

Imported Used Cars (Commission of Inquiry) Bill

Member's Bill

Explanatory note

This bill provides for the establishment of a Commission of Inquiry to inquire into matters relating to the importation of used cars from Japan and the alleged fraud perpetrated in this trade.

Clause by clause analysis

Clause 1 relates to the Title.

Clause 2 provides for the bill to come into force the day after the date on which it receives the Royal assent.

Clause 3 contains a definition of Commission.

Clause 4 establishes the Commission of Inquiry and sets out its terms of reference.

Clause 5 provides for the membership of the Commission.

Clause 6 requires the Commission to report to the Governor-General by 1 March 2001 and for that report to be presented to Parliament not later than 6 sitting days after its receipt by the Governor-General.

Clause 7 relates to the conduct of the proceedings of the Commission.

Clause 8 empowers the Commission to pay costs incurred during the inquiry.

Clause 9 applies the Commissions of Inquiry Act 1908 to the Commission.

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Contents

1	Title	6	Report by Commission
2	Commencement	7	Proceedings of Commission
3	Interpretation	8	Power to award costs
4	Commission of Inquiry established	9	Commissions of Inquiry Act 1908 to apply
5	Role of members and officials in Commission		

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Imported Used Cars (Commission of Inquiry) Act **2000**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

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3 Interpretation

In this Act, unless the context otherwise requires,—

Commission means the Commission of Inquiry established under **section 4**.
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4 Commission of Inquiry established

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

- (a) the safety standards applicable to used cars imported from Japan;
- (b) the commercial arrangements relating to the importation of used cars from Japan;
- (c) the instances of used cars not showing genuine mileage;
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- (d) the protections in place for customers of imported used cars;
- (e) the procedures put in place by the New Zealand Customs Service to detect altered mileage of imported used cars;
- (f) the role of Ministers, officials, and public servants in the matters referred to in **paragraphs (a) to (e)** since large-scale imports of used cars began;
- (g) the procedures involved in waivers of forfeiture on used cars detected to have or suspected of having fraudulent odometer readings and subsequently held by the New Zealand Customs Service.
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- 5 Role of members and officials in Commission**
- The Commission consists of the following members:
- (a) a retired Judge of the High Court of New Zealand to be appointed on the nomination of the Minister of Justice, the person so appointed to be the chairperson;
- (b) the General Secretary of the Automobile Association (Incorporated) or a person to be appointed on the nomination of that Association;
- (c) one person to be appointed on the nomination of the New Zealand Car Safety Trust.
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- 6 Report by Commission**
- (1) The commission must report to the Governor-General on its findings and opinions on the matters specified in **section 4**, together with such recommendations as the Commission thinks fit to make in respect of those matters, by 1 March 2001.
- (2) 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.
- (3) The Commission must 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.
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- (4) A copy of the report or (as the case may be) the final report of the Commission must be presented to the House of Representatives by the Minister of Consumer Affairs not later than 6 sitting days after receipt of the report by the Governor-General.

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7 Proceedings of Commission

- (1) The Commission may make and conduct any inquiry in such manner and at such time and place within New Zealand or overseas 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.
- (3) The powers of the Commission are not affected by any vacancy arising in the Commission, nor by the absence at any time of any member of the Commission.

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8 Power to award costs

Despite the Commissions of Inquiry Scale of Costs Rules 1903 (*Gazette*, 1904, Volume 1, p 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.

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9 Commissions of Inquiry Act 1908 to apply

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

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