

PC301

PARLIAMENTARY COMMISSIONER ACT 1971
PARLIAMENTARY COMMISSIONER RULES 1994

Agreed upon by resolution of the Legislative Council on November 23, 1994 and by the Legislative Assembly on December 8, 1994 under section 12.

Citation

1. These rules may be cited as the *Parliamentary Commissioner Rules 1994*.

Definitions

2. In these rules—

“Assistant Commissioner” means the officer of the Commissioner styled Assistant Parliamentary Commissioner;

“special officer” means an investigating officer, a legal officer or any other officer of the Commissioner occupying a position not lower in classification than an investigating officer or a legal officer.

Delegation to Deputy Commissioner

2. (1) The Commissioner may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to the Deputy Commissioner, the performance of any of his functions under the following provisions of the Act—

- (a) section 14 (1) (which relates the investigation of administrative acts and omissions);
- (b) section 14 (1a) (which relates to the investigation of action taken by a member of the Police Force or Police Department);
- (c) section 14 (5) (which enables the Commissioner to investigate, despite the existence of a right of review or remedy as specified in section 14 (4));
- (d) section 17 (5) (which enables the Commissioner to investigate a complaint despite the fact that it is more than 12 months old);
- (e) section 18 (1) (which relates to the general power to refuse to investigate or to discontinue an investigation);
- (f) section 18 (2) (which relates to notification to a complainant of a refusal to investigate or discontinuance of an investigation);
- (g) section 19 (1) (which relates to the giving of notice of intention to undertake an investigation);
- (h) section 19 (3) (which relates, in part, to the obtaining of information and the making of inquiries);
- (i) section 19 (4) (which relates to the requirement to give an affected department or authority an opportunity to comment before a report is made);
- (j) section 19 (8) (which relates to the manner of investigation);
- (k) section 20 (1) (which gives the Commissioner the powers, rights and privileges of a Royal Commission and the Chairman of a Royal Commission);
- (l) section 21 (which relates to entry of premises);
- (m) section 23 (1a) (which relates to a direction to a person not to disclose the contents of a document given to him);
- (n) section 23 (1b) (which relates to disclosure of information in the public interest); and
- (o) section 26 (which relates to notification to a complainant of the results of an investigation and other matters, including the giving of progress reports to complainants).

(2) The words in parentheses in sub-rule (1) which purport to indicate the subject-matter of the provision after which they appear are inserted for convenience only and do not form part of these rules.

Delegation to Assistant Commissioner

4. The Commissioner may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to the Assistant Commissioner, the performance of any of his functions under the provisions of the Act specified in paragraphs (a), (b), (c), (d), (g), (h), (i), (j), (k), (l), (m), (n) and (o) of rule 3 (1).

Delegation to special officers

5. The Commissioner may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a special officer of the Commissioner, the performance of—

- (a) any of his functions under the provisions of the Act specified in paragraphs (a), (b), (g), (h), (i) and (l) of rule 3 (1); and
- (b) as to the giving of progress reports but not otherwise, his functions under the provision of the Act specified in paragraph (o) of rule 3 (1).

Matter to be considered by Commissioner

6. The Commissioner, in delegating any function under these rules, is to have regard to the experience, qualifications and suitability of the person to whom the function is to be delegated and, where appropriate, the seniority and status of a person to whom a particular investigation relates.

Repeal

7. The Parliamentary Commissioner Rules 1985 are repealed.

L. B. MARQUET, Clerk of the Parliaments.