

Public Law and the Law Commission

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Introduction

The immediate difficulty with the title to this talk is to decide the boundaries of public law. While it clearly involves constitutional and administrative law, it involves many other things as well. The whole compass of the criminal law comes within its ambit.¹ Not only are a great many matters of public law sometimes not perceived as such, but also any reform of private law requires public law activity, that is to say legislation.

Today I have the time only to deal with a quintet of public law references on which we are engaged. A summary of current major projects is set out in an Appendix to this paper. This does not include work on implementation of published reports or advisory work, for example work for the Legislation Advisory Committee.

Review of Privacy Values

The privacy reference is one of the largest the Law Commission currently has. It has four parts. Part 1 comprises an overview of privacy values, changes arising from technology, international trends and the implications of all of this for New Zealand. Our work has been very much assisted by the concurrent Australian Law Reform Commission study, although their terms of reference are somewhat narrower, being focused on the Federal Privacy Act. Last September the ALRC published a Discussion Paper in three volumes, called *Review of Australian Privacy Law*.²

We have found this a challenging exercise. First we needed to get to grips with trying to find out what privacy really is. It strikes us as a slippery concept and we have gone

¹ David Feldman (ed) *English Public Law* (Oxford University Press, Oxford, 2004). This book contains 1411 pages of text of which more than 300 concern the criminal law.

² Australian Law Reform Commission *Review of Australian Privacy Law* (DP72 2007).

to some pains to analyse its core elements.³ Last week we published our first volume in this review, a study paper called *Privacy: Concepts and Issues*.⁴ It is unusual in that it makes no recommendations. It was designed to provide a conceptual platform from which we could launch policy recommendations in our later reports.

Stage One: Study Paper

The remorseless advance of technology has changed many features of our civilisation. Indeed privacy as a strong value has only emerged in relatively recent times. It does seem to us to be subject to time, place and culture. It was not really until the last quarter of the 20th century that privacy was articulated as a value recognised by the legal system. That is not to say there were not any privacy protections previously. There were. Often they were basic common law concepts, such as trespass to land.

In the last quarter of the 20th century privacy became an increasingly prominent value. But it wasn't until *Hosking v Runting* was decided by the Court of Appeal in 2004 that we could say the courts were thoroughly involved in matters of privacy.⁵

Our study says there are two kinds of privacy, the first is informational privacy. In this dimension, privacy is protected by rules which prohibit or limit the disclosure or other use of personal information. The second type of privacy is local or spatial. It recognises the personal space of individuals and protects that against intrusion into solitude and seclusion. Hidden cameras are an example of this. Can I be truly free if my conduct is constantly constrained by the knowledge that I may be watched?

³ New Zealand Law Commission *A Conceptual approach to Privacy* (NZLC MP19 2007).

⁴ New Zealand Law Commission *Privacy: Concepts and Issues* (NZLC SP19 2007).

⁵ *Hosking v Runting* [2005] 1 NZLR 1 (CA).

Privacy often clashes with freedom of information as well. And the boundaries need to be sorted out. The Government collects a lot of information about people and much of it is private. Arriving at the correct balance is not a simple task. The Commission has no magic formula to arrive at the right balance, but we know it is a question of balancing.

Obviously the media and privacy are not always natural allies. So it is interesting to note that one of the most interesting sets of case decisions on privacy in New Zealand stems from the Broadcasting Standards Authority privacy cases.⁶

Whether there should be a tort of privacy and what its limits should be is an issue we will be addressing in our third report, but we raise the issues in Stage 1 of our Inquiry without saying what resolution of the issues should be. We recognise the importance of the task of striking the right balance between privacy and freedom of information. The law at the moment is patchy, somewhat uncertain and difficult to predict.

There is a whole range of issues about privacy in the health system as well. The digital information revolution has enabled new ways of collecting and storing health information to ensure that it's available to health professionals when they need it. Computer hardware and software allow health professionals to retrieve information about a patient and to monitor the patient's progress. The Privacy Act 1993 applies to protect the privacy of patients and, under this Act, the Privacy Commissioner issued the

⁶ See New Zealand Broadcasting Standards Authority *Real Media, Real People – Privacy and Informed Consent in Broadcasting* (Dunmore Press Ltd, Wellington, 2004); Michael Stace *Privacy – Interpreting the Broadcasting Standards Authority's Decisions January 1990 to June 1998* (Dunmore Press Ltd, Palmerston North, 1998); S Price *Media Minefield – A Journalist's Guide to Media Regulation in New Zealand* (New Zealand Journalists Training Organisation, 2007, Wellington) chapter 5.

Health Information Privacy Code in 1994. That governs the collection, holding, use and disclosure by health agencies of personal information relating to health.

The Law Commission conducted a health privacy forum to try and understand these issues and found them challenging. There are five key uses of health information and the delivery of health services:

- supporting clinical intervention
- clinical governance
- administration
- strategy and policy development
- research

An important issue is whether the patients have any say or control over how their information will be shared. The new environment of increased electronic information comes about because there is more integrated care between primary and secondary health care screening, and managing chronic illness. Typical issues include such matters as patient privacy and mental health, genetics, medical research and so on. These are delicate, difficult and potentially controversial issues that we will return to in our subsequent report.

Surveillance is another issue that we are compelled to look at. Surveillance implies something more than casual observation. It is purposeful and focused. Stripped to its essentials it is “a watch kept over a person or thing.”

Law enforcement of course relies heavily on surveillance in a variety of forms and in 2007 the Law Commission produced its report on the search and surveillance powers of

law enforcement officers.⁷ This report will shortly be considered by the Government. The report does, however, raise issues that need to be dealt with within our privacy project in terms of what the law should be outside the law enforcement context. There are a range of difficult situations where the law is unclear on surveillance and that cannot be satisfactory.

The current law is something of a patchwork quilt. Yet there are more ways of keeping people under surveillance today than there have ever been. There are now technologies that allow people to see, hear, smell, monitor the presence on and use of property, and intercept communications, which were unimaginable a few years ago.

It is not only the Police who try and use these new technologies, the question is what should the law do to regulate its use by others? For example, it struck the Law Commission as odd that the use of a device for visual surveillance (except for intimate covert visual recordings) is not regulated and no offence committed when this occurs. This seems to be a case where the law is inadequate. The Law Commission's report on search and surveillance powers was careful not to determine what the policy should be for the privacy reference. Now the Commission has to turn to that task.

Our preliminary conclusions as set out in the Study Paper are as follows:

- surveillance raises core privacy issues
- whether surveillance should be regulated by the criminal law and in what respects is a live issue
- whether a tort of privacy should be developed by statute or allowed to develop by common law to protect privacy against surveillance is a live issue

⁷ New Zealand Law Commission *Search and Surveillance Powers* (NZLC R 97 2007).

- there may be scope for the issue to be dealt with by the Privacy Act 1993 and the Privacy Commissioner
- some other means of regulation may also be available

It is impossible to list all the issues that privacy raises. I have only given here a taste of what is contained in a 220 page Study Paper.

Stage 2: Public Registers

The second stage of our privacy review should be available in the latter part of February. This is a final report, it does contain recommendations and it deals with the law relating to public registers in light of the privacy considerations thrown up by developing technology. This turns out to be a fascinating area of law - intricate, wonderful and complex. It all started with the Births, Deaths and Marriages Act in the United Kingdom in 1837, and has evolved from there.

A public register is a list, register or database of information, generally including personal information, to which the public has a statutory right of access. Examples are the electoral rolls, births, deaths and marriages registers, land registers, company registers, local authority rate databases and dog registers, various transport registers and many occupational registers (such as the health practitioners' registers).

There are well over one hundred public registers in New Zealand, quite a number of which are not listed in Schedule 2 of the Privacy Act 1993 as "public registers".

There are many good reasons for public registers to be open to the public, such as tracing fraudulent company directors who might otherwise hide "behind the veil", checking official records for evidence of births, deaths and marriages, locating a qualified plumber. Unfortunately there is the potential for more dubious uses of the

registers, such as tracing people for harassment purposes or even identity crime. Bulk access to register information for commercial purposes is also an oft-voiced concern.

The registers are part of the freedom of information regime, and as such the public interest in open access and free flow of information needs to be balanced against public interests such as privacy, accountability and fair handling of information, especially personal information.

The current regulation of public registers is multi-layered. It is essentially found in the Acts establishing the various registers and the Privacy Act 1993, also in the Domestic Violence Act 1995. The establishing statutes vary greatly, as to access provisions, and in particular, as to the mechanisms for protecting personal information, for example name and address suppression, where there are safety concerns. There does not seem any rhyme or reason for this diversity.

We recommend that public registers are primarily regulated through their establishing statutes. The reform should be implemented by way of a review of all public registers led by a well-resourced and dedicated team and conducted over a year. Our report includes a template to guide the review, a proposed mechanism for protection of personal information if there are shown to be safety concerns (that would apply across all registers), and a means of becoming an authorised user of register information in bulk where a good case has been accepted.

The review would result in recommendations to Cabinet for legislative changes, to be introduced by the same legislative vehicle as other changes to the Privacy Act that may come out of Stage 4 of the Commission's Privacy Review.

Our aim with this report was to analyse the various factors at work and put them into a more rational framework. But it's complex.

Stage 3: Adequacy of current civil and criminal law to deal with invasions of privacy

The third branch of our privacy project will start this year. It deals with the adequacy of New Zealand's civil and criminal law to deal with invasions of privacy. In particular, we will be dealing here with the tort of privacy, but we will also be considering whether we need some criminal law protections in respect of matters such as surveillance that I have discussed earlier in this talk.

Stage 4: Possible amendments to Privacy Act 1993

The fourth stage of the project, which will also start this year, is a review of the Privacy Act 1993 itself, and our recommendations for possible amendments. We are very unlikely to engage in root and branch reform of this statute which meets an important need and, it seems to us, mainly just needs fine tuning.

Presentation of New Zealand Statute Law

In terms of reform of New Zealand's legal infrastructure the presentation of New Zealand statute law is a vitally important project. The Commission published an Issues Paper *Presentation of New Zealand Statute Law* last year, working on the project with the Parliamentary Counsel Office.⁸ The Issues Paper is based on the assumption that citizens should be able to know enough to understand the law that affects them. Indeed it is unfair to require them to obey it otherwise. The Commission argues that this is a fundamental aspect of the rule of law.

⁸ New Zealand Law Commission *Presentation of New Zealand Statute Law* (NZLC IP2 2007).

Our Issues Paper concludes that the accessibility of New Zealand statute law falls well short of the desirable standard, notwithstanding the great new reform resulting from the Public Access to Legislation (PAL) project, where all New Zealand statutes and regulations are available on line and in PDF form.⁹ The Commission believes a lot more still needs to be done. Acts on the same topic are scattered throughout the statute books and can be hard to find. The relationship between them is often not obvious or even clear, and there is no official index to help. Some acts have been in force for so long and amended so often that they are shapeless and confusing to the reader. It's hard to piece all the amendments together.

Old acts are often drafted in a dense and wordy style that everyone, even lawyers, find hard to understand. And these old acts exist side by side with modern acts and modern provisions. So there is a mixture of styles. Furthermore many old acts are deadwood, probably not needed anymore.

The Commission concluded that our statute law as a whole lacks coherence, is untidy and unwieldy and difficult to understand and use. One clear recommendation advanced in the issues paper was that a detailed official subject index would be of great assistance. We are hoping that this can be achieved quickly. We have had a number of helpful submissions on the Issues Paper, which seems to have struck a chord of support. We are clear that New Zealand's historical statutes, some of which are literally dissolving due to the paper upon which they are printed, should be preserved in digital format. We think the reprinting programme of official statutes needs to be organised on a different basis. We also think that there will need to be systematic revision of the

⁹ Refer www.legislation.govt.nz

New Zealand statute book in ways described in Chapter 7 of our Issues Paper. We have also dipped our toe in the water of codification as is done in some United States jurisdictions. And we think there should be a new Legislation Act. The final report of the Commission on this matter will be worth watching. Lawyers in particular, should take notice of this reference because it has big implications for their day to day work.

Tribunals

A third public law project of importance being pursued by the Commission, working with the Ministry of Justice, concerns the law of tribunals in New Zealand. In January this year we published an Issues Paper, *Tribunals in New Zealand*, on the subject.¹⁰

From the Law Commission's point of view it is clear that the system needs overhaul and rationalisation.

In its 2004 report, *Delivering Justice for All: A Vision for New Zealand Courts and Tribunals*, the Commission recommended reforms to our whole court and tribunal system, including the rationalisation of tribunals into a unified framework.¹¹ The new project does not necessarily regard that as the only option and the Issues Paper sets out various options for dealing with the issues. But we are absolutely committed to the view that reform is necessary.

We have concentrated on tribunals that have an adjudicative function and decisions which affect people's rights. The problems here are mainly problems of procedure and process. There is a lot of inconsistency, and the present diversity of procedure cannot be justified by the differences that do exist.

¹⁰ New Zealand Law Commission *Tribunals in New Zealand* (NZLC IP6, 2008).

¹¹ New Zealand Law Commission *Delivering Justice For All: A Vision for New Zealand Courts and Tribunals* (NZLC R85 2004).

Appeals are another subject on which there is no consistency. From some tribunals there is no appeal. From others there are two levels of appeal. There does not seem a great deal of rhyme or reason to this. Another problem is accessibility. People need to know that tribunals exist and how to access them. And they need to know what to expect when they do go before a tribunal. We think that some of the information available to the public about some tribunals at present is inadequate.

There are also issues about independence. Some tribunals are administered by the very same department against whose decision they are hearing an appeal. There are also issues about the appointment, tenure and training of tribunal members.

Perhaps the most important problem however, is a lack of cohesion. Some tribunals have heavy workloads. Others hardly ever sit. There is duplication of effort in the servicing and administration of tribunals, many have much less support than they need. There is no oversight of the system as a whole and no overall leadership.

Public Inquiries

The fourth project of great importance to public law is our review of the law relating to the public inquiries that investigate matters of policy or conduct, or both. This project has been going more than a year and is close to being concluded with a report due to come out in March. We have already published two extensive discussion papers and plan to produce a draft bill with our final report.¹²

¹² New Zealand Law Commission *The Role of Public Inquiries* (NZLC IP 1 2007) and *Public Inquiries* (NZLC IP 5 2007).

This law has not been comprehensively overhauled since the Commissions of Inquiry Act 1908. There has been a great proliferation of different sorts of inquiries in New Zealand since that act was passed because the law has not kept pace with modern life and the need for a legal framework to suit a range of different situations. While inquiries may be established for any combination of purposes, common to all of them is the need to investigate a state of affairs and make recommendations for the future. Thus, they play a vital role in public life and they need to be provided with tools to be effective in their task. There also needs to be protection for those whose actions are being investigated or being inquired into.

The Law Commission identified three broad problems with the existing structure. First, the 1908 Act is antiquated, has been amended a lot and is confusing in some places and produces the perception that there are undesirable constraints on procedures. This has the effect of making Commissions of Inquiry too expensive without necessarily enhancing effectiveness.

Further, Commissions of Inquiry are costly, often they tend to adopt legalistic procedures and then become constrained by a culture that is developed around them. This means that governments are very reluctant to set up inquiries because of the fiscal costs.

As a result, non statutory ministerial inquiries often take place outside any statutory framework. These are preferred because they are often quick and cheap. But they do not have any coercive powers and they cannot sometimes get to the bottom of the matter. Furthermore, they offer no immunities to those taking part.

What is needed is a modern, efficient, fair statutory framework that can encompass a large range and variety of inquiries. So the Law Commission proposes a new Public Inquiries Act which would replace Commissions of Inquiry and incorporate most Ministerial inquiries.

Comprehensive Criminal Procedure Reform and Court Delays

One of the larger projects on the Law Commission's work programme this year is the Criminal Procedure (Simplification) project. The Law Commission is jointly leading and conducting this work with the Ministry of Justice. Other agencies, such as the Parliamentary Counsel Office, New Zealand Police, and the Crown Law Office, are also heavily involved.

The project has two objectives. First, there is a pressing need to address delays in the criminal courts. Secondly, New Zealand's criminal procedure laws are now over half a century old: they need to be updated and simplified.

The Law Commission has issued reports addressing both of these matters in detail:

Simplification of Criminal Procedure Legislation in 2001;¹³ and *Criminal Pre-Trial Processes: Justice Through Efficiency* in 2005.¹⁴ The Criminal Procedure (Simplification) project will implement recommendations from both of these reports.

The *Criminal Pre-Trial Processes* report recommends a complete overhaul of the process for managing criminal cases pre-trial. It concluded that all participants, including both parties, need to take responsibility for expediting the progress of cases. Systemic incentives and sanctions are necessary to ensure that this occurs. At present,

¹³ New Zealand Law Commission *Simplification of Criminal Procedure Legislation* (NZLC SP7 2001)

¹⁴ New Zealand Law Commission *Criminal Pre-Trial Processes: Justice Through Efficiency* (NZLC R 89 2005)

levers of this kind are limited. There are a number of perverse incentives – that is, rewards that result from delay. With the aid of incentives and sanctions, parties can be encouraged to progress their cases out of court, thus saving court and judicial resources, as well as expediting case progress. There is no doubt that the present systemic inefficiencies are not serving the interests of justice. Both the High and District Courts are struggling to manage their workload, reflected in longer case resolution timeframes, and too many charges being stayed because of delay.

The *Simplification of Criminal Procedure* report recommends the repeal of the Summary Proceedings Act 1957. Instead, a comprehensive, plain-language Criminal Procedure Bill was proposed, incorporating criminal procedure provisions from the Crimes Act 1961 and the District Courts Act 1947, as well as the Summary Proceedings Act.

In other words, this new Act will be a Criminal Procedure Code, which will be completely revised and updated. It seems likely that the Act will also need to be supplemented by Rules. At this point, the Criminal Procedure project is primarily a drafting project. As such, it is slightly unusual for the Commission but a great deal of supplementary policy work is also occurring.

Important matters under consideration include whether reform is required of the old Criminal Justice Act provisions relating to suppression orders; what, if anything, should be done about the “middle band” (indictable cases that may be heard in either the District or High Court); and who should take ongoing responsibility for the new Criminal Procedure Rules.

The issues here are fundamental to the daily work of our criminal courts and this is a large project that will take time to bring to fruition. But we believe it offers some light

at the end of the tunnel, for the counsel, court staff, judiciary, defendants and victims who have been grappling with our arcane system for too long.

Other Projects

The Commission has many other important public law projects that I do not have time to go into here. Amongst the most important are the following:

- Review of the Civil List Act 1979
- Review of the Land Transfer Act
- Review of the Law Relating to Private Schools
- Review of Misuse of Drugs Act
- Review of War Pensions

Appendix

LAW COMMISSION MAJOR PROJECTS 2007/08

As at 31 January 2007

(alphabetical order)

Admissibility of Previous Convictions¹⁵

Following a number of high profile trials in relation to alleged criminal offending by Police, the Commission is reviewing existing rules of evidence around admissibility of previous convictions, similar offending and bad character and in particular the extent to which the Court is made aware of the prior convictions of an accused, any other allegation of similar offending by the accused, and any other evidence of the accused's bad character.

Civil List Act 1979

The Civil List Act 1979 has not been reviewed for many years and is out of date in a number of respects. The statute provides for the remuneration for the Governor-General and annuities for former Governor-Generals; remuneration of Ministers, Parliamentary Under-Secretaries, and Members of Parliament; annuities for former Prime Ministers; and authority for appropriation for these purposes. The Act covers a range of different interests and it is desirable for an independent body to conduct any review.

Comprehensive Criminal Procedure¹⁶

This is a collaborative project with the MoJ, PCO and other justice agencies to draft legislation incorporating provisions from the Crimes Act 1961, District Courts Act 1947 and Summary Proceedings Act 1957 in a comprehensive, plain language statute. It is designed to improve the fairness and efficiency of court processes and to reduce delays, and will build on recommendations from related Commission work.

Criminal Defences: Insanity and Infanticide

A review of the defence of insanity will look at the application of the defence in practice, the problems with current formulation and operation of the defence and whether it should be retained. Further work on the partial defence of infanticide will also be included in this review.

Land Transfer Act 1952

The Commission will review the Land Transfer Act with a view to modernising it and updating it. It is not proposed to review the fundamentals of the Torrens system. The review will look at discrete aspects of the current Act and the land transfer system with a view to removing anomalies and recommending improvements. The review follows on from the enactment earlier in 2007 of a new Property Law Act which enacts Commission recommendations set out in the 1994 report *A New Property Law Act* (NZLC R29).

¹⁵ New Zealand Law Commission *Disclosure to Court of Defendants' Previous Convictions, Similar Offending and Bad Character* (NZLC IP4 2007)

¹⁶ New Zealand Law Commission *Simplification of Criminal Procedure Legislation* (NZLC SP7 2001), and *Criminal Pre-trial Processes: Justice through Efficiency* (NZLC R89 2005).

Maximum Penalties: Sentencing Guidelines

In preparation of Sentencing Guidelines, it was recognised that there is a need to review the role, format and structure of maximum penalties. Changes will be recommended to correct existing anomalies and ensure consistency with the purposes and framework of a guideline system. The work will be closely co-ordinated with the Sentencing Establishment Unit (SEU).

Misuse of Drugs Act 1975

The Minister of Health has asked the Commission to review the Misuse of Drugs Act 1975 and the penalties imposed under it. This will include consideration of the way in which the statute should reflect the Government's overall drug policy, its alignment with other cognate statutes, the structure of offences and the effectiveness of the current classification system. The Commission will work with officials from the Ministries of Health and Justice on this review.

Part 8 of Crimes Act

This is a review of the offences of assault and injury to the person in Part 8 of the Crimes Act 1961, covering the overall scheme of the Act's provisions and whether a more coherent scheme can be devised; the elements and scope of individual offences; the relationship between offences; and maximum penalty levels and relativities

Prerogative Writs

The purpose of this project is to simplify the expression and content of the law of judicial review as contained in the Judicature Amendment Act 1972 and Part 7 of the High Court Rules. The focus is procedural, not to examine the grounds of judicial review or work towards a statutory restatement of the circumstances in which the Court may exercise its supervisory role.

Presentation of New Zealand Statute Law¹⁷

The Commission, in conjunction with the Parliamentary Counsel Office, will investigate and recommend methods of making New Zealand Statute Law more accessible and user-friendly by the introduction of a more systematic method of classifying and/or indexing Acts of Parliament. There are 1102 public acts of Parliament on the books in New Zealand yet much of this law can neither be accessed nor understood by ordinary people.

The project will also review the Statutes Drafting and Compilation Act 1920, the governing statute for the Parliamentary Counsel Office, as part of its wider assessment of New Zealand statute law.

Privacy

There are 4 distinct mini-projects in this large project:

Project 1 – overview of privacy values, changes arising from technology, international trends and the implications for NZ.¹⁸

Project 2 – the law relating to public registers in light of privacy considerations and emerging technology.

Project 3 - adequacy of New Zealand's civil and criminal law to deal with invasions of privacy.

Project 4 – possible changes to Privacy Act 1993.

¹⁷ New Zealand Law Commission *Presentation of New Zealand Statute Law* (NZLC IP2 2007).

¹⁸ New Zealand Law Commission *Privacy: Concepts and Issues* (NZLC SP19 2007).

Private School Legal Frameworks

This review will consider issues around:

- safeguarding educational standards in private schools because the registration criteria in s35A Education Act 1989 is limited to the school's "efficiency", without ability to decline registration if previous conduct makes it inappropriate, or to impose sanctions;
- legislative provision to cover registration of private correspondence schools as currently any application for this type of school must be declined regardless of academic merit.

Public Inquiries¹⁹

This projects will review the law relating to public inquiries including Royal Commissions and other commissions under the Commissions of Inquiry Act 1908, Ministerial inquiries, ad hoc inquiries under specific statutes, and departmental inquiries. The legislation governing inquiries is very dated and the proposed outcome of the project is new legislation that meets society's contemporary needs, reflects its diverse values and provides effective constitutional arrangements for the conduct of public inquiries.

Public Safety and Security

The Law Commission has been asked to consider and report on whether existing legislation, including the Crimes Act 1962 and the Arms Act 1983, should be amended to cover the conduct of individuals that create risk to or public concern about the preservation of public safety and security. The Commission will make recommendations on any changes to the law that may be necessary or desirable. The Law Commission is required to take into account the need to ensure an appropriate balance between the preservation of public safety and security and the maintenance of individual rights and freedoms.

Unified Tribunals Framework²⁰

The Commission is working jointly with the Ministry of Justice, to identify the issues involved in establishing a unified tribunal structure, including the operational implications of the incremental inclusion of tribunals in the new structure.

New Zealand has a proliferation of tribunals. The project will identify (and develop) the objectives and values of tribunals and a system of tribunals. This work will provide the conceptual framework for an analysis of the existing system of tribunals, and the later assessment of the options for reform. The purpose of the project is to provide a more accessible, simple and structured tribunal system that demonstrates coherent and consistent administrative law values.

War Pensions Act 1954

The War Pensions Act review will look at the language and scheme of the Act to update and modernise it. It will focus on the administration and operation of the WPA with a view to streamlining some of the processes and management of pensions.

¹⁹ New Zealand Law Commission *The Role of Public Inquiries* (NZLC IP 1 2007) and *Public Inquiries* (NZLC IP 5 2007).

²⁰ New Zealand Law Commission *Tribunals in New Zealand* (NZLC IP6, 2008).