

Queensland



CROWN EMPLOYEES ACT 1958

**Reprinted as in force on 8 November 1995
(includes amendments up to Act No. 29 of 1994)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 8 November 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

Queensland



CROWN EMPLOYEES ACT 1958

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CROWN EMPLOYEES ACT 1958

[as amended by all amendments that commenced on or before 8 November 1995]

An Act relating to employment under the Crown

Short title

1. This Act may be cited as the *Crown Employees Act 1958*.

Meaning of terms

2. In this Act—

“**Crown**”, without limiting the generality of the meaning thereof, includes any commission, commissioner, corporation, board, instrumentality or person representing the Crown.

“**service**”, in relation to the Crown, means employment in any capacity in—

- (a) the public service under and within the meaning of the *Public Service Management and Employment Act 1988*; or
- (b) the police service under and within the meaning of the *Police Service Administration Act 1990*; or
- (c) Queensland Rail under and within the meaning of the *Transport Infrastructure Act 1994*; or
- (d) any other office, position or place under the Crown.

Reappointment to service under the Crown

3.(1) Subject to this Act, upon application in writing made in that behalf, and upon being satisfied that the applicant resigned from any permanent service under the Crown in order to become a candidate for election as a senator or member of the House of Representatives of the Parliament of the Commonwealth or as a member of the Legislative Assembly of this State,

and that the applicant was a defeated candidate at the election in question, and that the applicant made the application within 3 months after the return of the writ for that election, the Governor in Council or authority or person having power to appoint to the service in question may reappoint the applicant permanently to that service.

(1A) Such an appointment may be to the office, position or place vacated by the applicant pursuant to the applicant's resignation as aforesaid or to any other office, position or place of equal or lesser rank, position or grade in the service in question.

(3) A person to whom this Act applies who by reason of mental or physical infirmity is incapable of performing the duties of any office, position or place in any service under the Crown, shall not be reappointed to the service in question and, in the case of any such office, position or place, if reappointed to the service in question, the person shall not be appointed to that office, position or place.

(4) Subject to subsection (3), a person to whom this Act applies may be reappointed—

- (a) to the public service under and within the meaning of the *Public Service Management and Employment Act 1988*, notwithstanding that the person is over the age of 60 years; or
- (b) to the police service under and within the meaning of the *Police Service Administration Act 1990*, notwithstanding that the person is over the age of 30 years.

Continuity of service

4.(1) The continuity of the employment in any service under the Crown of a person to whom this Act applies who is reappointed to that service pursuant to an application made by the person as prescribed by this Act, shall be deemed to be not broken by that person having so resigned from that service but the period during which the continuity of the person's employment in that service was interrupted by the person's resignation therefrom shall not be taken into account in calculating the aggregate of the continuous employment in that service had by the person.

Superannuation etc.

(2) Where, consequent upon resigning from any service under the Crown, other than the police service under and within the meaning of the *Police Service Administration Act 1990*, a person to whom this Act applies has received a refund of or payment on account of contributions required by law to be made by the person to any superannuation or other benefit fund and so made the person may upon reappointment to that service—

- (a) repay into the fund in question the amount so refunded or paid to the person, and pay thereinto the amount of the contributions which, if the person had not resigned from the service in question, would have been payable by the person in respect of the period during which the continuity of the person's employment in that service was interrupted by the person's resignation therefrom, together with interest on both those amounts at the rate per centum per annum fixed by the person or authority controlling the fund in question; or
- (b) if the person may lawfully contribute to that fund upon the basis of the person's age when so reappointed—contribute thereto upon that basis on and from the date of such reappointment.

(3) The authority or person controlling the fund in question may allow the person to make repayment and payment as specified in subsection (2)(a) by periodical instalments of such amount and payable respectively at such intervals as it may determine, and may require the person to pay interest at a rate fixed by it upon the unpaid balance thereof.

Interpretation

5. To the extent necessary to give operation and effect to this Act—

- (a) the *Public Service Management and Employment Act 1988*; and
- (b) the *Police Service Administration Act 1990*; and
- (c) the *Transport Infrastructure Act 1994*; and

every other Act, shall be read subject to this Act.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 November 1995. Future amendments of the Crown Employees Act 1958 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Crown Employees Act 1958 7 Eliz 2 No. 36

date of assent 30 October 1958

commenced on date of assent

as amended by—

Anti-Discrimination Amendment Act 1994 No. 29 ss 1–2, 3 sch

date of assent 28 June 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1994 (see s 2)

5 List of annotations

Reappointment to service under the Crown

s 3 amd 1994 No. 29 s 3 sch

Continuity of service

s 4 amd R1 (see RA s 37)

6 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
police force	police service	Police Service Administration Act 1990 s 11.1(1)(a)
railways department	Queensland Rail	Transport Infrastructure Act 1994 s 252

7 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Police Act 1937	Police Service Administration Act 1990	Police Service Administration Act 1990 s 11.2
Public Service Act 1922	Public Service Management and Employment Act 1988	Public Service Management and Employment Act 1988 s 38(1)
Railways Act 1914	Transport Infrastructure Act 1994	Transport Infrastructure Act 1994 s 249

8 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

9 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43**

Previous	Renumbered as
3(1), 2nd sentence	3(1A)