

Inquiries Report

The Law Commission's 102nd report "A New Inquiries Act" was tabled in Parliament today.

"Inquiries perform an important role in the system of government in New Zealand. This Report, if adopted, will contribute to more effective, efficient and economical inquiries than we have had", the President of the Law Commission, Sir Geoffrey Palmer, said today.

"There is a widespread recognition that the Commissions of Inquiry Act 1908 has been in need of revision for many years. This Report contains that revision."

"We have provided a draft Bill with our Report. It provides for greater clarity and guidance for inquiries than exists now."

"Many of the provisions in the present law are confusing. Some place constraints on procedures that add time and money to inquiries but do not make them more effective."

"Non-statutory ministerial inquiries are increasingly preferred by Government but they take place outside a statutory framework. There can be problems with this."

"They can offer no immunities to those taking part and have no powers to compel evidence."

"The Law Commission has gone back to first principles in this review. We have recommended preservation of those elements in the 1908 Act that seem sound."

"But we have tried to create a new framework that will produce a new culture for inquiries in New Zealand."

“The new Act we recommend establishes two types of inquiry – public inquiries and government inquiries.”

“Public inquiries are designed for big and meaty issues that are of high level concern to the public and ministers – disasters, for example, or devising a new comprehensive policy framework on a particular subject. They will replace existing commissions of inquiry and royal commissions.”

“Government inquiries, on the other hand, are intended to deal with smaller and more immediate issues where a quick and authoritative answer is required from an independent inquirer.”

“Under our recommendations both types of inquiry will enjoy the same powers. So both will have the tools to get at the truth.

“The distinctions lie between the way they are appointed. The first are established by the Governor-General by Order in Council. These reports will be formally tabled in Parliament.”

“The second type of inquiry will be appointed by a minister and report to that Minister. But, unlike current ministerial inquiries, they will have statutory powers and protections.”

“We hope that by recognising the current constitutional reality and practice our recommendations will provide for effective and efficient inquiries that all take place within a proper legal framework”, Sir Geoffrey concluded.

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