

**20. Supplementary provisions relating to Commissioner**

- (1) If the Commissioner was a contributor within the meaning of the *Superannuation and Family Benefits Act 1938* immediately before being appointed to be the Commissioner, he or she may continue to be a contributor under that Act after that appointment<sup>3</sup>.
- [(2) *repealed*]
- (3) If a person held an office in a department or organisation immediately before being appointed to the office of Commissioner, the person retains existing and accruing entitlements in respect of leave of absence as if service in the office of Commissioner were a continuation of service in the department or organisation.
- (4) A person who held an office for an indefinite period in a department or organisation immediately before being appointed to the office of Commissioner is entitled to employment in a department or organisation at a level of classification determined by the Governor if —
  - (a) his or her term of office as Commissioner expires by effluxion of time and he or she is not reappointed to the office of Commissioner; and
  - (b) on the expiry referred to in paragraph (a) he or she is eligible for employment in a department or organisation.
- (5) The level of classification determined under subsection (4) shall not be lower than the level that the person held immediately before being appointed to the office of Commissioner.
- (6) A person who ceases to hold the office of Commissioner and is employed in a department or organisation retains existing and accruing entitlements in respect of leave of absence as if service in the department or organisation were a continuation of service in that office.

*[Section 20 amended by No. 57 of 1997 s. 99(1).]*