

**Reprint  
as at 26 August 2020**

**Commissions of Inquiry Act 1908**

Public Act      1908 No 25  
Date of assent    4 August 1908

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Department of Internal Affairs.**

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**An Act to consolidate certain enactments of the General Assembly relating to commissions of inquiry appointed by the Governor in Council or by the Governor**

**1 Short Title and savings**

- (1) The Short Title of this Act is the Commissions of Inquiry Act 1908.
- (2) This Act is a consolidation of the enactments mentioned in the Schedule, and with respect to those enactments the following provisions shall apply:
  - (a) all Commissions, appointments, rules, Orders in Council, orders, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:
  - (b) all matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

**1A Interpretation**

In this Act, unless the context otherwise requires, **document** means a document in any form, whether signed or initialled or otherwise authenticated by its maker or not; and includes—

- (a) any writing on any material:
- (b) any information recorded or stored by means of any tape-recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:

- (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
- (d) any book, map, plan, graph, or drawing:
- (e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced.

Section 1A: inserted, on 4 July 1980, by section 2 of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

## **2 Appointment of Commissions of Inquiry**

*[Repealed]*

Section 2: repealed, on 27 August 2013, by section 37 of the Inquiries Act 2013 (2013 No 60).

## **2A Application of this Act and relationship to Inquiries Act 2013**

This Act applies to—

- (a) any entity that is or may be established under an enactment that is, or that (with or without modification) corresponds to or replaces, an enactment enacted before the commencement of the Inquiries Act 2013 (including those listed in Schedule 1 of that Act), and that derives powers from this Act; and
- (b) any commission of inquiry or Royal commission appointed under this Act that has not completed its functions and obligations before the commencement of the Inquiries Act 2013.

Section 2A: inserted, on 27 August 2013, by section 39 of the Inquiries Act 2013 (2013 No 60).

Section 2A(a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

## **3 Members of Commissions protected**

So long as any member of any such Commission acts *bona fide* in the discharge of his or her duties, no action shall lie against him or her for anything he or she may report or say in the course of the inquiry.

Compare: 1903 No 20 s 3

## **4 Commissioners' powers**

- (1) For the purposes of the inquiry, every such Commission shall have the powers of the District Court, in the exercise of its civil jurisdiction, in respect of citing parties, and conducting and maintaining order at the inquiry.
- (2) *[Repealed]*

Section 4: replaced, on 13 December 1968, by section 2(1) of the Commissions of Inquiry Amendment Act 1968 (1968 No 73).

Section 4(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 4(1): amended, on 4 July 1980, by section 3(1) of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

Section 4(2): repealed, on 4 July 1980, by section 3(2) of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

#### **4A Persons entitled to be heard**

- (1) Any person shall, if he or she is a party to the inquiry or satisfies the Commission that he or she has an interest in the inquiry apart from any interest in common with the public, be entitled to appear and be heard at the inquiry.
- (2) Any person who satisfies the Commission that any evidence given before it may adversely affect his or her interests shall be given an opportunity during the inquiry to be heard in respect of the matter to which the evidence relates.
- (3) Every person entitled, or given an opportunity, to be heard under this section may appear in person or by his or her counsel or agent.

Section 4A: replaced, on 4 July 1980, by section 4 of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

#### **4B Evidence**

- (1) The Commission may receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectively with the subject of the inquiry, whether or not it would be admissible in a Court of law.
- (2) The Commission may take evidence on oath, and for that purpose a member or officer of the Commission may administer an oath.
- (3) The Commission may permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Commission thinks fit, verifying it by oath.

Section 4B: inserted, on 4 July 1980, by section 4 of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

#### **4C Powers of investigation**

- (1) For the purposes of the inquiry the Commission or any person authorised by it in writing to do so may—
  - (a) inspect and examine any papers, documents, records, or things:
  - (b) require any person to produce for examination any papers, documents, records, or things in that person's possession or under that person's control, and to allow copies of or extracts from any such papers, documents, or records to be made:
  - (c) require any person to furnish, in a form approved by or acceptable to the Commission, any information or particulars that may be required by it, and any copies of or extracts from any such papers, documents, or records as aforesaid.

- (2) The Commission may, if it thinks fit, require that any written information or particulars or any copies or extracts furnished under this section shall be verified by statutory declaration or otherwise as the Commission may require.
- (3) For the purposes of the inquiry the Commission may of its own motion, or on application, order that any information or particulars, or a copy of the whole or any part of any paper, document, or record, furnished or produced to it be supplied to any person appearing before the Commission, and in the order impose such terms and conditions as it thinks fit in respect of such supply and of the use that is to be made of the information, particulars, or copy.
- (4) Every person shall have the same privileges in relation to the giving of information to the Commission, the answering of questions put by the Commission, and the production of papers, documents, records, and things to the Commission as witnesses have in Courts of law.

Section 4C: inserted, on 4 July 1980, by section 4 of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

#### **4D Power to summon witnesses**

- (1) For the purposes of the inquiry the Commission may of its own motion, or on application, issue in writing a summons requiring any person to attend at the time and place specified in the summons and to give evidence, and to produce any papers, documents, records, or things in that person's possession or under that person's control that are relevant to the subject of the inquiry.
- (2) For the purposes of this Act, the power to issue summonses or to do any other act preliminary or incidental to the hearing of any matter by the Commission, may be exercised by the Commission or its Chairman, or by an officer of the Commission purporting to act by direction or with the authority of the Commission or its Chairman.

Section 4D: inserted, on 4 July 1980, by section 4 of the Commissions of Inquiry Amendment Act 1980 (1980 No 2).

### **5 Service of summons**

- (1) A summons to a witness may be served—
  - (a) by delivering it to the person summoned; or
  - (b) by posting it by registered letter addressed to the person summoned at that person's usual place of abode.
- (2) The summons shall—
  - (a) where it is served under subsection (1)(a), be served at least 24 hours before the attendance of the witness is required;
  - (b) where it is served under subsection (1)(b), be served at least 10 days before the date on which the attendance of the witness is required.