- “(ii) an order for compensation referred to in subsection (1)(b) may be made; and”.

7 Procedures to be followed before imposing punishment

Section 117R(3)(c) is amended by adding “of an amount that exceeds the offender’s basic pay for a period of 7 days”.

8 Orders for compensation and restitution

Section 117ZA is amended by adding the following subsection:

- “(3) The disciplinary officer must ensure that he or she has received a specified certificate if he or she intends to order the offender to pay an amount by way of compensation that exceeds the offender’s basic pay for a period of 7 days.”

9 Rules of procedure

- (1) Section 150 is amended by repealing paragraph (k) and substituting the following paragraph:

“(k) providing for the payment of fees, allowances, and expenses of witnesses and interpreters giving evidence before a military tribunal or a court of inquiry and prescribing the amount of the fees, allowances, and expenses payable or the method by which they are to be calculated.”.

- (2) Section 150 is amended by repealing paragraph (s).

10 Authority must consider petition for reconsideration

Section 154 is amended by repealing subsection (2) and substituting the following subsection:

- “(2) However, if the Authority remits a punishment or part of a punishment, it must not make a decision that has the effect of imposing a punishment more severe than the punishment that had effect before that remission.”

Legislative history

29 June 2010	Divided from Statutes Amendment Bill by committee of the whole House, third reading
6 July 2010	Royal assent

This Act is administered by the New Zealand Defence Force.
