

INTRODUCTION COPY

Hon. W. F. Birch

IMMIGRATION (PUBLIC INQUIRY)

ANALYSIS

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A BILL INTITULED

5 **An Act to establish a Commission of Inquiry to inquire into and report upon immigration procedures and allegations of impropriety in relation to those procedures, and to make such recommendations as it thinks fit**

10 WHEREAS serious allegations of improper conduct have been made against officers of the New Zealand Immigration Service: And whereas allegations of serious impropriety have been made against immigration consultants operating in New Zealand and overseas: And whereas close personal relationships are known to exist between senior Ministers and former Ministers and those accused of such impropriety: And whereas public confidence in immigration procedures can only be restored by the holding of a full and impartial Commission of Inquiry:

15 **BE IT THEREFORE ENACTED** by the Parliament of New Zealand as follows:

20 **1. Short Title**—This Act may be cited as the Immigration (Public Inquiry) Act 1990.

2. Interpretation—For the purposes of this Act, unless the context otherwise requires, the term “Commission” means the

Commission of Inquiry into Misconduct in Immigration Matters as established under **section 3** of this Act.

3. Establishment of Commission—(1) There shall be established a Commission of Inquiry into Misconduct in Immigration Matters to conduct an inquiry within the terms of reference specified in **section 5** of this Act. 5

(2) The Commission shall consist of 5 persons appointed by His Excellency the Governor-General, and shall include:

- (a) A Judge of the High Court of New Zealand who shall be Chairperson: 10
- (b) One member to be nominated by the Minister of Immigration:
- (c) One member to be nominated by the Leader of the Opposition:
- (d) A representative of the New Zealand Immigration Service: 15
- (e) A representative of private sector immigration consultants.

4. Commissions of Inquiry Act 1908 to apply—Subject to the provisions of this Act and without limiting the powers of the Commission, the provisions of the Commissions of Inquiry Act 1908 shall, as far as they are applicable and with the necessary modifications, apply as if the Commission were a Commission of Inquiry appointed under that Act. 20

5. Terms of reference—The Commission shall receive representations upon, inquire into, investigate and report upon the following matters: 25

- (a) Allegations of impropriety or misconduct made against officers of the New Zealand Immigration Service; and
- (b) Allegations of impropriety or misconduct against immigration consultants, and the appropriate basis for accrediting such consultants; and 30
- (c) Allegations that improper actions have been taken by any Minister or any improper relationships exist between any Minister and any person or persons found to have committed an offence under the Immigration Act 1987; and 35
- (d) Allegations of impropriety relating to the business immigration programme, in particular, allegations of funds being borrowed to meet the capital requirement criteria of the programme and of instances of investment obligations not being fulfilled following the granting of citizenship; and 40

- (e) Allegations of preferred immigration treatment being offered to migrants in return for becoming members of the Labour Party; and
- 5 (f) Allegations of bogus job offers being made to migrants, of sponsorships being sold, of migrants working illegally, and of migrant workers being exploited by employers; and
- 10 (g) Any other matter relating to immigration in New Zealand that the Commission may see fit to inquire into, investigate and report upon.

6. Powers and operation of Commission—(1) The Commission shall make and conduct any inquiry within its terms of reference, at such times and places as it considers expedient, with power to adjourn from time to time and from
15 place to place as it thinks fit.

(2) The Commission shall not at any time publish or otherwise disclose, save to His Excellency the Governor-General, in pursuance of this inquiry or by His Excellency's direction, the contents of any report made by the Commission,
20 or any evidence or information obtained by the Commission in the exercise of its powers conferred upon that body by this Act, except such evidence or information as it received in the course of a sitting open to the public.

(3) The powers of the Commission shall be exercisable notwithstanding the absence at any time of any one or two of
25 the members appointed so long as the Chairperson or a member deputed by the Chairperson to act in his or her stead, and at least two other members, are present and concur in the exercise of those powers.

7. Report of Commission—The Commission shall report
30 to His Excellency the Governor-General not later than the 31st day of August 1990 its findings and opinions, together with such recommendations as it thinks fit to make.