

103. Reappointment of unsuccessful electoral candidates

- (1) This section applies to a person who —
 - (a) resigned by writing under his or her hand from employment in the Public Sector within the period of 2 months ending on the date for the close of nominations for a candidate for election as a member of —
 - (i) the Legislative Council;
 - (ii) the Legislative Assembly;
 - (iii) either House of the Parliament of the Commonwealth;
 - (iv) the Parliament (or either House of the Parliament) of another State;
 - (v) the Legislative Assembly of the Australian Capital Territory; or
 - (vi) the Legislative Assembly of the Northern Territory;
 - (b) included in that writing notification of his or her intention to become a candidate at that election;
 - (c) was a candidate at that election; and
 - (d) failed to be elected at that election.
- (2) A person to whom this section applies is entitled to be reappointed as an employee in the public sector body in which that person was employed immediately before his or her resignation if that person applies to be so reappointed not later than 2 months after the declaration of the result of the election concerned.
- (3) On making an application under subsection (2), a person to whom this section applies is to be reappointed to perform —
 - (a) the functions that he or she was required to perform immediately before resigning; or
 - (b) other functions,at a remuneration and under terms and conditions not less favourable than those which applied to him or her immediately before that resignation.
- (4) The reference in subsection (2) to the declaration of the result of the election concerned is, if the result of that election is challenged, to be read as a reference to —
 - (a) the determination of that challenge by a court of disputed returns (by whatever name called); or
 - (b) the lapsing of that challenge,whichever happens first.