

CROWN SERVANTS' REINSTATEMENT.

No. 44 of 1970.

AN ACT to provide for the reinstatement of former
Crown servants failing to be elected to the Parli-
ament of the Commonwealth.

[8 December 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

1 This Act may be cited as the *Crown Servants' Reinstatement Act 1970*.

Interpre-
tation.

2 In this Act "Crown servant" means a person who—

- (a) holds an office of profit under the Crown; and
- (b) was appointed thereto by the Governor or a person empowered or authorized so to appoint by Her Majesty in right of this State or by or under an Act.

Reinstatement of
certain former
Crown
servants.
Cf. No. 21 of
1922 (C'th),
s. 47c.

3—(1) Where a person who—

- (a) was a Crown servant;
- (b) resigned his office in order to become a candidate at an election of members of a House of Parliament of the Commonwealth not more than one month before nominations closed for that election;
- (c) was a candidate at that election; and
- (d) failed to be elected,

applies, within two months after the declaration of the result of that election, for appointment to the office from which he so resigned, he may be reappointed thereto on his mere application and without the fulfilment of any conditions otherwise required for making the appointment.

(2) Where a person is so reappointed, he shall, subject to subsection (3) of this section, hold that office in all respects as if he had been absent on leave without pay or other emolument therefrom for the period from the day on which his resignation took effect to the day before the day on which he was reappointed.

(3) If a person so reappointed became entitled, by reason of his resignation to become a candidate, to an allowance under section seven of the *State Employees (Long-Service Leave) Act 1950* he shall for the purpose of subsection (2) of this section be treated, in respect of the period in respect of which the amount of the allowance is calculated under subsection (5) of that section, or so much thereof as had expired before his reappointment took effect, as if absent, not on leave without pay or other emolument, but on long-service leave under that Act.

(4) If a person's reappointment as mentioned in subsection (3) of this section takes effect before the expiration of the period therein mentioned, the whole period shall for the purposes of subsection (2) of this section be deemed to have expired on the day before his reappointment took effect.

(5) No person has a right of appeal against an appointment under this section.

(6) Subject to the *Public Servants' Retiring and Death Allowances Act 1925* and the *Superannuation Act 1938*, where the rights of a person so reappointed have been changed on his resignation, in respect of pension, pay in lieu of leave or otherwise, all necessary payments, repayments, and entries shall be made to put him in the same position as if he had been absent on leave as mentioned in subsection (2) of this section.

PUBLIC SERVANTS' RETIRING AND DEATH ALLOWANCES.

No. 45 of 1970.

AN ACT to amend the *Public Servants' Retiring and Death Allowances Act 1925*.

[8 December 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Public Servants' Retiring and Death Allowances Act 1970*. Short title and citation.

(2) The *Public Servants' Retiring and Death Allowances Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.