

# PARLIAMENTARY COMMISSIONER.

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No. 13 of 1982.

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## AN ACT to amend the Parliamentary Commissioner Act 1971-1976.

[Assented to 14 May 1982.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Parliamentary Commissioner Amendment Act 1982*.

Short title  
and citation.

(2) In this Act the Parliamentary Commissioner Act 1971-1976 is referred to as the principal Act.

Act No. 64 of  
1971,  
amended  
by Act No. 68  
of 1976.

(3) The principal Act as amended by this Act may be cited as the Parliamentary Commissioner Act 1971-1982.

Section 4  
amended.

2. Section 4 of the principal Act is amended by inserting after the definition of “department of the Public Service” the following definition—

“ “Deputy Commissioner” means the Deputy Parliamentary Commissioner for Administrative Investigations appointed under this Act; ” .

Section 5  
amended.

3. Section 5 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection—

“ (1a) The Commissioner shall be assisted by a Deputy Commissioner, to be known as the Deputy Parliamentary Commissioner for Administrative Investigations. ” ;

(b) in subsection (2), by inserting after “Commissioner” the following—

“ and Deputy Commissioner ” ;

(c) in subsection (3)—

(i) by inserting after “The Commissioner”, the following—

“ and Deputy Commissioner ” ;

(ii) by deleting “he may,” and substituting the following—

“ either the Commissioner or the Deputy Commissioner may, ” ;

and

(iii) by inserting after “as Commissioner” the following—

“ or Deputy Commissioner, as the case requires ” ;

(d) in subsection (4), by inserting after “Commissioner” the following—

“ or Deputy Commissioner ” ;

- (e) in subsection (5)—
  - (i) by inserting after “The Commissioner” the following—

“ and Deputy Commissioner ” ;
  - (ii) by inserting after “of the Commissioner” the following—

“ or the Deputy Commissioner, as the case requires ” ; and
  - (iii) by deleting “his term of office.” and substituting the following—

“ the term of office of the Commissioner or the Deputy Commissioner, as the case requires. ” ;
- (f) in subsection (6), by inserting after “Commissioner” the following—

“ or Deputy Commissioner ” ;
- (g) in subsection (7), by deleting “is entitled” and substituting the following—

“ and Deputy Commissioner are entitled ” ;
- (h) in subsection (8)—
  - (i) by inserting after “Commissioner” where it occurs for the first and second times, the following—

“ or Deputy Commissioner ” ;

and
  - (ii) by inserting after “Commissioner” where it occurs for the third time, the following—

“ or Deputy Commissioner, as the case requires ” ;
- (i) in subsection (9)—
  - (i) by inserting after “The Commissioner” the following—

“ or Deputy Commissioner ” ;

(ii) by inserting after “as Commissioner” the following—

“ or Deputy Commissioner, as the case requires ” ; and

(iii) by inserting after “the Commissioner” the following—

“ or Deputy Commissioner ” ;  
and

(j) in subsection (10), by inserting after “Commissioner” the following—

“ or Deputy Commissioner ” .

Section 6  
amended.

4. Section 6 of the principal Act is amended—

(a) in subsections (1) and (3), by inserting after “Commissioner” wherever it occurs the following—

“ or Deputy Commissioner ” ; and

(b) in subsection (2)—

(i) by inserting after “Commissioner”, where it occurs for the first time, the following—

“ or Deputy Commissioner ” ;  
and

(ii) by inserting after “Commissioner” where it occurs for the second time the following—

“ or Deputy Commissioner, as the case requires, ” .

Section 6A  
inserted.

5. After section 6 of the principal Act the following section is inserted—

“ 6A. (1) The Deputy Commissioner shall perform such duties as the Commissioner directs.

(2) Subject to section 7, when—

(a) the Commissioner is absent from duty for any reason or is absent from the State;

Deputy  
Parliamentary  
Commissioner.

(b) the Commissioner has been suspended; or

(c) the office of Commissioner is vacant, the Deputy Commissioner shall act in the office of the Commissioner during the absence, suspension or vacancy and he may, while so acting, exercise all the powers and functions, and shall perform all the duties, of the Commissioner. ” .

6. Section 7 of the principal Act is amended— Section 7  
amended.

(a) by deleting subsection (2) and substituting the following subsections—

“ (2) An Acting Commissioner may be appointed—

(a) when the Commissioner is absent from duty for any reason or is absent from the State;

(b) when the Commissioner has been suspended;

(c) when the office of Commissioner is vacant; or

(d) in such other case or circumstances as may be specified in Rules of Parliament.

(2a) The Acting Commissioner, while so acting, may exercise the functions of the Commissioner, and anything done by the Acting Commissioner in so exercising those functions has the like effect as if it were done by the Commissioner. ” ;  
and

(b) in subsection (3), by inserting after “remuneration,” the following—

“ leave of absence and ” .

Section 8  
amended.

7. Section 8 (1) of the principal Act is amended by inserting after "the Commissioner" the following—

" , the Deputy Commissioner " .

Section 10  
amended.

8. Section 10 of the principal Act is amended—

(a) in subsection (1), by inserting after "the Commissioner," the following—

" the Deputy Commissioner, " ;

(b) in subsection (2), by inserting after "The Commissioner" the following—

" , the Deputy Commissioner " ;

(c) in subsection (3), by inserting after "office of Commissioner" the following—

" , Deputy Commissioner " ; and

(d) in subsection (4), by inserting after "office of Commissioner" the following—

" , Deputy Commissioner " .

Section 13  
amended.

9. Section 13 (2) of the principal Act is amended—

(a) in paragraph (a), by inserting after "of Western Australia" the following—

" , the Family Court of Western Australia " ; and

(b) by deleting paragraph (b) and substituting the following paragraph—

" (b) a Judge of the Supreme Court, of The District Court of Western Australia or of the Family Court of Western Australia or any person acting in the office, or executing the functions of, the Master of the Supreme Court, the Principal Registrar or a Registrar of the Supreme Court, the Registrar of

the District Court, or the Registrar  
or a Deputy Registrar of the  
Family Court; ” .

10. The Schedule to the principal Act is deleted and the following Schedule is substituted— Schedule substituted.

“ THE SCHEDULE  
(Section 13.)

Government Departments and other Authorities  
to which this Act applies.

All departments of the Public Service, but excluding  
therefrom—

- (a) officers of the establishment of the Governor; and
- (b) the Agent General and officers employed in his office.

Local Authorities, namely—

- (a) the council of each city, town or shire, and any committee of, or appointed by, any such council, and any regional council under the Local Government Act 1960;
- (b) a commissioner of a municipality appointed under the Local Government Act 1960;
- (c) any other body constituted under an enactment that has the power to levy, or cause to be levied, a rate on or with respect to, land.

Western Australian Meat Commission constituted under  
the Abattoirs Act 1909.

Agriculture Protection Board constituted under the  
Agriculture Protection Board Act 1950 and any  
regional advisory committee or zone control authority  
constituted under the Agriculture and Related  
Resources Protection Act 1976.

Albany Port Authority constituted under the Albany  
Port Authority Act 1926.

Western Australian Alcohol and Drug Authority constituted under the Alcohol and Drug Authority Act 1974.

Animal Resources Authority established under the Animal Resources Authority Act 1981.

The Board of the Art Gallery of Western Australia constituted under the Art Gallery Act 1959.

Artificial Breeding Board constituted under the Artificial Breeding Board Act 1965.

Beekeepers' Compensation Fund Committee constituted under the Bee Industry Compensation Act 1953.

Builders' Registration Board of Western Australia constituted under the Builders' Registration Act 1939.

Registrar of Building Societies holding office under the Building Societies Act 1976.

Bunbury Port Authority constituted under the Bunbury Port Authority Act 1909.

Bush Fires Board and bush fire brigades constituted under the Bush Fires Act 1954.

Carnarvon Banana Industry Compensation Committee constituted under the Carnarvon Banana Industry (Compensation Trust Fund) Act 1961.

The Trustees of a Public Cemetery under the Cemeteries Act 1897.

Air Pollution Control Council and the Scientific Advisory Committee established under the Clean Air Act 1964.

Coal Mine Workers' Pensions Tribunal established under the Coal Mine Workers (Pensions) Act 1943.

The Coal Miners' Welfare Board of Western Australia established under the Coal Miners' Welfare Act 1947.

Construction Safety Advisory Board constituted under the Construction Safety Act 1972.

Consumer Products Safety Committee established under the Consumer Affairs Act 1971.

Country High School Hostels Authority established under the Country High School Hostels Authority Act 1960.

Registrar of Credit Unions holding office under the Credit Unions Act 1979.

Dairy Industry Authority of Western Australia constituted under the Dairy Industry Act 1973.



- Dried Fruits Board constituted under the Dried Fruits Act 1947.
- Education Department and Board of Secondary Education constituted under the Education Act 1928.
- Esperance Port Authority constituted under the Esperance Port Authority Act 1968.
- Factory Welfare Board, Holiday Resorts Advisory Committee and Retail Trade Advisory and Control Committee established under the Factories and Shops Act 1963.
- Finance Brokers Supervisory Board constituted under the Finance Brokers Control Act 1975.
- Western Australian Fire Brigades Board constituted under the Fire Brigades Act 1942.
- Fremantle Port Authority constituted under the Fremantle Port Authority Act 1902.
- Insurance Brokers Licensing Board constituted under the General Insurance Brokers and Agents Act 1981.
- Geraldton Port Authority constituted under the Geraldton Port Authority Act 1968.
- Government Employees' Housing Authority established under the Government Employees' Housing Act 1964.
- The Promotions Appeal Board established under the Government Employees (Promotions Appeal Board) Act 1945.
- Western Australian Government Railways Commission constituted under the Government Railways Act 1904.
- The Grain Pool of W.A. constituted under the Grain Marketing Act 1975.
- Hairdressers Registration Board of Western Australia established under the Hairdressers Registration Act 1946.
- Honey Pool of Western Australia constituted under the Honey Pool Act 1978.
- Any Board within the meaning of the Hospitals Act 1927.
- The State Housing Commission preserved and continued under the Housing Act 1980.
- Advisory Committee established under section 6 of the Industrial Development (Kwinana Area) Act 1952.

The Land Resumptions for Industries Committee established under section 4 of the Industrial Development (Resumption of Land) Act 1945.

Industrial Training Advisory Council and any industrial training advisory board established under the Industrial Training Act 1975.

The Industries Assistance Board constituted under the Industries Assistance Act 1915.

Joondalup Development Corporation established under the Joondalup Centre Act 1976.

Benger Drainage Board constituted under the Land Drainage Act 1925.

Land Valuers Licensing Board constituted under the Land Valuers Licensing Act 1978.

The Library Board of Western Australia constituted under the Library Board of Western Australia Act 1951.

The Land Surveyors Licensing Board constituted under the Licensed Surveyors Act 1909.

Keep Australia Beautiful Council (W.A.) established under the Litter Act 1979.

Local Government Superannuation Board established under the Local Government Superannuation Act 1980.

Lotteries Commission constituted under the Lotteries (Control) Act 1954.

Commissioner of Main Roads appointed under the Main Roads Act 1930.

Machinery Safety Advisory Board constituted under the Machinery Safety Act 1974.

Western Australian Egg Marketing Board constituted under the Marketing of Eggs Act 1945.

Western Australian Potato Marketing Board constituted under the Marketing of Potatoes Act 1946.

Every Board of Visitors under the Mental Health Act 1962.

Metropolitan Market Trust constituted under the Metropolitan Market Act 1926.

Metropolitan (Perth) Passenger Transport Trust constituted under the Metropolitan (Perth) Passenger Transport Trust Act 1957.

The Metropolitan Region Planning Authority constituted under the Metropolitan Region Town Planning Scheme Act 1959.

Metropolitan Water Supply, Sewerage and Drainage Board established under the Metropolitan Water Supply, Sewerage, and Drainage Act 1909.

Mine Workers' Relief Board constituted under the Mine Workers' Relief Act 1932.

Motor Vehicle Dealers Licensing Board constituted under the Motor Vehicle Dealers Act 1973.

The Motor Vehicle Insurance Trust constituted under the Motor Vehicle (Third Party Insurance) Act 1943.

Murdoch University established under the Murdoch University Act 1973.

The Western Australian Museum Board constituted under the Museum Act 1969.

National Parks Authority constituted under the National Parks Authority Act 1976.

Painters' Registration Board constituted under the Painters' Registration Act 1961.

The Trustees of the Parliamentary Superannuation Fund under the Parliamentary Superannuation Act 1970.

An authorized officer appointed under the Petroleum Products Subsidy Act 1965.

Poisons Advisory Committee constituted under the Poisons Act 1964.

The Police Department.

Port Hedland Port Authority constituted under the Port Hedland Port Authority Act 1970.

Potato Growing Industry Trust Fund Advisory Committee constituted under the Potato Growing Industry Trust Fund Act 1947.

Poultry Industry Trust Fund Committee constituted under the Poultry Industry (Trust Fund) Act 1948.

The Public Service Board established under the Public Service Act 1978.

Real Estate and Business Agents Supervisory Board constituted under the Real Estate and Business Agents Act 1978.

Rural Housing Authority constituted under the Rural Housing (Assistance) Act 1976.

Rural Youth Movement Council constituted under the Rural Youth Movement Act 1955.

Settlement Agents Supervisory Board constituted under the Settlement Agents Act 1981.

The State Energy Commission of Western Australia preserved and continued by the State Energy Commission Act 1979.

The State Government Insurance Office constituted under the State Government Insurance Office Act 1938.

State Tender Board of Western Australia established under the State Tender Board Act 1965.

Superannuation Board constituted under the Superannuation and Family Benefits Act 1938.

Taxi Control Board constituted under the Taxi-cars (Co-ordination and Control) Act 1963.

Totalisator Agency Board constituted under the Totalisator Agency Board Betting Act 1960.

Town Planning Board established under the Town Planning and Development Act 1928.

Registrar of Trade Associations appointed under the Trade Associations Registration Act 1959.

The Transport Commission under the Transport Act 1966.

University of Western Australia established under the University of Western Australia Act 1911.

Bunbury Water Board, Busselton Water Board and Harvey Water Board constituted under the Water Boards Act 1904.

Waterways Commission, Leschenault Inlet Management Authority, Peel Inlet Management Authority and Swan River Management Authority constituted under the Waterways Conservation Act 1976.

Western Australian Coastal Shipping Commission constituted under the Western Australian Coastal Shipping Commission Act 1965.

Western Australian Institute of Technology established under the Western Australian Institute of Technology Act 1966.

The Western Australian Wildlife Authority constituted under the Wildlife Conservation Act 1950.

Workers' Compensation Board and a Supplementary Workers' Compensation Board constituted, or constituted and continued, under the Workers' Compensation and Assistance Act 1981. " .