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# BILLS DIGEST

Digest No. 1725

## Inquiries Bill 2008 (2009 No 283-2)

<b>Date of Introduction:</b>	29 September 2008
<b>Portfolio:</b>	Internal Affairs
<b>Select Committee:</b>	Government Administration
<b>Date report presented:</b>	20 November 2009
<b>Published: 07 December 2009</b>  Prepared by <b>John McSoriley</b> BA LL.B, Barrister  Legislative Analyst  P: (04) 471-9626 (Ext. 9626)  F: (04) 471-1250	Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status.  Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

## Purpose

The aim of this Bill is to reform and modernise the law relating to inquiries, by:

- providing for the establishment of both public and government inquiries to inquire into matters of public importance;
- recognising and providing for Royal commissions appointed under the Royal prerogative;
- enabling public inquiries, government inquiries, and Royal commissions to be carried out effectively, efficiently and fairly<sup>1</sup>.

The Bill as introduced is described in [Bills Digest No 1678](#).

<sup>1</sup> Inquiries Bill, 2008 No 283-1, Explanatory note, General policy statement, pp. 1 and 2.

## Main changes to the Bill

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### Power to impose restrictions on access to inquiry

The Bill as introduced provided a power for an inquiry to make orders to forbid the publication of "... the name of any witness or any name or particulars likely to lead to the identification of a witness".

The Select Committee has recommended that this provision be broadened to apply also to persons "... participating in the inquiry (other than counsel)". The immunities and privileges of witnesses are also extended to these "other persons" (*Part 3, Clause 15(1), substituting paragraph (iii); Clause 28, amending subclause (1)*).

### Appeals on costs

The Bill as introduced provided that an inquiry may award costs which are enforceable as a judgement of whichever court the award of costs is filed in.

The Select Committee has recommended that an appeal against an order awarding costs may be made to the High Court on a question of fact or law and that the decision of the High Court on the appeal is final (*Part 4, Clause 29, inserting new subclauses (5) and (6)*).

### Official Information Act 1982

The Bill as introduced provided that the evidence or submissions presented to an inquiry whose publication is forbidden by the inquiry (under Clause 15(1)(a)) are not official information for the purposes of the Official Information Act 1982 (and therefore are exempt from that Act).

The Select Committee has recommended that this provision should apply to all matters whose publication may be forbidden by the inquiry under that provision. These matters are:

- "the whole or any part of any evidence or submissions presented to the inquiry (*Clause 15(a)(i)*);
- "any report or account of the evidence or submissions" (*Clause 15(a)(ii)*);
- "the name or other particulars likely to lead to the identification of a witness or other person participating in the inquiry (other than counsel)" (*Clause 15(a)(iii)*);
- "any rulings of the inquiry" (*Clause 15(a)(iii)*); (*Part 4, Subpart 2, Clause 33, amending subclause (2)(a); cf. Part 3, Clause 15(1)(a)(i)-(iv)*).

### Public Records Act 1982

The Select Committee has recommended that in relation to the Public Records Act 2005, the Bill be amended "... to reflect the process that applies to the transfer of records" under that Act and has also recommended other amendments (*Part 4, Subpart 2, substituting Clause 34*).

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