

PUBLIC SERVICE (COMMONWEALTH ELECTIONS) ACT.

Act No. 12, 1943.

George VI.
No. 12, 1943.

An Act to authorise the appointment to the public service of persons who have resigned therefrom in order to contest an election to the Parliament of the Commonwealth of Australia; to amend the Public Service Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 25th June, 1943.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and con-
struction.

1. (1) This Act may be cited as the "Public Service (Commonwealth Elections) Act, 1943."

(2) This Act shall be read and construed with the Public Service Act, 1902, as amended by subsequent Acts.

(3) The Public Service Act, 1902, as amended by subsequent Acts is in this Act referred to as the Principal Act.

Officer
resigning to
contest
Common-
wealth
election.

2. (1) Where a person who is an officer within the meaning of the Principal Act—

(a) resigns from the public service by writing under his hand, within three months before the date appointed for the taking of the poll at an election of a member or members of either House of the Parliament of the Commonwealth of Australia; and

(b) includes in such writing a notification of his intention to become a candidate at that election; and

(c)

- (c) becomes a candidate at that election; and
- (d) fails to be elected at that election; and
- (e) makes written application for appointment as an officer of the public service within two months after the declaration of the result of the poll at that election; and
- (f) furnishes with such application a certificate signed by the secretary of the State Superannuation Board setting out that the moneys, if any, paid to him by that board by way of refund of contributions to the State Superannuation Fund consequent on his resignation have been repaid by him to that board, and that he has made provision to the satisfaction of that board for the payment of the contributions to the State Superannuation Fund which would have been payable by him if he had not resigned;

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he shall, notwithstanding anything contained in the Principal Act be entitled to appointment and be appointed an officer within the meaning of the Principal Act to the office which he held at the date of his resignation and at a remuneration and under conditions not less favourable to him than those which were applicable to him at the date of his resignation.

(2) A person so appointed shall upon his appointment be deemed to have continued to be an officer within the meaning of the Principal Act as if he had not resigned, and as if during the period between his resignation and his appointment under this section he had been on leave of absence without pay granted to him on the conditions for the time being applicable to a grant of such leave at the date of his resignation.