

**18. Vacation of, or suspension from, office of Commissioner**

- (1) The Commissioner may at any time, by written notice addressed to the Governor, resign from office, and, on receipt of that resignation by the Governor, the Commissioner vacates office as Commissioner.
- (2) The Commissioner, if he or she is nominated for election for the Parliament of the Commonwealth, or of any State or Territory, vacates office as Commissioner.
- (3) The Commissioner may, at any time, be removed or suspended from office by the Governor on addresses from both Houses of Parliament.
- (4) Notwithstanding subsection (3), if the Governor is satisfied that the Commissioner —
  - (a) is incapable of properly performing the functions of his or her office;
  - (b) has shown himself or herself incompetent properly to perform, or has neglected to perform, the functions of his or her office;
  - (c) has applied to take, or has taken, advantage of the law of any country relating to bankruptcy, or has compounded, or entered into any arrangement, with his or her creditors; or
  - (d) has been guilty of misconduct,the Governor may suspend him or her from office.
- (5) When the Commissioner has been suspended from office under subsection (4), the Commissioner shall be restored to office unless —
  - (a) a statement of the grounds of that suspension is laid before each House of Parliament during the first 7 sitting days of that House following that suspension; and
  - (b) each House of Parliament, during the session in which the statement referred to in paragraph (a) is laid before it and within 30 sitting days of that statement being so laid, passes an address praying for the removal of the Commissioner from office.
- (6) The Commissioner shall not, except so far as he or she is authorized so to do by resolutions of both Houses of Parliament —
  - (a) hold any office or place referred to in Part 1 or 2 of Schedule V to the *Constitution Acts Amendment Act 1899* (other than the office of Commissioner) or be a member of any commission, council, board, committee, authority, trust or other body referred to in Part 3 of that Schedule; or
  - (b) engage in any occupation for reward outside the functions of the office of Commissioner.
- (7) Without limiting the generality of subsection (4)(d), the Commissioner shall be regarded for the purposes of subsection (4)(d) as being guilty of misconduct if he or she contravenes subsection (6).