

NAVAL DEFENCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Naval Defence Act, 1913, by providing for the appointment of a civilian Navy Secretary, as an officer of the Public Service, upon the completion of the term of office of the present Naval Secretary, who is an officer of the Royal Navy.

The Bill also reconstitutes the Naval Board of New Zealand so as to permit the appointment of a third Naval Member for Supply, and re-states the functions of the Board so as to make it unnecessary to define them by regulations.

Clause 6 provides for the appointment of temporary officers of the Naval Forces, and revokes the Naval Appointments Emergency Regulations 1941, which are replaced by the clause.

Clause 7 establishes the Women's Royal New Zealand Naval Service as part of the permanent Naval Forces, and revokes the emergency regulations which originally constituted the W.R.N.Z.N.S.

Clause 8 re-enacts section 21 of the principal Act so as to clarify the power to raise reserve and auxiliary forces and services (all of which are defined in *clause 2* as reserve forces). *Subclause (3)* of *clause 8* sets out the circumstances in which persons belonging to the reserve forces will be subject to the principal Act, and consequently subject to naval discipline.

Clause 9 repeals subsection (1) of section 10 of the principal Act, which provides that the Naval Forces shall be raised and kept by voluntary enlistment only. This provision is inconsistent with the provisions of the Military Training Act, 1949.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
15th November, 1950*

Hon. Mr. Macdonald

NAVAL DEFENCE AMENDMENT

ANALYSIS

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A BILL INTITULED

AN ACT to Amend the Naval Defence Act, 1913.

Title.

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

1. This Act may be cited as the Naval Defence Amendment Act, 1950, and shall be read together with and deemed part of the Naval Defence Act, 1913 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. II, p. 645

2. (1) For the purposes of the principal Act, unless the context otherwise requires,—

Interpretation.

“ Naval Forces ” means the New Zealand Naval Forces; and includes the Royal New Zealand Navy, the Royal New Zealand Naval Reserve, the Royal New Zealand Naval Volunteer Reserve, the Women's Royal New Zealand Naval Service, and such other reserve or auxiliary forces or services as may from time to time be prescribed:

“ Reserve force ” means the Royal New Zealand Naval Reserve, the Royal New Zealand Naval Volunteer Reserve, or any other force or service raised under section *eight* of this Act.

1945, No. 40

Navy
Secretary.

(2) Subsection two of section fifty-seven of the Statutes Amendment Act, 1945, is hereby repealed. 5

3. (1) There shall from time to time be appointed, as an officer of the Public Service, a fit and proper person to be called the Navy Secretary, who shall have such duties and functions in relation to the Naval Forces and naval establishments as the Naval Board may from time to time determine, or as may from time to time be prescribed. 10

(2) From the time when the first Navy Secretary appointed under this section takes office, all references to the Naval Secretary in any Act or in any agreement, deed, instrument, or other document whatsoever shall, unless inconsistent with the context or with the provisions of this Act, be read as references to the Navy Secretary. 15 20

(3) Notwithstanding anything contained in this section or in the *next succeeding* section, the person holding office as Naval Secretary on the passing of this Act shall continue to hold office during the period and under the terms of his appointment as such. 25

1936, No. 46

Naval Board of
New Zealand.

(4) This section is in substitution for section three of the Naval Defence Amendment Act, 1936, and that section is hereby accordingly repealed.

4. (1) There shall be a Board to be called the Naval Board of New Zealand (hereinafter referred to as the Board). 30

(2) The Board shall consist of—

(a) The Minister of Defence, who shall be the Chairman of the Board:

(b) Three persons (being officers of the New Zealand Naval Forces or of any other Commonwealth naval forces) to be from time to time appointed as members of the Board by the Governor-General and to hold office as such during his pleasure: 35 40

(c) The Navy Secretary.

(3) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(4) Subject to the provisions of any regulations under the principal Act, the Board may regulate its procedure in such manner as it thinks fit. 45

(5) This section is in substitution for section four of the Naval Defence Amendment Act, 1936, and that section is hereby accordingly repealed. **1936, No. 46**

5 5. (1) The Board shall have such powers, functions, and duties in relation to the Naval Forces and naval establishments and the administration of the principal Act as may from time to time be conferred upon it by any Act or by any orders of the Governor-General, and, subject to any such Act or orders or in so far as they do **10** not extend, shall have all such powers as are reasonably necessary for the effective performance of its functions and duties. **Functions of Naval Board.**

(2) This section is in substitution for section five of the Naval Defence Amendment Act, 1936, and that section is hereby accordingly repealed. **15** **1936, No. 46**

6. (1) Notwithstanding anything contained in sections five and six of the principal Act, the Governor-General may from time to time— **Power to appoint temporary officers.**

20 (a) Appoint and promote temporary officers of the Naval Forces, and issue commissions to them:
(b) Terminate any such temporary appointments at his pleasure.

(2) This section is in substitution for the Naval Appointments Emergency Regulations 1941, and those regulations are hereby accordingly revoked. **25** **Serial number 1941/11**

(3) All temporary appointments made under the said regulations, and subsisting or in force on the passing of this Act, shall enure as if they had been made under this section, and accordingly shall, where necessary, be **30** deemed to have been so made.

7. (1) The Women's Royal New Zealand Naval Service is hereby established as part of the permanent Naval Forces. **Establishment of Women's Royal New Zealand Naval Service.**

(2) The provisions of— **35**
(a) The principal Act and the regulations thereunder and the Navy Orders for the time being in force in relation to the Royal New Zealand Navy; and
(b) The Naval Discipline Acts and the King's **40** Regulations and Admiralty Instructions for the time being in force in relation to the Royal Navy—

shall apply with respect to the Women's Royal New Zealand Naval Service only in such manner, to such

extent, and subject to such adaptations and modifications as may from time to time be specified by the Naval Board of New Zealand.

(3) All women who on the passing of this Act are members of the Women's Royal New Zealand Naval Service as constituted under the Women's Royal New Zealand Naval Service Emergency Regulations 1942 shall be deemed to belong to the Women's Royal New Zealand Naval Service established under this section. 5

Serial number
1942/323

(4) The Women's Royal New Zealand Naval Service Emergency Regulations 1942 are hereby revoked. 10

Reserve forces.

8. (1) In addition to the permanent Naval Forces raised under the principal Act, the Governor-General may from time to time raise, maintain, and organize a Royal New Zealand Naval Reserve, a Royal New Zealand Naval Volunteer Reserve, and such other reserve or auxiliary forces or services as may from time to time be prescribed. 15

(2) The Royal New Zealand Naval Reserve and the Royal New Zealand Naval Volunteer Reserve as constituted under section twenty-one of the principal Act shall be deemed to have been raised under this section, and all persons who on the passing of this Act are members of either of those reserve forces shall serve therein for the same periods as if this section had not been passed. 20

(3) Every person belonging to any reserve force shall be subject to the principal Act when he is— 25

(a) On active service; or

(b) In or on any property belonging to or used for the purposes of the Naval Forces, including naval establishments, ships or other vessels, aircraft, and vehicles; or 30

(c) Undergoing training; or

(d) Borne on the books of any of His Majesty's New Zealand ships in commission; or

(e) In uniform. 35

1945, No. 40

(4) This section is in substitution for section twenty-one of the principal Act, and that section and subsections four and five of section fifty-seven of the Statutes Amendment Act, 1945, are hereby accordingly repealed.

Provision for
compulsory
training.

9. Section ten of the principal Act is hereby amended by repealing subsection one. 40