

PARLIAMENTARY COMMISSIONER.

No. 68 of 1976.

AN ACT to amend the Parliamentary Commissioner Act, 1971.

[Assented to 6th October, 1976.]

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 Act Amendment Act, 1976*.

Short title
and
citation.

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

(3) The principal Act as amended by this Act, may be cited as the Parliamentary Commissioner Act, 1971-1976.

Section 8
amended.

2. Subsection (2) of section 8 of the principal Act is amended by adding after the word "Assembly" in line two the passage "or, if the office of Speaker is then vacant or the Speaker is by reason of absence or incapacity unable to administer the oath or affirmation, by the President of the Legislative Council but, if the office of President is vacant or the President is by reason of absence or incapacity unable to administer the oath or affirmation, the oath or affirmation shall be administered by such person as is appointed by the Governor for the purpose".

Section 10
amended.

3. Section 10 of the principal Act is amended by adding after subsection (4) the following subsection—

(5) Where a Commissioner immediately prior to his appointment occupied an office under the Public Service Act, 1904, he shall, if his term of office expires by effluxion of time, other than by his attaining the age of sixty-five years, and he is not re-appointed, be entitled to be appointed to an office under the Public Service Act, 1904 not lower in status than the office which he occupied immediately prior to his appointment as Commissioner. .

Section 14
amended.

4. Subsection (1) of section 14 of the principal Act is amended by deleting the passage "conferred by, or arising under, any enactment" appearing at the end of the subsection.

Section 15
amended.

5. Subsection (1) of section 15 of the principal Act is amended by adding after the word "matter" in line five the words "which is within his jurisdiction and".

6. Subsection (2) of section 20 of the principal Act is amended— Section 20 amended.

- (a) by adding after the word “Crown” in line four of paragraph (a) the words “or any authority to which this Act applies”; and
- (b) by adding after the word “Crown” in line one of paragraph (b) the words “or any authority to which this Act applies”.

7. Section 23 of the principal Act is amended by adding after subsection (1) the following subsection— Section 23 amended.

(1a) The Commissioner may in writing direct the person to whom a document is sent by the Commissioner not to disclose to any other person any information contained in the document except for the purposes of the investigation to which the document relates, and a person to whom such a direction is given shall comply with the direction. .

8. The principal Act is amended by adding after section 23 the following new section— Section 23A added.

23A. Any document that is sent to the Commissioner or his officers or by the Commissioner or his officers in the course of, or for the purposes of, an investigation under this Act and was prepared specifically for the purposes of the investigation shall be privileged and be not admissible in evidence in any proceedings other than proceedings for perjury or any offence under the Royal Commissions Act, 1968 or under this Act alleged to have been committed in any proceedings upon such an investigation. . Documents sent to or by the Commissioner not admissible.

Section 26
amended.

9. Section 26 of the principal Act is amended by adding after the word "investigation" in line five the passage "and may from time to time if he thinks it proper, at any time prior to the conclusion of the investigation, inform the complainant in such manner as he thinks proper of the progress then made in the conduct of the investigation".
