

Mr Braybrooke

VIETNAM WAR VETERANS' HEALTH (COMMISSION OF INQUIRY)

ANALYSIS

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A BILL INTITULED

5 **An Act to establish a Commission of Inquiry to investigate the extent of damage that may have been caused to the health of New Zealand servicemen by the use of herbicides and other chemicals during the Vietnam War**

10 WHEREAS there is evidence that dioxin and phenoxy herbicides used in defoliants may have damaged the health of other nations' military personnel engaged in the Vietnam War: And whereas it should be ascertained whether similar damage to health has been inflicted on New Zealand service personnel who served in that theatre of war: And whereas this can best be done by establishing a Commission of Inquiry:

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

1. Short Title and commencement—(1) This Act may be cited as the Vietnam War Veterans' Health (Commission of Inquiry) Act 1990.

20 (2) This Act shall come into force on the day on which it receives the Royal assent.

2. Interpretation—In this Act, unless the context otherwise requires,—

No. 33—1

*Price
incl. GST \$2.20*

2 *Vietnam War Veterans' Health (Commission of Inquiry)*

“Commission” means the Commission of Inquiry established under **section 3** of this Act:

“Service” has the meaning ascribed to it by section 2 of the Defence Act 1990:

“Vietnam War” means that military campaign in which New Zealand Service personnel were engaged in the period 1965–1972 in that area formerly known as South Vietnam: 5

“Vietnam War veteran” means a member of the New Zealand Services who was engaged in the Vietnam War. 10

3. Commission of Inquiry established—There is hereby established a Commission of Inquiry to inquire into and report to the Governor-General on the following matters:

- (a) The effect of dioxin and phenoxy herbicides or any other chemicals used in the Vietnam War on the health of Vietnam War veterans: 15
- (b) Such measures as may be appropriate to ameliorate any deleterious effects on the health of Vietnam War veterans from the use of such herbicides or other chemicals, and, in particular, what amounts of compensation (if any) should be paid to Vietnam War veterans by way of pension or lump sum payment. 20

4. Membership of Commission—The Commission shall consist of the following members, who shall be appointed by the Governor-General: 25

- (a) One person to be appointed on the nomination of the Minister in Charge of War Pensions, the person so appointed to be Chairperson of the Commission: 30
- (b) One person (being a resident of New Zealand) to be appointed on the nomination of the International Independent Agent Orange Network: 30
- (c) An officer of the Department of Scientific and Industrial Research, to be appointed on the nomination of the Director-General of Scientific and Industrial Research: 35
- (d) One person to be appointed on the nomination of the New Zealand Medical Association:
- (e) An officer of the Department of Health, to be appointed on the nomination of the Director-General of Health:
- (f) One person having overseas experience in the effects of chemical warfare on servicemen's health, to be appointed on the nomination of the Minister of Health: 40

- (g) An officer of the Ministry of Defence, to be appointed on the nomination of the Secretary of Defence after consultation with the Chief of Defence Force.

5 **5. Report by Commission**—(1) The Commission shall report to the Governor-General its findings and opinions on the matters specified in **section 3** of this Act, together with such recommendations as the Commission thinks fit to make in respect of those matters, by the expiration of one year from the day on which this Act comes into force.

10 (2) Subject to **subsection (1)** of this section, the Commission may report its proceedings and findings from time to time to the Governor-General if the Commission judges it expedient to do so.

15 (3) The Commission shall not disclose the contents or purport of any report by the Commission to the Governor-General, nor any evidence or information obtained by the Commission except such evidence or information as the Commission receives in the course of a sitting open to the public.

20 (4) A copy of the report or (as the case may be) the final report of the Commission shall be tabled in the House of Representatives by the appropriate Minister not later than 12 sitting days after receipt of the report by the Governor-General.

25 **6. Proceedings of Commission**—(1) Subject to this Act, the Commission may make and conduct any inquiry in such manner and at such time and place within New Zealand as it thinks fit.

(2) The Commission may adjourn from time to time or place to place, and resume any inquiry whether or not so adjourned.

30 (3) The powers of the Commission shall not be affected by any vacancy arising in the Commission, nor by the absence at any time of any member of the Commission.

35 **7. Power to award costs**—Notwithstanding the Commissions of Inquiry Scale of Costs Rules 1903 (as published in *Gazette*, 1904, Volume I, at page 491), the Commission may order such sum as costs to be paid by any of the parties to the inquiry as in its opinion the Commission considers appropriate.

40 **8. Commissions of Inquiry Act 1908 to apply**—Subject to the provisions of this Act, the provisions of the Commissions of Inquiry Act 1908 shall, as far as they are applicable and with the necessary modification, apply as if the Commission were a Commission of Inquiry appointed under that Act.