First Session, Forty-ninth Parliament, 2008-10

Parliamentary Debates

(HANSARD)

Thursday, 21 October 2010

(Week 57, Volume 667)

WELLINGTON, NEW ZEALAND
Published under the authority of the House of Representatives—2010

THURSDAY, 21 OCTOBER 2010

TABLE OF CONTENTS

THURSDAY, 21 OCTOBER 2010

Mr Speaker took the Chair at 2 p.m.
Prayers.

BUSINESS STATEMENT

Hon JOHN CARTER (Minister of Civil Defence) on behalf of the **Leader of the House**: When the House resumes next week the Government will look to progress the Rugby World Cup 2011 (Empowering) Bill, the Governor-General Bill, and other Treaty settlement legislation.

Hon DARREN HUGHES (Senior Whip—Labour): Regarding the intention of the Government to pursue the Rugby World Cup 2011 (Empowering) Bill, I wonder whether the acting Leader of the House could tell us whether the Government has had a chance to consider the amendments promoted by Mr Mallard to temper some of the sweeping powers available to the Minister for the Rugby World Cup under that legislation, to ensure that the bill can return to being a bipartisan bill, which it has been up until this point. I know that Mr Mallard put those amendments on the Table, and if the Committee stage will take place next week that information would assist the Opposition in its planning as to whether it can cooperate with the Government on that measure.

Hon JOHN CARTER (Minister of Civil Defence): on behalf of the **Leader of the House**: I am afraid I do not know the answer to that. However, the Government is taking these matters seriously. I will find out and see whether I can have the member informed about that.

QUESTIONS FOR ORAL ANSWER

QUESTIONS TO MINISTERS

Infrastructure—Insurance Against Future Shocks

1. Dr RUSSEL NORMAN (Co-Leader—Green) to the **Minister of Finance**: Does he stand by his statement that "it's essential that we reduce New Zealand's vulnerability to future shocks because, as we've seen with the current recession, economic conditions can change extremely quickly"; and, if so, is he confident that all his infrastructure investments reduce our vulnerability to future shocks?

Hon BILL ENGLISH (Minister of Finance): Yes. The Government is investing billions of dollars into strengthening the national electricity grid, setting out to roll broadband out across the country, plus putting very heavy investments into roading and rail. These will both increase the resilience of our economy and underpin stronger growth in the future.

Dr Russel Norman: How will the $11 billion that his Government is spending on new high-cost motorways do anything to reduce the vulnerability of our economy to oil price shocks?

Hon BILL ENGLISH: The investment in roads is freeing up congestion and lifting our export productivity. If oil prices rise, then I am sure that people will make their choices about whether to travel more or less, or whether to change their mode of transport. It is our guess that even if oil prices rise, most people still will want to travel by private car.

Jo Goodhew: What are some of the economic benefits of the Government's programme of infrastructure investment?

Hon BILL ENGLISH: In the long run it will improve the quality of our infrastructure, consistent with a growing economy, and help to lift New Zealand's

productivity. In the short term our infrastructure investment is supporting the economy. Eighty percent of the major construction jobs—that is, jobs worth over $5 million—are being funded by the Government, according to Pacifecon's recent survey of activity, and over half of all non-residential building consents are for Government-related work, which is the highest percentage in 20 years. So the infrastructure investment is also underpinning thousands of jobs.

Dr Russel Norman: When he says it is his "guess" that people will change their behaviour in certain ways during an oil price shock, has the Government done any studies or conducted any research into what the actual impact of an oil price shock would be on transport decision-making?

Hon BILL ENGLISH: I could go and check whether the Government has done that—perhaps the previous Government may well have done, because there was an oil price spike a few years ago. But we can see that the whole transport industry has been thinking that through. For instance, one effect might be an even faster move towards much more fuel-efficient cars or a switch to electricity. Those cars would still require roads to be driven on.

Te Ururoa Flavell: Tēnā koe, Mr Speaker. Kia ora tātou. Does he agree that the country's current measurement of economic progress, GDP, is highly susceptible to these economic shocks, and what will he do to progress the implementation of the genuine progress index, which, as a more holistic measure of economic progress, would be less susceptible to economic shocks?

Hon BILL ENGLISH: The Government accepts that GDP is not a total measure of welfare or even of those things that are desirable for the Government to achieve. That is one reason why, for instance, the Government is now publishing immunisation rates in the newspaper every quarter, to demonstrate to the public the progress that we are making on immunising children. It is also a reason why the Government is introducing national standards as a measure of literacy and numeracy. They are the basic requirements for competent citizenship.

Dr Russel Norman: In reference to the work that the Government may or may not have done on the impact of oil price shocks, can he confirm that oil price shocks have not been considered in any of the business cases for the roads of national significance?

Hon BILL ENGLISH: I simply cannot answer that question, but I would be willing to go and find out.

Dr Russel Norman: In light of the fact that oil price shocks have not been considered in any of the business cases, does he accept that an oil price shock would reduce the benefits in the business cases for building those motorways and would also increase the construction costs—so an oil price shock would change the benefit to cost ratio by reducing the benefits and increasing the costs?

Hon BILL ENGLISH: In some respects, it is fairly obvious that if the prices were different, the business case would look a bit different. But the lesson from past surges in oil prices is that although people may change to more efficient cars or different types of fuel, the private car is likely to remain a vastly dominant form of transport, no matter how much we spend on railways. If the dominant form is not cars, then it is buses, and they still need roads.

Dr Russel Norman: Does he agree that there are opportunity costs in spending $11 billion on new motorway projects, in that he will have less money available to invest in projects that would give New Zealanders real options, such as better buses and trains, walking, and cycling?

Hon BILL ENGLISH: Well, there are always opportunity costs in making a particular investment, but the investment in roads assists with what is actually a more efficient mode of public transport than rail, and that is buses. They need basically the

same system as cars. The member may be interested to look in detail at some of the cost-benefit analysis on rail, because although he thinks that roads are vulnerable to oil shocks, most rail investment cases do not stack up without a very large public-good element to cover the big difference between the costs and the benefits.

Dr Russel Norman: In the light of an oil price shock, does he think that the benefit-cost ratio would look better for a new motorway project or a new rail project, and hence, that if he included oil price shocks in the studies of the benefit to cost for these two projects, actually rail would look much better, in the case of an oil price shock, than new motorways?

Hon BILL ENGLISH: I have not personally done those calculations, but my guess is that we would need to have a very high oil price to make the cost-benefit ratio on rail look better. If the oil price was high, we would have to presume most people would shift to rail, but even if the volumes on rail doubled or trebled, the economics of it are still very marginal.

Economy—Minister's Statement

2. Hon ANNETTE KING (Deputy Leader—Labour) to the **Minister of Finance**: Does he stand by his statement on 18 December 2008, a month after the general election, that "I want to stress that New Zealand starts from a reasonable position in dealing with the uncertainty of our economic outlook"?

Hon BILL ENGLISH (Minister of Finance): In respect of the relative level of public debt at the time, yes, I do. But that was really the only economic indicator that was positive. The Government had at the time produced a Budget forecasting rising unemployment, inflation over 5 percent, a decade of deficits, and private debt in New Zealand out of control, as well as a housing bubble and a failing export sector.

Hon Annette King: What did he mean when he also said on 18 December 2008, after the election and after the global financial crisis had hit, that "In New Zealand we have room to respond. This is the rainy day the Government has been saving up for."; and did it relate to the previous Government paying off debt, even when criticised by him for doing so?

Hon BILL ENGLISH: What I meant was exactly what the statement referred to, and that is that at the time Government debt was relatively low, although I might say that the Government did not actually pay off debt. The economy grew and, relative to the economy, the debt stayed flat. I point out to the member that a headline at the time stated: "Treasury books a sea of red ink". That was after the Government's Budget. Another headline stated: "Economic update shows growth in all the wrong places". [*Interruption*] If Labour does not understand what a mess it left the economy in, then it does not understand the economy.

Hon Annette King: I raise a point of order, Mr Speaker. My question was very straight. The answer did not require the nastiness at the end of it about the previous Labour Government.

Mr SPEAKER: I listened very carefully to the question, and I listened very carefully to the answer. The member's colleagues interjected very robustly on what the Minister was saying. The Minister was giving a very reasoned answer to the member's question, and the member's colleagues gave a barrage of interjections. The Minister picked up on those interjections and responded, and he is at liberty to do that. I cannot insist that the Minister behave in an exemplary fashion if the member's own colleagues let fly a barrage of interjections. It has to work fairly on both sides.

Hon Annette King: Was the Governor of the Reserve Bank, Alan Bollard, correct when he said in 2008 that New Zealand has "enjoyed a decade of growth, the longest period of economic growth since post - World War II era. Inflation has been low,

averaging 2.2 percent since 1998."; if not, why does he believe that Dr Bollard is correct now when he says that inflation would be around 2 percent in 2012-13?

Hon BILL ENGLISH: I disagree with the Governor of the Reserve Bank's assessment of the economy at that time. In fact, inflation was over 5 percent—that is a matter of fact—the Government's books were heading into the red, the export sector had been shrinking for 5 years, Government spending was out of control, and unemployment was heading up. And that was before the global financial crisis.

Amy Adams: What reports has he seen about the state of the economy in late 2008?

Hon BILL ENGLISH: I have seen this one from the *Press* from 7 October 2008. Under the headline: "Grim numbers" it talks about a cash deficit of $5.9 billion that financial year, and $30 billion over 4 years; house prices down by 11 percent by March, the consumer price index at 4.5 percent; debt ballooning to 24.5 percent of GDP by 2012; tax revenues down $3.1 billion; and the current account deficit at $14.5 billion—which was pretty much close to a record. That is what was said at the time. Treasury books were a sea of red ink—grim numbers.

Hon Annette King: Was the Governor of the Reserve Bank correct when he said: "The international financial crisis actually played little role in the early part of New Zealand's economic recession. Rather, it was drought, falling house prices and higher petrol prices that dragged New Zealand GDP growth negative over the first three quarters of 2008.", and has he put in place policies to control drought, higher petrol prices, and falling house prices; if not, why not?

Hon BILL ENGLISH: The Government has put in place policies to ensure that this economy is more resilient and will grow more strongly. That means avoiding the excesses that occurred in this economy from 2005 onwards, when bad policy and mismanagement by the Labour Government meant that our export sector shrank to the point where there were no more jobs in it in 2010 than there were in 2000. That was a disgrace.

Hon Annette King: Was the International Monetary Fund correct when it stated soon after the election of 2008 that "New Zealand is in a better position than most advanced countries to face the global storm, given its sound macroeconomic policies, including a flexible exchange rate, low level of public debt, flexible labour markets, and a healthy banking sector."; if so, what has the Government done in the last 18 months to turn our economy into such a mess?

Hon BILL ENGLISH: If the member is quoting the International Monetary Fund on those sound macro policies, why is the Labour Party now adopting policies designed to destroy all those sound settings? The Labour Party cannot have it both ways. The fact is that this economy was in recession from the beginning of 2008, it was left in a mess by the previous Government, and we are turning it round.

Hon Sir Roger Douglas: Was the Minister, in making his statement on 18 December 2008, concerned at the huge surge in public spending, from 29 percent of GDP to 34.7 percent of GDP, that occurred between 2004 and 2008 as the Labour Government abandoned all fiscal restraint; if so, what measures are being taken to wind back spending?

Hon BILL ENGLISH: Yes, we were concerned about that. The primary action the Government has taken is that it has reprioritised $4 billion of that spending from the excessive back-office bureaucracy to effective front-line services, and it has put in place an annual limit of $1.1 billion of new spending. That is bringing much more fiscal discipline and much better stewardship of taxpayers' money to the Government sector.

Hon Annette King: Was the International Monetary Fund correct when it said just after the election in 2008, when commenting on the global financial crisis, that the average advanced country was starting with debt of about 80 percent of GDP but that

New Zealand's gross debt was around 20 percent and that, in net terms, it had positive financial assets; and after the many examples I have given today—from the Governor of the Reserve Bank to the International Monetary Fund—is the Minister saying that these leading economists are wrong, and why does he continue to say that he inherited a mess when, quite plainly, he did not?

Hon BILL ENGLISH: I have let the House know about all the measures of the mess the economy was in. Government debt was relatively low but the last Budget of the Labour Government resulted in this headline: "Treasury books a sea of red ink". In the 2008 Budget, before the global financial crisis, the Cullen Government delivered 10 years of deficits. That is what it forecast. So even the one thing that was in better condition, Labour was in the process of wrecking.

Hilary Calvert: Does the Minister agree that Labour's last term in Government demonstrates the urgent need for a taxpayers' bill of rights that caps per capita Government spending so that a desperate and dying Government cannot attempt to buy itself another term and would, instead, be forced to go back to taxpayers and seek their authorisation for further increases in Government spending; if not, why not?

Hon BILL ENGLISH: There is no doubt that the experience of those years has meant that this Government has had to tighten up, very considerably, on what was sloppy and ineffective and, in some cases, negligent management of public resources. A taxpayers' bill of rights would be one way to bring more fiscal discipline to Governments, and we are willing to discuss whether that would be effective.

Hon Trevor Mallard: Has the Government estimated the cost to the taxpayer of the interest rate premium the Government is paying as a result of the Minister's loss of credibility as Minister of Finance because of his housing scandal?

Mr SPEAKER: I rule that question out of order because the member has made an allegation that is totally inappropriate. The member cannot make that kind of allegation against another member of this House. The Standing Orders are very clear on that.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. Are you ruling that there was no housing scandal?

Mr SPEAKER: I rule that it is inappropriate for a member in this House to claim in a supplementary question that there was a housing scandal. If the member looks at the Standing Orders—probably Standing Order 371—he will see that questions must not contain expressions of opinion in respect of that kind of thing. Whether it was a scandal is an expression of opinion, and questions should not make that kind of allegation. I think the member is quite lucky I did not let the Minister loose, because the Minister might have dumped pretty severely on the questioner. [*Interruption*] Interjections should at least be humorous and, above all, not nasty. There is no need for nasty interjections in this House. If members want to get nasty, they should get out of the House. While I am Speaker I have no—[*Interruption*] There should be no comments. I do not want to hear nasty interjections.

Amy Adams: What were some of the other significant economic problems facing New Zealand around the time of the 2008 general election?

Hon BILL ENGLISH: I will give just a few indications of the problems this country had. Government spending had been growing at more than twice the rate of the economy, and at the same time the export sector had been in recession from 2003 to 2005. Over that period there were no net new jobs in agriculture, forestry, or manufacturing. By the end of 2008 inflation was at 5 percent, which was the highest annual rate for two decades. Real after-tax wages were falling, which left families worse off. A month later Treasury forecasts painted a very bleak picture of the Government's books—never-ending deficits and ever-soaring debt.

Hon David Cunliffe: If the previous Minister of Finance was so hopelessly incompetent to mismanage the books in that way, why did the National Government appoint him to chair the country's largest State-owned enterprise?

Hon BILL ENGLISH: I think he was actually not too bad, up to the point where that member became an Associate Minister of Finance.

Hon David Cunliffe: I raise a point of order, Mr Speaker. That was a misrepresentation, and I want to give a clarification under the Standing Orders. I was not an Associate Minister of Finance in the year to which the Minister was referring.

Mr SPEAKER: The member cannot use a point of order to do that, although I have some sympathy with the member's feeling the need to do so. But he cannot actually use a point of order for that purpose.

Public Sector Spending—Unsustainable Increases

3. PESETA SAM LOTU-IIGA (National—Maungakiekie) to the **Minister of Finance**: What are the consequences of unsustainable increases in public spending that lead to budget deficits getting out of control?

Hon BILL ENGLISH (Minister of Finance): Countries that allow their deficits to get out of control can end up in considerable difficulty. For instance, I have seen reports overnight that Britain is being forced to make the largest cuts to public spending since World War II, in a 5-year austerity plan that could cost nearly half a million jobs. Governments that let deficits get out of control find themselves in a position where they have to make drastic decisions rather than considered decisions.

Peseta Sam Lotu-Iiga: How is the world economy performing this year?

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I think that sometimes members have a vague crack at hitting ministerial responsibility, in supplementary questions. I do not think that that one did. [*Interruption*]

Mr SPEAKER: I am on my feet and I am dealing with a point of order. The honourable member makes a perfectly valid point that the Minister has no responsibility for the world economy. However, I took the question to be asking the Minister's opinion. Ministers' opinions can be sought on a range of matters, so I have interpreted the question on that basis. On that basis I have allowed it, but I fully accept the point made.

Hon David Cunliffe: I raise a point of order, Mr Speaker. I ask you respectfully to reconsider your ruling. It was only a day or two ago that the Minister was taking credit for achieving lower inflation, which of course was a direct result of the crisis in the world economy, so he must—

Mr SPEAKER: The member will resume his seat. The member will remember that one rule I insist on absolutely is that when I get to my feet members will resume their seat. That point of order was definitely not a point of order, unlike his colleague's, which I think had some merit. I ask the Minister to answer the question in so far as it seeks an opinion.

Hon BILL ENGLISH: The world economy is certainly not performing well enough that Governments can afford to relax fiscal constraint. For instance, looking back at Britain, where that Government is making drastic cuts, public sector expenditure jumped by 40 percent over the 5 years up to 2010. By way of comparison, Government spending in New Zealand jumped by 50 percent. That is, public spending in New Zealand was growing faster than in the UK. That is why it is vital that the Government sticks to its policy of fiscal constraint and cleaning up the damage done to our public services by the previous Labour Government.

Peseta Sam Lotu-Iiga: What feedback did he receive on New Zealand's economic performance?

Hon BILL ENGLISH: Among the feedback I received was approval for New Zealand's fiscal constraint. International credit agencies, for instance, understand that if we allowed our Government expenditure to continue at the rate it increased under the previous Labour Government, we would end up in a position where we would have to make cuts as drastic as those being made in the UK. This Government has got hold of public finances, and if we manage well we will be able to avoid drastic cuts such as those being made in the UK.

Hon David Cunliffe: What are the consequences for the Budget deficit of a deteriorating recovery described by Reserve Bank Governor, Alan Bollard, yesterday as "fragile" rather than the Prime Minister's "aggressive"; if he knew that the deficit was growing, why did he continue with upper-income tax cuts that he knew New Zealand could not afford?

Hon BILL ENGLISH: There are a couple of points. As the member knows, the tax package was broadly fiscally neutral—that is, income tax cuts were paid for by increases in GST and property tax, and increased taxes on foreign owners of New Zealand assets. So the member's assertion is simply wrong.

Hon David Cunliffe: Can the Minister confirm that the previous Labour-led Government cut net debt to zero, and at the same time halved gross debt and pre-funded New Zealand superannuation, leaving New Zealand, to quote him, in a "reasonable position in dealing with the uncertainty of our economic outlook."?

Hon BILL ENGLISH: As I said in answer to an earlier question, New Zealand Government debt levels by September 2008 were at relatively low levels, and that has meant the Government is in a better position to deal with the recession. That simply underlines the need for very careful management to stop our debt rising beyond control, and getting public spending under control. If New Zealand followed the policies Labour is currently advocating, then we would end up with very high levels of debt, reckless public spending, more unemployment, and a weak economy.

Incomes, Median Weekly—June 2010 Quarter Compared with June 2009 Quarter

4. Hon DAVID CUNLIFFE (Labour—New Lynn) to the **Minister of Finance**: How much did median weekly incomes for all people from all sources fall in the June 2010 quarter compared to the June 2009 quarter?

Hon BILL ENGLISH (Minister of Finance): The member has, I think, found the only income measure he can in which there is a measurement drop. He should read the Statistics New Zealand warning about using these figures: "Movements in average and median income statistics are influenced by many factors. As well as changes in levels of income, movements are also influenced by the composition"—

Hon Darren Hughes: I raise a point of order, Mr Speaker. I have two points to make in respect of the answer the Minister is giving. One is that there was an implicit flick at the question, in saying that the member had found only a certain data series. Secondly, he is now employing the tactic used by the Prime Minister yesterday, which is to explain to us how the data series is compiled. We understand that. The question set down is very simple: "How much did median weekly incomes for all people from all sources fall …". It is set out pretty simply and he should just answer the question.

Mr SPEAKER: I hear the point of order. I say to the Minister that it would be helpful—it is a very straight question that is capable of answer, and the Minister should answer it. I was listening to see whether the Minister would answer it. I believe that an answer should be given, and then the explanation, perhaps, to follow. But it would be preferable to answer the question.

Hon BILL ENGLISH: In order to explain this particular measure, I say that Statistics New Zealand states: "Movements in average and median income statistics are

influenced by many factors. As well as changes in levels of income, movements are also influenced by the composition of the population from survey to survey." The decline in median weekly income is $9, which Statistics New Zealand points out is not statistically significant. It could have dropped for any number of reasons, such as more children in the population, drops in interest rates—

Mr SPEAKER: An explanation like that at least was not critical of the question, but it was a very simple question and did not actually need quite such a long answer. I am sure there will be plenty of opportunity to explain it as supplementary questions come up.

Hon David Cunliffe: Does the Minister of Finance consider an income drop of $9 a week to be statistically significant to a family who, as Veda Advantage recently reported, are among the tens of thousands of New Zealanders who are finding they just cannot afford to pay their bills?

Hon BILL ENGLISH: As the member well knows, the statistic he is using does not measure the change in the income of that family. It actually does not. All measures of the change in income of the family have gone up. The median income figure includes all sorts of stuff, including changes in the population, so the member should not use it to describe family incomes. He knows he is wrong.

Chris Tremain: What is the best measure of wage growth in New Zealand?

Hon BILL ENGLISH: The best measure of wage growth has at least one characteristic: it has to be a measure of wages, which median income is not. It is not a measure of wages. The best measure is the one that determines the wage floor for New Zealand superannuation each year, and that is the movement in the after-tax average wage, which comes from the quarterly employment survey. This one is used because it is set out in the New Zealand Superannuation and Retirement Income Act, which was passed by the Labour Government in 2001. If we look at movements in the after-tax average wage, we see that from 1999 to 2008, after-tax wages went up by 33 percent but inflation went up by almost exactly the same amount. This means that when we take out the effects of inflation, in the 9 years under Labour after-tax wages went up by only 3 percent.

Hon David Cunliffe: What does the Minister think would be a more accurate indicator for a struggling family in, I do not know, perhaps the Mana electorate? Would it be the average, which is skewed by, say, National-voting millionaires in Remuera, or does he think it would be the median, which measures the position of the person who is in the middle of the income scale?

Hon BILL ENGLISH: Again, the member is employing deliberate obfuscation. The median he is using is not the median wage. The measure he is using includes the interest income of his millionaire mates in Parnell, or Mission Bay, or wherever it is; it does not measure wages.

Chris Tremain: How does wage growth of 3 percent over the period 1999 to 2008 compare with that of other periods?

Hon BILL ENGLISH: That is a very good question. If we use the wage measure legislated by the previous Labour Government, we see that in the 9 years it was in office that measure grew by 3 percent. In the 9-year period from 1990 to 1999—that is, the previous 9 years—real after-tax wages grew by 15 percent. Obviously, we have not had a 9-year period since 2008 to enable a full comparison, but in less than 2 years since September 2008 real after-tax wages have gone up by 9 percent.

Hon David Cunliffe: Does the Minister consider it realistic or statistically significant to quote a measure of income that takes the average, not the median, and excludes the impact of Working for Families, paid parental leave, childcare, and the

other factors that make up the social wage, and does he think it fair and appropriate to include in National's figures the effects of Labour's 2008 tax cut?

Hon BILL ENGLISH: Yes, I do.

Hon David Cunliffe: In that case, based on the fall in median income of $9 a week, how long does he think it will take a person on the median income to save for a deposit on a home in Auckland, or has Auckland now become a place where, as Bernard Hickey said, "You can buy a house … but you can't afford to have a family."?

Hon BILL ENGLISH: As I have explained, the measure the member is using for income is not relevant to families who are trying to save for a deposit on a house in Auckland. Those families have had a significant increase in their real after-tax wages. One of the reasons for that is pretty simple: they have had two rounds of tax cuts since this Government came into office. If they earn $48,000 or less, their top statutory tax rate is 17.5c. If they do another hour of overtime, they keep 82.5c, and that is a strong incentive for them to get ahead. The tax on their savings has been lowered as well.

Surgery—Increased Provision

5. NICKY WAGNER (National) to the **Minister of Health**: What progress is the Government making in providing more surgery for New Zealanders?

Hon TONY RYALL (Minister of Health): I am pleased to advise the House that in the last financial year more patients have received surgery than ever before. The number of patients benefiting from urgent surgery rose by nearly 4,000 to over 158,000 patients, and the number of people coming off waiting lists and benefiting from elective surgery rose by over 8,500 to 138,483. This means that in the last financial year nearly 300,000 New Zealand patients benefited from surgery in our public health service—the highest number ever.

Nicky Wagner: What other reports has he received in relation to delivering more surgical services to New Zealanders?

Hon TONY RYALL: The number of patients receiving a surgical specialist assessment in the last year was up by over 12,000 on the previous year, to over 274,000 patients. This includes an increase of 1,100 patients receiving first specialist assessments in Auckland, an increase of 1,100 in the Bay of Plenty, over 2,000 more in Canterbury, and an increase of over 3,000 patients in the Waikato. This Government is delivering more front-line services, especially surgical services, to the people of New Zealand.

Hon Ruth Dyson: How does the additional surgery that the Minister is crowing about, of 8,607 patients, compare with the additional number of 11,816 patients for the 2008 financial year?

Hon TONY RYALL: Quite clearly, this Government is increasing the number of elective operations for New Zealanders. Since the time of the previous Government, about 20,000 extra elective operations are being performed. It is a tremendous record, and that member should stop trying to bring it down.

Hon Ruth Dyson: What is he going to do about the 3 percent increase in patients—that is, more than 2,000 people—who were admitted to hospital with preventable conditions, as revealed in the annual report of the Ministry of Health for the year ended 30 June 2010; a 3 percent increase?

Hon TONY RYALL: That is why we are providing more service in the public health service than ever before, with more doctors, more nurses, more operations, and more front-line services. This Government is also investing strongly in our home insulation programme, whereby five times as many homes have been insulated under this Government than under the failed crowd opposite.

Power Prices—Minister's Statement

6. Hon NANAIA MAHUTA (Labour—Hauraki-Waikato) to the **Minister of Energy and Resources**: Does he stand by his statement that when facing power price increases consumers should "shop around"?

Hon PANSY WONG (Associate Minister of Energy and Resources) on behalf of the **Minister of Energy and Resources**: Yes. Indeed, consumers are doing just that. In the month of September alone, 30,000-plus consumers switched suppliers, so I encourage consumers to check out the Powerswitch website. Once a household profile has been entered, a list of energy suppliers and their prices will be displayed in that geographical area.

Hon Nanaia Mahuta: In advising consumers to shop around, what advice, then, does the Minister have for a New Plymouth consumer like Mrs Joann Farley, who got a nasty surprise from Genesis Energy, which charged her 15 percent GST on her power bill for the September period?

Hon PANSY WONG: I think the Minister of Revenue, the Hon Peter Dunne, has dealt with that very well in the House for 2 days in a row. The Government has made it very clear that in the transitional period it should have been 12.5 percent.

Hon Nanaia Mahuta: Given that response, what advice does the Minister have for another New Plymouth consumer, Mr Gowan Duff, who got an even nastier surprise from Genesis Energy, which charged him 15 percent GST on his power bill for the months of August and September?

Hon PANSY WONG: As I said, I encourage consumers and constituents to shop around. If the member is serious, she could advise the consumer about Powerswitch. An average small household, according to Consumer New Zealand, could save up to $442 and a large household could save up to $1,000, so consumers need to get on to the Powerswitch website. One of the energy companies, called Pulse Energy, is actually door-knocking on households—

Hon Darren Hughes: I raise a point of order, Mr Speaker. I have listened as carefully as possible to the answer being given to us. My colleague the Hon Nanaia Mahuta asked about the situation of consumers living in New Zealand being forced to pay a tax imposed by the Government. This is not a question about switching between power companies; this is about a Government-imposed tax. She asked about a rate of 15 percent being applied to 2 months—August and September—and what we are hearing does not relate—

Mr SPEAKER: The member is getting to the substance of the question now. The question asked what the Minister would say to a person somewhere in New Zealand who received an account for the months of August and September with GST charged at 15 percent. The Minister was telling the House what she would say to that consumer. Far be it from the Speaker to judge the matter. I think, though, we had heard sufficient.

Hon Nanaia Mahuta: Given that response, who will door-knock on the doors of Mrs Farley and Mr Duff and tell them who will benefit from the backdated hike in GST on power of 2.5 percent for the August-September period: the Government or the power companies?

Hon PANSY WONG: If Labour is really as concerned as that, I hope some hard-working Labour members will go door-knocking and give them that very sensible message.

Hon Nanaia Mahuta: Why have the Minister and his Government failed to ensure that people are not hit unfairly, like Mrs Farley and Mr Duff, by the backdated hike in GST for the months of August and September?

Hon PANSY WONG: The National-led Government has done everything. We have made things very clear in respect of the power-switching option. But we have done more than that: the Government made sure that when GST increased there was a broad-range tax cut, which means that 73 percent of New Zealand income earners pay only up to 17.5 percent, and that most households are $25 better off. So this Government is doing something to make sure that people do not suffer like they did under Labour, when there was a 72 percent power price increase—72 percent.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I noticed that you were indicating to the Minister to wind up. I think it is really important that you are seen to be neutral, so when the Government is damaging itself you should let it go on rather than stop it.

Mr SPEAKER: That is not a point of order.

Hon Nanaia Mahuta: Given the lack of an answer, I seek leave to table a document that shows that a consumer was charged GST of 15 percent for their September power-billing period.

Mr SPEAKER: Leave is sought to table that document. Is there any objection? There is no objection.

Document, by leave, laid on the Table of the House.

Hon Nanaia Mahuta: I seek leave to table a document that shows that a consumer was charged a GST rate of 15 percent for their power-billing period of August and September.

Mr SPEAKER: Leave is sought to table that document. Is there any objection? There is no objection.

Document, by leave, laid on the Table of the House.

Corrections, Department—Management of Parole and Home Detention

7. TODD McCLAY (National—Rotorua) to the **Minister of Corrections**: What progress has been achieved by the Department of Corrections to improve its performance in managing parole and home detention?

Hon JUDITH COLLINS (Minister of Corrections): I am very pleased to report to the House that substantial progress has been made by Community Probation and Psychological Services since the Auditor-General identified serious shortcomings in February 2009. In September 2008 Community Probation and Psychological Services met 56 percent of its standards for parole, and 52 percent for home detention. I am delighted to say that in July this year it achieved 96 percent of its parole mandatory standards—up from 56 percent—and 88 percent of its home detention mandatory standards. This is a stunning turn-round for a service that has adopted a culture of excellence, accountability, and professionalism.

Todd McClay: That is such good news. How has Community Probation and Psychological Services been able to deliver such a significant lift in performance?

Hon JUDITH COLLINS: The department has been supported by an expert panel to implement a multi-year change programme to overhaul the delivery of its services. In particular, it has introduced new performance standards, boosted its management processes, and increased staff training. This Government also injected an extra $256 million into the probation service. That has allowed 246 extra probation officers to be employed. A great deal of work has gone in over the last 2 years to lift performance, and I am very, very pleased with the results.

Employment, 90-day Trial Period—Bargaining and Agreement Process

8. CAROL BEAUMONT (Labour) to the **Minister of Labour**: Is it her intention that the extended 90-day scheme requires agreement between the parties following bargaining in a fair way?

Hon TONY RYALL (Minister of Health) on behalf of the **Minister of Labour**: It is our intention that the 90-day employment scheme requires agreement between the parties and that the negotiations on the terms and conditions as agreed between employer and employee be conducted in a fair and reasonable manner.

Carol Beaumont: What avenues are there for employees to challenge the absence of bargaining to reach an agreement—for example, where employers advertise, or advise during an interview, that the job will have a 90-day trial period, and refuse to negotiate that term of employment?

Hon TONY RYALL: Firstly, it is important for the member and the House to acknowledge that this is about expanding opportunities for young people and others who want to demonstrate their value to employers. Quite clearly, the case that the member asked about is one where employees have the same options in relation to any other terms and conditions. They can continue negotiating and they can choose whether they want to take up the job offer under the terms and conditions they are discussing.

Carol Beaumont: How does the Minister consider that an employer stating that a 90-day trial period is a condition of employment constitutes fair bargaining?

Hon TONY RYALL: I suppose the parallel is with those employers who say they need someone to work on a Saturday. If there cannot be an agreement on the terms and conditions, then there will not be an agreement or a negotiation.

Carol Beaumont: Would employers be acting within the law if they stated that a 90-day trial period is a condition of employment, and then refused to consider a job applicant's request that regular feedback on performance and opportunities for improvement within that 90-day trial period be written into the contract; if not, what remedies are available for the job seeker in that situation?

Hon TONY RYALL: The member is asking for a legal opinion in respect of that specific case. The amendments that have been made are about expanding opportunities for young New Zealanders and others to demonstrate their ability to add value to an employer's activities.

Civil Defence—Exercise Tangaroa

9. TIM MACINDOE (National—Hamilton West) to the **Minister of Civil Defence**: What lessons were learnt from Exercise Tangaroa?

Hon JOHN CARTER (Minister of Civil Defence): I am proud of the civil defence structure that we have in this country. This exercise tested the National Tsunami Advisory and Warning Plan, which has been updated and enhanced through lessons learnt from the tsunami threats that arose in New Zealand in September and October 2009. Importantly, in the past year, the Ministry of Civil Defence and Emergency Management has enhanced the tsunami plan, making use of new scientific modelling from GNS Science that allows for distinct threat warnings to be issued for 43 coastal zones. This is a tool that the ministry previously did not have. Another element tested by the exercise was the ability of the ministry to continually provide updates to the media so that the public are well informed. Journalism students from Whitireia Polytechnic stood in for the media, and I wish to thank those students for their participation.

Tim Macindoe: Who took part in Exercise Tangaroa?

Hon JOHN CARTER: More than 100 agencies successfully worked together. Exercise participants included all 16 regional civil defence emergency management

groups, most local authorities, central government departments, emergency services, scientific agencies, welfare organisations, utilities and transport sector agencies, and some media. Of course, it is still important that people understand that it is what individuals know about how to respond that will help them to get through. Indeed, it is unfortunate that the only group that does not seem to take civil defence seriously in this country is the Labour Opposition.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. We have had a series of rulings from you about the nature of question time. This question was particularly interesting, as it came from Mr Macindoe. It appeared to be a straight question, and there was that nasty little flick at the end.

Hon JOHN CARTER: Speaking to the point of order—

Mr SPEAKER: Well, I will hear the member, but only briefly.

Hon JOHN CARTER: This is a serious matter, and it is unseemly that while we are talking about a serious matter that can affect the lives of so many people, as we have seen in Canterbury, there are so many inane interjections from the Opposition.

Mr SPEAKER: To be fair on this matter, I do not believe there were a lot of interjections while the Minister was answering, and I think the point of order raised by the Hon Trevor Mallard is a reasonable one. Especially where a supplementary question is asked by one of the Minister's own colleagues and the Opposition is not interjecting significantly, to then add an attack on the Opposition is just not reasonable. There are plenty of opportunities to do that in this question time exchange—plenty of opportunities—but Ministers should choose when. A supplementary question from one of their own colleagues when there is no particular level of interjection from the Opposition is not a time to do that.

Residence Applications—Fees Discount for Samoan Citizens

10. SU'A WILLIAM SIO (Labour—Māngere) to the **Minister of Immigration**: What advice has he received since 14 August 2009 about the fee and levy discounts available to more than 1,300 Samoan citizen residence applications totalling in excess of $117,000 and whether there was a legal basis for his department's charging regime at the time that the fees were paid?

Hon Dr JONATHAN COLEMAN (Minister of Immigration): In the weekly officials' report covering immigration matters dated 3 December to 9 December 2009, I was advised of the following: "The department has identified 741 Samoan citizens who, it appears, did not receive the $90 fee discount that is applied to Samoan citizens who apply for a residence visa or permit. All 741 customers will shortly receive a letter inviting them to provide bank details so the department can arrange a refund of the $90. The department has identified and corrected the administrative error which caused this problem to arise." With regard to the legal basis for the department's charging regime at the time that the fees were paid, I am advised that there was a legal basis for the discount, but that it was not appropriately applied. As soon as the error was identified, action was taken to try to find the people affected and to refund the overcharge.

Su'a William Sio: Why has he taken no action since August last year, when that overcharging issue was raised, particularly when the department's legal advice concluded that charging those fees had no basis in law and that the department should adopt a more proactive refund policy?

Hon Dr JONATHAN COLEMAN: It is incorrect to say no action has been taken. Of those people, the department has written to the 733 for whom it had addresses, 157 have responded, and 145 have been refunded. There has also been an active campaign in the Apia branch and in the community in Apia to publicise this issue. So it is quite incorrect to say no action has been taken to remedy the situation.

Su'a William Sio: What should people make of the Minister's management of the immigration portfolio when he has made a deliberate decision to withhold the reimbursement, given that the two available discounts represent an overpayment of more than $250,000?

Hon Dr JONATHAN COLEMAN: That member is quite incorrect; I have made it clear that action has been taken. I would note that this overcharging began in November 2005 and went on for 3 years under the previous Labour Government. Within 8 months of a change of Government, the problem had been identified and action has been taken. So one could say this was a rather foolish question for that member to bring to the House.

Su'a William Sio: If the 2005 error was one of administration and the 2009 error was one of judgment, is this another example of a New Zealand ethnic community being treated with disdain; if not, how does he justify a do-nothing solution to a problem involving a quarter of a million dollars and affecting 1,800 former Samoan citizens?

Hon Dr JONATHAN COLEMAN: I think that member needed to revise his questions as he was being given answers to the preceding supplementary questions. It is quite clear that this problem went on for 3 years under Labour. It was not identified. As soon as we found out about it, positive action was taken. If there are any people out there who are due to receive a refund, all that they need to do is to get in touch with Immigration New Zealand and they will receive that $90 back.

Rugby World Cup—2011 Festival Lottery Fund Applications

11. Hon TAU HENARE (National) to the **Minister of Internal Affairs**: How many applications for funding have been received by the New Zealand 2011 Festival Lottery Fund?

Hon NATHAN GUY (Minister of Internal Affairs): I am very pleased to tell the House that there has been an overwhelming response to this new fund, launched by the Prime Minister and myself in July. The Department of Internal Affairs has received 482 applications for grants from around the country, totalling around $70 million. There is $9.5 million available to support community festivals and events coinciding with the Rugby World Cup, which can include things like concerts, fairs, exhibitions, street markets, and parades. Funding decisions will be announced in November.

Hon Tau Henare: What has been done to help applicants from the Canterbury region who were disrupted by the earthquake?

Hon NATHAN GUY: The disruption to the Canterbury region meant that many groups needed extra time to prepare their applications. As Minister I announced an 11-day extension to the deadline for those in the quake-affected area to ensure that Cantabrians had a fair go. We want to ensure that every region in New Zealand makes the most of the Rugby World Cup next year.

Chris Hipkins: When Murray McCully told him to establish the New Zealand 2011 Festival Lottery Fund to prop up John Key's ever-diminishing party central plans, did he point out to him that establishing this fund would result in less money being available for many worthy community groups that rely on lottery grants for their survival; if he did not, will he concede that had a stronger Minister been in office, these groups may well have been better off?

Hon NATHAN GUY: I cannot believe the stupidity of that question. But can I answer it by trying to reassure that young member of this House that increased revenue for the New Zealand Lotteries Commission means that all other committees are getting the same allocation as last year—$153 million.

Te Ururoa Flavell: What criteria does he have in place to ensure that applications submitted to the fund by Māori recognise their unique contribution as tangata whenua?

Hon NATHAN GUY: That member will be pleased to know that the guidelines for the independent committee specifically require it to recognise the needs and aspirations of Māori and their protocol. The festival's events are about involving communities and showcasing New Zealand's culture, so I am sure that Māori will play a very important role in the Rugby World Cup.

Question No. 12 to Minister

GRANT ROBERTSON (Labour—Wellington Central): I raise a point of order, Mr Speaker. I want to raise a question with you, and seek your advice on the lodging of questions to the Associate Minister of Education with responsibility for special education. That person is Rodney Hide. It seems that he may be in the House today and will be answering on behalf of the Minister of Education. I understand from the Clerk's Office that I cannot put a question to Rodney Hide as Associate Minister because the Government has not yet provided delegations to the Clerk's Office. In fact, I could put a question to the Hon Heather Roy because, as far as the Clerk's Office is concerned, she still has the delegation. This is difficult, for two reasons. One reason is that yesterday Mr Hide made a comprehensive announcement about the review of special education, and we should be able to hold him accountable in the House for that today. Maybe he will now answer on behalf of the Minister, but as far as we know he has the delegations. Anne Tolley put out a press release on 7 September announcing Mr Hide's delegations. It seems particularly difficult for the Opposition to hold a Minister to account if we cannot actually ask him questions in the House.

Mr SPEAKER: The member raises a perfectly legitimate point of order. The facts of the matter are that where a delegation of responsibility is made to an Associate Minister by the Government, the Speaker and the House must be informed if questions are to be lodged as addressed to the Associate Minister. Delegations presented to the House on 29 July 2010 have not been re-presented to the House to take account of recent ministerial changes. The Speaker must know the nature of the delegation in order to determine whether a question is in order, so I cannot accept questions to a supposed Associate Minister if I do not have that determination from the Government. Of course, any Minister can answer the question. That is a matter for the Government.

GRANT ROBERTSON (Labour—Wellington Central): I raise a point of order, Mr Speaker. I thank you for that statement. I guess I am seeking your assistance as an Opposition member wishing to hold to account a Minister who has made public statements and whom the Minister of Education has announced is the Associate Minister. I ask whether you as Speaker can provide some assistance to us to get from the Government the official delegations so that we can do our job and hold a Minister to account. I do not think it is good for Parliament that an Associate Minister can make statements in public, and then not be held to account for them here in the House. I seek your assistance in getting those delegations.

Mr SPEAKER: I will hear the Hon Rodney Hide briefly.

Hon RODNEY HIDE (Associate Minister of Education): I certainly accept Mr Robertson's point, and we will be working to ensure that your office is properly informed, Mr Speaker. I also make the point that even in terms of the delegations, if one reads the question that is put down, one will see that it is about resourcing. Of course, the Associate Minister of Education is not responsible for the resourcing of education; that is for the Minister.

Mr SPEAKER: I appreciate that—[*Interruption*] No, I will not hear any further points on this, because that last matter was not strictly a matter to do with the order of

the House. The facts of the matter remain that it is up to the Government to advise its delegations of associate ministerial responsibilities. As at this moment, I have not had any advised changes, so the question must be addressed to the Minister of Education, but it is up to the Government which Minister answers the question.

Hon JOHN CARTER (Minister of Civil Defence): I raise a point of order, Mr Speaker. Just to help the House, I have taken note of that, and the matter will resolved.

Mr SPEAKER: I thank the Minister.

Schools—2014 Goal for Students with Special Needs

12. GRANT ROBERTSON (Labour—Wellington Central) to the **Minister of Education**: How will she resource her goal of having 80 percent of schools operating on a fully inclusive basis by 2014?

Hon RODNEY HIDE (Associate Minister of Education) on behalf of the **Minister of Education**: Since Budget 2009 the Government has committed an additional $69 million over 4 years to provide services and support to an additional 2,000 children a year. The additional resourcing is important, but funding alone will not make the difference needed to achieve the goal of 80 percent of schools being fully inclusive by 2014. Positive attitudes are at the heart of achieving inclusive schools. There is already over $450 million in the special education budget, and half of all schools are already fully inclusive in their practice, according to the Education Review Office.

Grant Robertson: Given that answer, can the Minister confirm that the funding announced yesterday is the same funding that was announced in the 2009 Budget, and that no new resources are being allocated to achieve the goal of more inclusive schools?

Hon RODNEY HIDE: No. As I said, positive attitudes are at the heart. But, in addition, I announced a package of $25.6 million over 4 years to give a further 1,000 children access to additional individual support. I also want to put this on record: I have confidence in the leadership and the teachers in schools and in the entire community to work for the best result for every child.

Grant Robertson: Does the Minister support the view of her Associate Minister that "attitudes" will be the most important factor in creating inclusive schools, despite the fact that only 15 percent of the respondents to the review agreed with that, while 33 percent thought funding was the priority, or is this a continuation of the Prime Minister's rescue plan for the economy: "Summer is coming."?

Hon RODNEY HIDE: Yes.

Lynne Pillay: Can the Minister confirm that the $2.5 million worth of funding cuts for occupational and physical therapy in schools will not be reinstated despite students, parents, teachers, and therapists calling for it to be given back to our most vulnerable children?

Hon RODNEY HIDE: What I can say about that is that, unfortunately, that money was never put into the baseline of education by the previous Government.

Lynne Pillay: That's no reason to cut it.

Hon RODNEY HIDE: Well, it cannot be cut if it was not in the baseline.

QUESTIONS TO MEMBERS

Employment Relations Amendment Bill (No 2)—Submissions

1. CAROL BEAUMONT (Labour) to the **Chairperson of the Transport and Industrial Relations Committee**: How many submissions have been received on the Employment Relations Amendment Bill (No 2)?

DAVID BENNETT (Chairperson of the Transport and Industrial Relations Committee): The Transport and Industrial Relations Committee has received 295

submissions on the Employment Relations Amendment Bill (No 2) and 7,554 form submissions.

Carol Beaumont: Is it the intention of the committee to express its regret to the submitter whose submission was rejected for being offensive—

Mr SPEAKER: The member will resume her seat. That is totally out of order. The chair of the committee cannot predetermine what a committee may decide to do. So that question is, I am afraid, totally out of order.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I think this is not a matter of predetermination. The member asked "Is it the intention of the committee …". If the committee has such an intention, the chair can report that.

Mr SPEAKER: As I understand it, the committee has not reported to the House, so its proceedings would be confidential.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. But if, as I know is the case, the committee has determined on a matter of expression of regret—

Mr SPEAKER: Order!

Hon Trevor Mallard:—and reports to the—

Mr SPEAKER: The member will resume his seat immediately. I have made it very clear that that is one rule I insist on: members must resume their seats. The member is now debating the issue, and he is at serious risk if he is telling the House what has gone on in a committee before the committee has reported to the House. The member should not be doing that. The member may be aware of something, but that is confidential to the committee. He has no more right to inform the House of the deliberations of the committee than the chair has.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. Are you then saying that the chair, on the agreement of the committee, cannot write a letter to someone expressing regret until the committee has reported? That would be a very new ruling. That is what the committee, I understand, has determined. Are you saying that that letter cannot go out, and the committee chair would be breaching privilege if he did so?

Mr SPEAKER: That is the business of the committee, as I would understand it, but it is not the business of this House at present. [*Interruption*] This should be heard in silence. This House cannot deal with the matter until it is reported. The committee, of course, is at liberty to conduct its business and its affairs, but I have to distinguish between that and what is proper for this House to consider. That was why I have ruled out the question.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I am sorry to keep going on, but I think it is new. My understanding is that a decision of a committee to, in this particular case, ask someone to resubmit, which must have involved a communication outside the committee—a further invitation to a submitter to make a submission to the committee—cannot possibly be privileged information to the committee. Therefore, to ask about the committee's intention to do that is, in fact, within the Standing Orders. It is a request to an individual to make a resubmission. That must be something that is public. It is part of the chairman's responsibility to sign the letter, if nothing else, and to express regret on behalf of the committee. I cannot see how that can possibly be done in such a way that the chairman cannot be asked about his responsibilities in this matter.

Mr SPEAKER: Listening to the member's points of order, there seems to me to be a slight inconsistency. I understood that the member told me that the committee—and I have to be careful because I do not want to get involved in the business of the committee—had made a decision and sent a letter, but then, in a further point of order, the member spoke of an intention to send a letter. Either way this is the business of the committee. The chair is not responsible for the committee decision, and cannot answer in the House for that committee decision until the matter is reported back. If a press

statement has been authorised and released by the committee and is in the public arena, the chair could indeed be questioned about that, but not about the committee's intentions.

I do have to be careful here. I will undertake to the member, because it is important, that if I have got it wrong in my ruling, I will come back to the House on the matter. I do not believe that I have got it wrong, but I am perfectly happy to accept that I may be wrong. If I am wrong, I will come back to the House on the matter.

Hon Trevor Mallard: Given that, can I ask for the opportunity to rephrase the supplementary question?

Mr SPEAKER: No, I do not think it is fair for me to allow a member to rephrase a supplementary question on behalf of another member.

Hon Trevor Mallard: Supplementary question, Mr Speaker?

Mr SPEAKER: No, the Standing Orders do not provide for another member in the House to ask a supplementary question, as I understand it, to another member's question to a member. I realise that is a bit convoluted, but it has not been the practice. However, I now gather that the Standing Orders do not preclude it, so, given my ruling, I will allow the Hon Trevor Mallard to ask a supplementary question. I invite him to ask his supplementary question.

Hon Trevor Mallard: Has the chair of the committee written a letter, or signed a letter, or considered a letter inviting another submission on this bill, and expressing regret?

Hon John Carter: I raise a point of order, Mr Speaker. Again, you have just ruled that the committee's business—and it has always been the Standing Order—is its own until it reports to Parliament. As you have said, if a committee issues a press statement and makes a public statement, that is one thing, but if the chairman is carrying out the business of the committee while it is going through its deliberations and considerations, that is a matter for the committee and not for the House.

The House has been very careful over many years not to cross those lines. I would suggest that that question is now asking the chairman of the committee about the business of the committee, prior to it reporting to Parliament. If we go down that line, it starts to mean that where a submitter has made a submission in public before the committee, the House, before the committee has deliberated, could ask about that submission. I am not sure that that is where Parliament wants to go or needs to go, quite honestly. I would ask, Mr Speaker, that you reflect very carefully on your ruling in that regard, because it would mean that we may be opening up new ground.

Hon Trevor Mallard: Speaking to the point of order, very briefly, Mr Speaker.

Mr SPEAKER: I will hear the honourable member, very briefly.

Hon Trevor Mallard: I agree with a lot of what the Hon John Carter has said, but he did indicate that if the committee had issued a press statement inviting a further submission, or submissions, that would be all right. My submission to you, Mr Speaker, is that there is no difference between issuing a press statement and writing a letter that invites a submission.

Hon Member: Point of order.

Mr SPEAKER: Let me rule on this matter, because I take it as a serious issue. The points of order have been raised in good faith, and I appreciate that, because we do not want to politicise in this House the important select committee process. The question, in fairness, did not ask about a committee decision that is still confidential to the committee; it asked whether the chair had written to invite a further submission, or something along those lines.

I will invite David Bennett to answer the question in so far as whether he has written a letter but not in so far as whether he has considered something, because if he has

written a letter that has been sent to someone out there, that is, as the Hon Trevor Mallard has pointed out, not hugely different from issuing a press statement. It is a matter that is out in public in that a letter has been written to someone. So I invite David Bennett to respond to the question in so far as it covers whether he has written, as chair, to someone.

DAVID BENNETT: I raise a point of order, Mr Speaker. I think you put the chairman of the committee in a dangerous position here. The precedent of the House is built on the nature of committee decisions and the work of committees being in committee until they have reported back to the House. If you are asking the chair about anything that may have gone on in the committee, then you are de facto asking the chair, in this case, to actually break that rule of thumb. So I would be very reluctant to answer that question, on the basis that it would create a precedent that would be in conflict with the traditional process of how committees operate.

Mr SPEAKER: Let me be very clear: if the Speaker rules the question in order, the member will answer it. Let there be no question about that. If the matter is a matter of a committee decision, and there has not been any communication with the public, then I do not expect the member to answer it.

The question did not ask whether the committee had made a decision to do something, because that would have been out of order; the member asked whether the chair had invited a submission, or a further submission, or something along those lines—I do not remember the exact detail, and maybe the question needs to be repeated so that everyone can hear it. But what I am indicating is that if the chair has taken action as the chair and sent a letter to someone, I believe that it is in order to answer that. I am not expecting the member to answer whether he is considering, or the committee is considering, some course of action; I am not asking the member to answer that. But if the chair has taken an action to write a letter to someone inviting a submission, then I believe that it is in order to answer that.

Hon John Carter: I raise a point of order, Mr Speaker. Listening to this exchange I sense that the problem that the House now has is that there is information that the select committee has that the House is not aware of, and that it may have made a decision in the context of whatever that information is, and at this stage it is quite apparent that the chairman does not feel able to advise the House of it until he reports.

Mr Speaker, why I got to my feet is to say that I think we may be getting into a very difficult area here in that although the ruling you made may be appropriate, we will not know until we know all the circumstances. I wonder whether in this instance we may not be better to ask you to give a considered ruling, rather than a direction at this stage, so that you as Speaker can get all the facts and then make an appropriate ruling. I do worry that although on the surface the ruling you made would apparently be quite an appropriate one, there may be other factors that you, and I, and the House are unaware of that put the chairman in a difficult position. I would doubt very much whether you or this House would want to do that to any chairman of a select committee. I just urge caution as we move forward on this position, given that we have had this issue before Parliament for many years.

Mr SPEAKER: We have taken quite sufficient time on considering the issue of order. The issue of order is pretty clear. The Speaker is not interested in the detail, because the Speaker has no right to be involved in the detail. The issue is one of the Standing Orders.

In respect of the question, the chair of the committee could say that the committee has made a decision on a certain course of action and that he does not intend to divulge it to the House, and that would be a perfectly acceptable answer. Chairs of committees are grown up people, and they are perfectly capable of answering questions in this

House, or they should not be chairs of committees. If that is the situation, it cannot be pursued further.

The chair of a committee, though, is empowered to call for submissions. The chair does not need the approval of the committee to call for submissions. The chair can call for submissions, and can be asked in this House whether he has done that. The chair can be asked whether the committee has called for submissions. I want to make clear the only part of this question I feel the chair needs to answer, and the answer is up to the chair, depending what went on in the committee—and I do not want to know that. If the chair has taken action to invite a submission or a further submission and that was not a decision of the committee, then the chair should answer the question. If it is a matter that was the decision of the committee, then it cannot be pursued further until the committee has reported.

But the chair is answerable for the chair's actions, and the chair does have authority over the calling of submissions. I make that clear. If the committee made a decision to call for further submissions, and the member wishes to advise the House that, then that is the end of the matter—it cannot be pursued further. If the member has, as chair, written to someone inviting a further submission, then that is a legitimate matter to be answered under the Standing Orders.

DAVID BENNETT: I raise a point of order, Mr Speaker. The difficulty is that in many cases the chair may be acting in respect of a decision of the committee. If one terms the question in the way that Mr Mallard has, it in essence is asking the chair what the committee decision has been.

Mr SPEAKER: I thought I had made myself perfectly clear. If the matter was the subject of a decision of the committee, the chair need only tell the House that and that is the end of it—he does not need to answer the question. The decisions of the committee are not matters that the chair can be questioned on prior to reporting back.

However, if the chair has acted independently to call for submissions, if the chair has acted without a decision of the committee to call for submissions, the chair can be questioned on that. Often chairs are asked in the House whether they have called for submissions or whether submissions have been called for on a certain bill. So if the matter was the subject of a decision of the committee, the chair needs only to tell the House that a certain action was taken in response to a decision of the committee, and that is the end of the matter. He does not even need to detail what action it was. If the question was the subject of a decision of the committee, that is the end of the matter. I invite David Bennett to answer the question.

DAVID BENNETT: In this case, the subject of the decision was a matter for the full committee, so there is no more to be said.

Mr SPEAKER: I appreciate the answer.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I think this is a matter for further consideration by you. I do not want to go on for too long now, but I ask you to think carefully about where we have got to on this. The traditional questions about decisions of committees, about calling for submissions and dates by which they are due—on which there have been lots of questions to chairs of select committees in the past—could not be asked if the committee was involved in the decision. We might be traversing new grounds if we end up with that.

Can I ask you just to think about where we have ended up and the precedents, the areas that previously were subject to questions. There is no doubt that when a press statement had been issued on behalf of a committee by a chair, they could have been questioned about it in the past. I think they might not be, under your ruling.

Mr SPEAKER: I hear the member, and I do not need to hear further; the House has taken sufficient time. I hear the member and I will do that, because I do not want to

have made rulings that compromise the conventions of the House in this particular matter—it is not my intention. But the member will note I have tried to accommodate his supplementary question, and I have tried to accommodate the concerns of the acting Leader of the House. If I have erred in any of my decisions today, I will most certainly come back to the House to clarify the matter further.

NGATI TUWHARETOA, RAUKAWA, AND TE ARAWA RIVER IWI WAIKATO RIVER BILL

Third Reading

Hon CHRISTOPHER FINLAYSON (Minister for Treaty of Waitangi Negotiations): I move, *That the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill be now read a third time*. The presence in the gallery of people representing those iwi to witness the third reading of this bill is testimony to the bill's significance, to the significance of the Waikato River to these iwi, and not least of all to the contribution iwi will make to the co-governance and co-management of the Waikato River.

The overarching purpose of this bill is to restore and protect the health and well-being of the river for present and future generations. The bill complements the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and provides for Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi to participate in co-management arrangements that recognise their enduring association with the upper Waikato River.

The recognition of the vision and strategy for the river and the establishment of the Waikato River Authority and the Waikato River Clean-Up Trust are provided for in the bill and in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, having been agreed in the deed of settlement between Waikato-Tainui and the Crown. The bill now makes this link clear. You may be interested as the local member, Mr Deputy Speaker, that Waikato means "flowing water". Given that the waters of the upper Waikato River flow into the lower parts of the river on their way to the sea, it is appropriate that this linkage is made.

Under the deed signed with the iwi, there will be a review of these arrangements in 5 years' time. The review will be informed by effectiveness monitoring and reporting undertaken by the Waikato River Authority, and it provides an opportunity to ensure that the membership of the authority is structured in the best way possible. This review is also provided for in the Waikato-Tainui deed and the recently signed Maniapoto deed.

At the Committee stage of the bill, the Hon Nanaia Mahuta asked whether elected members of the iwi trusts who are appointed by their trusts to be members of the authority would cease to be members of the authority if, before their term expired, they were not re-elected to their trust. In this situation their term of membership of the authority will continue until it expires. In this regard, the bill reflects the arrangements requested by each iwi and agreed to in their deeds. This is no different from the position of any other member of the authority who, before their term has expired, may find themselves in changed circumstances in relation to their appointer. If this matter causes any issue over time, it can be reassessed when the arrangements come up for review.

In relation to the joint management agreements, there is provision in the bill for the Raukawa joint management agreements to include matters relating to the upper Waipā River. This was, again, something the Hon Nanaia Mahuta raised during the Committee stage of the bill, and I want to be clear about what that means. The decision to include the upper Waipā River within the overall co-governance framework was for the Crown and Maniapoto to make, given the pre-eminent nature of Maniapoto's interests in this area, and recently Maniapoto and the Crown agreed to do this. Raukawa has interests including marae in the Wharepūhunga area within the catchment of the upper Waipā

River. The bill ensures that with the recent inclusion of the upper Waipā River in the framework, Raukawa joint management agreements with the relevant local authorities can cover matters relating to their particular interests. This provision is confined to Raukawa interests and does not enable Raukawa joint management agreements to cover any matters relating to the extensive Maniapoto interests within the catchment of the upper Waipā River. I am advised that Maniapoto and Raukawa have already discussed these issues and how they will manage them, and I think that is a very good way forward.

With the passage of this bill, the earlier enactment of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and, soon, the introduction of a Maniapoto bill for the Waipā River, a comprehensive co-governance framework will be in place for this vitally important river system. The main features of the framework in the bill include a single co-governance entity, the Waikato River Authority, with five Crown-appointed members, including two nominated by local authorities, and an equal number of members appointed by the Waikato River and Waipā River iwi—10 members in all.

There is a single vision and strategy setting the direction for the management of both rivers. It is incorporated in the *Waikato Regional Policy Statement*, and the bill contains robust provisions for community involvement when it is reviewed. Joint management agreements provide for iwi to be involved in the development of the regional policy statement and regional and district plans. These arrangements are backed by a significant contestable clean-up fund. The framework reflects the aspirations of iwi to have a meaningful role in influencing policies relating to the river, not just as another group within the community, but in a way that is consistent with their mana whenua status and their relationship with the Crown under the Treaty.

The arrangements reflect iwi aspirations to share in managing the Waikato River in a way that sits well with their concepts of kaitiakitanga and manawhakahaere. The economic and social structures around the Waikato River and within its catchment are complex, long established, and very important to this country. The river and its catchment are characterised by a multiplicity of interests—private, public, iwi, central government, and local government—with the need to recognise a wide range of community needs related to things like access, ownership, use, and extraction. Eleven territorial authorities have discretion over plans and consent processes that affect the river and its catchment, and some 20 Acts of Parliament are identified in the bill as immediately relevant to the river. This complexity has meant it has been essential to get the model right. I am indebted not only to the pragmatic approach taken by iwi representatives but in particular to the panel led by Evan Williams, who provided sage, well-considered advice that allowed us to refine and improve the framework to get the arrangements set out in the bill. I believe that these arrangements will achieve their purpose very well.

Today as we usher in a new era of co-governance over the Waikato River, we acknowledge our common road forward. The time has arrived to put aside the shortcomings of the past and to usher in a new era based on inclusiveness and shared aspirations. This bill and the deeds on which it is based are the culmination of the dedicated and determined efforts of many. On behalf of the Tūwharetoa Māori Trust Board, Sir Tumu te Heuheu, Timi te Heuheu, Te Kanawa Pitiroi, and the board's secretary, Rākeipoho Taiaroa, have provided wise and constructive counsel along the way. Ngāti Tūwharetoa has been so ably represented throughout these negotiations by Dean Stebbing. For the Raukawa Settlement Trust, Chris McKenzie, Stephanie O'Sullivan, and George Rangitutia have worked tirelessly to ensure that the Crown has understood their people's aspirations. The team representing the Te Arawa River Iwi

has included many senior and respected members of that iwi. Te Arawa interests have been capably advanced in these negotiations by Roger Pikia and Eru George, assisted by Nero Pānapa. Many others have been involved. Although I have not mentioned them by name, I acknowledge their contributions.

In conclusion, I believe that we can be satisfied with what has been achieved in setting up sophisticated yet streamlined co-governance models for the Waikato River. We can be optimistic about the future with its focus on such a positive goal, including the health and well-being of the river for present and future generations based on consensus, collaboration, and an enlightened approach to contemporary Treaty relationships. I commend the bill to the House.

Hon NANAIA MAHUTA (Labour—Hauraki-Waikato): Tēnei e mihi ana ki te awa o Waikato e kīa nei, ko te awa o tō tātou nei awa tupuna. Tēnā e mihi kau ana ki ngā iwi i noho hei kaitiaki ki te tahataha o taua taonga. Ngāti Tūwharetoa, Te Arawa Waka, Raukawa tēnei anō te mihi atu a Waikato ki a koutou katoa.

[*I acknowledge the river of Waikato, which is referred to as being our ancestral river, and the people living along the banks of that treasure as its guardians. I, of Waikato, commend you all once again, Ngāti Tūwharetoa, Te Arawa canoe, and Raukawa*.]

It is my privilege to be able to speak on this, the third and final reading of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill. And it is with great delight indeed; today is another step forward in a historic moment. It is a historic moment that seeks to challenge the past and is ambitious for the future. It is a historic moment that will lead the way in which relationships in this country go forward and in which we manage taonga such as the Waikato River.

Labour has always supported this particular settlement, as it builds on the Waikato River claim. We support this legislation and its intent. We know that the opportunities within the legislation provide real advantages, not only for participating iwi but also for the rest of the country. For that, it has to be recognised that both the Hon Dr Michael Cullen, the former Labour Minister in charge of Treaty of Waitangi Negotiations, and the Hon Chris Finlayson, the Minister for Treaty of Waitangi Negotiations, have indeed shown the fortitude needed to determine a new co-governance and co-management model for the future. Both the current and future management of this very important river system, as members know, is close to my heart. Many people have contributed to progressing this claim for the three iwi groupings, and they have been mentioned by the Minister. Some are no longer here, some have moved on, some are paddling the waka as we speak, and others are yet to be born. I acknowledge them all.

By the time a bill of this sort gets to the House, the real hard graft of negotiation has already taken place. There have been endless hui, sleepless nights, debates between officials, lots of disagreements, final agreements, last-minute negotiations, numerous technical and legal reports to sift through, and many more hui. No matter on what side of the table one may sit, a phenomenal amount of work has been done to get us to this point; we are merely talking about the end point. The bill sits behind deeds of settlements that for the most part detail the substantial matters needing to be recognised in a Treaty settlement. When I flicked back through Raukawa's deed of settlement, for my own piece of mind, I saw that their historical record has been captured in ways far better than any member of Parliament could represent in the House. I hope that in the progression of Treaty settlements, we may get to a point where the historical record that is captured in the deed of settlement can be somehow recognised in this House in another way.

Through the debate in the second reading and the Committee stage of the bill I have raised a number of issues. In particular, I raised the future treatment of the Waipā River,

the importance of joint management agreements to achieve practical effect and benefits, the importance of an integrated management plan and its implementation, and the importance of the role of the Waikato River Authority and the Waikato River Clean-Up Trust. I was delighted to hear the response from the Minister giving absolute assurance on the tenure of a member who has been appointed to the Waikato River Authority not only to ensure continuity first and foremost, but also, I think, to give confidence in the role that that authority has and in appointing members to it who can do the job that they were appointed to do. I am glad that politics will not get in the way of that. I am also delighted to hear the Minister's further clarification of the way that the Waipā River will be treated. I have said time and time again in this House that we cannot have a clean Waikato River with a dirty Waipā River. It is absolutely fundamental to get the Waipā River right in terms of its ongoing management, substantially by looking at how a clean-up fund may be treated, and, more important, by looking at the nature of Maniapoto's role in achieving an outcome there.

I think, on reflection, much of the solution that has been reached for the Waikato River will be drawn on, and—I specifically read—is contained in some of the recommendations of the Land and Water Forum report. I am pleased about that because all these iwi—Ngāti Tūwharetoa, Te Arawa, Raukawa, Maniapoto, and Waikato—will be a part of determining how things can actually be done better. If the recommendations of the Land and Water Forum report are taken on board in a practical way, one would look very carefully, and maintain momentum on working alongside these iwi to ensure that the implementation of its terms in the deed and legislation could be effective. We know that many more stakeholders, other than iwi, are needed to achieve a durable outcome.

Some comment was made in the previous debate about the role of the intensified farming activities of the upper Waikato River catchment. I made the point then, and will make the point again, that iwi by and large participate in this activity, and see themselves as leaders for sustainable farming management practices. We should applaud them for that, and for their effort to continue to drive better and higher standards in this place. But they cannot do it alone, and neither should they be expected to. So there is a real challenge, for the whole of our rethinking of the Primary Sector strategy, in relation to how we get the right tension and balance between economic benefit, the utilisation of land, and the ongoing utilisation of water. Again, I point to this type of settlement as a model where we can work out some very practical and critical steps forward, and I look forward to the learnings from the settlement.

By and large I recognise that for some of the iwi participating in this process, their comprehensive claim is yet to be determined and dealt with—notably, Raukawa, Ngāti Korokī Kahukura, and Maniapoto. I am heartened by the fact that just today the Minister gave an indication of leadership on this front, and he can expect my full support. In order to achieve real change for these types of iwi, the ability to settle their comprehensive claim will be another spoke in the wheel of progress, which will allow them to get on with developing their lands, their resources, their people, their future, and the opportunities that they see in going forward.

There have been many debates in this House where the Government and the Opposition have often not agreed, but I say that the future of the country relies on being able to resolve historical Treaty claims fairly, in a durable manner, and in a manner in which the Government of the day, whichever it is, maintains its ongoing commitment. I regret that one party rejected giving its support for a settlement like this, and I regret that that may well represent a small percentage of our society that will always scratch an itch, which urges a scratch when you need it least. However, in saying that, I am heartened by the fact that debate on this issue has been constructive, by and large. The

role and work of the Māori Affairs Committee under the leadership of Tau Henare has at times been humorous, but always in the best interests of progress. I recognise the manner and work of the officials, the clerks of the committee—I have already mentioned the previous Minister Michael Cullen and the current Minister Chris Finlayson—all the Office of Treaty Settlements officials, and all the iwi representatives who are here tonight, as well as those who are not here but who would have come if they had had the chance. Most important, I recognise the kaumātua and the mokopuna of these iwi, who indeed have held the vision, and who will achieve the aspiration that has been set. I recognise them all, and offer my support, and Labour's support, for the third reading tonight. Kia ora.

Hon TAU HENARE (National): Te mea tuatahi, anei taku mihi ki a koutou e aku rangatira, e aku tuākana. E te iwi Tūwharetoa, Raukawa, Te Arawa, ngā mihi nui, ngā mihi nui, ngā mihi nui.

[*In the first instance, my acknowledgment to you, my chiefs and elder brothers. Huge, enormous, and immense greetings to you, the people of Tūwharetoa, Raukawa, and Te Arawa.*]

It is a wonderful event when people turn up to Parliament to hear the third reading for the passing of a bill that is particular to their area, and particular to the whole Treaty settlement process. They do not turn up just to have a jack, they do not come just to have a cup of tea, and they do not come just to have a few parliamentary biscuits and what have you. They come to see a bit of history. They come to see the job being done. They come to see that final hurdle that has been put in their way over the years overcome. So I am very pleased that the gallery is full of te hau kāinga and of the significance that their presence gives the House today.

I congratulate the Minister for Treaty of Waitangi Negotiations, the Hon Chris Finlayson. National made a promise on the campaign trail that we would try our best to settle all Treaty claims by 2014. I think we have done a pretty good job, with the help of our colleagues across the way, in getting there. Let us say, we are on track.

This particular Treaty settlement is not only about the restoration and protection of the Waikato River but also, as we have often talked about in this House, the issue of partnership. I suppose the country has been dying to see what partnership really can look like. I think that the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill, and the parent legislation go some way—in fact, a long way—towards showing the nation that partnership can work, that co-management can work, and that partnership is nothing to be scared of. It is something to behold, when for years and years we have been told that partnership cannot work, how easy it is if we just give a little on both sides. I am not saying that the other side should have given too much.

I think the most important part of what we will do today does not concern the details in the bill, but it is about that mere fact of partnership. I am lucky to be the chair of what I consider to be a very, very good committee. The wealth of knowledge on the Māori Affairs Committee, from the Opposition, the Greens, and my colleagues on this side of the House, makes the job pretty easy.

Yes, we lose our rag now and then, and that is all part of the drama of this place. But there is nothing better than going to a place to listen to the home stories, and to involve ourselves, just for a brief moment in time, in the whakapapa of that place, in the stories of that place, and in the humility of that place.

So on behalf of my colleagues on the Māori Affairs Committee, I also thank the officials. They have a thankless job, and I know that they have stones thrown at them from all sides. I pay a special thanks to the Office of Treaty Settlements for its help for the committee to get through its business in such a worthwhile manner. So without

further ado, anō te mihi, anō te aroha, anō te kaha ki a koutou katoa, ngā mōrehu o ngā aituā, tēnā koutou, tēnā koutou, tēnā koutou katoa.

[*My gratitude, sympathy, and courage to you all once again, the survivors of misfortune. Greetings to you, greetings to you, and greetings to you all*.]

Hon MITA RIRINUI (Labour): Hoi anō rā kai te Kaihautū hei tuatahi māku, kai te tū whakaiti nei i roto i te Whare i te mea rā kua tae ā-tinana mai, ōku rangatira, ōku kuia, ōku tuākana, teina, tuāhine. Kua takahia i a rātou te nuku o te whenua kia kite ake anō i a rātou ki te tutukitanga o tēnei kaupapa e kawe nei i a rātou ki roto i te Whare Miēre. Kīhai rā te wareware i a rātou kīhai i tae ā-tinana mai, rātou kua whetūrangihia. Kore e taea te whakahua, ko wai, ko wai, ko wai, kai mahue ake wētahi. Engari anō, me pēnei rā te kōrero, kore rawa tēnei pai ki te wareware i ā rātou me ō rātou mahi ā-ringaringa, hei mea āwhina i a tātou e ora nei, me ā tātou mokopuna, kāre anō kia whakatinana mai i roto i tēnei ao. Nō reira, nā runga i tēnā kai, e tika ana kia mihi atu ki a rātou i ngā rangatira, koroua, kuia o Ngāti Tūwharetoa, o Ngāti Raukawa, o Te Arawa kua tae mai i te ahiahi nei. Nō reira, tēnā koutou, hara mai. Tēnei rā te mōkai, te pōtiki e tū whakaiti e mihi ake nei ki a koutou, tēnā koutou, otirā, tēnā tātou katoa.

[*Indeed, the first thing for me to do, Mr Deputy Speaker, is to say what a humbling experience it is for me to rise in the House, because my chiefs, elderly womenfolk, older and younger siblings, and sisters are here in person. They have traversed the land to witness the completion of this matter that they have brought before the Beehive. Those who are not here in person and who have died will never be forgotten. It is not possible to name each of them, in case someone is left out. But suffice to say, whatever their physical contribution was that enabled us to survive today and to make a better tomorrow for our grandchildren yet to come, those deeds will never be forgotten. As a consequence, it is fitting that greetings are accorded to them, the chiefs, elderly men, and womenfolk of Ngāti Tūwharetoa, Ngāti Raukawa, and Te Arawa, who came this afternoon. So greetings to you, welcome. This servant and young one of yours stands humbly before you to acknowledge and commend you and us all*.]

I think I should begin by acknowledging the presence in the gallery of my elders from Ngāti Tūwharetoa, Te Arawa, and Ngāti Raukawa, who have travelled a great distance, as previous speakers have iterated, to witness the final journey of a chapter that they have been involved in writing for many, many years. I join with the previous speaker, Tau Henare, in welcoming them here tonight. In doing that, I also acknowledge the ones who were not able to make it, and who are no longer with us, but who made a terrific contribution to the completion of this settlement legislation—may they always be remembered. On that note, I pay tribute to those who are not here.

It is interesting, having listened to previous speakers, to note that the Minister for Treaty of Waitangi Negotiations, Christopher Finlayson, by right, articulated all the aspects of this settlement legislation. I congratulate him on his tenacity and his dedication to settling this legislation, in the interests not only of the claimants but also of the communities and of all New Zealanders in general. I also express my warm congratulations to the Minister on the announcements he made at the Kōkiri Ngātahi hui this morning, and I look forward to working with him on some of the issues he raised. I say kia ora to the Minister.

In congratulating people, I also acknowledge former colleagues—the Hon Dr Michael Cullen, who played a major part in bringing this legislation to this point, to its final journey; his predecessor, the Hon Mark Burton, who played an important role as well; and in particular the Hon Margaret Wilson, who initiated discussions around our particular caucus table to ensure that the passage of this settlement in relation to the Waikato River was complete. It goes without saying that those former members played a tremendous part in the shaping of this legislation. They went through the trials and

tribulations, as we do, but they were determined that the negotiations, regardless of the highs and lows, had to continue and that the settlement had to be completed.

My esteemed colleague the former Minister of Māori Affairs, the Hon Parekura Horomia, could not be here today, but he asked me to express his sincere congratulations to the representative of the three iwi here today, and to wish them the best for the future. He has other commitments, but he asked me to express his warmest greetings and congratulations to the people.

Previous speakers, as I have said, have highlighted a lot of the technical aspects of this legislation and, this being the final passage of this settlement legislation, I feel no need to cover any of the information that has already been mentioned by the previous speakers. I agree with the chairperson of the Māori Affairs Committee, the Hon Tau Henare, that the issue about partnership varies in terms of its definitions.

Earlier this week, as members will be aware, we had the first reading of the Ngāti Manawa and Ngāti Whare Claims Settlement Bill, and part of that bill covered the interest of those iwi in the Rangitaiki River and other waterways. It is interesting that the arrangements they had with Environment Bay of Plenty varied considerably from the arrangements that Ngāti Tūwharetoa, Te Arawa, and Ngāti Raukawa have with Environment Waikato. Notwithstanding that, what is important about this whole process is that each iwi be treated differently in terms of their definition of their customary interest and their natural environment—and I mean waterways, land, maunga, awa, and takutai moana, in whatever shape or form those may come.

This legislation has proved and demonstrated that, actually, as with the Ngāti Manawa and Ngāti Whare Claims Settlement Bill, it is possible for iwi claimant communities to sit down with Crown representatives and define exactly what their customary interest, or their ownership interest, in any particular part of their estates, may be translated into. In this case today, we are witnessing, as the Minister highlighted, the definition put forward by these three iwi.

Even during those negotiations there were issues that were difficult to deal with, and one might say that most of those difficulties had been promulgated by the Crown and the Crown representatives. That was what I was told on many occasions, and in many of the meetings I was in. But it is the test of any Minister to work his or her way through the issues to find common ground, and to find a resolution that is suitable to all. During the select committee hearings in Rotorua I was pleased to hear that many of the issues that were raised were not insurmountable. In fact, if we talked long enough we found common ground on which to resolve them.

I was interested to hear the submission on behalf of Te Arawa Lakes Trust. It voiced some general concerns about its relationship with Environment Waikato, and also about its relationship with the newly formed Te Arawa River Iwi Trust. But the committee concluded that whatever issues there were between the two bodies, they were issues that the bodies themselves needed to resolve. The Crown could not impose a solution on those particular issues. As far as the Te Arawa Lakes Trust was concerned, all of Te Arawa was represented, and as far as the Te Arawa River Iwi Trust was concerned, all of Te Arawa was concerned; there is no place for the Crown in terms of resolving any relationship issues. I was very pleased to hear from the chairman of the river trust, Roger Pikia, that discussions, wherever necessary, would be implemented, that those issues would be overcome, and that that would be something resolved by the bodies themselves.

Other issues that came up during our discussion at the select committee hearings in Rotorua involved other iwi issues as well, but by and large those issues needed to be resolved locally. All too often the issues between iwi are brought into the public arena, and in some cases it is expected that the Crown will resolve whatever the differences

may be. I am very pleased to say, as was highlighted by the previous speaker, the Hon Tau Henare, that all those issues were to be resolved at a local level.

I am really honoured to be standing in the House today and supporting the settlement of this bill in the last stage of its journey through this House. As the previous speaker said, and as my colleague the Hon Nanaia Mahuta also said, from here on it is really up to the people. It is up to the people to give meaning to the legislation, it is up to the people to drive a lot of the relationship commitments they have entered into, and it is up to the people to determine the way forward. There is a process for doing that; it is in the settlement legislation, where the iwi themselves have defined in the schedules what type of relationship they will have with various organisations. Those definitions have not been provided by the Crown, although they have been discussed fully with the Crown. They are purely the views of those groups in particular.

On that note, once again I congratulate all those involved: the representatives of Ngāti Tūwharetoa, Te Arawa, and Ngāti Raukawa; their negotiators, who did a tremendous job under difficult conditions; their technicians, who had to work under equally difficult conditions; and their supporters, who kept this whole thing together and ensured that their team had the support necessary to make this settlement possible. Kia ora.

DAVID CLENDON (Green): Kia ora koutou. It is a genuine pleasure and a privilege to take a short call on the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill, and to personally acknowledge the presence of the rangatira and the people of Ngāti Tūwharetoa, Raukawa, and Te Arawa iwi. It is also a genuine pleasure and a privilege to acknowledge and to offer our respect for the work that has been done over generations to bring us to this point. Today we will pass into law recognition of the mana whenua and the kaitiakitanga status of the upper Waikato iwi.

The purpose of the bill is fairly and clearly stated: "to restore and protect the health and wellbeing of the Waikato River for present and future generations." That is a very short, succinct statement, but it is one that encompasses an enormous amount of work and effort. That is particularly so when as Greens and as Māori we recognise that we are talking not only about future generations of people but also future generations of the species with which we share this world. Those species are present but their presence has been degraded. We will endeavour to bring back their presence over time. Fulfilling the purpose to restore the health and well-being of the river and the catchment will be the task of generations. It will be a task of generations, given the appalling state of the river and its surroundings.

One simple indicator of the degradation of the river is that where it starts at Taupō there is something like 14 metres of visibility in the water, but at the Waikato River mouth there is perhaps 1 metre of visibility. That is a single indicator of the appalling degradation of the river that has occurred over time. That is the nature of the task that confronts both ngā iwi and the Treaty partners—the Crown and its agencies.

The Greens have been very happy to support this bill as we support other settlement bills through the House, because they come very close to a couple of our key principles. They are principles of social justice under ecological wisdom, restoring mana to the people to whom it belongs, and putting in place mechanisms and tools that will over time improve the ecological and environmental quality of the place.

It is clear that in order to manage a waterway one must look to the condition of the water and observe it. But also, critically, one must turn one's back on the waterway and look at the land that surrounds it. Only by managing the use of the land and the quality of that usage can one restore the quality of the waterway over time.

We know that in the course of changing land use there will be huge resistance to some of the necessary changes. My colleague Nanaia Mahuta mentioned in passing the

importance of shifting to sustainable management practices in the entire catchment of the river if we are to achieve that goal. That is a large task and it will be a demanding task. There will be opposition to the necessary changes, but the task is made easier by the fact that we do have existing models and we know it can be done. There are good examples of best practice that enables land use that is economically productive, allows and supports communities of people, and also enhances and improves the quality of the natural environment, which is so desperately needed in this area.

A couple of key mechanisms, or tools, are embedded into the legislation. One of them is the vision and strategy. Importantly, and to the credit of the drafters of this bill, the vision and strategy has been given a very high status in the hierarchy of documents that affect land management, land use, and the management of the river. It is only by giving that vision and strategy a very high status in the hierarchy that we will be able to break through the resistance, because it will have some status in terms of resource management, fisheries, and biosecurity. I have to say it was quite a courageous move on the part of the Government, the drafter of this bill, to give the vision and the strategy that level of status and recognition in the bill.

The second primary tool, which is the major tool in the legislation, is the integrated management plan. It is a model for the use of catchment management practices that is relatively new to New Zealand. It is an evolving discipline and there are no very robust models, so this catchment management will be an evolving task. This is a wonderful opportunity to demonstrate in partnership between Māori, the Crown agencies, and communities of interest that good catchment management is not only desirable and needed but also entirely possible. Not only can we inform ourselves of best practice over time but also that model will be very useful for other areas outside Waikato.

Critically, it must be recognised that Māori have lived of necessity in a bicultural world for many generations. It must also be recognised that settlements of this nature, which demand a genuine partnership approach, also mean that other, non-Māori New Zealanders will need to accept and even enjoy living in a bicultural environment, working in the acknowledgment of more than one world view. There are those who will resist. They will insist that we are all one country, one national identity. But that would be to deny the ethnic differences, the richness of ethnic diversity, and the richness and depth of experience that Māori, as kaitiaki, can bring to this long, very important, and necessary process of the restoration of the river.

Co-management is not just a technical task or challenge; it requires acceptance and the blending of two world views. There is a strong thread of Western-based science and practice in conservation and land management and in the management of flora and fauna—and, indeed, in our productive land—and it is very powerful. Western science has a great deal to bring to the occasion, to the table, and to the ultimate outcome.

But there is also an emerging and developing awareness that we must incorporate the Māori world view—mātauranga Māori must also be an equal partner in this—and, if possible, to evolve better practice and better frameworks for management by taking the best, in an engaged and cooperative way, of the two streams of thought, Western science and mātauranga Māori. It is encouraging to see work being taken by the Māori environmental research centre at the National Institute of Water and Atmospheric Research along those very lines. It is looking for ways to bring together the best of Te Ao Māori and Te Ao Pākehā in order to get frameworks, tools, and practice models that will achieve the outcomes that we all so desperately want and need.

We will all be the richer for committing to embedding the Treaty relationship into day-to-day practice in terms of land management, of river management, and of bringing together communities of interest, knowing that there will be tension, that there will be dispute, and that people will feel threatened and challenged. They will be forced out of

their comfort zone, but in the fullness of time it is to be hoped that there will also be an acceptance. I think that all members in this House today have the responsibility, given the level of goodwill that there is towards this bill and its provisions, to put our weight behind mediating those inevitable disputes, the consequences of the implementation of this bill. Certainly, for the Greens, I can commit to that. We will continue to lend our support to the implementation as well as to the passing of this bill. We will all be the richer for it, as will the natural world that surrounds and sustains us.

Finally, I again pay my respects and offer our regards to ngā iwi of the Waikato, who are taking on this final hurdle, as our colleague Tau Henare mentioned. It is most certainly a final hurdle in terms of the legislative process, but the real work is just beginning. Again, I commit the Greens to supporting that work. Kia ora koutou.

TE URUROA FLAVELL (Māori Party—Waiariki): Tēnā koe, Mr Deputy Speaker. Kia ora tātou katoa. Koutou kua haramai i te kāinga, nau mai ki te Whare Pāremata i te ahiahi nei. Ko te taha ki a au ki a Te Arawa, haramai ki tēnei o ngā Whare. Ki tōku taha ki a Ngāti Raukawa he pērā anō te mihi. Ki taku taha ki a Ngāti Tūwharetoa, koinei anō hoki te mihi ki a koutou kua haramai i tēnei ahiahi, nau mai, hara mai, nau mai, hara mai. Nau mai, hara mai me te āhuatanga o ngā mate o te kāinga. Arā anō atu rātou, e takoto mai rā i runga i ō tātou marae. Ko ētahi i tohe nei mō te take nei, arā, ko te whaea o tērā e noho mai rā ki reira, a Raihā. Ko ia tērā kua riro. Arā anō atu, arā anō atu te hunga i pakanga, me kī, kia taka mai te mana whakahaere i roto i ngā ringaringa o te iwi, mā te iwi anō rā e kōrero mō ngā rawa e pā ana ki a ia. Nō reira kāti, waiho rātou kia moe, kia okioki, ko tā tātou ko te whakanui i te āhuatanga o te rā nei. Kei aku rangatira o te kāinga, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Kātahi te pire whakaharahara ko tēnei, ki a mātou o te Pāti Māori. Ko te mea nui, ko te mea whakaharahara nei, me kī, kua whai wāhi ngā iwi e kōrerohia ake nei a Ngāti Raukawa, a Ngāti Tūwharetoa, me te taha ki a au ki a Te Arawa, i roto i ngā whakahaere, i ngā nekeneke, o te awa o Waikato. Pēnei i tāku e kōrero nei, kua roa tēnei take e tohengia ana e ētahi, ā, kua riro, engari anei te hunga e noho atu nei, ki runga ake nei, te hunga i kawe nei i tēnei kaupapa ki tōna whakatinanatanga, ki tōna puāwaitanga. I te ahiahi nei kei te tāpiri atu āku mihi, a ētahi atu kua tū i mua i a au, ki a rātou kua haere mai i tēnei ahiahi.

He tirohanga whakamua tēnei nā runga i te whakaaro, kotahi tonu te rōpū, te kaunihera rānei, ka whakarite i tētahi mahere hei tiaki i te awa o Waikato. Koirā te mea whakanui, whakaharahara. Ko te nohotahi a te hunga whai pānga, ā-Māori nei, me te Karauna, he mea hōu tērā ki te nuinga, me kī, ō tātou. Ko te nohotahi o te Karauna me te iwi nā runga i te whakaaro kotahi, otirā te kaupapa kotahi. Ko tāku e kī nei he tauira pai tēnei mō ngā tau kei mua i te aroaro, mēnā ka taea e tātou te whaiwhai haere i tērā tauira. Te Karauna e pōhēhē kei a ia te kupu kōrero whakamutunga, ko ia te mea mōhio, ko ia i tōna kotahi te mea mōhio.

He aha kei te pūtake o tēnei pire? Ko te whakatinanatanga o tēnei mea o te kaitiakitanga e kōrerohia ana i runga i ō tātou marae. Mō te Māori, mō te Ao Māori, ko te noho kaitiaki nei, he noho me te ao, he noho ki ngā tipu, he noho i te taha o te whenua, o te wai māori, o tō tātou taiao. Ka tiaki te taiao i te tangata, te tangata ki te taiao. Koinā tōna tikanga. Mō tēnei pire, kua whai wāhi ngā iwi ki te whakatau, ki te tohe, ki te ārahi, ki te tiaki tonu i te awa, ā ngā rā kei mua i te aroaro. Ko te whakatinanatanga anō hoki tēnei, o te kaupapa nei o tēnei kupu o te kotahitanga. E toru ngā iwi, e mahitahi ana. Āe, arā anō ētahi e noho tahanga ana, me kī, ā, e kōrerohia ana, e te Hōnore Nanaia Mahuta. Engari ko te mea pai o tēnei, ko te tono o te iwi ki te nohotahi, ki te kōrero, ki te wānanga i ngā take nei, i te taha o te hunga whakahē.

Kai te kōrero au mō te taha ki a Ngāti Maniapoto, ki te taha ki a Ngāti Korokī-Kahukura. Tērā anō hoki tērā e whakahē ana i ētahi wāhanga o te pire nei. Ki tāku e

rongo nei, he take tā Ngāti Korokī-Kahukura. Ko tā rātou, kia ōrite tō rātou mana ki tērā o ngā iwi e toru e kōrerohia ana. Ko tā te komiti whāiti he īnoi tonu, kia noho wātea tonu tētahi tūru ki tērā hunga. Ko tā rātou, ko tā Ngāti Korokī-Kahukura, kia riro tō rātou rohe, tō rātou mana ki raro i a Ngāti Raukawa, Te Arawa, me Ngāti Tūwharetoa. I roto i te tono a Ngāti Korokī-Kahukura, mā te Poari o Taumata Wīwī, ka whai wāhi rātou i te rohe nei, mai i Arapuni, ki Waipapa. Ki taku mōhio kei te tautoko mai ētahi o ngā iwi nei ki tērā whakaaro. Anei tā Taumata Wiwi Trust i te reo Pākehā:

[*Greetings to you, Mr Deputy Speaker, and to all of us. To those who have travelled from home, welcome to Parliament House this afternoon. To those on my Te Arawa side, welcome to this building of the Parliament Buildings. A similar welcome to my Ngāti Raukawa and Ngāti Tūwharetoa sides, as well, who have arrived here this afternoon— welcome, welcome, welcome. Welcome in respect of the deaths back home, welcome. The number who have lain in state on our marae have been so numerous. Some were involved in the debates around this issue. One such person was Lady Raihā Māhuta, mother of that member seated over there. She has passed away. Others too fought to have the people involved in the governance of the river and to have a say in how their resources are to be used and managed. So enough. Allow them to sleep and rest there. Our part today is to celebrate this event. So greetings to you, my leaders from home, greetings, salutations, and acknowledgments to you all.*

What a wonderful bill this is to us, the Māori Party. The most important and outstanding feature about it is that Ngāti Raukawa, Ngāti Tūwharetoa, and Te Arawa are participants in a co-governance framework, as well as establishing a co-management and related arrangements for the Waikato River. As I have alluded to previously, this issue has been a debating point for a long time for some who have since passed away, but the ones seated above in the gallery have brought this matter to its completion and realisation. This afternoon I add my congratulatory statements to the tribes who have come here, alongside those who stood before me.

This bill is visionary, as it establishes a single co-governance entity that sets out the plan for protecting the Waikato River. That is the most important and crucial thing about it. Crown and Māori interests working together as a single entity is something new to many in respect of co-management between Māori and the Crown on a common cause, particularly for us. I advocate this as a good model, and if we can follow it, much will come from it in the future. The Crown assumed that it had the final say, it knew what was best without any further consultation.

What is the essence of this bill? It is the expression of guardianship that we allude to on our marae. It is for Māori and the Māori World to retain guardianship status, to live in balance with plants, land, freshwater, and our environment. The environment protects people, and people protect the environment. That is how it is supposed to be. In respect of this bill, Māori will now have a say over how the river is to be monitored in the future. Implementation of this is also the essence of guardianship. Three tribes are working alongside each other. Yes, there are others who oppose the bill, as the Hon Nanaia Mahuta has pointed out. But the good thing about this is that the three tribes are required to work together; dialogue is forced between each tribal group who oppose it.

*I will comment on the part that concerns Ngāti Maniapoto and Ngāti Korokī-Kahukura, who oppose some provisions of this bill. I have heard that, to Ngāti Korokī-Kahukura, it is the recognition of their authority and being treated equally with other river iwi. The select committee will continue to push for them to have a seat on the *Waikato River Authority, but according to Ngāti Korokī-Kahukura, this bill puts their domain and authority under Ngāti Raukawa, Te Arawa, and Ngāti Tūwharetoa. In their submission, Ngāti Korokī-Kahukura, through Taumata Wīwī Trust, described the fact*

that they have a shared interest in the area from Lake Arapuni to Waipapa. I understand that other iwi back this assertion. Here is what Taumata Wīwī Trust had to say in English:]

"The Waikato River settlement is intended to be holistic and to promote co-management … The exclusion of Ngāti Korokī Kahukura as a river iwi is a fundamental flaw."

Ko tā te poari rā, he whakanui ake i te kaute, me whakanui ake i te kaute o te hunga e noho nei i te Waikato River Authority ki te tekau mā tahi, arā, kia kotahi tūru anō mō te taumata nei, kotahi tonu ki te Karauna. I whakaaetia mai e te komiti whāiti ki te take nei engari, tekau noa iho te whakatau, ā, ko tā rātou me kimi tētahi rongoā pēnei i tā Nanaia e kōrero nei, me noho ki te tēpu ki reira kōrero ai. Ko te take ki a Ngāti Maniapoto, he īnoi kia whai wāhi a Ngāti Raukawa i te awa o Waipā, ā, kia whai wāhi anō hoki a Ngāti Maniapoto i te taha o Ngāti Raukawa me te kaunihera ā-rohe. Ko tā Ngāti Maniapoto, kei raro te awa o Waipā i te mana o Ngāti Maniapoto i te mea, ko tētahi wāhanga o te awa kei roto i te whakataunga o Ngāti Raukawa, me whai wāhi anō hoki rātou i ngā kōrero katoa. Ki taku mōhio, ko tā te komiti whāiti, he take ā-iwi tēnei. Koinei te kōrero a te Hōnore Mita Ririnui, mā ngā iwi tonu e whiriwhiri te huarahi hei whāinga mō rātou. Ehara tērā i te take mā te Karauna. Kei te āhua whakaae atu ki tāna e kōrero nei. Nō reira, ēnei kōrero katoa he paku whakamārama ake ko te āhuatanga o tēnei pire.

Hei kōrero whakamutunga māku, e hia kē nei ngā painga o te pire nei. Tuatahi, he pūtea kua whakaritea ki te whakaora anō rā i te awa. Tuarua, ka riro mā ngā mana whenua e whakarite ngā rautaki, ngā mahere mō te awa, ā, ka tāpirihia atu ki roto i ngā mahere o te *Waikato Regional Policy Statement*. Tuatoru, mā te Waikato River Authority e whakaingoa i te hunga kōrero i ngā hui ā-poari. Ka whai wāhi anō ngā iwi ki te āta tiaki i ngā awa. Me whakaae ngā iwi me ngā kaunihera ā-rohe ki ngā momo mahere ki te tiaki i te awa. Ka whai wāhi ngā iwi ki te whakaae mai, ki te whakahē rānei i ngā tono e pā ana ki te awa.

Nō reira koinei ngā painga, pēnei i tāku e kōrero nei i te tuatahi, he tauira pai tēnei. Ko te nohotahi a ngā iwi me te Karauna ki reira kōrero ai mō ngā take e pā ana ki te tiakitanga o te awa nei. Kei wareware ko te taha ki a Ngāti Korokī-Kahukura rāua ko Ngāti Maniapoto, waiho tērā take ki reira mā ngā iwi e kōrero. Engari pēnei i tāku e kōrero nei, ā, he tauira pai tēnei mō te mahitahi, ki te tiaki i wā tātou taonga. He mihi rā ki te aronganui, te arongatahi o te hunga i kaha nei ki te kawe mai i tēnei kaupapa ki tōna whakatinanatanga i te ahiahi nei, arā, ko te tiaki i te waituku kiri, o ngā mātua, o ngā tūpuna.

Hei kupu whakamutunga, kei te aroha atu ki te hunga i whakahē nei i tēnei take i ngā marama kua hipa ake. Engari kei te pai kua puta tērā reo kōrero, ā, hoi anō ko te reo kōrero i te ahiahi nei, he harikoa, he mihi, he whakatau. E te iwi tēnā koutou, tēnā koutou, kia ora tātou.

[*That board wanted to increase the membership of the Waikato River Authority to 12, with one member appointed by the Taumata Wīwī Trust, the other by the Crown. The select committee acknowledged that there is an issue here, but that the optimum membership count remain at 10. They were to seek a solution such as the one suggested by Nanaia, whereby they sit at the table and discuss it there. The issue for Ngāti Maniapoto was to request that Ngāti Raukawa have an interest in the Waipā River, that Ngāti Maniapoto and Ngāti Raukawa have a place, as well, on the regional council. To Ngāti Maniapoto, the Waipā River is under the mandate of Ngāti Maniapoto because one part of the river is in the Ngāti Raukawa settlement, so they should have access to all the information, as well. I understand that according to the select committee this is a tribal matter. The Hon Mita Ririnui stated that the tribe should decide it; the Crown*

should have no part in it. I kind of agree with that, somehow. So all these comments are bits of explanation about the nature of this bill.

*To end this address, I want to say that this bill has many benefits. Firstly, a fund has been set aside to clean up the river. Secondly, it allows the people of the land to develop their own strategies and plans for the river and to incorporate them into the *Waikato Regional Policy Statement. And, thirdly, it is left to the Waikato River Authority to appoint representatives at board meetings. Tribes will also have a part to play in the resource consents process relating to the river.*

So these are the benefits. As I said at the beginning of my speech, this is a good model, where tribes and the Crown come together to talk jointly about matters relating to protecting the river. Let us not forget that the issues relating to Ngāti Korokī-Kahukura and Ngāti Maniapoto will be addressed by the tribes. As I have said previously, this is a good example of how to work collaboratively to protect our resources. I acknowledge the foresight and perseverance of those who worked hard to bring this bill to its conclusion this afternoon, which is all about protecting the river of the ancestors and forefathers.

In conclusion, I sympathise with those who opposed this bill in the past months. But that is fine; it is out now. This afternoon it is all about being joyful, congratulatory, and agreeing. Congratulations to you, the people, and to us.]

SIMON BRIDGES (National—Tauranga): The Hon Tau Henare in his speech to the House on the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill made note of how wonderful it is that people, crowds indeed, turn up to these settlement bills. As he said, they do so not for the parliamentary bickies or anything of that nature, but to bear witness to a moment of magnitude in history.

We on the Māori Affairs Committee have seen a lot of crowds turn up. One could almost, I say this glibly, tell the substance of a settlement by how many people turn up. What we also see is how many of these settlements are occurring, and on Tuesday there was another settlement before us in the House. It is a real testament to the Hon Chris Finlayson and his people, and the work they are doing to ensure that we settle these matters expeditiously. I acknowledge the work that was done previously by the last Labour Government. I also acknowledge Tau Henare and the Māori Affairs Committee. As he said, despite the barneys sometimes, we nevertheless get on well and do the business well, I think.

Due to the number of these bills it is tempting—indeed, it is too easy—to come along to the House and give a quick perfunctory speech and then sit down. But the reality is that each one is special, each one has significance, and this one is very special. It involves the Waikato River. As Chris Finlayson said, it literally involves flowing water. It is our mightiest, I would say our most important, river in New Zealand. Through this bill we ensure that we are protecting it, enhancing it, and cleaning it up—there is no question that it has suffered degradation and pollution over the years. We are providing the funds for that clean-up and we are providing in some ways a novel but nevertheless significant series of models to ensure that it is done in a very good way.

The Minister for Treaty of Waitangi Negotiations, Chris Finlayson, said, probably modestly, that he was satisfied with this bill. I think we can all—the Crown, iwi, and participants at whatever level—be more than satisfied. We can be well satisfied with what has been achieved and with what comes to fruition today in one sense, but in another sense just starts a journey. With those remarks, I commend this bill to the House.

Hon STEVE CHADWICK (Labour): Kia ora, Mr Deputy Speaker. To all those people up in the gallery, I say that I would not call them a crowd. I think they bring much more significance, in being with us today. I would probably call them an ope. To

the people of Te Arawa, Ngāti Tūwharetoa, and Ngāti Raukawa I say welcome and thank them for making the journey yet again to share their stories, their history, and their past with us in the House who are just doing the bidding of drafting legislation and getting it to the House. We share their presence here today. Thank you for being here.

It is my pleasure to be here. The Hon Parekura Horomia and the Hon Maryan Street are unable to be here today, so I have the privilege of being here for the third reading. I am also able to congratulate the Minister for Treaty of Waitangi Negotiations on bringing the bill to this end today. I think the Minister has embarked on a new approach with Treaty settlements. He is picking up the legacy of Michael Cullen, which was left at the end of Labour's time in Government. But in this case, the settlement was begun by the Hon Margaret Wilson very early in Labour's 9 years in Government.

This bill is very significant. It is not just another settlement coming before the House. I think this settlement signals a new way of working. Very complex structures have been able to be woven together with the co-governance framework, and also some of the conservation and fisheries components have been woven into the legislation, to make it a much more enduring and sustainable settlement. Those issues, in themselves, created quite a challenge for Labour when in Government. My involvement was very contemporary in 2008. I acknowledge Lady Raihā Māhuta. She came to see me when I was a new Minister of Conservation. She was desperate to get this settlement done. She must have known then that her time with us would not be for much longer and she wanted to have the settlement moved. It was a thrill to have the deed of settlement signed in 2008, and then to have the Hon Chris Finlayson pick it up in 2009. It is not bad that we are here in 2010, having the third reading debate. I congratulate not the speed but the knitting together of the complexities of this bill that we are debating here today.

One of the things I will talk about is the co-governance framework. I think there are some very exciting aspects here, yet to be tested, as I heard my colleagues mention in the House. We have just had the local body elections, so on this journey there will be new councillors on the regional councils and on the local authorities who will not understand co-governance. They have a lot to learn about partnership. They have a lot to learn about listening. They even have a lot to learn about the histories. They need to go back to the storytelling. I say to members in the gallery to tell them the stories so that they can understand the journey, because we have a big future ahead of us. I urge those who will manage this going forward to embrace those new councillors, because they will not understand the complexity of this legislation.

The bill also contains iwi environmental management plans. I remember Nanaia Mahuta bringing forward a member's bill that we felt very strongly about. It was about the importance of having an iwi environmental management plan. It was sad for us, because the bill was defeated in this House. If only we had iwi environmental management plans for this settlement today, the settlement process would proceed so much more easily.

There will be regulations about fishing. There is a conservation component that has the status of "conservation management plan", and that is wonderful to see. The Department of Conservation needed to understand the role of kaitiakitanga of the land and of the environment reflected in this statute today. I am sure the department is now learning from this process the ways that will help to strengthen future Treaty settlement processes. We are all guardians of the land, and the Department of Conservation is really a guardian of the land for the people and has to play an integral part in the role of trust and having an enduring relationship with iwi to make those things work for the future. So what a pity it is that iwi environmental management plans are not a

component of the legislation, which they could have been for all regions around the country.

There is another powerful component of the co-governance framework, and that is the protection of species. I heard our Green Party colleague David Clendon mention the loss of biodiversity, both along the streams of the Waikato River and in the freshwater fisheries—freshwater eel is endangered, as are kōura and whitebait. The protection of species is absolutely vital, and when we see that aquatic life come back to life the Waikato River Authority will have done its job. I hope we can see that in our time, and I am sure we will because those people want to make this legislation work.

This is a very new approach, and I worry a little bit about the aim to try to have the Treaty settlement process come to an end by 2014, because we learn about new components with each Treaty settlement. I am pleased there is a Waikato River clean-up fund. We did not manage to achieve that in our Te Arawa Lakes settlement. We wanted it; we got a quantum. We have more work to do to clean up our lakes—three of them are also part of the tributary into the Waikato River. That was a new learning process, and it is reflected in this bill. I think that is very significant.

What a pleasure it is to be here today. It is sort of the end of a journey. The chair of the Waikato iwi trust, Roger Pikia, mentioned in his press release today that this journey was begun by a kaumātua Kamariera Heretaunga and 54 others in 1895. That was a bit of a journey, was it not? But what a learning process, in that in 2010 we are settling a grievance about the degradation that has happened both to the people and to the Māori of the mighty Waikato River. Labour is pleased to be giving our support to this bill today. Thank you.

LOUISE UPSTON (National—Taupō): Tēnā koe e te Whare. Rau rangatira mā, tēnei te mihi ki a koutou i runga i te kaupapa o te rā. Tēnā koutou ngā iwi rangatira o te awa o Waikato. Nō reira, e te Ariki Tumu te Heuheu, e Te Arawa, Raukawa mā, tēnā koutou, tēnā koutou, tēnā koutou katoa. Nō reira e te Whare Miere, tēnā koutou katoa.

[*Greetings to you, the House. To the leaders of a hundred or so, I acknowledge you in regard to the matter of the day. Greetings to you, the principal tribes of the Waikato River. Greetings to you, paramount chief Tumu te Heuheu, Te Arawa, Raukawa, and the others; greetings, greetings, and greetings to you all. So greetings to you all, the Beehive.*]

As the member of Parliament for Taupō it is indeed a proud day for me to share this occasion with the visitors from Tūwharetoa, Raukawa, and Te Arawa. As Government speakers including the Hon Tau Henare have said before me, this is a day for celebration. More important, this day signifies a day of partnership and a day of history. It is a day on which I am proud to be part of the history of our visitors.

Our Government is delivering on its promise to complete final and durable settlements of all remaining historical Treaty of Waitangi grievances. I am sure that, as many people have already stated today, the Hon Chris Finlayson is doing a fantastic job in keeping these settlements moving. I also agree with the Hon Nanaia Mahuta about the importance of finalising these settlements. Finalising these settlements allows us to resolve issues from the past and to focus on the future. Whether the investment is in infrastructure or in businesses and jobs, it creates wealth in our communities. The creation of wealth in our communities means a better quality of life for our whānau. It means a better future. That is what this Government is committed to delivering.

The Waikato River connects my constituents from the south in Taupō, Ātiamuri, Whakamaru, Mangakino, Arapuni, and Karapiro. So it is my pleasure to be here in the third and final reading of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill. We all know how significant the Waikato River is not just in our area but for the whole of New Zealand. I am sure that everybody in this House can think

of a time when they enjoyed the river for its recreation, whether it was swimming, fishing, boating, duck shooting, or simply dipping in their toes at the water's edge. Many of us have business interests that depend on the Waikato River—whether electricity generation, or domestic, industrial, and community water supplies—and irrigation is important for the farming interests of not only iwi in this Chamber but of many in the Waikato region.

I will touch on the co-management arrangements that this bill makes possible. Some of the elected members of local authorities will have changed, but that does not change this legislation and what it allows for. It allows for local authorities and iwi to develop joint management agreements. We have already seen the winning of an Institute of Public Administration award with a joint management agreement between the Taupō District Council and Tūwharetoa. This bill gives iwi participation in specific and defined river-related resource consent decision-making. It recognises the potential of iwi environmental plans, decisions and regulations regarding fisheries and other matters mentioned under conservation, and also their important input into an integrated river management plan.

Many of us recognise the strategic importance of the Waikato River for so many reasons. I thought I would touch on just one from the weekend. On Saturday I was with a crowd at Karapiro that had gathered for the opening of another stretch of walkway and cycleway: 5 kilometres of what will eventually become a 350-kilometre walking and cycling track from Ngāruawāhia in the north to Taupō. It will be for locals and visitors alike. It will be a fantastic day when we are able to travel and share the beauty and might of our river for 350 kilometres.

This recently opened 5-kilometre stretch connects Leamington in Cambridge with Lake Karapiro, where the World Rowing Championships start in only 10 days' time. On Monday of this week I was in Mangakino and watched one of the rowing teams training on the lake. As a 14-year-old I trained at Lake Maraetai at Mangakino and I have to say that our boat went a whole lot slower than the Dutch boat was going on Monday. It is an exciting time. New Zealand recently got a gold medal and three silver medals in the Commonwealth Games so I am sure that I am supported in the House in knowing that the World Rowing Championships will bring us some gold.

The bill provides a new era in the relationship between the Crown and Ngāti Tuwharetoa, Raukawa, and Te Arawa. This is an important day in their history, in our history, and in the history of New Zealand. I am proud to support this bill. Kia ora ka mutu.

Hon SHANE JONES (Labour): Kia ora anō tātou. I te tuatahi he mihi tēnei hei tāpiri atu ki ngā mihi whakamirimiri kua tukua ki a koutou kua tatū mai ki Te Upoko-o-te-Ika i tēnei ahiahi. Tēnā koutou. Tēnā koutou me ō tātou mātua, ō rātou wawata me ō tātou moemoeā mō wēnei tāonga kai te mata o te whenua, ahakoa wai māori, wai tai, ngāherehere, raorao papa whenua, ko tā tātou i tēnei rā, he whakapūmau i ngā pānga o tātou te iwi Māori ki ēnei tāonga kua whakaritea hei poipoi mā tātou, hei tuku mā tātou ki ā tātou tamariki, mokopuna ā tōna wā. Nā reira tēnā koutou, tēnā tatou katoa.

I te wā i kōrerotia tēnei pire, i konei anō ētahi kaikōrero whakahahani. Ko tā rātou he whakatutua i te ingoa rangatira o Ngāti Raukawa, Ngāti Tūwharetoa me Te Arawa. Ko te kaikōrero nō roto i te Act Pāti. Nāna i kī mō ō tātou huānga ko tā rātou e whai nei, he hokus pokus. Nāna i kī ko tā tātou e whai nei he whakamōmona i tētahi wāhanga iti noa iho o te marea o Aotearoa, ko te nuinga e whakatahangia ana. Nāku te kī i roto i ērā kupu taukumekume, ēnā momo kōrero ka tau ki runga i te upoko o te tangata nāna i whakaputa tā te mea, nāna i whakataurekareka tētahi iwi rangatira ko Waikato. Nā, me mōhio tātou kua kore rawa atu tēnā tangata i roto i a tātou i āianei. Me waiho ōku kōrero kia pērā rawa hei mutunga ki tō tātou reo Māori.

[*Greetings once again to us. Firstly, I add this acknowledgment to the soothing remarks that were accorded to you who arrived here in Wellington, the Head of the Fish, this afternoon. Salutations to you. Greetings to you in regard to our parents and their aspirations, and our dreams for these resources on the land, be it freshwater, salt water, forests, or level or undulating land. Our task today is to affirm our interests and those of the Māori people in these resources that we are to nurture and hand down to our children and grandchildren to come. So greetings to you, and to us all.*

*When this bill was debated, some speakers who were present made disparaging remarks. They belittled the proud name of Ngāti Raukawa, Ngāti Tūwharetoa, and Te Arawa. The speaker was from the ACT Party. He said that what our relatives were setting out to achieve was *hocus-pocus. He further said that just a small section of the New Zealand public would benefit, while the majority would miss out. It was I who said that such words of conflict, and talk of that kind, would land on the head of the person who uttered them. He scandalised the noble people of Waikato. It is interesting to note that that person is no longer amongst us today. I will end my address in the Māori language by leaving it there*.]

I rise and treat it as a privilege to support the Minister for Treaty of Waitangi Negotiations and other speakers. I remind us, as I said in Māori, that in earlier speeches on this topic, in so far as they related to the neighbours of the current iwi, that is, Waikato, when we had the debates about that particular bill we, unfortunately, were troubled. The thing that troubled us was that the quality of contribution coming from our colleagues was designed to humiliate and deride the Māori Treaty partner. I want it known that the person and the people who said that what we do today ought not to be done in this House because it belongs in the realm of hocus-pocus are no longer members of this House. What we do here is deadly serious. It not only pertains to the quality of the environment we live in but goes to the heart of the mana of the people that they are genuine participants on the basis of the rights, privileges, and obligations that they inherit from their mātua and further beyond. So this is a day where we are showing some courage.

We know that there are many outstanding problems in the implementation of a reform such as this, but the future lies in the younger generation seizing the cudgels and taking these kinds of models forward. The quality of the environment is an obligation that should fall on all of us. It is too easy to seek to demonise those who want to promote Māori heritage, just as it is easy to stigmatise those who treat the natural resources as primarily being about the generation of wealth. Whether or not we like it, both perspectives are relevant and important in modern New Zealand society. The Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill endeavours to bring forward an aspect of our lifestyle here in New Zealand that has been overlooked for too long—that is, that the hapū and the local people were to be the hewers of wood, carriers of water, and have no status in the big allocation of management decisions about something as prodigious as the Waikato River, which means in English the flowing waters. It is some 400 kilometres, and has a catchment of thousands and thousands of hectares. It is an area that represents a great deal of importance to the super-city, given that it derives much of its drinking water from the area.

Treaty settlement issues deserve bipartisan support, and although I have doubts that 2014 will see the end of this episode in our recent history, we should not use dates that we set in our parliamentary calendar as an opportunity to hammer each other, mislead the public, or threaten the Māori Treaty partner. It will take as long as the time we can dedicate to it for us to get durable solutions.

Today we are in a happy mode, but only yesterday a Waitangi Tribunal report came out warning us about the parlous state of the Māori language. Although this bill is about

resource management and the involvement of tangata whenua in statutory management, the contribution that this reform can make to our language ought not to be overlooked. We affirm the importance of the language when we include the guardians of the language in the management of those resources, which are identified by their distinctive names and the ancestral connection between the tangata whenua and those areas. Just as Māori themselves have to take a great deal of responsibility for making this model work, we also have to take an enormous amount of responsibility for ensuring that our language, which is regarded as a taonga of the Treaty, is regarded as an issue deserving of the same level of attention as we give those settlements when we dispatch lawyers to do battle with the Crown, go to yet another mandate meeting, and do other things of that nature.

Te reo Māori belongs in the Treaty realm, but it belongs in every home where we find Māori families. It belongs in a position where either local government or central government do not diminish its status. At the end of the day, it is a broad obligation on all of us as New Zealanders. Perish the thought that the language should end up like the language of Hawaiians, who currently struggle to retain or recover that particular Polynesian language. It is a massive reminder to us that although we might nominate dates as to when Treaty settlements might be dispatched, certain Treaty obligations will be revisited by each generation. They will revisit the position of the language, the zest we show to maintain it, the affection that we show to it, and whether we all step up to the plate and cause it to become regarded, without cringe, as a taonga of all New Zealanders.

Many important speeches have been made. I single out the work that the current Minister is doing. I also appreciate the challenges that he faces in relation to that other iwi, Tūhoe. As I will say again, it was particularly pleasing to learn that the current Minister is looking at various innovations as to how that type of question might be dealt with. No doubt he is afflicted by a similar challenge in relation to the seabed and foreshore, but I have exhausted my rhetoric on that matter for this week.

To our Treaty partners—Tūwharetoa, Ngāti Raukawa, Te Arawa, and obviously the people of Waikato—I say that this is a great example of how we can move into other areas of the natural resource estate. We look forward in the future to when fortune smiles upon us, and you sit on this side of the Chamber and we sit on that side of the Chamber. We look forward to ensuring that it is adequately—I meant no disrespect, Mr Deputy Speaker, by unwisely involving you in the debate as to where you might sit. I actually had the member for Horowhenua in mind. Horowhenua needs to be swallowed by the land, and it will be a landslide that swallows him. But that lies in the future. Without further ado, I mihi to all our tangata whenua here today, salute the Minister, and also acknowledge the work that Dr Cullen did in his time. Kia ora tātou katoa.

PAUL QUINN (National): Tēnā koe e te Mana Whakawā. Tēna tātou te whānau Pāremata. Ngāti Tūwharetoa, Te Arawa, Ngāti Raukawa, tēnei kei te mihi ki a koutou katoa. Nau mai ki te Whare Pāremata. Kua tangihia ngā mate, moe mai koutou. Tātou te hunga ora kei konei i tēnei pō, kia ora huihui tātou katoa.

[*Greetings to you, Mr Deputy Speaker. Greetings to us, the parliamentary family, and to you all, Ngāti Tūwharetoa, Te Arawa, and Ngāti Raukawa. Welcome to the House of Parliament. The dead have been mourned, so rest there. To us, the living gathered here, greetings to us all.*]

I have the privilege of joining with previous speakers in welcoming our guests, and the members and representatives from the three tribes. As others have suggested, their presence here this afternoon is a demonstration of the importance of this occasion to them, to this House, and to the nation.

My speech is the final step before this bill receives the Royal assent, so, in not wanting to be frowned on by my uncles and aunties, I promise not to hold them up any longer. They have waited for too long for this day to come, to be able to receive this taonga back in honour of those who have gone before them, who are unable to be here on this day to see it happen—they had stood and watched as their taonga was denigrated, and they had hoped that this day would one day come—and, of course, in honour of those who will come after them, who are now charged with the responsibility of taking up the cudgels of leadership and ensuring the future health and well-being of this river that has been spoken of already. So I stand to acknowledge the kaumātua, and the work they committed to in reaching this point. I wish them well.

In so doing, I see amongst them Brian Roche, the ubiquitous Brian Roche, who seems to have a finger in every pie. I single him out because I think this legislation represents his last settlement, and it is appropriate that this Parliament reflects on his deeds. I think he goes back to Ngāi Tahu; that was his first one. He has been involved in the wānanga, in Ngāti Awa, and in the Waikato River negotiations. I think that that reflects on his professionalism. I also single him out because there is one small victory for me—that is, I think I am the only person who, during the course of a negotiation, actually got him to leave the room in frustration. I was able to finally break him down—he had always had the ability to discuss matters calmly until he met me—and I do not think anyone else was able to achieve that.

I also thank and record the work of the officials for the support they gave to the Minister. He is doing an excellent job, and I think it is very appropriate that we recognise the leadership he has shown, and the dedication that he is bringing to the job, to achieve the target of this Treaty settlement. With those few words, it is appropriate that I now conclude and allow the ope that has come down to rejoice in celebration of the closing of this debate. Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

A party vote was called for on the question, *That the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Bill be now read a third time.*

Ayes 113

New Zealand National 57; New Zealand Labour 40; Green Party 9; Māori Party 5; Progressive 1; United Future 1.

Noes 5

ACT New Zealand 5.

Bill read a third time.

Waiata, "Whakaaria Mai"

CHILD AND FAMILY PROTECTION BILL

In Committee

Hon NATHAN GUY (Associate Minister of Justice): I seek leave for all provisions of the bill to be taken as one question with multiple calls.

The CHAIRPERSON (Lindsay Tisch): Leave is sought for that. Is there any objection? There is no objection.

Clauses 1 and 2 and Parts 1 to 3

Hon NATHAN GUY (Associate Minister of Justice): I think it is worthwhile to make a few introductory remarks about the very important Child and Family Protection Bill. It builds on the Government's existing policies and legislation dealing with serious issues in relation to domestic violence, and it ensures that courts can act to protect

children and families from all kinds of violence and abuse. It also addresses the risk of children being wrongfully removed from New Zealand.

I will take a little time to move through the important aspects of this bill. In particular, Part 1 amends the Domestic Violence Act 1995 to provide for greater protection of the child victims of domestic violence and to improve court processes. The Justice and Electoral Committee recommended amending clause 6 to provide that a protection order would automatically continue for the benefit of children of applicants' families, irrespective of their ages, while they continue to live with the applicants. This amendment removes the onus on young people still living with applicants to apply to the court for continued cover.

Clause 7 enacts the repealed section 54 of the Care of Children Act into the Domestic Violence Act, which enables the court to make interim care or contact orders to protect the welfare and best interests of the child when a protection order has been made. Clause 8 enables a registrar to amend the direction to the respondent to attend a Stopping Violence Service programme, by specifying a later date or different place. This amendment will help, for example, in cases where a direction to attend a programme is served on a respondent too late for the respondent to attend on a specified date. The bill also extends from 5 days to 10 days the period of time in which a respondent has to object to attending a programme. Clauses 10 and 12 clarify the transition between temporary and final protection orders by ensuring there is no opportunity for a lapse between the temporary order and the final order.

The select committee recommended that the provision is amended to allow explicitly a lawyer appointed to act for the child under the Care of Children Act, and any person whom the Family Court judge permits, to attend the review of contact arrangements. That amendment relates specifically to clause 13. To address any uncertainty about whether a judge needs specifically to discharge a temporary order when making a final order, clauses 14 and 15 clarify that the temporary order is automatically discharged. Finally on Part 1, clause 16 enables a lawyer who is appointed to act for a child in guardianship or parenting order proceedings under the Care of Children Act to be present at the hearing of proceedings under the Domestic Violence Act involving that child.

Part 2 amends the Care of Children Act 2004. It provides for enhanced consistency between the Domestic Violence Act and the Care of Children Act with regard to psychological abuse, and reduces the risk of children being wrongfully removed from New Zealand. The amendments introduce the concept of psychological abuse into the application of parenting orders but only where a protection order has been made against a respondent on the grounds of psychological abuse. The select committee recommended widening the definition of "protection order" to include those made by sentencing judges in the criminal courts on behalf of victims, as enabled by the Domestic Violence (Enhancing Safety) Act.

Part 3 specifically amends the Adoption Act 1955. It creates a new offence, under the Adoption Act 1955, of improperly inducing consent for the adoption of a child, which is to be punishable by up to 7 years' imprisonment. New Zealand has ratified the United Nations Convention on the Rights of the Child but is among a minority of countries that have not ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The proposed new offence contained in Part 3 is the last legislative change necessary to enable New Zealand to ratify the optional protocol.

Clause 32 also provides that the offence is punishable by imprisonment for a term not exceeding 7 years, and that there will be wide extraterritorial jurisdiction for the new offence. This means that even if the offence occurred wholly outside New Zealand,

New Zealand may still bring proceedings if the victim or the person to be charged is a New Zealand citizen or resident, or if the person to be charged has been found in New Zealand and has not been extradited. The select committee recommended amending the proposed new offence so that it applies not only to individual people but also to agencies and bodies corporate that are involved in inducing consent to an adoption.

LYNNE PILLAY (Labour): I stand and speak, obviously, in support of the Child and Family Protection Bill, because Labour certainly supports any bill that provides more protection for children and, predominantly, for women in New Zealand. So we support this bill, but we support it with a little bit of sadness in that it does not go far enough.

I have said it before in this House, and I will say it again: there is a more comprehensive bill languishing on the Order Paper at the moment. That bill, the Domestic Violence Reform Bill, was introduced by Annette King in 2008, and it was following extensive—

The CHAIRPERSON (Lindsay Tisch): I remind the member that that is not a provision of the bill. Leave has been sought for the provisions of the bill to be debated, and it is a very tight debate. Although the member can mention that legislation, she cannot dwell on it, because it is not part of the bill we are debating.

LYNNE PILLAY: Thank you, Mr Chairperson. I will just finish what I was saying—but I certainly will not dwell on it—because I want to talk about an amendment.

One of the provisions of the Domestic Violence Reform Bill, which is languishing on the Order Paper, is one that my colleague Jacinda Ardern put forward. It is an amendment that puts the definition of "child" in line with the United Nations Convention on the Rights of the Child. Currently, a child is defined as a person under the age of 17. Jacinda Ardern's amendment seeks to raise the age to 18 so that young people—I think they are referred to as adult children—have the protection they need and deserve.

I will now speak about the amendment I propose. It relates to young people being covered by a protection order when they are no longer residing at home. We had considerable discussion on this matter at the Justice and Electoral Committee. An amendment was made to provide that when young people are still residing in the home, the protection order would still apply to them even when they reached the age of 17. We want to amend that to 18 years of age.

Regrettably, despite some very eloquent points raised by us, we were not able to achieve in Committee an amendment to provide that young people were still covered by a protection order if they left the family home. That was something that many, many submitters to the select committee said was really important. Logically, a young person who has been in a home where a protection order is necessary has been subject to much acrimony, and to violence, and that does not simply go away by virtue of him or her leaving the home.

We are asking the Government to reconsider this amendment, and we are asking that young people opt out of protection rather than opt back in, so that if they were to leave the family home at over the age of 18, they would still be covered by that protection order. If protection was deemed necessary when they were residing in the home, and when they had their parent with them, why would that protection be deemed unnecessary when they are not in the home? They could still be in a very, very vulnerable situation, and there may be a number of circumstances as to why that young person is not living at home.

We really urge other parties in the House, especially the Government, to listen to what the submitters said. Many agencies who are involved in the protection of children,

and many submitters, felt that it was a really important point. I urge members to support this amendment. I can see that Simon Bridges is listening attentively, and I am hopeful that, once again, he will bow to my wisdom and that he just might support this amendment. If that were the case, I would take the opportunity to acknowledge Simon Bridges. Although we do not always agree on a lot of things, he has many times been very helpful.

SIMON BRIDGES (National—Tauranga): The Child and Family Protection Bill is a highly worthy bill, because ultimately it is about better providing for the welfare of children and families. It does that by amending the Domestic Violence Act 1995, the Care of Children Act 2004, and the Adoption Act 1955. Perhaps unlike other speakers throughout the first and second readings, and in this Committee stage, I will focus on the last Act, the Adoption Act 1955, and the amendments that we are making there. I suggest that they are very important ones, and I will focus on them shortly.

The Bills Digest, in really quite banal terms, talks about the fact that the Adoption Act amendments deal with "an increase in the international movement of children for adoption purposes. … Current powers are inadequate to deal with the modern day international movement of children for adoption purposes. New provisions are required to fulfil New Zealand's commitment to protecting the welfare and best interests of children, and to make it easier to prosecute offences relating to intercountry adoptions." I agree with that. What we are doing is excellent. We are making sure we are complying with the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. That gets closer to what this is about.

This is not something that is banal. It is banal, perhaps, in the frequency of it, and how common it is, sadly, in the world we live in. But I suggest that what we are dealing with here, in living up to our international obligations, is the era we are living in, which is the era with the most pervasive human rights violations. We are talking about the oppression of children and women worldwide, about sex trafficking, forced prostitution, gender-based violence such as genital mutilation, the killing of children and women simply on the basis of their sex, and stonings. We are not talking about small numbers of people; we are talking about many millions of women and children every year. We are talking about billions and billions of dollars every year when we talk about sex trafficking. So this is a very important issue, in my view.

We can look back at the history of slavery worldwide and at what William Wilberforce did two or three centuries back, and of course we say that was great. He ran a crusade, effectively, and towards the end of his life ultimately won and saw the end to slavery of black people in Britain at least. But today, in the world we live in, the slavery of children and women continues and persists at a very pervasive level, and involves millions and millions of children and women.

One of the things that is influencing my thinking a lot is a book I am reading at the moment called *Half the Sky* by Nicholas Kristof and Sheryl WuDunn. They are Pulitzer Prize winners on the issues of sex trafficking, forced prostitution, gender-based violence, and so on. They make the case that this is terrible, but they—and I have not read to the end of their book, but I can tell where it is going—push the theme that action and condemnation at an international level can work, and that we can make a difference. We have to be very careful how we do it. A senator pushed through a bill in the United States of America to ensure that child labour laws were toughened up around the world, and that American law did toughen things up. But, in doing so, he saw child labour go down and child sexual slavery increase as the children went out of the clothes shops and into the sex shops. We would not want to see that happen.

JACINDA ARDERN (Labour): It is always a pleasure to follow on from Simon Bridges, who called the Child and Family Protection Bill a worthy bill. He is probably the only person in Parliament who could patronise a piece of legislation in such a way.

Before I begin, there were three things that came through strongly for me that this bill was trying to achieve. Some things had greater focus than others, but the first was, obviously, the extension of protection to children who are victims of domestic violence. Another element, to a certain degree, I believe, was expediency. The third element was fulfilling our international obligations, although that was not the only catalyst for the sensible provisions contained in the bill. But it is still my view, and the view of Labour, that we could have gone further under each of those headings.

I will touch on them quickly, but before I do I shall make a quick general point about children coming through our justice system. Whether it be under the provisions of legislation such as this, or as witnesses through our Family Courts or our criminal courts, it is becoming more and more obvious through work by academics that our justice system takes too long when dealing with young people, in whatever facet—as a victim or a witness. It is incredibly important that we process children through our justice system as rapidly as possible, for lots of reasons: if they are a witness, it is due to their ability to remember a particular circumstance; if they are a victim of domestic violence, it is for the obvious reason that that is traumatic.

Under that heading, I absolutely endorse anything we can do to speed up the process, and there are elements of the bill that do that. But, at the same time, legislation has been passed in the past in relation to the use of judicial officers in the Family Court, which also could speed up the process when children are involved. I implore the Government to take up that opportunity. It already exists in legislation and it is something that the Government could pick up tomorrow if it chose, but I believe that it currently is not a priority.

The second quick point I would like to make is that when it comes to domestic violence legislation, I think this House has a tendency to implement and forget. That is a very natural thing. We are legislators and often we rely on people on the ground to implement the policy that churns out through this process. But when it comes to domestic violence legislation, in particular, I have heard reports that recent domestic violence legislation that the Justice and Electoral Committee has been involved in, including the police safety orders, may not be working in the way in which Parliament intended. I would like to add to the record my hope that for such pieces of legislation future select committees, including the Justice and Electoral Committee, could review the way that the legislation works on the ground, perhaps in 12 months' time. If indeed the legislation is not performing in the way that we intended, if victims are not being protected and children in particular are not being protected in the way that we intended, that is something that Parliament should be involved in reviewing. That goes for the police safety orders, if the reports I have heard are anything to go by.

Focusing specifically on those elements that I have touched on—the protection, the expediency, and the international obligations—I will touch on some of the points that the Associate Minister of Justice made. Obviously, he pointed to the fact that this bill was about extending the protection for children. The select committee honed in on that point when it considered amending clause 6(2). When the bill came to the select committee, protection orders that covered children were set to expire by virtue of their age rather than their circumstance and rather than their family's circumstance. The select committee considered that, and decided that, instead, it felt it was important that the protection period be extended to cover the time period that a young person was resident in the home of the person who originally made an application for a protection order, and I think that is right.

But we also should have gone a step further. If the Associate Minister is correct in stating that this bill is about protecting young people and children, I hope the Government will vote with us on the amendment that I have put forward in this regard. Our view was that once young people, even those beyond the age of 17, leave a residence they are more vulnerable than perhaps they are when they are still in the home of their family member. For instance, they could be going into an independent living situation. There is very little harm in empowering young people currently covered by a protection order by saying that if they choose not to be covered by it, they may opt out at any time. In fact, that feeds into this idea of expediency and efficiency, which I would have thought the Government would also support. So our preference was to have an opt-out situation that was not bound by age or circumstance but was simply left up to the young person. I see very little harm in having such a provision in the legislation, and a lot of things sit in favour of operating the system in that way. I implore the Minister in the chair, the Associate Minister of Justice, to speak to that point in particular, and to tell me why the Government does not support it.

However, if the Government wants to stick with age-based provisions, we would also like to see the definition of a young person changed, because one element of this bill is our international obligations. It is very good that we are picking up on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, but it is disappointing that the founding document, the United Nations Convention on the Rights of the Child, continues to be neglected at its very core, and that is the point at which New Zealand continues to treat the definition of a young person. I know that all the politics sits around the idea of the criminal age of responsibility, but we continue to contend that there are enough elements now of our legislation that give flexibility for the courts to deal appropriately with the severity of an offence. We should now move to increase the age to 18, and to fulfil our obligations under the United Nations Convention on the Rights of the Child. This would be a prime time to do it; that is why I am giving the Government that option by putting forward an amendment by which it can change the definition. It would be a bit of a saving grace, because I imagine that the Government will be coming up for a review of how well it is fulfilling its obligations under that convention very, very soon. There is no doubt that this will be a point on which the committee will ask the Government questions at an international platform, and my amendment provides the opportunity for the Government to rectify that wrong. It would have many positive spin-offs, not just for this legislation in terms of widening the protection for children and young persons but in other areas where we currently have gaps in our service provision of care and protection. I implore the Government to take up that fine wee opportunity.

The Associate Minister also talked about the processing of orders. Again, this bill was an opportunity to pick up something that the Family Court judges have raised with us, which is their inability to enforce some of the orders issued by the court. I had hoped that the Government would have taken the opportunity to give greater powers in that regard, because in some cases those provisions are being flouted directly. The Family Court has brought that to our attention, and this bill was an opportunity to rectify that situation.

I also bring to the attention of the Committee the fact that time and time again, when we come up with domestic violence legislation such as this, we hear quite personal stories of women in families who feel that they have not been adequately provided with the information they require to understand the process they are going through, and to understand the protections they do or do not receive through our domestic violence legislation. I think we could have improved that issue in two ways through this legislation. One way was to give applicants the ability to attend information sessions, so

that they could make better use of the protection orders that are being issued. That comes right to the core of safety for the applicants—and their children, in many cases. We could also have added a provision that would have required any judge who declines a without notice application, which would be an extraordinary circumstance, to at least give the applicant written reasons as to why it has been declined. That provision would give applicants the ability to determine whether to go ahead and proceed on notice with a protection order. If this bill was about processing quickly and giving greater certainty to victims and families, that would have been a sensible provision to include in it, too.

Dr RAJEN PRASAD (Labour): Thank you very much for the opportunity to take a call, and I also have put on my green bandana to show my support for CanTeen—young people living with cancer—this week. I really acknowledge the work of many of the young people who also work with other young people who are suffering from cancer.

The Child and Family Protection Bill is a very important bill—it is a crucial bill—for New Zealand, because it addresses such a serious issue in our homes, in our society, and in our communities—the problem of domestic violence. The bill addresses a large number of aspects of domestic violence to do with children, and I will come back to that as I speak to particular clauses.

Too many lives in our country are affected by domestic violence. Having worked in this area for a long period, and having led the Families Commission through the It's Not OK campaign and the work behind that, one begins to realise what a serious issue this is in New Zealand society. Any work that the Government does, and any work it has done, to reduce violence in our society and to address it is strongly supported by members on this side of the Chamber. We need only to consider that in 2008, 82,692 incidents involving some form of domestic violence occurred. The figures are astronomical—4 to 10 percent of New Zealand children have experienced physical abuse. These are the kinds of matters that the provisions of this bill address. In 2007, 6,400 children were involved in applications for protection orders, which are a major aspect of the provisions of this bill, as well. New Zealand's performance compared with other OECD countries, particularly when it comes to child deaths, is abysmal. The cost of this to the country, as evaluated by Every Child Counts, is over $2 billion. So this is an important bill for those particular reasons.

The bill introduces a number of important provisions. It makes changes to three Acts in order to protect the children who are victims of domestic violence. Clause 6 amends section 16 of the Domestic Violence Act 1995. It makes clear that a protection order applies for the benefit of a child of an applicant until the age of 17—and that is an important part—unless the order is discharged. The Justice and Electoral Committee recommended amending clause 6 to provide that a child of the applicant's family would not be required to apply to the court for a direction that the protection order continue to apply for his or her benefit after turning 17 years of age while the child continues to ordinarily or periodically reside with the applicant.

There is an important amendment, in the name of Jacinda Ardern, to the bill to change the age to 18 years. Another amendment to clause 6, in the name of Lynne Pillay, states that the protection order should extend to when a child no longer wishes to be subject to it. Those are very, very important aspects of this bill, which are missing at the moment. Those are its shortcomings. As the previous speaker and my colleague, Jacinda Ardern, said, this is an opportunity to address those aspects of the bill. The Minister in the chair, the Hon Nathan Guy, needs to explain why that is not possible and what the difficulties are with that. This is an important opportunity to explain that aspect.

The bill also amends the Care of Children Act 2004. Perhaps the most satisfying aspect of the provisions here is the inclusion of psychological abuse. Psychological abuse is one of those silent killers that one sees so often, yet because it leaves no marks

and no visible signs of abuse there are few provisions to address it. The knowledge that it will now be one of the important aspects that the Family Court will take into account is also an important aspect of this bill.

I am also pleased, having worked in the adoption area myself over the years, that the bill addresses some of the issues under the Adoption Act and will address some of the international matters that need to be addressed. I am pleased to see that as well. But perhaps the disappointment with this bill is that the opportunity has not been taken for a comprehensive examination of this matter. Thank you.

SU'A WILLIAM SIO (Labour—Māngere): I rise to take a call on the Child and Family Protection Bill. I acknowledge my colleagues Dr Rajen Prasad and Jacinda Ardern who have spoken before me. Although they were not members of the Justice and Electoral Committee that considered the bill and the submissions to it, they have had quite a lot to do with the Social Services Committee where we have had the opportunity to visit the surrounding organisations that deal with a lot of these issues in the Wellington region. I note that the National-led Government prides itself on its record in this area. It claims that this is another bill to protect the victims of domestic violence. I say, with the greatest respect to the House, that this bill will not solve domestic violence. This bill will not protect families and children; people need to do that. I think the bill is an important part of it but I do not think that, as we have repeated time and time again, it goes far enough to address the issue.

There has been considerable debate around domestic violence, up and down the country. I note that there always seems to be a tendency to blame one sector of society for this issue. I recall that the Minister for Social Development and Employment at one point in time appeared to point the finger at Māori. Others will point the finger at Pacific communities. I re-emphasise the point that I have made in numerous speeches in this House: domestic violence, family violence, and violence and abuse against children is not a Pacific or a Māori issue; it is an issue for this country. Until we are able to address it from that perspective, and what will be good for New Zealand and good for the future of this country, we are merely just tinkering around the edges, which is one of the famous lines of this Government.

I think it is very, very important for us to accept that no one party will be able to address this issue. The parties need to look critically at the point that the bills in themselves do not solve this problem. I hope that in stressing that point the Minister and this Government will at least consider the amendments introduced by the Opposition. I hope they will also consider the work that Labour has done in this regard. I refer of course to Labour's Domestic Violence Reform Bill, which at the moment is languishing at the bottom of the Order Paper. That bill changes the definition of a child in the Domestic Violence Act. It raises the issue that we heard from submitters that children under the age of 18, in accordance with the United Nations Convention on the Rights of the Child, need to be considered. The submissions made on this bill need to be considered in those terms. That is a factor that was raised consistently by submitters, and particularly by organisations that deal with our young people.

The other important point is the provision that requires any judge who declines a without notice application for a protection order to provide written reasons for declining the application, enabling the applicant to decide whether to proceed on notice. National's bill does not include a similar provision. Labour's proposal was to make provision for applicants to be able to attend information sessions, which would provide advice and make effective use of protection orders, and provide advice on any social assistance that may be available. The Government bill does not provide the court with the power to direct attendance at an addiction assessment and treatment programme. I give the example of a local organisation down the road from Parliament dealing with

young people from the age of 11, 12, 13, 14, or 15, some even prior to being born, who were forced by the abuse from people who were supposedly their carer or guardian and who supposedly loved them, to become addicted to some of the bad habits of those people. So there is a real need for a provision in the bill to give the power to direct attendance at an addiction assessment and treatment programme. If a person is addicted to whatever drug, unless they are treated they remain addicted, as I understand it, for a very long time. That point needs to be addressed. We know from what we see in the papers in certain parts of the country that the drug trade is a trade that we have to be concerned about. There are people out there in the community selling drugs even to young kids—kids as young as 8 years old. Labour's bill also contains better protections and provisions on applications for discharge of protection orders and allows the court to order reports if necessary.

The point is that although this Government may claim that this bill is going to provide the silver bullet to the issue, we have to say that we are supporting it on the basis that we recognise that this is a serious problem and it is a problem that we have to collectively try to address, but we maintain that this bill does not go far enough. If this Government is serious about addressing the bill, and is not playing politics or trying to window dress and lull people into thinking that by putting up all these bills things will be fixed—because they will not be fixed by simply putting up laws—then it would take seriously the submissions made by the Opposition, and the amendments that members on our side are putting up. Mr Simon Power said that he intended to progress the remaining provisions of the Domestic Violence Reform Bill. We would like to know when that will happen. He has not yet set a date. He also said that he lacked resources to go further. One would think that if the issue of domestic violence, the protection of children and their families, is serious this Government would place the issue as a priority rather than give a huge tax cut to its friends and to the small group of elite it is pandering to.

For Labour, tackling the evil of family violence is a genuine priority. The Domestic Violence Reform Bill included on-the-spot protection orders, which have since been implemented. The principle behind this Labour initiative was to make families safe as the first priority. Families should be the first priority. Children should be the first priority. They should be the first priority. If this Government were ever to get it into its thinking that families—young and old, up and down the country, and in their diverse nature as they are today—were the priority, then I think we could be a better nation for it. But I do not believe it will. Many people now see this Government for what it really is. It is attempting to look as if it is genuinely concerned and, on the one hand, says something that might be positive; but, on the other hand, the actions just do not align. In this case, when the Government says that this bill will address domestic violence, and protect children and their families, its actions actually say something very, very different. It is giving away so much taxpayer funding to a small, select group of society, who are its friends. That is what I wanted to say in contribution to this debate.

Hon DAVID PARKER (Labour): As other speakers have said, Labour supports this bill, the Child and Family Protection Bill, and it has suggested some Supplementary Order Papers to slightly amend it in a way we think would improve it. Despite what we see in the media, New Zealand has not got a problem with rising crime overall. In fact, crime levels in New Zealand have dropped pretty consistently for the last decade. There have been two exceptions to that, which are of concern to this Parliament and I am sure to people on all sides of the Chamber. One is the weird, really violent kind of crime, which in a way is almost fantasy crime. Some of that is drug-related, relating to P, and it has been on the increase. That has obviously been a concern.

The other area of crime that has been on the increase has been domestic violence. It is a moot point how much of that increase in recorded incidence of domestic violence is occasioned by an increase in the reporting of that violence and how much of it represents an increase in actual violence, but it has probably been a bit of both. Therefore, it is appropriate that we in this Parliament try to do what we can to improve that situation.

Obviously, the biggest things long-term are changes in societal attitudes, and acceptance of violence in communities needs to decrease. But in addition to that, we need to have appropriate legal mechanisms to ensure the proper protection of members of the community. Hilary Calvert, who recently arrived in this Chamber, I know has some experience in these Family Court - related matters. I look forward to her contribution. Protection orders are the mechanism that are available to people to go to the court and say that they need to be protected from a violent person they have been in a relationship with. It is quite common for those protections to be needed—in fact, it is sadly common for those protections to be necessary—not just for the other adult in the relationship but also for the children. It is also a sad reality that most often those protections are needed by women in respect of violence, or the threat of violence, from men.

The point of contention that has become narrowed here, and is really the main point of contention between Labour and National, is what should be done in respect of children under protection orders, as they start to become adults, and also at what point they should move from protection as a child of the family and have some sort of separate legal status, and what ought to be the default position. The position the Government is taking in respect of this legislation is that where children reside in the home, the protection should continue for them until the order lapses. When they leave home, the order should lapse if they are 17 years of age. It is on that narrow point that we disagree with the Government. We have put up two Supplementary Order Papers, and I will be interested to hear the Government's response to them.

The first that we propose is that the order that has been for the benefit of the child in the family should continue indefinitely for the benefit effectively of the person who is becoming a young adult, until he or she opts to cancel it or until some other party opts to apply to the court to cancel it. It would not be just the child who could apply to cancel it; it could be a parent; it could be someone else who has an interest and thinks that this has now become redundant and ought to lapse.

If people think that is going too far, then we have a second Supplementary Order Paper. We say that at least until that person becomes 18 the protection that the person is afforded through the protection order should automatically follow the person when he or she leaves home and goes into a flatting situation. That seems to me to be a pretty practical middle course, if the Government does not like the open-ended effect of our first Supplementary Order Paper—which we would prefer. This is a narrow point of difference but it is an important point. I can envisage many instances where a lot of young people actually will not give any thought to the effect of their leaving home, on their protective status under a protection order. If it has been necessary to include that child in the name of the protection order in the first place, it seems to me that it is unlikely that the change of place of residence enables us to assume that that necessarily makes that young person safe in their new situation, when they would not have been safe in their original home situation. If they would have been safe in their original home situation, then presumably they would not have been named in the protection order, or some step would have been taken to let that protection order lapse.

That said, we agree that this is good legislation overall. I will not take any more time to speak to other particular parts in the Committee stage, because that would be inappropriate. I just would like to have a response on that narrow point from the Minister in the chair, the Hon Nathan Guy.

Hon LIANNE DALZIEL (Labour—Christchurch East): There are a couple of issues that I want to raise on the Child and Family Protection Bill. The first one relates to the question of a discharge of order under section 105 of the Care of Children Act for the return of a child, which is amended byclause 28, which inserts new section 122A into the Act. The issue relates to a case that occurred in my electorate. A constituent of mine had the circumstance where she had had her child in New Zealand but she had become pregnant while she was travelling internationally. She had the child in New Zealand. She made a fundamental mistake: the father of the child followed her back to New Zealand and persuaded her to return with him—I cannot remember to where; the Canary Islands or somewhere like that. She did that, with the child.

By the time she decided she needed to leave, she had been in the country for 12 months and a few days. That meant that the usual, or habitual, place of residence was at that point the new country, where, of course, the main language spoken was Spanish, not English. The father was English and his mother, helpfully for him, was a lawyer who represented him at no cost. She tried to track them—at the end of the world—to New Zealand to bring that child, their only grandchild, back to within their son's area of protection.

It was a very, very difficult case. All the circumstances were quite devastating. In the end she came back to New Zealand. She did not originally plan to come back to New Zealand for ever; she came back for a bit of time out. She then decided not to return. At that point the question became where the habitual place of residence was located. It was not located in New Zealand, even though by the time the father was insisting upon his rights under the guardianship provisions that exist in those circumstances—because both countries are signatories to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption—the child was, I think, 4 years old and had spent most of its life in New Zealand. It had spent more years of his life in New Zealand and fewer in a country where the first language was not his own, and he could not speak a word of Spanish. It was a very, very difficult case and it went to court. The court was extremely sympathetic to the circumstances that were described. It said that we had to look to Parliament for a resolution of the problem, because the court could interpret the law only as it was. There was no capacity to discharge the order.

This legislation has the provision for discharging the order for the return of a child. The grounds as set out in new section 122A(3)(a)(i) in clause 28 are that the court has to be satisfied that "the child is now settled in his or her new environment in New Zealand; and (ii) having regard to all the circumstances of the case, the discharge of the return order is warranted;", or that "(b) every other person who was a party to the return proceedings consents." That was not an issue in this case, because there was no consent, but it was an issue of great concern to the family of the child, as well as some of the wider issues involved.

I am very, very pleased to see that provision finally go through. The one criticism I have is that it was in the original bill introduced to the House by the Hon Annette King, which languishes at the bottom of the Order Paper. This provision could have been included in an earlier bill but it was not because it did not meet that 100-days-of-action mantra that the Government used in those early days. But the Government did use that mantra when it pushed through very urgently part of the original bill. How long is it since the last election? It is 2 years down the track. We finally have this bill going through Parliament, but we have waited a little too long for that provision to go through.

That being said, this bill is welcomed. It is very good law and is reflective of many other jurisdictions. Other jurisdictions that are signatories to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption have adopted the practice of having a provision that allows for discharging the order for the return of a child to occur. I am very, very pleased to be able to speak on the bill, because this is a particular concern to me.

Hon DAMIEN O'CONNOR (Labour): Although I was not a member of the Justice and Electoral Committee I can imagine the difficulties the committee members had as they worked through what is, arguably, one of the most sensitive and challenging areas of constituency representation.

I guess there is not an MP in this Chamber who has not confronted a domestic violence issue—not themselves personally, I am not making that judgment—on behalf of a partner or a child. There are cases, as my colleague the Hon Lianne Dalziel said, of children who are caught up in international arguments over where their place of residence should be and whom the adoptive parent should be, and they are some of the most traumatic issues we deal with.

It is not for an MP or, indeed, this House to judge whom the rightful parent should be, but it is for us to put in place law that can assist with the process, and this is what is happening here. Anything that can increase the protection of partners who are exposed to domestic violence should be welcomed into the House.

In reading through the notes I saw a question about whether there are any changes to the Immigration Act.

Progress reported.

Report adopted.

The House adjourned at 5.56 p.m.

Index to
Thursday 21 October 2010

EXPLANATION OF ABBREVIATIONS

1R—First Reading
2R—Second Reading
3R—Third Reading
CWH—Committee of the whole House
S.O.P.—Supplementary Order Paper

BILLS

Legislation is listed under BILLS. The name of an originating bill that has been divided into separate bills is shown in italics after the names of the new bills.

QUESTIONS FOR ORAL ANSWER

Questions are listed under QUESTIONS FOR ORAL ANSWER by ministerial portfolio.
