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

**Short title**

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

**Commencement**

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

(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

**Definition and citation**

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

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

**Reappointment of persons who have retired from the service to become candidates at elections.**

**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”.

**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 1922-1973 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 sub­section (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”.

**Interpretation.**

**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.”.

**Interpretation.**

**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

**Definition and citation**

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

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

**Title**

**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”.

**Transfer of officers to Reserve.**

**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”.

**Discharge of enlisted members**

**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”.

**Termination of continuous full-time service.**

**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”

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

**Definition and citation.**

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

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

**Interpretation**

**17.** Section 66 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 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.”

**Interpretation**

**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”.