

Defence Amendment Act 1997

Public Act 1997 No 41
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An Act to amend the Defence Act 1990

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the Defence Amendment Act 1997, and is part of the Defence Act 1990 (**the principal Act**).

2 Interpretation

- (1) Section 2(1) of the principal Act is amended by inserting in the definition of the term **defence area**, after the word “owner”, the words “or is requisitioned under section 10(2)(b)”.
- (2) This subsection amended s 2(1) of the principal Act by inserting the definition of the term **intellectual property**.

3 Members of Civil Staff

- (1) The principal Act is amended by repealing section 14.
- (2) The principal Act is consequentially amended—
 - (a) By omitting from the definition of the term **Civil Staff** in section 2(1) the expression “section 14”, and substituting the expression “section 61A”:
 - (b) By omitting from section 11(1)(b) the expression “section 14”, and substituting the expression “section 61A”:
 - (c)

Subsection (2)(c) was repealed, as from 2 October 2000, by section 241 Employment Relations Act 2000 (2000 No 24).

4 Secretary of Defence

Section 24(2)(e)(iv) of the principal Act is amended by omitting the words “Chief of Defence Staff”, and substituting the words “Chief of Defence Force”.

5 Appointment, promotion, and discharge of officers

- (1) This subsection substituted s 32(1)(d) of the principal Act.

- (2) This subsection inserted s 32(1A) of the principal Act.
- (3) Section 32 of the principal Act is amended by omitting from subsection (2) the words “notified in the *Gazette*”, and substituting the words “promulgated by Defence Force Orders”.

6 Protection of employment

[Repealed]

Section 6 was repealed, as from 1 April 2004, by section 4(2) Defence Amendment Act 2004 (2004 No 13).

7 Conditions of service in Armed Forces

Section 45 of the principal Act is amended—

- (a) By omitting from subsection (1) the word “fixed”, and substituting the word “prescribed”:
- (b) By omitting from subsections (2) and (3) the word “fixing” from each place where it occurs, and substituting in each case the word “prescribing”.

8 Defence Force Orders fixing certain terms and conditions of service

The principal Act is amended by repealing section 47.

9 Determinations and regulations to be notified in Defence Force Orders

The principal Act is amended by repealing section 48.

10 Members may give notice of intention to leave regular forces

Section 52 of the principal Act is amended by omitting from subsection (3) the words “determine in a particular case”, and substituting the words “from time to time prescribe in Defence Force Orders”.

11 Notice while subject to disciplinary proceedings, etc

Section 57(3) of the principal Act is amended by omitting the words “or subsection (4)”.

- 12 Appointment of members of Civil Staff**
This section inserted s 61A of the principal Act.
- 13 Appointments on merit**
Section 62 of the principal Act is amended by inserting, after the words “appointment to,” the words “any position in”.
- 14 Evidence of appointments**
Section 65 is amended by omitting from subsection (1), and also from subsection (2) in both places where they occur the words “office or”.
- 15 Obligation to notify appointments**
Section 66 of the principal Act is amended by omitting the words “office or”.
- 16 Review of appointments**
Section 67 of the principal Act is amended by omitting the word “within”, and substituting the words “to positions in”.
- 17 Constitution of cadet forces**
- (1) This subsection substituted s 74(1) and inserted s 74(1A) of the principal Act.
 - (2) This subsection inserted s 74(2)(c) of the principal Act.
- 18 Cadet officers**
This section substituted s 76(a) of the principal Act.
- 19 Assistance to cadet forces**
Section 78 of the principal Act is amended—
- (a) By omitting from subsection (1) the words “Minister of Defence” from each place where they occur, and substituting in each case the words “Chief of Defence Force”:
 - (b) By omitting from subsection (1) the words “that Minister”, and substituting the words “the Chief of Defence Force”:

- (c) By omitting from subsection (3) the word “Minister” from each place where it occurs, and substituting in each case the words “Chief of Defence Force”.

20 Public Trustee to administer Nelson Rifle Prize Fund
Section 96(5) of the principal Act is amended by omitting the word “expected”, and substituting the word “expended”.

21 Regulations
This section substituted s 101(1)(b) of the principal Act.