

WESTERN AUSTRALIA

PARLIAMENTARY
COMMISSIONER ACT 1971

ARRANGEMENT

PART I — PRELIMINARY

1.	Short title	2
2.	Commencement	2
3.	Arrangement of Act	2
4.	Definitions	2

**PART II — THE PARLIAMENTARY COMMISSIONER FOR
ADMINISTRATIVE INVESTIGATIONS**

5.	Appointment, etc., of Commissioner and Deputy Commissioner	5
6.	Removal or suspension of Commissioner or Deputy Commissioner	6
6A.	Deputy Parliamentary Commissioner	7
7.	Acting Parliamentary Commissioner	8
8.	Oath of Commissioner, Deputy Commissioner and Acting Commissioner	9

Parliamentary Commissioner Act 1971

9.	Staff of the Commissioner	9
10.	Supplementary provisions as to Commissioner and other officers	10
11.	Delegation of functions of Commissioner	11
12.	Rules of Parliament	12

PART III — JURISDICTION AND FUNCTIONS OF THE COMMISSIONER

Division 1 — Extent of Jurisdiction

13.	Departments and authorities subject to investigation	13
14.	Matters subject to investigation	15

Division 2 — Initiation of Investigations

15.	Investigations on reference by Parliament	17
16.	Initiation of investigations in other cases	18
17.	Complaints	19
17A.	Complaints by persons in custody	20
18.	Refusal to investigate complaints	21

Division 3 — Conduct of Investigations

19.	Proceedings on investigations	22
20.	Commissioner has power of Royal Commission and Chairman thereof. Evidence, etc.	23
21.	Entry of premises	24
22.	Protection for proceedings in Cabinet	25
23.	Secrecy	25
23A.	Documents sent to or by the Commissioner not admissible	27
24.	Obstruction	28

Division 4 — Action on Investigations

25.	Procedure on completion of investigation	28
26.	Information to complainant on investigation	31

Parliamentary Commissioner Act 1971

*Division 5 — Annual and other reports
of the Commissioner*

27.	Commissioner may report to Parliament	31
-----	---------------------------------------	----

PART IV — MISCELLANEOUS

29.	Application to Supreme Court	32
30.	Protection of Commissioner and officers	32
31.	Penalties	33
32.	Expenses of Act	33

THE SCHEDULE	34
---------------------	----

NOTES	42
--------------	----

Reprinted under the
Reprints Act 1984 as
at 25 May 1995

WESTERN AUSTRALIA

PARLIAMENTARY COMMISSIONER ACT 1971

AN ACT to provide for the appointment of a Parliamentary Commissioner for Administrative Investigations for the investigation of administrative action taken by or on behalf of certain government departments and other authorities and for incidental purposes.

PART I — PRELIMINARY

Short title

1. This Act may be cited as the *Parliamentary Commissioner Act 1971*¹.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation¹.

Arrangement of Act

[3. *Omitted under the Reprints Act 1984 s.7 (4) (d).*]

Definitions

4. In this Act, unless the contrary intention appears —

“**Acting Commissioner**” means the Acting Parliamentary Commissioner for Administrative Investigations appointed under this Act;

“**appropriate authority**”, in relation to an investigation under this Act, means the government department or other authority by which or on behalf of which the action that is the subject of such investigation was taken;

“**chief executive officer**”², in relation to a department of the Public Service, means the chief executive officer² thereof for the purposes of the *Public Service Act 1978*;

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

“department of the Public Service” means any department constituted by or under the *Public Service Act 1978*, or constituted by or under any other enactment as a department within the meaning of that Act;

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

“officer of the Commissioner” means an officer appointed under section 9 (1);

“officer of the Public Service” means a person employed in the Public Service as that expression is defined in the *Public Service Act 1978*;

“person aggrieved”, in relation to a complaint under this Act, means the person who appears from the complaint to be the person personally affected by the action to which the complaint relates;

“principal officer” means, in relation to —

- (a) a department of the Public Service or similar organization, the chief executive officer² or other principal officer thereof; and
- (b) any other authority, the president, chairman, or other principal or presiding member thereof or, if the authority is constituted of a single person, that person;

“responsible Minister” means, in relation to action taken by any government department or other authority, the Minister charged with the administration of that

Parliamentary Commissioner Act 1971

s. 4

department or the enactment in relation to the functions conferred by, or arising under which, the action was taken;

“section” means a section of this Act;

“tribunal” includes the person constituting a tribunal consisting of one person.

[Section 4 amended by No. 13 of 1982 s.2; No. 73 of 1994 s.4.]

**PART II — THE PARLIAMENTARY COMMISSIONER FOR
ADMINISTRATIVE INVESTIGATIONS**

**Appointment, etc., of Commissioner and Deputy
Commissioner**

5. (1) For the purpose of conducting investigations in accordance with this Act there shall be appointed a Commissioner, to be known as the Parliamentary Commissioner for Administrative Investigations.

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

(2) The Commissioner and Deputy Commissioner shall be appointed by the Governor, and shall hold office in accordance with the provisions of this Act.

(3) The Commissioner and Deputy Commissioner shall be appointed to hold office for a term of 5 years, but either the Commissioner or the Deputy Commissioner may, at any time, by writing under his hand, addressed to the Governor, resign his office, and on receipt of his resignation by the Governor, he shall vacate office as Commissioner or Deputy Commissioner, as the case requires.

(4) The Commissioner or Deputy Commissioner shall vacate his office on completing the year of service in which he attains the age of 65 years.

(5) The Commissioner and Deputy Commissioner shall be paid a salary at such rate as the Governor may determine; and the rate of that salary shall not, without the consent of the Commissioner or the Deputy Commissioner, as the case requires, be reduced during the term of office of the Commissioner or the Deputy Commissioner, as the case requires.

Parliamentary Commissioner Act 1971

s. 6

(6) The salary payable to the holder of the office of Commissioner or Deputy Commissioner under this section shall be paid out of the Consolidated Fund which, to the necessary extent, is hereby appropriated accordingly.

(7) The Commissioner and Deputy Commissioner are entitled to such leave of absence and such travelling and other allowances as the Governor determines.

(8) No person who is or has been within the preceding 3 years a member of the Parliament of the Commonwealth or any State shall be appointed as Commissioner or Deputy Commissioner, and if the Commissioner or Deputy Commissioner is nominated for election for any of such Houses of Parliament he shall vacate office as Commissioner or Deputy Commissioner, as the case requires.

(9) The Commissioner or Deputy Commissioner shall not, except in so far as he is authorized so to do by resolutions of both Houses of Parliament, hold any office of profit or trust (other than his office as Commissioner or Deputy Commissioner, as the case requires) or engage in any occupation for reward outside the duties of his office, and if the Commissioner or Deputy Commissioner contravenes this subsection he shall be regarded, for the purposes of section 6, as being guilty of misconduct.

(10) Section 34 of the *Interpretation Act 1918*³ does not apply to the office of Commissioner or Deputy Commissioner.

[Section 5 amended by No. 13 of 1982 s.3; No. 6 of 1993 s.11.]

Removal or suspension of Commissioner or Deputy Commissioner

6. (1) The Commissioner or Deputy Commissioner may, at any time, be suspended or removed from his office by the Governor on addresses from both Houses of Parliament.

(2) Where the Governor is satisfied that the Commissioner or Deputy Commissioner —

- (a) is incapable of properly performing the duties of his office;
- (b) has shown himself incompetent properly to perform, or has neglected, those duties;
- (c) has applied to take, or has taken, advantage of any law relating to bankruptcy, or has compounded, or entered into any arrangement, with his creditors; or
- (d) has been guilty of misconduct,

he may suspend the Commissioner or Deputy Commissioner, as the case requires, from his office.

(3) When the Commissioner or Deputy Commissioner has been suspended from his office under subsection (2) he shall be restored to office unless —

- (a) a statement of the grounds of his suspension is laid before each House of Parliament during the first 7 sitting days of that House following the suspension; and
- (b) each House of Parliament, during the session in which the statement is so laid, and within 30 sitting days of that statement being so laid, passes an address praying for his removal from his office.

[Section 6 amended by No. 13 of 1982 s.4.]

Deputy Parliamentary Commissioner

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

Parliamentary Commissioner Act 1971

s. 7

(2) Subject to section 7, when —

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

[Section 6A inserted by No. 13 of 1982 s.5.]

Acting Parliamentary Commissioner

7. (1) The Governor may appoint a person to act in the office of the Commissioner in such cases or in such circumstances as may be provided for under this section, and the person so appointed shall be known as the Acting Parliamentary Commissioner for Administrative Investigations.

(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.

(3) The Acting Commissioner is entitled to such remuneration, leave of absence and such travelling and such other allowances as the Governor may determine.

[Section 7 amended by No. 13 of 1982 s.6.]

Oath of Commissioner, Deputy Commissioner and Acting Commissioner

8. (1) Before entering upon the exercise of the duties of their respective offices the Commissioner, the Deputy Commissioner and the Acting Commissioner shall each take an oath or affirmation that he will faithfully and impartially perform the duties of his office, and that he will not, except in accordance with this Act, divulge any information received by him under this Act.

(2) The oath or affirmation shall be administered by the Speaker of the Legislative Assembly 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 8 amended by No. 68 of 1976 s.2; No. 13 of 1982 s.7.]

Staff of the Commissioner

9. (1) The Governor may, on the recommendation of the Commissioner, appoint such officers as he considers necessary for

Parliamentary Commissioner Act 1971

s. 10

the purpose of enabling the functions of the Commissioner properly to be carried out.

(2) Subject to this Act, the terms and conditions of service of officers of the Commissioner shall be such as the Governor determines.

(3) An officer of the Commissioner shall, before he commences his duties as such, take an oath or affirmation, to be administered by the Commissioner, that, except in accordance with this Act, he will not divulge any information received by him under this Act.

Supplementary provisions as to Commissioner and other officers

10. (1) Part 3 of the *Public Sector Management Act 1994* does not apply to the Commissioner, the Deputy Commissioner, the Acting Commissioner, or the officers of the Commissioner.

(2) The Commissioner, the Deputy Commissioner and each officer of the Commissioner shall, for the purposes of the *Superannuation and Family Benefits Act 1938*, be deemed to be an employee within the meaning of that Act.

(3) When an officer of the Public Service is appointed to the office of Commissioner, Deputy Commissioner or Acting Commissioner or becomes an officer of the Commissioner he is entitled to retain all his existing and accruing rights as if his service in that office or as such an officer, as the case may be, were a continuation of his service as an officer of the Public Service.

(4) When a person ceases to hold the office of Commissioner, Deputy Commissioner or Acting Commissioner or to be an officer of the Commissioner and becomes an officer of the Public Service his service in that office or as an officer of the Commissioner shall be regarded as service in the Public Service for the

purposes of determining his rights as an officer of the Public Service.

(5) Where a Commissioner immediately prior to his appointment occupied an office under Part 3 of the *Public Sector Management Act 1994*, he shall, if his term of office expires by effluxion of time, other than by his attaining the age of 65 years, and he is not re-appointed, be entitled to be appointed to an office under Part 3 of the *Public Sector Management Act 1994*, not lower in status than the office which he occupied immediately prior to his appointment as Commissioner.

[Section 10 amended by No. 68 of 1976 s.3; No. 13 of 1982 s.8; No. 32 of 1994 s.19.]

Delegation of functions of Commissioner

11. (1) In so far as he is authorized so to do by Rules of Parliament made under this Act, or a resolution of both Houses of Parliament the Commissioner may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him delegate to the Deputy Commissioner or any officer of the Commissioner the performance of any of the functions of the Commissioner under this Act other than the power to delegate under this section or to make any report or recommendation under this Act.

(2) A delegation under this section may be made to a specified person or to the holder for the time being of a specified office or to the holders of specified offices.

(3) Every delegation under this section may be revoked or varied at any time by the Commissioner by instrument in writing under his hand, and no such delegation prevents the exercise of any power by the Commissioner.

(4) A delegation under this section may be made subject to conditions and restrictions, and may be made generally or in relation to any particular case or class of cases.

(5) When a Commissioner by whom a delegation is made dies, or ceases to hold, or is suspended from, office, the delegation shall be deemed to continue in force according to its tenor until it is revoked or varied under this section.

(6) The performance of a function by a delegate under this section shall be deemed to be the performance of the function by the Commissioner.

(7) A delegate shall, upon request by a person affected by the exercise of any power delegated to him, produce the instrument of delegation, or a copy of the instrument, for inspection.

[Section 11 amended by No.124 of 1984 s.3.]

Rules of Parliament

12. (1) Rules of Parliament may be made for the guidance of the Commissioner in the exercise of his functions and for the other purposes for which Rules of Parliament may be made under this Act.

(2) Subject to this Act the functions of the Commissioner shall be exercised in accordance with the Rules of Parliament made under this Act.

(3) The Rules of Parliament referred to in this section are rules that have been agreed upon by each House of Parliament in accordance with the rules and orders thereof.

(4) Rules of Parliament made under this Act shall be published in the *Government Gazette*.

(5) Section 36 of the *Interpretation Act 1918*³ does not apply to Rules of Parliament made under this Act.

**PART III — JURISDICTION AND FUNCTIONS OF THE
COMMISSIONER**

Division 1 — Extent of Jurisdiction

Departments and authorities subject to investigation

13. (1) Subject to subsection (2), this Act applies to the government departments and other authorities specified in The Schedule, and to any other government departments or other authorities to which this Act is declared to apply by Rules of Parliament.

(2) This Act does not apply to —

- (a) the Supreme Court, The District Court of Western Australia, the Family Court of Western Australia or any other court of law;
- (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;
- (c) a commissioner of any court or a stipendiary magistrate;
- (d) a coroner;
- (da) the Official Corruption Commission established under the *Official Corruption Commission Act 1988*;
- (e) the Auditor General; or

Parliamentary Commissioner Act 1971

s. 13

(f) the *Parliamentary Privileges Act 1891*.

(3) For the purposes of this Act —

- (a) references to a government department or authority shall be construed as including references to each of the members, officers, and employees thereof;
- (b) references to an officer of an authority shall be construed as including references to an officer appointed by that authority under any enactment; and
- (c) references to a member of an authority shall be construed as including references to the holder of any office created by an enactment who by virtue of his holding that office is a member of that authority.

(4) For the purposes of this Act, but subject to subsection (5), the following persons shall be deemed to constitute the officers and employees of a department of the Public Service, namely —

- (a) the chief executive officer² of the department;
- (b) officers of the Public Service employed in the department;
- (c) officers appointed by the Governor under the provisions of any Act administered in that department; and
- (d) officers appointed by the Minister of the Crown administering the department or the chief executive officer² of the department, being either —
 - (i) officers who are so appointed under any enactment; or
 - (ii) officers whose remuneration as such is defrayed in whole or in part out of moneys provided by Parliament.

(5) A member of a board, committee, or similar body constituted by any enactment or by virtue of the Crown's prerogative, or of any tribunal so constituted, shall not, as such, be regarded, for the purposes of this Act, as an officer or employee of a department of the Public Service.

[Section 13 amended by No. 13 of 1982 s.9; No. 14 of 1994 s.19 (1).]

Matters subject to investigation

14. (1) Subject to this Act, the Commissioner shall investigate any decision or recommendation made, or any act done or omitted, that relates to a matter of administration and affects any person or body of persons in his or its personal capacity in or by any government department or other authority to which this Act applies in the exercise of any power or function.

(1a) Subject to this Act and notwithstanding subsection (1), the Commissioner shall investigate any action taken by a member of the Police Force or Police Department, whether or not that action relates to a matter of administration, where that action was, or purported to be, done in the exercise of, or in connection with or incidental to the exercise of, that member's powers, duties or functions as a member of the Police Force or Police Department:

Provided that the Parliamentary Commissioner shall not investigate such action until the Commissioner of Police has had a reasonable opportunity to conduct his own investigation into such action.

(1b) For the purposes of the proviso to subsection (1a), the Commissioner of Police shall be deemed to have had a reasonable opportunity to conduct his own investigation into any action referred to in that subsection if —

(a) a period of 42 days; or

Parliamentary Commissioner Act 1971

s. 14

- (b) such longer period as is agreed to by the Commissioner of Police and the Parliamentary Commissioner,

has expired since the complaint relating to that action was received at the office of the Commissioner of Police.

(1c) The application of subsection (1a) does not extend to action taken by a member of the Police Force or Police Department before that subsection came into operation.

(2) References in this Act to the taking of any action shall be construed as including references to —

- (a) a failure or refusal to perform any act;
- (b) the formulation of any proposal or intention; and
- (c) the making of any recommendation (including a recommendation to a Minister of the Crown).

(3) This section does not authorize or require the Commissioner to investigate under this Act any decision made by Cabinet or by a Minister of the Crown or question the merits of any such decision.

(4) Subject to subsection (5), the Commissioner shall not conduct an investigation under this Act in respect of any of the following matters, that is to say —

- (a) any action in respect of which the person aggrieved has or had a right of appeal, reference, or review to or before a tribunal constituted under any enactment or by virtue of the Crown's prerogative; and
- (b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law.

(5) Notwithstanding anything in subsection (4), the Commissioner may conduct any investigation notwithstanding that the person aggrieved has or had such a right or remedy as is referred to in that subsection if he is satisfied that, in the particular circumstances, it is not reasonable to expect him to resort, or to have resorted, to it.

(6) The Commissioner shall not conduct an investigation into any action taken by a person acting as legal adviser or as counsel.

(7) The powers of the Commissioner under this Act in relation to any action taken by a government department or other authority may be exercised notwithstanding that that action was taken on behalf of, or in the exercise of any functions conferred on, an authority to which this Act does not apply, but nothing in this Act authorizes or requires the Commissioner to question the merits of any decision made by such an authority.

(8) The powers of the Commissioner to investigate any action may, if in all the circumstances he considers it proper so to do, be exercised in respect of action taken before the coming into operation of this Act.

[Section 14 amended by No. 68 of 1976 s.4; No. 124 of 1984 s.4.]

Division 2 — Initiation of Investigations

Investigations on reference by Parliament

15. (1) Either House of Parliament, or any committee of either of those Houses, or a joint committee of both Houses of Parliament, may refer to the Commissioner, for investigation and report, any matter which is within his jurisdiction and which that House or committee considers should be investigated by him.

Parliamentary Commissioner Act 1971

s. 16

(2) On any matter being referred to him under this section the Commissioner shall, as soon as may be, carry out the investigation and submit his report thereon, in the case of a matter referred —

- (a) by a joint committee of both Houses of Parliament — to the President of the Legislative Council and the Speaker of the Legislative Assembly;
- (b) by the Legislative Council, or a committee thereof — to the President of the Legislative Council; or
- (c) by the Legislative Assembly, or a committee thereof — to the Speaker of the Legislative Assembly.

(3) Subsection (4) of section 14 does not apply to a matter referred to the Commissioner under this section, but where, in relation to that matter any person aggrieved thereby has or had such a right or remedy as is referred to in that subsection, the Commissioner may refrain from commencing any investigation into that matter until he is satisfied that that right or remedy cannot or will not be exercised or sought or, if it has been exercised or sought, the proceedings thereon have been finally concluded or abandoned.

[Section 15 amended by No. 68 of 1976 s.5.]

Initiation of investigations in other cases

16. (1) Without prejudice to the provisions of section 15 any investigation that the Commissioner is authorized to conduct under this Act may be so conducted, either on his own motion or on a complaint made in accordance with section 17.

(2) An investigation may be commenced as a consequence of a complaint notwithstanding that the complaint may not on its face be against any such action as is referred to in section 14 (1).

Complaints

17. (1) Except as otherwise provided in this section a complaint under this Act shall be made in writing by any person or by any body of persons, whether incorporated or not.

(2) When the person by whom a complaint might have been made under this Act dies or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as otherwise provided in this subsection a complaint shall not be entertained under this Act unless it is made by the person aggrieved himself.

(3) (a) The provisions of any enactment prohibiting or restricting or authorizing or requiring the imposition of prohibitions or restrictions on communication to any other person do not apply to any communication made for the purpose of making a complaint under this Act.

[(b) *deleted*]

(4) A person who contravenes subsection (3) is guilty of an offence.

(5) Except where the Commissioner, in the special circumstances of a case, otherwise determines, a complaint shall not be entertained under this Act unless it is made not later than 12 months from the day on which the person aggrieved first had notice of the matters alleged in the complaint.

[(6) *Omitted under the Reprints Act 1984 s.7 (4) (e).*]

[*Section 17 amended by No. 124 of 1984 s.5.*]

s. 17A

Complaints by persons in custody

17A. (1) Subject to subsection (5), a person who is detained in custody is entitled —

- (a) upon making a request to the officer in whose custody he is detained or to any other officer performing duties in connection with his detention —
 - (i) to be provided with facilities for preparing a complaint in writing under this Act, for furnishing in writing to the Commissioner after the complaint has been made any other relevant information, and for enclosing the complaint or the other information (if any) in a sealed envelope; and
 - (ii) to have posted to the Commissioner, without undue delay, a sealed envelope delivered by him to any such officer and addressed to the Commissioner; and
- (b) to have delivered to him, without undue delay, any sealed envelope addressed to him and sent by the Commissioner that comes into the possession or under the control of any such officer.

(2) Subject to subsection (5), where a sealed envelope addressed to the Commissioner is delivered by a person detained in custody to an officer referred to in subsection (1) for posting to the Commissioner, or a sealed envelope addressed to a person so detained and sent by the Commissioner comes into the possession or under the control of any such officer, the officer shall not open the envelope, or inspect any document enclosed in the envelope.

(3) The Commissioner may make arrangements with the relevant authorities for the identification and delivery of sealed envelopes sent by the Commissioner to persons detained in custody.

(4) In subsection (3) “**the relevant authorities**” means the Commissioner of Police, the chief executive officer of the department of Government principally assisting the Minister administering the *Prisons Act 1981* with the administration of that Act, the Director, Psychiatric Services appointed under section 6 (1) (d) of the *Health Legislation Administration Act 1984* and the Director-General appointed under section 7 (1) of the *Community Services Act 1972*.

(5) Subsections (1) and (2) —

- (a) do not affect the operation of sections 67 and 68 of the *Prisons Act 1981*; and
- (b) subject to paragraph (a), have effect notwithstanding anything in any other Act.

(6) An officer referred to in subsection (1) shall not wilfully contravene or fail to comply with this section.

Penalty: \$200.

[Section 17A inserted by No.124 of 1984 s.6; amended by No. 47 of 1987 s.26; No.113 of 1987 s.31.]

Refusal to investigate complaints

18. (1) The Commissioner may refuse to entertain a complaint, or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation if he is of the opinion that —

- (a) the matter raised in the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith;
- (c) the person aggrieved has not a sufficient personal interest in the matter raised in the complaint; or

s. 19

- (d) having regard to all the circumstances of the case, the investigation, or the continuance of the investigation of the matter raised in the complaint, is unnecessary or unjustifiable.

(2) Where, under this Act, the Commissioner is precluded from entertaining, or refuses to entertain, a complaint, or refuses to continue an investigation of any matter raised in a complaint, he shall inform the complainant of his decision and at the same time state the reasons therefor.

Division 3 — Conduct of Investigations

Proceedings on investigations

19. (1) Before investigating under this Act any action taken by or on behalf of a government department or other authority the Commissioner shall notify the principal officer thereof and the responsible Minister in writing of his intention so to do, specifying the action in respect of which the investigation is to be conducted.

(2) Every investigation by the Commissioner under this Act shall be conducted in private.

(3) Subject to any Rules of Parliament made under this Act, the Commissioner is not required to hold any hearing for the purposes of an investigation, and he may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit. Any person who is concerned or involved in the investigation may be represented by counsel or otherwise.

(4) If, at any time during the course of an investigation, it appears to the Commissioner that there may be grounds for making a report on that investigation that may affect or concern any government department or authority to which this Act applies he shall, before making that report, afford to the

principal officer thereof an opportunity to comment on the subject matter of the investigation.

(5) The Commissioner may, at any time during or after an investigation, consult any Minister of the Crown who is concerned in the subject matter of the investigation.

(6) In relation to any investigation, if a Minister of the Crown so requests or the investigation relates to any recommendation made to such a Minister, the Commissioner shall consult that Minister before forming a final opinion on any of the matters referred to in section 25 (1) or (2).

(7) If, during or after an investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any member, officer, or employee of any government department or authority to which this Act applies —

- (a) he shall report that matter to the principal officer thereof; and
- (b) he shall furnish a copy of the report to the Minister charged with the administration of that department or the enactment by which the authority is constituted.

(8) Subject to this Act and any Rules of Parliament made thereunder the Commissioner may regulate his procedure on an investigation in such manner as he thinks fit.

Commissioner has power of Royal Commission and Chairman thereof. Evidence, etc.

20. (1) Where the Commissioner has decided to investigate any matter under this Act —

- (a) the Commissioner has all the powers, rights and privileges that are specified in the *Royal Commissions*

Parliamentary Commissioner Act 1971

s. 21

Act 1968, as appertaining to a Royal Commission and the Chairman thereof; and

- (b) all the provisions of that Act have effect as if they were enacted in this Act and in terms made applicable to the Commissioner and that matter as if the matter were one into which a Royal Commission was appointed to inquire under that Act.

(2) (a) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the service of the Crown or any authority to which this Act applies, whether imposed by any enactment or by any rule of law, applies to the disclosure of information for the purposes of an investigation under this Act.

(b) The Crown or any authority to which this Act applies is not entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(3) Subject to subsection (2), a person is not compelled for the purposes of an investigation under this Act to give any evidence or produce any document that he could not be compelled to give or produce in proceedings before a court.

[Section 20 amended by No. 68 of 1976 s.6.]

Entry of premises

21. (1) For the purposes of conducting an investigation under this Act, the Commissioner may, at any time, enter any premises occupied or used by any government department or authority to which this Act applies, and inspect those premises or anything for the time being therein.

[(2) repealed]

[Section 21 amended by No. 124 of 1984 s.7.]

Protection for proceedings in Cabinet

22. (1) A person shall not be required or authorized by virtue of this Act —

- (a) to furnish any information or answer any question relating to proceedings of Cabinet or of any committee of Cabinet; or
- (b) to produce or inspect so much of any document as relates to any such proceedings.

(2) For the purposes of this section a certificate issued by the Director General, Department of the Premier and Cabinet, with the approval of the Premier of the State, certifying that any information or question, or any document or part of a document, relates to any such proceedings as are referred to in subsection (1) is conclusive of the fact so certified.

Secrecy

23. (1) Information obtained by the Commissioner or his officers in the course of, or for the purpose of, an investigation under this Act, shall not be disclosed, except —

- (a) for the purposes of the investigation and of any report or recommendations to be made thereon under this Act;
- (b) for the purposes of any proceedings for any 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; or
- (c) for the purposes of consultation with —
 - (i) the Official Corruption Commission established under the *Official Corruption Commission*

Act 1988 (in this paragraph called “**the Official Corruption Commission**”); or

- (ii) the Director of Public Prosecutions within the meaning of the *Director of Public Prosecutions Act 1991*,

concerning any matter relevant to the functions of the Official Corruption Commission.

(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.

(1b) Subsection (1) shall not be taken to preclude the Commissioner from disclosing information, or making a statement, to any person or to the public or a section of the public with respect to the performance of the functions of, or an investigation by, the Commissioner if, in his opinion, it is in the interests of any government department or authority to which this Act applies or of any person, or is otherwise in the public interest, so to disclose that information or to make that statement.

(1c) The Commissioner shall not disclose information or make a statement under subsection (1b) with respect to a particular investigation where the disclosure of that information, or the making of that statement, is likely to interfere with the carrying out of that or any other investigation or the making of a report by him under this Act.

(1d) The Commissioner shall not, in disclosing information or making a statement under subsection (1b) with respect to a particular investigation —

- (a) set out opinions that are, either expressly or impliedly, critical of any government department or authority to

which this Act applies or any person unless the Commissioner has complied with subsection (1e) in relation to the investigation; or

- (b) disclose the name of a complainant or any other matter that would enable a complainant to be identified unless it is fair and reasonable in all the circumstances to do so.

(1e) Where the Commissioner proposes to disclose information or make a statement setting out opinions referred to in subsection (1d) (a) he shall, before doing so, afford —

- (a) if the opinions relate to a government department or authority, the principal officer of the department or authority and the officer of that department or authority principally concerned in the complaint; or
- (b) if the opinions relate to a person, that person,

the opportunity to appear before him and to make submissions, either orally or in writing, in relation to the complaint.

(1f) This section has effect notwithstanding section 19 (2).

(2) Any person who discloses information contrary to the provisions of this section is guilty of an offence.

[Section 23 amended by No. 68 of 1976 s.7; No. 124 of 1984 s.8; No. 14 of 1994 s.19 (2).]

Documents sent to or by the Commissioner not admissible

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.

[*Section 23A inserted by No. 73 of 1976 s.8.*]

Obstruction

24. Any person who —

- (a) without lawful excuse, wilfully obstructs, hinders, or resists the Commissioner or any other person in the exercise of his powers under this Act;
- (b) without lawful excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or
- (c) wilfully makes any false statement to, or misleads, or attempts to mislead, the Commissioner or any other person in the exercise of his powers under this Act,

is guilty of an offence.

Division 4 — Action on Investigations

Procedure on completion of investigation

25. (1) Where, as a result of an investigation conducted under this Act (not being an investigation conducted pursuant to section 15), the Commissioner is of the opinion that the action to which the investigation relates —

- (a) appears to have been taken contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory;

- (c) was in accordance with a rule of law or a provision of an enactment or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (d) was taken in the exercise of a power or discretion, and was so taken for an improper purpose or on irrelevant grounds, or on the taking into account of irrelevant considerations;
- (e) was a decision that was made in the exercise of a power or discretion and the reasons for the decision were not, but should have been, given;
- (f) was based wholly or partly on a mistake of law or fact; or
- (g) was wrong,

he shall, as in the circumstances of the case he thinks fit, carry out the duties imposed on him by subsection (2).

(2) Where in such a case as is referred to in subsection (1) the Commissioner is of the opinion —

- (a) that the subject matter of the investigation should be referred to the appropriate authority for further consideration;
- (b) that action can be, and should be, taken to rectify, or mitigate or alter the effects of, the action to which the investigation relates;
- (c) that any practice in accordance with which the action was taken should be varied;
- (d) that any law in accordance with which, or on the basis of which, the action was taken should be reconsidered;

Parliamentary Commissioner Act 1971

s. 25

- (e) that reasons should be given for the action; or
- (f) that any other steps should be taken,

the Commissioner shall report his opinion, and his reasons therefor, to the principal officer of the appropriate authority, and may make such recommendations as he thinks fit.

(3) Where the Commissioner makes any report or recommendations to the principal officer of an authority under subsection (2), he shall send a copy thereof to the responsible Minister.

(4) If under subsection (2) the Commissioner makes recommendations to the principal officer of an authority he may request that officer to notify him, within a specified time, of the steps that have been or are proposed to be taken to give effect to the recommendations, or, if no such steps have been, or are proposed to be taken, the reasons therefor.

(5) Where it appears to the Commissioner that no steps that seem to him to be appropriate have been taken within a reasonable time of his making any report or recommendations under subsection (2), the Commissioner, after considering the comments (if any) made by or on behalf of the principal officer to whom the report or recommendations were made, may, if he thinks fit, send to the Premier of the State a copy of the report and the recommendations together with a copy of any such comments.

(6) Where a copy of any report, recommendations, or comments has been sent to the Premier of the State under subsection (5), the Commissioner may lay before each House of Parliament such report on the matters to which they relate as he thinks fit.

(7) The Commissioner shall not in any report under this Act make any comment defamatory of or adverse to any person unless that person has been given an opportunity of being heard in the matter and his defence is fairly set forth in the report.

Information to complainant on investigation

26. Where the Commissioner conducts an investigation on a complaint made under this Act he shall inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation 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, and, where the Commissioner has made any recommendation under section 25 (2) and it appears to him that steps which seem to him to be appropriate have not been taken within a reasonable time of the making of those recommendations, the Commissioner shall inform the complainant of the recommendations, making such comments thereon as he thinks proper.

[Section 26 amended by No. 68 of 1976 s.9.]

Division 5 — Annual and other reports of the Commissioner

Commissioner may report to Parliament

27. Notwithstanding the *Financial Administration and Audit Act 1985*, the Commissioner may at any time, if he thinks fit, lay before each House of Parliament a report on any matter arising in connection with the exercise of his functions.

[Section 27 inserted by No. 98 of 1985 s.3.]

[28. *Repealed by No. 124 of 1984 s.9.]*

PART IV — MISCELLANEOUS

Application to Supreme Court

29. (1) Where, in the course of an investigation under this Act, the question arises as to whether the Commissioner has jurisdiction to conduct the investigation, the Commissioner, or the party the subject of the investigation, may make an application to the Supreme Court for a determination of that question, and, on the application, the Court may make such order as it considers proper.

(2) References in this section, in relation to an investigation into any action taken by or on behalf of an authority, to the party subject to the investigation shall be construed as references to that authority or the principal officer thereof.

Protection of Commissioner and officers

30. (1) Neither the Commissioner nor any of his officers is liable, whether on the ground of want of jurisdiction or on any other ground, to any civil or criminal proceedings to which he would have been liable apart from this section in respect of any act purporting to be done in pursuance of this Act, unless the act was done in bad faith.

(2) No civil or criminal proceedings shall be brought against the Commissioner or any of his officers in respect of any such act as is referred to in subsection (1) without the leave of the Supreme Court, and the Supreme Court shall not give leave under this section unless it is satisfied that there is substantial ground for the contention that the person to be proceeded against has acted in bad faith.

(3) Notwithstanding anything in the foregoing provisions of this section, no prerogative writ shall be issued compelling the Commissioner to carry out any investigation, and no proceedings

shall be brought against the Commissioner whereby the issue of such a writ is sought.

(4) Except as required for the purpose of proceedings referred to in section 23 (1) (b), neither the Commissioner nor any of his officers shall be called to give evidence or produce any document in any court, or in any judicial proceedings, in respect of any matter coming to his knowledge in the exercise of his functions under this Act.

[Section 30 amended by No. 124 of 1984 s.10.]

Penalties

31. A person who is guilty of an offence under this Act is liable to a fine of \$250 or imprisonment for 12 months, or to both the fine and the imprisonment.

Expenses of Act

32. Except as otherwise expressly provided in this Act the expenses incurred in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

Parliamentary Commissioner Act 1971

Sch.

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*.

Any adoption applications committee appointed by the Director-General under the *Adoption Act 1994*.

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*.

The Art Gallery of Western Australia Foundation established by the *Art Gallery Act 1959*.

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

Building and Construction Industry Training Board established under the *Building and Construction Industry Training Fund and Levy Collection Act 1990*.

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*.

Coal Industry Superannuation Board established under the *Coal Industry Superannuation Act 1989*.

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

Commissioner of Workplace Agreements appointed under the *Workplace Agreements Act 1993*.

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*.

Curtin University of Technology established under the *Curtin University of Technology Act 1966^t*.

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

Disability Services Commission being the body continued by section 6 of the *Disability Services Act 1993*.

Dried Fruits Board constituted under the *Dried Fruits Act 1947*.

East Perth Redevelopment Authority established by the *East Perth Redevelopment Act 1991*.

Electricity Corporation established by the *Electricity Corporation Act 1994*.

Parliamentary Commissioner Act 1971

Sch.

Esperance Port Authority constituted under the *Esperance Port Authority Act 1968*.

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*.

Gaming Commission of Western Australia established by the *Gaming Commission Act 1987*.

Gas Corporation established by the *Gas Corporation Act 1994*.

Geraldton Port Authority constituted under the *Geraldton Port Authority Act 1968*.

Gold Corporation constituted under the *Gold Corporation Act 1987*.

Government Employees' Housing Authority established under the *Government Employees' Housing Act 1964*.

Government Employees Superannuation Board established under the *Government Employees Superannuation Act 1987*.

The Horticultural Produce Commission or any growers' committee established under the *Horticultural Produce Commission Act 1988*.

Western Australian Reproductive Technology Council established by the *Human Reproductive Technology Act 1990*.

A Promotions Appeal Board established under Division 4 of Part 11A of the *Industrial Relations Act 1979*⁵.

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*.

Heritage Council of Western Australia established under the *Heritage of Western Australia Act 1990*.

Agency established under section 7B of the *Hospitals and Health Services Act 1927*.

Any Board within the meaning of the *Hospitals and Health Services Act 1927*.

The State Housing Commission preserved and continued under the *Housing Act 1980*.

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*.

Lotteries Commission continued under the *Lotteries Commission Act 1990*.

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

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

Western Australian Potato Marketing Authority constituted under the *Marketing of Potatoes Act 1946*⁶.

Every Board of Visitors under the *Mental Health Act 1962*.

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

Minerals and Energy Research Institute of Western Australia established under the *Minerals and Energy Research Act 1987*.

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

Murdoch University established under the *Murdoch University Act 1973*.

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

The Occupational Health, Safety and Welfare Commission established under the *Occupational Health, Safety and Welfare Act 1984* and any advisory committee appointed under that Act.

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

Parliamentary Commissioner Act 1971

Sch.

- Parliamentary Superannuation Board the *Parliamentary Superannuation Act 1970*.
- Perth International Centre for Application of Solar Energy established under the *Perth International Centre for Application of Solar Energy Act 1994*.
- Perth Market Authority preserved and continued under the *Perth Market Act 1926*.
- An authorized officer appointed under the *Petroleum Products Subsidy Act 1965*.
- Poisons Advisory Committee constituted under the *Poisons Act 1964*.
- The Police Department.
- The Police Force.
- 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*.
- Public Guardian established by the *Guardianship and Administration Act 1990*.
- Commissioner for Public Sector Standards appointed under the *Public Sector Management Act 1994*.
- R & I Holdings being the body continued by section 6 of the *R & I Bank Act 1990*.
- Real Estate and Business Agents Supervisory Board constituted under the *Real Estate and Business Agents Act 1978*.
- Gascoyne Development Commission established by the *Regional Development Commissions Act 1993*.
- Goldfields-Esperance Development Commission established by the *Regional Development Commissions Act 1993*.
- Great Southern Development Commission established by the *Regional Development Commissions Act 1993*.
- Kimberley Development Commission established by the *Regional Development Commissions Act 1993*.

- Mid West Development Commission established by the *Regional Development Commissions Act 1993*.
- Peel Development Commission established by the *Regional Development Commissions Act 1993*.
- Pilbara Development Commission established by the *Regional Development Commissions Act 1993*.
- South West Development Commission established by the *Regional Development Commissions Act 1993*.
- Wheatbelt Development Commission established by the *Regional Development Commissions Act 1993*.
- Retail Shops Advisory Committee established under the *Retail Trading Hours Act 1987*.
- Rottneest Island Authority established by section 5 (1) of the *Rottneest Island Authority Act 1987*.
- Rural Adjustment and Finance Corporation of Western Australia preserved and continued by the *Rural Adjustment and Finance Corporation Act 1993*.
- Rural Housing Authority constituted under the *Rural Housing (Assistance) Act 1976*.
- Secondary Education Authority established under the *Secondary Education Authority Act 1984*.
- Settlement Agents Supervisory Board constituted under the *Settlement Agents Act 1981*.
- State Employment and Skills Development Authority and the Skills Standards and Accreditation Board and any industry employment and training council established under the *State Employment and Skills Development Act 1990*.
- State Government Insurance Commission established by the *State Government Insurance Commission Act 1986*.
- State Supply Commission established under the *State Supply Commission Act 1991*.
- Subiaco Redevelopment Authority established by the *Subiaco Redevelopment Act 1994*
- Swan River Trust established by section 6 (1) of the *Swan River Trust Act 1988*.
- The Taxi Industry Board established by the *Taxi Act 1994*.

Parliamentary Commissioner Act 1971

Sch.

- Totalisator Agency Board constituted under the *Totalisator Agency Board Betting Act 1960*.
- University of Western Australia established under the *University of Western Australia Act 1911*.
- Water Authority of Western Australia established under the *Water Authority Act 1984*.
- Bunbury Water Board, Busselton Water Board and Harvey Water Board constituted under the *Water Boards Act 1904*.
- Waterways Commission, Leschenault Inlet Management Authority and Peel Inlet Management Authority constituted under the *Waterways Conservation Act 1976*.
- Western Australian Boxing Commission established by the *Boxing Control Act 1986*.
- Western Australian Coastal Shipping Commission constituted under the *Western Australian Coastal Shipping Commission Act 1965*.
- Western Australian Financial Institutions Authority established by the *Western Australian Financial Institutions Authority Act 1992*.
- Western Australian Health Promotion Foundation established by the *Tobacco Control Act 1990*.
- Western Australian Institute of Technology. [Now see Curtin University of Technology⁴.]
- Western Australian Land Authority established by the *Western Australian Land Authority Act 1992*.
- Western Australian Mint constituted under the *Gold Corporation Act 1987*⁷.
- Western Australian Meat Marketing Corporation established under the *Marketing of Meat Act 1971*.
- Western Australian Planning Commission established under the *Western Australian Planning Commission Act 1985*.
- Western Australian Sports Centre Trust and the board established under the *Western Australian Sports Centre Trust Act 1986*.
- Workers' Compensation Board and a Supplementary Workers' Compensation Board constituted, or constituted and continued, under the *Workers' Compensation and Assistance Act 1981*.

[Schedule inserted by No. 13 of 1982 s.10; amended by No. 124 of 1984 s.11; No. 69 of 1985 s.11; No. 92 of 1985 s.24; No. 107 of 1985 s.33; No. 110 of 1985 s.158; No. 39 of

Parliamentary Commissioner Act 1971

Sch.

1986 s.34; No. 51 of 1986 s.46 (2); No. 101 of 1986 s.21; No. 9 of 1987 s.34; No. 43 of 1987 s.19; No. 50 of 1987 s.116; No. 64 of 1987 s.21; No. 89 of 1987 s.42; No. 91 of 1987 s.51; No. 99 of 1987 s.79; No. 113 of 1987 s.32; No. 114 of 1987 s.11; No. 4 of 1988 s.33; No. 21 of 1988 s.18; No. 59 of 1988 s.8; No. 75 of 1988 s.27; No. 28 of 1989 s.33; No. 31 of 1989 s.18; No. 6 of 1990 s.15; No. 10 of 1990 s.40; No. 16 of 1990 s.33; No. 24 of 1990 s.123 No. 39 of 1990 s.36; No. 40 of 1990 s.48; No. 73 of 1990 s.45; No. 76 of 1990 s.33; No. 97 of 1990 s.4; No. 104 of 1990 s.39; No. 5 of 1991 s.35; No. 22 of 1991 s.62; No. 62 of 1991 s.59; No. 5 of 1992 s.12; No. 29 of 1992 s.57; No. 35 of 1992 s.49; No. 59 of 1992 s.25; No. 2 of 1993 s.17; No. 10 of 1993 s.57; No. 13 of 1993 s.103; No. 26 of 1993 s.21; No. 30 of 1993 s.12; No. 36 of 1993 s.58; No. 53 of 1993 s.44; No. 9 of 1994 s.145; No. 32 of 1994 s.19; No. 35 of 1994 s.67; No. 36 of 1994 s.35; No. 45 of 1994 s.23; No. 73 of 1994 s.4; No. 83 of 1994 s.50; No. 84 of 1994 ss.44 and 46; No. 89 of 1994 s.109; No. 103 of 1994 s.18.]

Parliamentary Commissioner Act 1971

NOTES

¹ This reprint is a compilation as at 25 May 1995 of the *Parliamentary Commissioner Act 1971* and includes the amendments effected by the other Acts referred to in the following Table⁸.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Parliamentary Commissioner Act 1971</i>	64 of 1971	22 December 1971	12 May 1972 (see <i>Gazette</i> 12 May 1972 p.1043)	
<i>Parliamentary Commissioner Act Amendment Act 1976</i>	68 of 1976	6 October 1976	6 October 1976	
<i>Parliamentary Commissioner Amendment Act 1982</i>	13 of 1982	14 May 1982	14 May 1982	
<i>Parliamentary Commissioner Amendment Act 1984</i>	124 of 1984	27 December 1984	1 July 1985 (see <i>Gazette</i> 28 June 1985 p.2291)	
<i>Acts Amendment (Authority for Intellectually Handicapped Persons) Act 1985 Part III</i>	69 of 1985	15 November 1985	1 January 1986 (see section 2 and <i>Gazette</i> 13 December 1985 p.4757)	
<i>Acts Amendment (State Planning Commission) Act 1985 Part IV</i>	92 of 1985	4 December 1985	6 December 1985 (see section 2 and <i>Gazette</i> 6 December 1985 p.4591)	
<i>Acts Amendment (Financial Administration and Audit) Act 1985 section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see section 2 and <i>Gazette</i> 30 June 1986 p.2255)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Meat Industry) Act 1985</i> Part IV	107 of 1985	7 January 1986	1 July 1986 (see <i>Gazette</i> 27 June 1986 p.2159)	
<i>Acts Amendment (Water Authorities) Act 1986</i> Part X	110 of 1985	17 December 1985	14 March 1986 (see <i>Gazette</i> 14 March 1986 p.726)	
<i>Perth Mint Amendment Act 1986</i> Part III	39 of 1986	1 August 1986	1 October 1986 (see <i>Gazette</i> 30 September 1986 p.3769)	
<i>State Government Insurance Commission Act 1986</i> section 46 (2)	51 of 1986	5 August 1986	1 January 1987 (see <i>Gazette</i> 19 December 1986 p.4859)	
<i>Western Australian Sports Centre Trust Act 1986</i> Part VI	101 of 1986	12 December 1986	24 December 1986 (see <i>Gazette</i> 24 December 1986 p.4963)	
<i>Boxing Control Act 1987</i> section 64	2 of 1987	29 May 1987	22 February 1991 (see <i>Gazette</i> 22 February 1991 p.867)	
<i>Great Southern Development Authority Act 1987</i> section 34	9 of 1987	11 June 1987	29 April 1988 (see <i>Gazette</i> 29 April 1988 p.1292)	
<i>Occupational Health, Safety and Welfare Amendment Act 1987</i> section 19	43 of 1987	6 July 1987	16 September 1988 (see <i>Gazette</i> 16 September 1988 p.3757)	
<i>Acts Amendment (Corrective Services) Act 1987</i> Part VI	47 of 1987	3 October 1987	11 December 1987 (see <i>Gazette</i> 11 December 1987 p.4363)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Gaming Commission Act 1987</i> section 116	50 of 1987	8 October 1987	4 March 1988 (see <i>Gazette</i> 4 March 1988 p.665)	
<i>Mines Regulation Amendment Act 1987</i> section 21	64 of 1987	18 November 1987	3 June 1988 (see <i>Gazette</i> 3 June 1988 p.1851)	
<i>Minerals and Energy Research Act 1987</i> section 42	89 of 1987	9 December 1987	1 February 1988 (see <i>Gazette</i> 15 January 1988 p.67)	
<i>Rottneest Island Authority Act 1987</i> section 51	91 of 1987	9 December 1987	30 May 1988 (see <i>Gazette</i> 30 May 1988 p.1823)	
<i>Gold Banking Corporation Act 1987</i> section 79	99 of 1987	18 December 1987	30 June 1988 (see <i>Gazette</i> 30 June 1988 p.2133)	
<i>Acts Amendment (Public Service) Act 1987</i> section 32	113 of 1987	31 December 1987	16 March 1988 (see <i>Gazette</i> 16 March 1988 p.813)	
<i>Acts Amendment (Retail Trading Hours) Act 1987</i> section 11	114 of 1987	31 December 1987	1 September 1988 (see section 2 and <i>Gazette</i> 12 August 1988 p.2695)	
<i>Geraldton Mid-West Development Authority Act 1988</i> section 33	4 of 1988	30 June 1988	22 July 1988 (see <i>Gazette</i> 22 July 1988 p.2479)	
<i>Acts Amendment (Swan River Trust) Amendment Act 1988</i> Part 8	21 of 1988	5 October 1988	1 March 1989 (see section 2 and <i>Gazette</i> 27 January 1989 p.264)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Art Gallery Amendment Act 1988</i> section 8	59 of 1988	8 December 1988	20 January 1989 (see <i>Gazette</i> 20 January 1989 p.110)	
<i>Horticultural Produce Commission Act 1988</i> section 27 (1)	75 of 1988	23 December 1988	1 September 1989 (see <i>Gazette</i> 1 September 1989 p.3017)	
<i>Coal Industry Superannuation Act 1989</i> Part 5	28 of 1989	12 December 1989	1 July 1990 (see <i>Gazette</i> 22 June 1990 p.3027)	
<i>Acts Amendment (Parliamentary Superannuation) Act 1989</i> Part 4	31 of 1989	15 December 1989	15 December 1989	
<i>Acts Amendment (Perth Market Authority) Act 1990</i> Part 6	6 of 1990	12 July 1990	1 January 1991 (see <i>Gazette</i> 21 December 1990 p.6211)	
<i>Acts Amendment (Gold Banking Corporation) Act 1990</i> Part 5	10 of 1990	31 July 1990	28 September 1990 (see <i>Gazette</i> 28 September 1990 p.4981)	
<i>Lotteries Commission Act 1990</i> section 33	16 of 1990	31 July 1990	1 January 1991 (see <i>Gazette</i> 28 December 1990 p.6369)	
<i>Guardianship and Administration Act 1990</i> section 123	24 of 1990	7 September 1990	20 October 1992 (see <i>Gazette</i> 2 October 1992 p.4811)	
<i>Goldfields-Esperance Development Authority Act 1990</i> section 36	39 of 1990	8 November 1990	7 December 1990 (see <i>Gazette</i> 7 December 1990 p.5979)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>State Employment and Skills Development Authority Act 1990</i> section 48	40 of 1990	26 November 1990	22 March 1991 (see <i>Gazette</i> 22 March 1991 p.1209)	
<i>R & I Bank Act 1990</i> section 45	73 of 1990	20 December 1990	1 January 1991 (see <i>Gazette</i> 28 December 1990 p.6369)	
<i>Building and Construction Industry Training Fund and Levy Collection Act 1990</i> section 33	76 of 1990	20 December 1990	1 July 1991 (see <i>Gazette</i> 28 June 1991 p.3101)	
<i>Acts Amendment (Heritage Council) Act 1990</i> Part 2	97 of 1990	22 December 1990	25 February 1991 (see <i>Gazette</i> 22 February 1991 p.868)	
<i>Tobacco Control Act 1990</i> Part 6	104 of 1990	2 January 1991	8 February 1991 (see <i>Gazette</i> 8 February 1991 p.575)	
<i>State Supply Commission Act 1991</i> section 35	5 of 1991	6 June 1991	20 September 1991 (see <i>Gazette</i> 20 September 1991 p.4855)	
<i>Human Reproductive Technology Act 1991</i> section 62	22 of 1991	8 October 1991	6 March 1992 (see <i>Gazette</i> 6 March 1992 p.1107)	
<i>East Perth Redevelopment Act 1991</i> section 59	62 of 1991	30 December 1991	1 July 1992 (see section 2 and <i>Gazette</i> 1 July 1992 p.2945)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>South West Development Authority Amendment Act 1992</i> section 12	5 of 1992	14 May 1992	11 August 1992 (see <i>Gazette</i> 11 August 1992 p.3959)	
<i>Western Australian Financial Institutions Authority Act 1992</i> section 57	29 of 1992	19 June 1992	1 July 1992 (see <i>Gazette</i> 26 June 1992 p.2643)	
<i>Western Australian Land Authority Act 1992</i> section 49	35 of 1992	23 June 1992	1 July 1992 (see <i>Gazette</i> 30 June 1992 p.2869)	
<i>Pilbara Development Commission Act 1992</i> section 25	59 of 1992	11 December 1992	1 July 1993 (see <i>Gazette</i> 1 July 1993 p.3209)	
<i>Local Government (Superannuation) Amendment and Repeal Act 1993</i> section 17	2 of 1993	18 August 1993	Deemed operative 1 July 1993 (see section 2)	
<i>Financial Administration Legislation Amendment Act 1993</i> Part 4	6 of 1993	27 August 1993	Deemed operative 1 July 1993 (see section 2)	
<i>Rural Adjustment and Finance Corporation Act 1993</i> section 57	10 of 1993	6 October 1993	24 December 1993 (see <i>Gazette</i> 24 December 1993 p.6796)	
<i>Workplace Agreements Act 1993</i> section 103	13 of 1993	23 November 1993	1 December 1993 (see <i>Gazette</i> 30 November 1993 p.6439)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Bee Industry Amendment and Repeal Act 1993</i> section 21	26 of 1993	15 December 1993	4 February 1994 (see <i>Gazette</i> 4 February 1994 p.339)	
<i>Mines Regulation Amendment Act 1993</i> section 12	30 of 1993	16 December 1993	24 December 1993 (see <i>Gazette</i> 24 December 1993 p.6796)	
<i>Disability Services Act 1993</i> section 58	36 of 1993	16 December 1993	23 December 1993 (see section 2)	
<i>Regional Development Commissions Act 1993</i> section 44	53 of 1993	22 December 1993	8 April 1994 (see <i>Gazette</i> 8 April 1994 p.1462)	
<i>Adoption Act 1994</i> section 145	9 of 1994	15 April 1994	1 January 1995 (see <i>Gazette</i> 25 November 1994 p.5905)	
<i>Acts Amendment (Official Corruption Commission) Act 1994</i> section 19	14 of 1994	22 April 1994	24 May 1994 (see <i>Gazette</i> 24 May 1994 p.2193)	
<i>Acts Amendment (Public Sector Management) Act 1994</i> section 19	32 of 1994	29 June 1994	1 October 1994 (see <i>Gazette</i> 30 September 1994 p.4948)	
<i>Subiaco Redevelopment Act 1994</i> section 67	35 of 1994	8 July 1994	24 August 1994 (see <i>Gazette</i> 23 August 1994 p.4364)	
<i>Perth International Centre for Application of Solar Energy Act 1994</i> section 35	36 of 1994	8 July 1994	22 July 1994 (see <i>Gazette</i> 22 July 1994 p.3727)	

Parliamentary Commissioner Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Coal Mining Industry) Act 1994</i> section 23	45 of 1994	22 September 1994	22 September 1994	
<i>Statutes (Repeals and Minor Amendments) Act 1994</i> section 4	73 of 1994	9 December 1994	9 December 1994	
<i>Taxi Act 1994</i> section 50	83 of 1994	20 December 1994	10 January 1995 (see <i>Gazette</i> 10 January 1995 p.73)	
<i>Planning Legislation Amendment Act (No. 2) 1994</i> sections 44 and 46	84 of 1994	13 January 1995	1 March 1995 (see <i>Gazette</i> 21 February 1995 p.567)	
<i>Energy Corporations (Transitional and Consequential Provisions) Act 1994</i> section 109	89 of 1994	15 December 1994	1 January 1995 (see section 2 (2) and <i>Gazette</i> 23 December 1994 p.7069)	
<i>Hospitals Amendment Act 1994</i> section 18 item 14 of Table	103 of 1994	11 January 1995	3 February 1995 (see <i>Gazette</i> 3 February 1995 p.333)	

² Title changed pursuant to section 7 (3) (h) of the *Reprints Act 1984* and section 31 of the *Acts Amendment (Public Service) Act 1987*.

³ Now see *Interpretation Act 1984*.

⁴ Title amended pursuant to section 7 (3) (h) of the *Reprints Act 1984* to give effect to section 5 of the *Western Australian Institute of Technology Amendment Act 1986*.

⁵ Reference altered under section 85 (3) of the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984*.

Parliamentary Commissioner Act 1971

- ⁶ Title changed under *Reprints Act 1984* section 7 (3) (h) to give effect to section 22 of the *Acts Amendment (Potato Industry) Act 1989*.
- ⁷ Title amended under section 7 (3) (h) of the *Reprints Act 1984* to give effect to section 4 of the *Acts Amendment (Gold Banking Corporation) Act 1990*.
- ⁸ At the date of this reprint the following were not in operation —
- Schedule 2 (section 42) to the *Western Australian Exim Corporation Act 1986* (Act No. 94 of 1986);
 - item 3 of the Schedule (section 17) to the *Soil and Land Conservation Amendment Act 1990* (Act No. 91 of 1990);
 - item 6 of the Schedule (section 57) to the *Conservation and Land Management Amendment Act 1991* (Act No. 20 of 1991);
 - section 109 of the *Mines Safety and Inspection Act 1994* (Act No. 62 of 1994); and
 - section 35 of the *Industrial Legislation Amendment Act 1995* (Act No. 1 of 1995).