

Air Force

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An Act to provide for the Establishment, Organization, Discipline, and Maintenance of an Air Force to be called the Royal New Zealand Air Force.

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 and commencement.

This Act may be cited as the Air Force Act, 1937, and shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-seven.

2 Interpretation.

In this Act—

“Air Force” means the Royal New Zealand Air Force established in accordance with this Act:

“Board” means the Air Board established under this Act:

“Minister” means the Minister of Defence.

3 Power to raise and maintain an Air Force.

The Governor-General may raise and maintain for the defence of New Zealand an Air Force to be called the Royal New Zealand Air Force (hereinafter referred to as the Air Force).

4 Organization of Air Force.

The Air Force shall consist of the Regular Air Force, the Air Force Reserve, and the Territorial Air Force (to be respectively constituted as hereinafter provided).

5 Constitution of Regular Air Force.

- (1) Subject to the provisions of subsection two of the next succeeding section, the Regular Air Force shall consist of such officers and airmen as are from time to time appointed or enlisted for continuous service in the Air Force during the period of their respective engagements.
- (2) Members of the Regular Air Force may be required, in the course of their training or duties, to serve either within or beyond the limits of New Zealand.

6 Constitution of Air Force Reserve.

- (1) The Air Force Reserve shall consist of such officers and airmen as are from time to time appointed or enlisted as members of the Reserve or as are from time to time transferred to the Reserve from the Regular Air Force.
- (2) In time of war or of imminent national danger it shall be lawful for the Governor-General, by Proclamation, to transfer the Air Force Reserve or any specified portion thereof to the Regular Air Force. Before any such Proclam-

ation is issued the occasion therefor shall be communicated to Parliament if Parliament is then sitting.

7 Constitution of Territorial Air Force.

- (1) The Territorial Air Force shall consist of such officers and airmen as are from time to time appointed or enlisted for service in the Air Force (otherwise than as members of the Regular Air Force or the Air Force Reserve).
- (2) By any Proclamation issued under the last preceding section or by a subsequent Proclamation issued for the purposes of this section the Governor-General may declare the Territorial Air Force or any specified portion thereof to be liable for continuous service within New Zealand during the continuance of a state of war or of imminent national danger as mentioned in the last preceding section. For the purposes of this subsection service within New Zealand shall be deemed to include flights of which the points of departure and of intended return are within New Zealand, notwithstanding that any part of any such flight may be beyond the territorial limits of New Zealand.

8 Certain members of Defence Forces deemed to be transferred to Air Force.

- (1) Members of the Defence Forces of New Zealand established under the Defence Act, 1909, who on the commencement of this Act are members of the air branch of the said Forces shall, without further appointment or enlistment, be deemed to be transferred to the Air Force, with the rank and seniority to which they were respectively entitled as members of the Defence Forces.
- (2) Members of the Defence Forces who are transferred to the Air Force by this section shall be deemed to form part of the Regular Air Force, the Air Force Reserve, or the Territorial Air Force, as the circumstances of each case may require.

9 Oath of Allegiance.

- (1) Every officer and every airman who is transferred or appointed to or enlisted in the Air Force shall take and subscribe the Oath of Allegiance to His Majesty in the form in the Schedule hereto or to the like effect.
- (2) Such oath may be taken before any officer of the Air Force authorized in that behalf by the Air Board.

10 Minors may enlist in Air Force.

- (1) No person under the age of twenty-one years shall enlist or be accepted for service in the Air Force if either of his parents or his guardian objects thereto.
- (2) Every application by a minor for enlistment in the Air Force shall be accompanied by the consent in writing of one or both of his parents or of his guardian, or, in the alternative, shall state the reasons why such consent has not been obtained or furnished.

- (3) Except as provided in subsection one hereof, a minor who has not obtained the prior consent of one or both of his parents or of his guardian to his enlistment in the Air Force may be accepted for service therein with the approval of the Board, but not otherwise.
- (4) The enlistment of any person pursuant to this section shall be binding on him during his minority and after he has attained the age of twenty-one years.

11 Appointment of Air Secretary.

There shall from time to time be appointed, as an officer of the Public Service, a fit and proper person to be called the Air Secretary, who shall have such duties and functions in relation to the Air Force as the Board may from time to time determine, or as may from time to time be prescribed.

12 Constitution of Air Board.

- (1) For the administration of this Act and of matters relating to the Air Force there is hereby established an Air Board consisting of the following members, namely:—
 - (a) The Minister, who shall be the President of the Board:
 - (b) Three other members (being officers of any of His Majesty's Air Forces) who shall from time to time be appointed as members of the Board by the Governor-General and shall hold office as such during his pleasure:
 - (c) The Air Secretary.
- (2) Three members of the Board shall form a quorum.
- (3) The powers of the Board shall not be affected by any vacancy in the membership thereof.
- (4) The Governor-General may from time to time by regulations under this Act make provision with respect to the proceedings of the Air Board. In the absence of such regulations, or in so far as they do not extend, the Board may regulate its own procedure.

13 Air Board to administer Air Force.

The Board shall be charged with the administration of the Air Force, and shall have such powers, duties, and functions in relation thereto as may from time to time be conferred on it by regulations under this Act, and, subject to such regulations or in so far as they do not extend, shall have all such powers as are reasonably necessary for the effective performance of its functions and duties.

14 Functions of Board in relation to civil aviation.

- (1) In addition to the functions hereinbefore conferred on it, it shall be a function of the Board from time to time, as it thinks fit, to consider all such matters relating particularly to civil aviation as, in the opinion of the Board, affect or are likely to affect defence, and it shall be the duty of the Board to advise the

Government from time to time, as occasion may require, as to the extent to which and the manner in which civil aviation and defence aviation should be co-ordinated.

- (2) In the exercise of the special functions of the Board under this section the person for the time being holding office as the Controller of Civil Aviation shall be associated with the Board and deemed to be a member thereof.
- (3) For the purpose of enabling the Board to carry out its functions under this section, the Board shall have all the powers of a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply thereto accordingly.

15 Provision for gratuities to members of Regular Air Force on retirement.

- (1) The Governor-General may by Order in Council make regulations prescribing the gratuities (if any) that may be paid to members of the Regular Air Force on their retirement therefrom and prescribing the conditions subject to which such gratuities will become payable.
- (2) All gratuities payable in accordance with such regulations shall be paid out of moneys to be appropriated for the purpose by Parliament.

16 Provision for payment of pensions in event of death or disablement of members of Air Force.

Ibid., Vol. VI. p. 826

- (1) The provisions of section thirty-four of the Finance Act, 1926, are hereby extended so as to make provision for the payment of pensions in the event of the death or disablement of any member of the Air Force by reason of misadventure suffered in the performance of his duties. For the purposes of this section persons selected by the Board for training with a view to their becoming members of the Air Force shall, during their course of training, be deemed to be members of the Air Force notwithstanding that they may not then or thereafter be appointed to or enlisted in the Air Force.
- (2) Pensions payable under this section shall be calculated in the same manner in all respects as if the Air Force were part of the New Zealand Defence Forces within the meaning of that section.
- (3) The Workers' Compensation Act, 1922, shall not apply to accidents happening to members of the Air Force and arising out of their employment as members of that Force.

Compare: 1922, No. 39, s. 12(2); *ibid.*, Vol. V, p. 611

17 Application of provisions relating to Royal Air Force.

The Air Force Act (Imperial), as referred to in section twelve of the Air Force (Constitution) Act, 1917 (Imperial), and also the Rules of Procedure thereunder, the King's Regulations, and the Air Council Instructions for the time being respectively in force in relation to the Royal Air Force shall, subject

to this Act and to regulations thereunder and with all necessary modifications, apply to the Air Force constituted under this Act:

Provided that nothing in this section shall apply with respect to rates of pay or allowances for members of the Air Force, or be deemed to authorize the expenditure of public moneys.

18 Discipline of members of Air Force when attached to any other branch of His Majesty's Forces.

If any member of the Air Force is at any time, in the course of his duties or training, attached to any other branch of His Majesty's Forces in New Zealand or elsewhere, he shall, while so attached, be subject to command and discipline in the same manner in all respects as if he were for the time being a member of the Force to which he is attached.

19 Regulations.

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes, namely:—
 - (a) The appointment, enlistment, promotion, discipline, training, pay, and allowances of officers and airmen of the Air Force:
 - (b) The pay and allowances, in respect of any period of training, of persons selected by the Board for training with a view to their becoming members of the Air Force:
 - (c) The retirement or discharge of members of the Air Force:
 - (d) Fixing the age-limits and the periods of service for officers and airmen in the several sections of the Air Force:
 - (e) For any other purpose for which regulations are contemplated or required by this Act, and generally for the administration of the Air Force and for the purposes of this Act.
- (2) All regulations made under the authority of this Act shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, shall be so laid before Parliament within fourteen days after the commencement of the next ensuing session.

Schedule

Oath of Allegiance

I, A.B., do swear that I will be faithful and bear true allegiance to our Sovereign Lord the King, his heirs and successors, according to law, and that I will faithfully serve in the Royal New Zealand Air Force, and will observe and obey all orders of the officers set over me until I shall be lawfully discharged. So help me God.