

**5B. Appointment, terms and conditions etc. of Electoral Commissioner and Deputy Electoral Commissioner**

- (1) In this section and sections 5C and 5E “**Electoral Commissioner**” includes Deputy Electoral Commissioner.
- (2) The Electoral Commissioner shall be appointed by the Governor on the recommendation of the Premier, and shall hold office in accordance with this Act.
- (3) Before making a recommendation under subsection (2) the Premier shall consult with the Parliamentary leader of each party in the Parliament.
- (4) A person appointed as the Electoral Commissioner shall hold office for such term not exceeding 9 years as is specified in the instrument of his appointment, and is eligible for reappointment.
- (5) The Electoral Commissioner may, at any time, by writing under his hand, addressed to the Governor, resign his office, and on receipt of his resignation by the Governor, he shall vacate office as Electoral Commissioner.
- [(6) *repealed*]
- (7) Subject to the *Salaries and Allowances Act 1975*, the Electoral Commissioner shall be paid a salary at such rate as the Governor may determine; and the rate of that salary shall not, without the consent of the Electoral Commissioner, be reduced during the term of office of the Electoral Commissioner.
- (8) The salary payable to the holder of the office of Electoral Commissioner under this section shall be charged to the Consolidated Fund which, to the necessary extent, is hereby appropriated accordingly.
- (9) The Electoral Commissioner is entitled to such leave of absence and such travelling and other allowances as the Governor determines.
- (10) No person who is or has been a member of the Parliament of the Commonwealth or any State or Territory shall be appointed as Electoral Commissioner, and if the Electoral Commissioner is nominated for election for the Parliament of the Commonwealth, or any other State, or a Territory he shall vacate office as Electoral Commissioner.
- (11) The Electoral Commissioner shall not, except in so far as he is authorised so to do by resolutions of both Houses of Parliament, hold any office of profit or trust (other than his office as Electoral Commissioner) or engage in any occupation for reward outside the duties of his office and if the Electoral Commissioner contravenes this subsection he shall be regarded, for the purposes of section 5C, as being guilty of misconduct.
- (12) Section 52 of the *Interpretation Act 1984* does not apply to the office of Electoral Commissioner.

*[Section 5B inserted by No. 40 of 1987 s. 20; amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 42 of 1997 s. 8.]*