

ELECTION CANDIDATES (PUBLIC SERVICE AND DEFENCE FORCE) ACT 1974

No. 59 of 1974

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ELECTION CANDIDATES (PUBLIC SERVICE AND DEFENCE FORCE) ACT 1974

No. 59 of 1974

An Act relating to Members of the Public Service and the Defence Force who become Candidates for election to the Legislative Assembly for the Northern Territory and similar Bodies for other Territories, and for related Purposes.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the *Election Candidates (Public Service and Defence Force) Act 1974*.¹ Short title.

2. (1) Parts I, IV and V shall come into operation on the day on which this Act receives the Royal Assent.¹ Commencement.

(2) Parts II and III shall be deemed to have come into operation on 27 August 1974.

PART II—AMENDMENTS OF THE PUBLIC SERVICE ACT

3. (1) The *Public Service Act 1922-1973*² is in this Part referred to as the Principal Act. Definition and citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Public Service Act 1922-1974*.

4. Section 47C of the Principal Act is amended by adding at the end of sub-paragraph (i) of paragraph (a) of sub-section (1) the words “or of the Legislative Assembly for the Northern Territory or a prescribed legislative or advisory body for another Territory”.

Re-appointment of persons who have retired from the service to become candidates at elections.

Temporary
employment
of persons
who have
resigned to
become
candidates at
elections.

5. Section 82B of the Principal Act is amended by adding at the end of paragraph (a) of sub-section (1) the words “or of the Legislative Assembly for the Northern Territory or a prescribed legislative or advisory body for another Territory”.

PART III—AMENDMENTS OF THE SUPERANNUATION ACT

Definition
and citation.

6. (1) The *Superannuation Act* 1922-1973¹ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Superannuation Act* 1922-1974.

Rights of
contributors
who resign to
contest
elections.

7. Section 52 of the Principal Act is amended by omitting from sub-section (1) the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a legislative or advisory body for another Territory prescribed for the purposes of section 47C of the *Public Service Act* 1922-1974”.

Rights of
contributors
to Provident
Account who
resign to
contest
elections.

8. Section 88 of the Principal Act is amended by omitting from sub-section (1) the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a legislative or advisory body for another Territory prescribed for the purposes of section 47C of the *Public Service Act* 1922-1974”.

Interpret-
ation.

9. Section 119A of the Principal Act is amended by inserting after sub-section (2) the following sub-section:—

“(2A) For the purposes of this Part, the membership by a person of the Legislative Assembly for the Northern Territory or a legislative or advisory body prescribed for the purposes of section 47C of the *Public Service Act* 1922-1974 shall be treated as if it were employment of the person by the Commonwealth.”.

Interpret-
ation.

10. Section 119N of the Principal Act is amended by omitting from paragraph (b) of sub-section (1) the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a legislative or advisory body for another Territory prescribed for the purposes of section 47C of the *Public Service Act* 1922-1974”.

PART IV—AMENDMENTS OF THE DEFENCE
(PARLIAMENTARY CANDIDATES) ACT

11. (1) The *Defence (Parliamentary Candidates) Act 1969-1973*⁴ is in this Part referred to as the Principal Act. Definition and citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence (Parliamentary Candidates) Act 1969-1974*.

12. The title to the Principal Act is amended by omitting the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of certain other legislative or advisory Bodies”. Title.

13. Section 7 of the Principal Act is amended by omitting from paragraph (b) of sub-section (1) the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a prescribed legislative or advisory body for another Territory”. Transfer of officers to Reserve.

14. Section 8 of the Principal Act is amended by omitting from paragraph (b) the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a prescribed legislative or advisory body for another Territory”. Discharge of enlisted members.

15. Section 9 of the Principal Act is amended by omitting from paragraph (b) the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a prescribed legislative or advisory body for another Territory”. Termination of continuous full-time service.

PART V—AMENDMENTS OF THE DEFENCE FORCE
RETIREMENT AND DEATH BENEFITS ACT

16. (1) The *Defence Force Retirement and Death Benefits Act 1973*⁵ is in this Part referred to as the Principal Act. Definition and citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence Force Retirement and Death Benefits Act 1973-1974*.

17. Section 66 of the Principal Act is amended by inserting after sub-section (2) the following sub-section:— Interpretation.

“(2A) For the purposes of this Part, the membership by a person of the Legislative Assembly for the Northern Territory or a legislative or advisory body for another Territory prescribed for the purposes of section 7 of the *Defence (Parliamentary Candidates) Act 1969-1974* shall be treated as if it were employment of the person by the Commonwealth.”

Interpret-
ation.**18. Section 70 of the Principal Act is amended—**

- (a) by omitting from paragraph (b) of sub-section (1), the words “the Commonwealth or of a State” and substituting the words “Australia or of a State or of the Legislative Assembly for the Northern Territory or a legislative or advisory body for another Territory prescribed for the purposes of section 7 of the *Defence (Parliamentary Candidates) Act 1969-1974*”; and
- (b) by inserting in sub-paragraph (i) of that paragraph, after the word “House”, the words “, Assembly or body, as the case may be”.

NOTES

1. Act No. 59, 1974; assented to 27 September 1974.
2. Act No. 21, 1922, as amended by No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; No. 6, 1972; and Nos. 21, 71, 73 and 209, 1973.
3. Act No. 33, 1922, as amended by No. 45, 1924; No. 22, 1930; No. 10, 1931; No. 45, 1934; No. 28, 1937; No. 53, 1942; No. 18, 1943; Nos. 15 and 30, 1945; No. 2, 1946; Nos. 1 and 35, 1947; No. 19, 1948; No. 76, 1950; Nos. 49 and 62, 1951; No. 92, 1952; No. 11, 1954; No. 27, 1955; Nos. 19 and 112, 1956; No. 94, 1957; No. 45, 1958; No. 102, 1959; No. 102, 1963; Nos. 97 and 154, 1965; Nos. 69 and 86, 1966; No. 52, 1967; Nos. 49 and 57, 1968; Nos. 14 and 26, 1969; No. 46, 1971; Nos. 46, 83 and 135, 1973; and No. 216, 1973 (as amended by No. 20, 1974).
4. Act No. 60, 1969, as amended by No. 84, 1973; and No. 216, 1973 (as amended by No. 20, 1974).
5. Act No. 81, 1973.