

# Defence (Parliamentary Candidates)

No. 87 of 1966

An Act making provision in relation to the Termination of Service in the Regular Army Supplement of National Service Officers and National Servicemen who desire to become Candidates for election as Senators or as Members of the House of Representatives, and to related matters.

[Assented to 29 October 1966]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Defence (Parliamentary Candidates) Act 1966*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. In this Act, unless the contrary intention appears— Definitions.

“officer” has the same meaning as in the *Defence Act 1903–1965*;

“national service officer” and “national serviceman” have the same respective meanings as in the National Service Act, but do not include a person who is not serving in the Regular Army Supplement;

“the Military Forces” means the Military Forces of the Commonwealth;

“the National Service Act” means the *National Service Act 1951–1965*.

4.—(1.) Where a national service officer—

(a) makes application to the Military Board to be transferred to the Regular Army Reserve; and

(b) satisfies the Military Board that he intends, if transferred to the Regular Army Reserve, to become a candidate for election as a Senator or as a Member of the House of Representatives at a particular election or particular general elections,

Transfer to Reserve of national service officer.

the Military Board may transfer the officer to the Regular Army Reserve for a period of service ending on the date on which the period of service, or the last of the periods of service, specified in his instrument of appointment ends.

(2.) The appointment of an officer who has been transferred under the last preceding sub-section shall, by force of this sub-section, be deemed to be an appointment that is for a period of service in the Regular Army Reserve equal to the period of service specified in the instrument of transfer.

Discharge of  
national  
serviceman.

5. Where a national serviceman—

- (a) makes application to the Military Board to be discharged from the Military Forces; and
- (b) satisfies the Military Board that he intends, if discharged from the Military Forces, to become a candidate for election as a Senator or as a Member of the House of Representatives at a particular election or particular general elections,

the Military Board may authorize his discharge from the Military Forces as from a date fixed by the Military Board.

Travel to place  
of residence.

6. Where a person is transferred to the Regular Army Reserve under section 4 of this Act or is discharged from the Military Forces under the last preceding section, the Military Board shall, if the person so requests, arrange for the person to travel, at the expense of the Commonwealth, from the place where he is when so transferred or discharged to the place at which he resided immediately before the commencement of his service in the Regular Army Supplement or to such other place as is agreed on between the person and the Military Board.

Application for  
transfer to  
Regular Army  
Supplement.

7.—(1.) Where an officer who has been transferred to the Regular Army Reserve under section 4 of this Act—

- (a) fails to be nominated in the election or general elections having regard to which he was so transferred;
- (b) fails to be elected in that election or those general elections; or
- (c) having been elected in that election or those general elections as a Senator or as a Member of the House of Representatives, subsequently ceases to be a Senator or a Member of the House of Representatives,

the Military Board may, by notice in writing served on the officer, require him to make application, within a period specified in the notice, for transfer to the Regular Army Supplement.

(2.) Where an officer makes application in accordance with a requirement under the last preceding sub-section for transfer to the Regular Army Supplement, the Military Board may transfer him to the Regular Army Supplement for a period of service in that force equal to that part of the period of service in that force that he was serving immediately before his transfer to the Regular Army Reserve that, by reason of that transfer, he did not serve.

(3.) The appointment of an officer who has been transferred to the Regular Army Supplement under the last preceding sub-section shall, by force of this sub-section, be deemed to be an appointment for a period of service in the Regular Army Supplement equal to the period of service specified in the instrument of transfer, to be followed by a period of service—

(a) equal in length to the period that, but for his transfer to the Regular Army Reserve, he would, following the completion of his earlier service in the Regular Army Supplement, have been required to serve in another force; and

(b) to be served in that other force.

(4.) Where an officer who has been required under sub-section (1.) of this section to make application for transfer to the Regular Army Supplement fails to comply with the requirement, the Governor-General may terminate his appointment as an officer.

(5.) Where the appointment of an officer is terminated under the last preceding sub-section—

(a) he again becomes liable to render service under the National Service Act; and

(b) subject to the next succeeding sub-section, the National Service Act applies to him as if a notice under section 26 of that Act had never been served on him.

(6.) In the application of the National Service Act in relation to a person referred to in the last preceding sub-section, the reference in sub-section (1.) of section 27, and in sub-section (1.) of section 28, of that Act to a period of two years shall be read as a reference to a period equal to that part of the period of service in the Regular Army Supplement that the person was serving immediately before his transfer to the Regular Army Reserve that, by reason of that transfer, he did not serve.

(7.) A notice under sub-section (1.) of this section may be served on a person—

(a) by delivering the notice to the person; or

(b) by sending the notice by post to the person at the address of the person as shown in the records of the Military Forces.

Discharge not  
to affect  
liability to  
render service.

8.—(1.) Where a person has been discharged under section 5 of this Act—

- (a) he does not, by virtue of that discharge, cease to be liable to render service under the National Service Act; and
- (b) subject to this section, the National Service Act applies to him as if a notice under section 26 of that Act had never been served on him.

(2.) A notice under section 26 of the National Service Act shall not be served on a person referred to in the last preceding sub-section unless the person—

- (a) fails to be nominated in the election or general elections having regard to which he was discharged;
- (b) fails to be elected in that election or those general elections; or
- (c) having been elected in that election or those general elections as a Senator or as a Member of the House of Representatives, subsequently ceases to be a Senator or a Member of the House of Representatives.

(3.) In the application of the National Service Act in relation to a person referred to in sub-section (1.) of this section, the reference in sub-section (1.) of section 27, and in sub-section (1.) of section 28, of that Act to a period of two years shall be read as a reference to a period equal to the unexpired portion of the engagement on which he was serving immediately before his discharge.

Application  
of Defence  
(Re-establish-  
ment) Act.

9.—(1.) This section applies to a person—

- (a) who was transferred to the Regular Army Reserve under section 4 of this Act and is subsequently transferred to the Regular Army Supplement under sub-section (2.) of section 7 of this Act;
- (b) whose appointment was terminated under sub-section (4.) of section 7 of this Act and who subsequently presents himself for service in compliance with a notice served on him under section 26 of the National Service Act; or
- (c) who was discharged under section 5 of this Act and subsequently presents himself for service in compliance with a notice served on him under section 26 of the National Service Act.

(2.) Where a person to whom this section applies was not, at any time during the period commencing when he ceased to serve in the Regular Army Supplement and ending when he recommenced to serve in that force, employed under a contract of

employment for a period of thirty days or more, Part II. of the *Defence (Re-establishment) Act* 1965 applies in relation to him as if he had continued, throughout the whole of that period, to serve in the Regular Army Supplement.

(3.) The last preceding sub-section has effect in relation to a person notwithstanding that the person, during the period referred to in that sub-section, resumed work, or was reinstated in employment, under section 12 of the *Defence (Re-establishment) Act* 1965.

**10.—**(1.) The Military Board may, by instrument in writing, delegate to a person, either generally or otherwise as provided in the instrument of delegation, all or any of its powers or functions under this Act (except this power of delegation). Delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Military Board.

(4.) A delegation under this section continues in force notwithstanding a change in the membership of the Military Board.

**11.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

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