

5E. Supplementary provisions as to Electoral Commissioner, Deputy Electoral Commissioner and Acting Electoral Commissioner

- (1) The *Public Sector Management Act 1994* does not apply to or in relation to the appointment of the Electoral Commissioner and the Electoral Commissioner is not, except as provided in section 4 of that Act, subject to the provisions of that Act.
- (2) The Electoral Commissioner shall, for the purposes of the *Superannuation and Family Benefits Act 1938*², be deemed to be an employee within the meaning of that Act.
- (3) When an officer of the Public Service is appointed to the office of Electoral Commissioner he is entitled to retain all his existing and accruing rights as if his service in such an office, were a continuation of his service as an officer of the Public Service.
- (4) When a person ceases to hold the office of Electoral Commissioner and becomes an officer of the Public Service his service in such an office shall be regarded as service in the Public Service for the purposes of determining his rights as an officer of the Public Service.
- (5) Where the Electoral Commissioner immediately before his appointment to such an office occupied an office under Part 3 of the *Public Sector Management Act 1994*, he shall, if his term of office expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under Part 3 of the *Public Sector Management Act 1994*, not lower in status than the office which he occupied immediately prior to his appointment as Electoral Commissioner.
- (6) Part 3 of the *Public Sector Management Act 1994* does not apply to an Acting Electoral Commissioner unless, immediately before his appointment to that office, he occupied an office under that Act.

[Section 5E inserted by No. 40 of 1987 s. 20; amended by No. 32 of 1994 s. 11; No. 42 of 1997 s. 8.]