



Journals  
of the  
House of Representatives  
of New Zealand

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Forty-ninth Parliament

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For the period  
24 November 2009

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**Tuesday, 24 November 2009**

The House met at 2.00 pm.

Prayers

**1 Government motion**

*Resolved*, That this House express its sorrow at the death of serving Royal New Zealand Air Force Flight Sergeant Andrew Bruce Forster (*Hon Gerry Brownlee*).

**2 Petitions**

The presentation of two petitions was announced (*see* Schedule for petitions presented).

**3 Papers**

Eight papers were announced as published under the authority of the House (*see* Schedule for papers published under the authority of the House).

**4 Select committee reports**

The presentation of eight reports was announced.

The following bills were set down for second reading:

- Education (Polytechnics) Amendment Bill
- Subordinate Legislation (Confirmation and Validation) Bill
- Inquiries Bill.

The report on the report from the Parliamentary Commissioner for the Environment on Change in the high country: Environmental stewardship and tenure review and related briefing was set down for consideration (*see* Schedule for select committee reports).

**5 Introduction of bills**

The introduction of the—

- Human Assisted Reproductive Technology (Storage) Amendment Bill
- Statutes Amendment Bill
- Trans-Tasman Proceedings Bill—

was announced and the bills were set down for first reading.

**6 Questions for oral answer**

Twelve questions to Ministers were answered.

## 7 Urgency

Hon Gerry Brownlee moved a motion to accord urgency to certain business.

On the question, That the motion be agreed to, the votes were recorded as follows:

**Ayes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

Motion agreed to.

*Resolved*, That urgency be accorded—

- the second reading and passing through its remaining stages of the Climate Change Response (Moderated Emissions Trading) Amendment Bill
- the introduction and passing of a Government bill
- the passing through their remaining stages of the—
  - Corrections (Contract Management of Prisons) Amendment Bill
  - Border (Customs, Excise, and Tariff) Processing Bill
  - Taxation (Consequential Rate Alignment and Remedial Matters) Bill—and any bills into which any of those bills may be divided
- the introduction and passing of a Government bill, and
- the passing through their remaining stages of the—
  - Crimes (Provocation Repeal) Amendment Bill
  - Remuneration Authority Amendment Bill
  - Biosecurity Amendment Bill—and any bills into which any of those bills may be divided.

## 8 Business of the House

*By leave*, Agreed that there be questions for oral answer at 2.00 pm on Wednesday, 25 November 2009 and Thursday, 26 November 2009, and that questions be lodged in the normal manner pursuant to Standing Order 372.

## 9 Government orders of the day

### **Climate Change Response (Moderated Emissions Trading) Amendment Bill**

Hon Dr Nick Smith moved, and the question was proposed, That the Climate Change Response (Moderated Emissions Trading) Amendment Bill be now read a second time.

On the question, That the bill be now read a second time, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

Motion agreed to.

The Climate Change Response (Moderated Emissions Trading) Amendment Bill was read a second time and set down for Committee stage forthwith.

The Speaker declared the House in Committee for consideration of the Climate Change Response (Moderated Emissions Trading) Amendment Bill.

*(In the Committee)*

Part 1 read.

Chris Tremain moved, That the question be now put. The Chairperson declined the motion.

The sitting was suspended between 10.00 pm and 9.00 am.

**Wednesday, 25 November 2009**

Part 1 read again.

Chris Tremain moved, That the question be now put. The Chairperson declined the motion.

Craig Foss moved, That the question be now put.

On the question, That the question be now put, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That the question be now put.

The following amendments to amendments were put:

*Supplementary Order Paper No 98:*

To add after clause 5, new section 2B(3), the following subsection:

- “(4) Before recommending the making of an Order in Council under section 2A(8) or (9), the Minister must consult, or be satisfied that the chief executive has consulted, persons (or their representatives) that appear to the Minister or the chief executive likely to have an interest in the order.”

To insert the following clause after new clause 5A:

**5B New section 3A inserted**

The following section is inserted after section 3:

**“3A Treaty of Waitangi (Te Tiriti o Waitangi)**

In order to recognise and respect the Crown’s responsibility to give effect to the principles of the Treaty of Waitangi,—

- “(a) with respect to section 2B (which relates to Orders in Council in relation to Part 5 of Schedule 3), before recommending the making of an Order in Council under section 2A(8) or (9), the Minister must consult, or be satisfied that the

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the order:

- “(b) with respect to section 76 (which relates to consultation on a pre-1990 forest land allocation plan), before making a recommendation under section 73, the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the pre-1990 forest land allocation plan:
- “(c) with respect to section 77 (which relates to consultation on a fishing allocation plan), before making a recommendation under section 75, the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the fishing allocation plan:
- “(d) with respect to section 161 (which relates to the appointment and conduct of a review panel),—
  - “(i) the Minister must, when appointing members to a review panel under section 160(6), ensure that the review panel has at least 1 member who, in the Minister’s opinion, has the appropriate knowledge, skill, and experience relating to the principles of the Treaty of Waitangi and tikanga Māori to conduct the review; and
  - “(ii) the review panel must consult with the representatives of iwi and Māori that appear to the panel likely to have an interest in the review; and
  - “(iii) the terms of reference for the review panel must incorporate reference to the principles of the Treaty of Waitangi:
- “(e) with respect to section 161G (which relates to regulation-making powers in relation to eligible agricultural activities), before recommending the making of a regulation under section 161G(1), the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the regulation:
- “(f) with respect to section 162 (which relates to regulations adding further activity to Part 2 of Schedule 4), before recommending the making of a regulation under section 162(1), the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the regulation:
- “(g) with respect to section 163 (which relates to regulations relating to methodologies and verifiers), before recommending the making of a regulation under section 163(1), the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the regulation:
- “(h) with respect to section 164 (which relates to regulations relating to unique emissions factors), before recommending the making of a regulation under section 164, the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the regulation:
- “(i) with respect to section 224 (which relates to the gazetting of targets), before the Minister responsible for the administration of this Act may set, amend, or revoke a target, the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the target:
- “(j) with respect to section 225 (which relates to regulations relating to targets), before recommending the making of a regulation under section 225(1), the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the regulation.”

*(Rahui Katene)*

*Resolved,* That the amendments to the amendments be agreed to.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill**Supplementary Order Paper No 98:*

To insert in clause 6(2), new section 4(1), before the definition of **animal welfare export certificate**, the following definition:

“**1990 baseline** means the level of New Zealand emissions in 1990”.

To insert after the definition of **animal welfare**, the following definition:

“**Committee** means the Climate Change Advisory Committee established by section 245”.

To insert after the definition of **Crown holding account**, the following definitions:

“**emissions for which New Zealand is responsible**, in relation to a period, means net New Zealand emissions reduced by the quantity of Kyoto Units retired during that period

“**intermediate target** means a target set for the level emissions for which New Zealand is responsible for a target period under section 225

“**New Zealand emissions** means emissions of greenhouse gases from sources in New Zealand

“**New Zealand removals** means removals of greenhouse gases from the atmosphere due to land use, land-use change or forestry activities in the New Zealand

“**net New Zealand emissions** in respect of a period means the amount of New Zealand emissions in the period reduced by the amount of New Zealand removals in the period”.

To insert after the definition of **solid biofuel**, the following definitions:

“**target for 2050** means the target set for the level emissions for which New Zealand is responsible in 2050 in section 224

“**target period** means each succeeding period of five years beginning with the period 2013–2017”.

*(Charles Chauvel)*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 22, new section 82, the formula “ $PA = LA \times AB \times OSY$ ” and substitute the following:

$$PA = \frac{LA \times AB \times OSY \times EB}{ESY}$$

To insert after the definition of “OSY”, the following:

EB is the total emissions produced by eligible industrial activities in the baseline year of 2005

ESY is the total emissions produced by eligible industrial activities in the year immediately proceeding the specified year, as determined in accordance with regulations made under this Act.

*(Charles Chauvel)*

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 22, new section 82, the definition of “LA” and substitute the following:

LA is the level of assistance for the activity for the specified year, being,—

- (a) for a moderately emissions-intensive eligible industrial activity,—
  - (i) 0.6 in 2010, 2011, and 2012; and
  - (ii) in each year after 2012 and before 2030, the level of assistance from the previous year less 0.033 (the phase-out rate for a moderately emissions-intensive eligible industrial activity) (expressed to 2 decimal places):
- (b) for a highly emissions-intensive eligible industrial activity,—
  - (i) 0.9 in 2010, 2011, and 2012; and
  - (ii) in each year after 2012 and before 2030, the level of assistance from the previous year less 0.05 (the phase-out rate for a highly emissions-intensive eligible industrial activity) (expressed to 2 decimal places).

*(Charles Chauvel)*

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to the amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 22, new section 84, the formula “FA = LA × AB × OSY” and substitute the following:

$$FA = \frac{LA \times AB \times OSY \times EB}{ESY}$$

To insert after the definition of “OSY”, the following:

EB is the total emissions produced by eligible industrial activities in the baseline year of 2005

ESY is the total emissions produced by eligible industrial activities in the year immediately proceeding the specified year, as determined in accordance with regulations made under this Act.

*(Charles Chauvel)*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill**Supplementary Order Paper No 98:*

To omit from clause 22, new section 85A, the definition of “LA” and substitute the following:

- LA is the level of assistance for the activity for the specified year, being,—
- (a) for a moderately emissions-intensive eligible industrial activity,—
    - (i) 0.6 in 2010, 2011, and 2012; and
    - (ii) in each year after 2012 and before 2030, the level of assistance from the previous year less 0.033 (the phase-out rate for a moderately emissions-intensive eligible industrial activity) (expressed to 2 decimal places):
  - (b) for a highly emissions-intensive eligible industrial activity,—
    - (i) 0.9 in 2010, 2011, and 2012; and
    - (ii) in each year after 2012 and before 2030, the level of assistance from the previous year less 0.05 (the phase-out rate for a highly emissions-intensive eligible industrial activity) (expressed to 2 decimal places).

*(Charles Chauvel)*

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 22, new section 85A, the formula “FA = LA × AB × OSY” and substitute the following:

$$FA = \frac{LA \times AB \times OSY \times EB}{ESY}$$

To insert after the definition of “OSY”, the following:

EB is the total emissions produced by eligible industrial activities in the baseline year of 2005

ESY is the total emissions produced by eligible industrial activities in the year immediately proceeding the specified year, as determined in accordance with regulations made under this Act.

*(Charles Chauvel)*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 22, new section 86(2), the formula “A = LA × AB × OSY” and substitute the following:

$$A = \frac{LA \times AB \times OSY \times EB}{ESY}$$

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

To insert after the definition of “OSY”, the following:

EB is the total emissions produced by eligible agricultural activities in the baseline year of 2005

ESY is the total emissions produced by eligible agricultural activities in the year immediately proceeding the specified year, as determined in accordance with regulations made under this Act.

*(Charles Chauvel)*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 22, new section 86(2), the definition of “LA” and substitute the following:

LA is the level of assistance for the activity for the specified year, being,—

(a) 0.9 in 2013; and

(b) in each year after 2013 and before 2030, the level of assistance from the previous year less 0.053 (the phaseout rate for an eligible agricultural activity) (expressed to 2 decimal places).

*(Charles Chauvel)*

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 38, new section 160(3)(a)(ii), “5” and substitute “3”.

To omit new section 160(4).

*(Charles Chauvel)*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 46, new section 188(1)(c)(ii), and substitute the following:

“(ii) the post-1989 forest land in respect of which the application is submitted contains no areas with significant numbers of tree species that are identified as a pest or unwanted organism under the Biosecurity Act 1993.”

*(Dr Kennedy Graham)*

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 61A, new section 222A (*Charles Chauvel*).

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 61A, new section 222B (*Charles Chauvel*).

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 61A, new section 222C(2)(a)(ii), “\$25” and substitute “\$100”.

To omit from paragraph (a)(iii)(B), “\$25” and substitute “\$100”.

To omit from paragraph (b)(ii), “\$25” and substitute “\$100”.

(*Charles Chauvel*)

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 61A, new section 222D(1), “\$25” and substitute “\$100”.

To omit from subsection (1)(a), “\$25” and substitute “\$100”.

To omit from subsection (2), “\$25” and substitute “\$100”.

To omit from subsection (3), “\$25” and substitute “\$100”.

To omit from subsection (3)(a), “\$25” and substitute “\$100”.

(*Charles Chauvel*)

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 61A, new section 222F(b), “4” and substitute “2”.

To omit paragraph (c).

(*Charles Chauvel*)

On the question, That the amendments to the amendments be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendments to amendments not agreed to.

*Supplementary Order Paper No 98:*

To insert in clause 61A, after new section 222G, the following new section:

**“222GA Transitional provisions regarding prohibition on banking of New Zealand Units**

- “(1) Despite anything in this Act, no New Zealand Unit issued in the period 1 July 2010 to 31 December 2012 may be surrendered after 31 December 2012.
- “(2) Despite anything in this Act, the registrar must not convert any New Zealand unit issued in the period 1 July 2010 to 31 December 2012 into a designated assigned amount unit for the purposes of transferring that assigned amount unit to an account in an overseas registry.
- “(3) The Registrar must not transfer to an account in an overseas registry under section 18C any New Zealand unit issued in the period 1 July 2010 to 31 December 2012.
- “(4) This section does not apply to New Zealand units—
  - “(a) received in respect of removals for an activity in Part 1 of Schedule 4; or
  - “(b) transferred following a determination of the Minister under sections 78 or 79 in accordance with an allocation plan providing for the matters in section 73.”

(*Charles Chauvel*)

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To omit from clause 61A, new sections 222C and 222D (*Hon David Parker*).

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

*Supplementary Order Paper No 98:*

To add to clause 61A, new section 222C, the following subsection:

“(5) That before the 2 for 1 emissions discount for electricity emissions is allowed, the emitter must prove to the satisfaction of the Commerce Commission that, but for the 2 for 1 discount, electricity prices would have been higher.”

*(Hon David Parker)*

On the question, That the amendment to the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment to amendment not agreed to.

Amendments, as amended, set out on Supplementary Order Paper No 98 *(Hon Dr Nick Smith)*.

On the question, That the amendments, as amended, be agreed to, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That the amendments, as amended, be agreed to.

The following amendments were put:

*New clause 10A:*

Amendment set out on Supplementary Order Paper No 90 *(Dr Russel Norman)*.

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*New clauses 11A to 11D:*

Amendment set out on Supplementary Order Paper No 94 *(Charles Chauvel)*.

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*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

The following amendments were tabled:

*Clause 22:*

Amendment to new section 70 set out on Supplementary Order Paper No 91 (*Jeanette Fitzsimons*).

Amendment ruled out of order as being inconsistent with a previous decision of the Committee.

*Clause 22:*

Amendment to new section 70 set out on Supplementary Order Paper No 94 (*Charles Chauvel*).

Amendment ruled out of order as being inconsistent with a previous decision of the Committee.

The following amendment was put:

*Clause 22:*

To omit new section 77(1) and substitute the following subsection:

“(1) Before making a recommendation under section 75(1), the Minister must—

“(a) prepare a draft fishing allocation plan; and

“(b) consult, or be satisfied that the chief executive has consulted, persons (or their representatives) that appear to the Minister or the chief executive likely to have an interest in the fishing allocation plan.”

(*Rahui Katene*)

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 116**

New Zealand National 58; New Zealand Labour 43; Green Party 9; Māori Party 4; Progressive 1; United Future 1

**Noes 5**

ACT New Zealand 5

*Resolved*, That the amendment be agreed to.

The following amendments were tabled:

*Clause 22:*

Amendment to new section 86A set out on Supplementary Order Paper No 97 (*Charles Chauvel*).

Amendment ruled out of order as being outside the scope of the bill.

*Clause 23:*

Amendment set out on Supplementary Order Paper No 89 (*Dr Russel Norman*).

Amendment ruled out of order as being inconsistent with a previous decision of the Committee.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

The following amendments were put:

*New clause 23A:*

Amendment set out on Supplementary Order Paper No 97 (*Charles Chauvel*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Vote altered by leave having originally been announced as Ayes 53 Noes 69.

Amendment not agreed to.

*Clause 38:*

To omit from new section 160(5)(g) “including (but not limited to) Australia’s carbon pollution reduction scheme” (*Charles Chauvel*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*Clause 38:*

To insert in new section 161(5), after paragraph (a), the following paragraph:

“(ab) must consult persons (or their representatives) that appear to the panel likely to have an interest in the review; and”

(*Rahui Katene*)

*Resolved*, That the amendment be agreed to.

The following amendments were tabled:

*Clause 38:*

Amendments to new section 160(5)(j), set out on Supplementary Order Paper No 92 (*Dr Kennedy Graham*).

Amendments ruled out of order as being inconsistent with a previous decision of the Committee.

*Clause 38:*

Amendment set out on Supplementary Order Paper No 94 (*Charles Chauvel*).

Amendment ruled out of order as being inconsistent with a previous decision of the Committee.

*Clause 38:*

To omit from new section 161A (2) “or paragraph (c) or paragraphs (c) and (d)”.

To omit subsections (2)(c) and (d), (6), (7)(f), and (8).

To omit from subsection (9) “on the day 5 years after the date of their notification in the *Gazette* or any later date that may be set by regulations” and substitute “immediately”.

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*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

To insert, after subsection (9), the following subsection:

“(10) For the avoidance of doubt, no compensation is payable as a result of any change referred to in subsection (9).”

*(Charles Chauvel)*

Amendments ruled out of order as being inconsistent with a previous decision of the Committee.

The following amendments were put:

*New clause 41A:*

Amendment set out on Supplementary Order Paper No 94 (*Charles Chauvel*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*New clause 41B:*

Amendment set out on Supplementary Order Paper No 94 (*Charles Chauvel*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

The following amendment was tabled:

*Clause 44:*

Amendment set out on Supplementary Order Paper No 102 (*Jeanette Fitzsimons*).

Amendment ruled out of order as being inconsistent with a previous decision of the Committee.

The following amendment was put:

*Clause 57:*

To omit from new section 217(1)(d) “1 January 2015 to 31 December 2015” and substitute “1 January 2013 to 31 December 2013” (*Charles Chauvel*)

On the question, that the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

The following amendments were tabled:

*Clause 61:*

Amendments set out on Supplementary Order Paper No 95 (*Charles Chauvel*).

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

Amendments ruled out of order as being inconsistent with a previous decision of the Committee.

The following amendments were put:

*New clause 61A:*

To insert, after clause 61, the following section:

**61A Complementary measures**

The following new section is inserted after section 223:

**“223C Complementary measures**

- “(1) This section establishes a fund for the purpose of reducing greenhouse gas emissions through the promotion of complementary measures additional to the Emissions Trading Scheme (the Complementary Measures Fund).
- “(2) The annual appropriation for the Fund shall be at least—
- “(a) 20,000,000 New Zealand dollars per year; or
- “(b) 10 percent of all revenues accruing from the Emissions Trading Scheme— whichever is the greater.
- “(3) The Complementary Measures Fund may be used for purposes that include (but are not limited to) the delivery, marketing and promotion of, and provision of grants or loans relating to—
- “(a) incentives for households to improve energy efficiency; or
- “(b) incentives for businesses developing renewable energy projects; or
- “(c) incentives to replace energy inefficient home appliances with energy efficient ones; or
- “(d) incentives to purchase fuel efficient, low emission vehicles; or
- “(e) investment funding to help quickly commercialise new lower-emission technology invented in New Zealand; or
- “(f) assistance to sell New Zealand emissions reduction technology to other countries.
- “(4) The Minister—
- “(a) must, as soon as practicable after this section comes into force, determine the criteria for the use of the Complementary Measures Fund; and
- “(b) may re-determine the criteria at any time.
- “(5) Before determining or re-determining the criteria for the use of the Complementary Measures Fund, the Minister must seek and consider the advice of the Energy Efficiency and Conservation Authority.
- “(6) When advising the Minister on the criteria for the use of the Complementary Measures Fund, the Energy Efficiency and Conservation Authority must have regard to—
- “(a) the degree to which any measure will reduce New Zealand’s long-term emissions pathway, including by encouraging broad technological change; and
- “(b) the cost-effectiveness of expenditure from the Complementary Measures Fund in relation to the purpose of the Complementary Measures Fund; and
- “(c) any other matters that the Authority considers relevant.
- “(7) The Energy Efficiency and Conservation Authority must manage and administer the Complementary Measures Fund in accordance with the criteria determined by the Minister.”

*(Charles Chauvel)*

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill**Clauses 62 and 63:*

Amendment set out on Supplementary Order Paper No 94 (*Charles Chauvel*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*New clause 62A:*

To insert the following clause after clause 62:

**62A Gazetting of targets**

Section 224 is amended by inserting the following subsection after subsection (2):

“(2A) Before the Minister sets, amends, or revokes a target, the Minister must consult, or be satisfied that the chief executive has consulted, persons (or their representatives) that appear to the Minister or the chief executive likely to have an interest in the target.”

(*Rahui Katene*)

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 72**

New Zealand National 58; Green Party 9; Māori Party 4; United Future 1

**Noes 49**

New Zealand Labour 43; ACT New Zealand 5; Progressive 1

*Resolved*, That the amendment be agreed to.

*Clause 63:*

To insert after new section 225(1) the following subsection:

“(1A) Before recommending the making of an Order in Council under subsection (1), the Minister must consult, or be satisfied that the chief executive has consulted, persons (or their representatives) that appear to the Minister or the chief executive likely to have an interest in the order.”

(*Rahui Katene*)

*Resolved*, That the amendment be agreed to.

*New clause 63A:*

The following section is inserted after section 225:

**“226 Compensation to pre-1990 forest owners**

No additional compensation will be accorded to any pre-1990 forest landowner on the basis that the land was transferred to the owner under a Treaty settlement unless it is proven that the Crown made misrepresentations or withheld material information about emissions pricing at the time of settlement.”

(*Hon David Parker*)

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

**Noes 63**

New Zealand National 58; Māori Party 4; United Future 1

Amendment not agreed to.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill**New clause 63A:*

The following section is inserted after section 225:

**“226 Nitrous oxide**

“(1) Notwithstanding any other provision in this legislation, nitrous oxide emissions from agriculture will be included in the scheme from 1 January 2013 with free allocation based on 90% of 2005 emissions.

“(2) All revenue collected under subclause (1) between 1 January 2013 and December 2014 shall be used to subsidise the use of nitrification inhibitors.”

*(Hon David Parker)*

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

On the question, That Part 1, as amended, stand part, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That Part 1, as amended, stand part.

Part 2 read.

The following amendments were put:

Amendment set out on Supplementary Order Paper No 98 (*Hon Dr Nick Smith*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That the amendment be agreed to.

*New clause 67:*

Amendment set out on Supplementary Order Paper No 94 (*Charles Chauvel*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

On the question, That Part 2, as amended, stand part, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That Part 2, as amended, stand part.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

New Schedule read.

On the question, That the new Schedule set out on Supplementary Order Paper No 98 (*Hon Dr Nick Smith*) be agreed to, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That the new Schedule stand part.

Clauses 1, 2, and 3 read.

The Committee was suspended.

**10 Questions for oral answer**

Twelve questions to Ministers were answered.

**Climate Change Response (Moderated Emissions Trading) Amendment Bill**

The Speaker declared the House in Committee for further consideration of the Climate Change Response (Moderated Emissions Trading) Amendment Bill.

*(In the Committee)*

Clauses 1, 2, and 3 read again.

Jo Goodhew moved, That the question be now put. The Chairperson declined the motion.

Nicky Wagner moved, That the question be now put.

On the question, That the question be now put, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That the question be now put.

The following amendment was put:

*Clause 1:*

To omit this clause and substitute the following:

**1 Title**

This Act is the Climate Change Response (Increased Emissions) Amendment Bill.

*(Hon David Parker)*

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*Climate Change Response (Moderated Emissions Trading) Amendment Bill*

The following amendments were tabled:

*Clause 1:*

To omit this clause and substitute the following:

**1 Title**

This Act is the Permanent Pollution Payments Entrenchment Bill.

*(Hon David Parker)*

Amendment ruled out of order as not being a serious amendment.

*Clause 1:*

To omit this clause and substitute the following:

**1 Title**

This Act is the Climate Change Response (Increased Government Debt) Amendment Bill.

*(Hon David Parker)*

Amendment ruled out of order as not being a serious amendment.

*Clause 1:*

To omit this clause and substitute the following:

**1 Title**

This Act is the Greenhouse Gas Emissions Property Rights Creation Bill.

*(Hon David Parker)*

Amendment ruled out of order as not being a serious amendment.

*Clause 1:*

To omit this clause and substitute the following:

**1 Title**

This Act is the Climate Change Response (Payday for Polluters) Amendment Bill.

*(Dr Russel Norman)*

Amendment ruled out of order as not being a serious amendment.

*Clause 1:*

To omit this clause and substitute the following:

**1 Title**

This Act is the Climate Change Response (Polluters Get Paid) Amendment Bill.

*(Dr Russel Norman)*

Amendment ruled out of order as not being a serious amendment.

On the question, That clause 1 stand part, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That clause 1 stand part.

On the question, That clause 2 stand part, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That clause 2 stand part.

On the question, That clause 3 stand part, the votes were recorded as follows:

*Climate Change Response (Moderated Emissions Trading) Amendment Bill***Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

*Resolved*, That clause 3 stand part.

The Chairperson announced that the bill would be reported with amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Climate Change Response (Moderated Emissions Trading) Amendment Bill with amendment.

The report was adopted and the bill set down for third reading forthwith.

Hon Dr Nick Smith moved, and the question was proposed, That the Climate Change Response (Moderated Emissions Trading) Amendment Bill be now read a third time.

On the question, That the bill be now read a third time, the votes were recorded as follows:

**Ayes 63**

New Zealand National 58; Māori Party 4; United Future 1

**Noes 58**

New Zealand Labour 43; Green Party 9; ACT New Zealand 5; Progressive 1

Motion agreed to.

The Climate Change Response (Moderated Emissions Trading) Amendment Bill was read a third time.

**11 Introduction and passing of Government bill****Policing (Constable's Oaths Validation) Amendment Bill**

The introduction of the Policing (Constable's Oaths Validation) Amendment Bill was announced and the bill set down for first reading forthwith.

The Policing (Constable's Oaths Validation) Amendment Bill was read a first and second time and set down for Committee stage forthwith.

The Speaker declared the House in Committee for consideration of the Policing (Constable's Oaths Validation) Amendment Bill.

*(In the Committee)*

Clauses 1 to 4 read.

*Resolved*, That clauses 1 to 4 stand part.

The Chairperson announced that the bill would be reported without amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Policing (Constable's Oaths Validation) Amendment Bill without amendment.

The report was adopted and the bill set down for third reading forthwith.

The Policing (Constable's Oaths Validation) Amendment Bill was read a third time.

## 12 Government orders of the day—*continued*

### **Corrections (Contract Management of Prisons) Amendment Bill**

The Speaker declared the House in Committee for consideration of the Corrections (Contract Management of Prisons) Amendment Bill.

*(In the Committee)*

Part 1 read.

Melissa Lee moved, That the question be now put. The Chairperson declined the motion.

Sandra Goudie moved, That the question be now put. The Chairperson declined the motion.

Simon Bridges moved, That the question be now put. The Chairperson declined the motion.

Jonathan Young moved, That the question be now put.

*Resolved*, That the Chairperson report progress to obtain the Speaker's ruling on the Chairperson's acceptance of a closure motion on the question, That Part 1 stand part.

### **Speaker's ruling**

The Speaker resumed the Chair, and the Chairperson reported that he had been directed to report progress to obtain the Speaker's ruling on the Chairperson's acceptance of a closure motion on the question, That Part 1 stand part. The Speaker ruled on the matter referred to him on motion by the Committee.

The Speaker declared the House in Committee for further consideration of the Corrections (Contract Management of Prisons) Amendment Bill.

*(In the Committee)*

Part 1 read again.

On the question, That the question be now put, the votes were recorded as follows:

**Ayes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That the question be now put.

The following amendments were put:

*Clause 5:*

Amendment set out on Supplementary Order Paper No 86 (*Hon Rick Barker*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*Clause 5:*

Amendment set out on Supplementary Order Paper No 87 (*Hon Rick Barker*).

*Corrections (Contract Management of Prisons) Amendment Bill*

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

*Clause 5:*

Amendment set out on Supplementary Order Paper No 88 (*Hon Rick Barker*).

On the question, That the amendment be agreed to, the votes were recorded as follows:

**Ayes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

**Noes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

Amendment not agreed to.

On the question, That Part 1 stand part, the votes were recorded as follows:

**Ayes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That Part 1 stand part.

Part 2, the Schedule, and clauses 1 to 3 read.

Chris Tremain moved, That the question be now put.

On the question, That the question be now put, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That the question be now put.

On the question, That Part 2 stand part, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That Part 2 stand part.

On the question, That the Schedule stand part, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That the Schedule stand part.

On the question, That clause 1 stand part, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That clause 1 stand part.

*Corrections (Contract Management of Prisons) Amendment Bill*

On the question, That clause 2 stand part, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That clause 2 stand part.

On the question, That clause 3 stand part, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

*Resolved*, That clause 3 stand part.

The Chairperson announced that the Corrections (Contract Management of Prisons) Amendment Bill would be reported without amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Corrections (Contract Management of Prisons) Amendment Bill without amendment.

On the question, That the report be adopted, the votes were recorded as follows:

**Ayes 69**

New Zealand National 58; ACT New Zealand 5; Māori Party 5; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

Motion agreed to.

The report was adopted and the bill set down for third reading forthwith.

Hon Judith Collins moved, and the question was proposed, That the Corrections (Contract Management of Prisons) Amendment Bill be now read a third time.

The sitting was suspended between 12.00 am and 9.00 am.

**Thursday, 26 November 2009**

The House resumed the interrupted debate on the question, That the Corrections (Contract Management of Prisons) Amendment Bill be now read a third time.

On the question, That the bill be now read a third time, the votes were recorded as follows:

**Ayes 68**

New Zealand National 58; ACT New Zealand 5; Māori Party 4; United Future 1

**Noes 53**

New Zealand Labour 43; Green Party 9; Progressive 1

Motion agreed to.

The Corrections (Contract Management of Prisons) Amendment Bill was read a third time.

### 13 Introduction and passing of Government bill

#### **Corrections (Use of Court Cells) Amendment Bill**

The introduction of the Corrections (Use of Court Cells) Amendment Bill was announced and the bill set down for first reading forthwith.

Hon Judith Collins moved, and the question was proposed, That the Corrections (Use of Court Cells) Amendment Bill be now read a first time.

On the question, That the bill be now read a first time, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

Motion agreed to.

The Corrections (Use of Court Cells) Amendment Bill was read a first time and set down for second reading forthwith.

Hon Christopher Finlayson for Hon Judith Collins moved, and the question was proposed, That the Corrections (Use of Court Cells) Amendment Bill be now read a second time.

On the question, That the bill be now read a second time, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

Motion agreed to.

The Corrections (Use of Court Cells) Amendment Bill was read a second time and set down for Committee stage forthwith.

The Speaker declared the House in Committee for consideration of the Corrections (Use of Court Cells) Amendment Bill.

*(In the Committee)*

Clauses 1 to 5 read.

Shane Ardern moved, That the question be now put. The Chairperson declined the motion.

Chris Tremain moved, That the question be now put. The Chairperson declined the motion.

*Resolved*, That the question be now put (*Chris Tremain*).

*Corrections (Use of Court Cells) Amendment Bill*

On the question, That clauses 1 to 5 stand part, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

*Resolved*, that clauses 1 to 5 stand part.

The Chairperson announced that the bill would be reported without amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Corrections (Use of Court Cells) Amendment Bill without amendment.

The report was adopted and the bill set down for third reading forthwith.

Hon Georgina te Heuheu for Hon Judith Collins moved, and the question was proposed, That the Corrections (Use of Court Cells) Amendment Bill be now read a third time.

The debate was interrupted.

**14 Questions for oral answer**

Twelve questions to Ministers were answered.

**15 Passing of Government bill**

The House resumed the interrupted debate on the question, That the Corrections (Use of Court Cells) Amendment Bill be now read a third time.

On the question, That the bill be now read a third time, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

Motion agreed to.

The Corrections (Use of Court Cells) Amendment Bill was read a third time.

**16 Government orders of the day—*continued*****Border (Customs, Excise, and Tariff) Processing Bill**

The Border (Customs, Excise, and Tariff) Processing Bill was read a second time and set down for Committee stage forthwith.

The Speaker declared the House in Committee for consideration of the Border (Customs, Excise, and Tariff) Processing Bill.

*(In the Committee)*

Parts 1 and 2, Schedules 1 to 3, and clauses 1 and 2 read.

The following amendments were put:

Amendments set out on Supplementary Order Paper Nos 100 and 104 (*Hon Maurice Williamson*).

*Resolved*, That the amendments be agreed to.

*Resolved*, That Parts 1 and 2, Schedules 1 to 3, and clauses 1 and 2, as amended, stand part.

*Resolved*, That the bill be divided into two bills as set out on Supplementary Order Paper No 101 (*Hon Maurice Williamson*).

The Chairperson announced that the bill would be reported with amendment and divided into two bills.

#### **Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Border (Customs, Excise, and Tariff) Processing Bill with amendment, and that the Committee had divided it into the following bills:

- Customs and Excise Amendment Bill
- Tariff Amendment Bill.

The report was adopted and the bills were set down for third reading forthwith.

Hon Maurice Williamson moved, and the question was proposed, That the Customs and Excise Amendment Bill and the Tariff Amendment Bill be now read a third time.

On the question, That the bills be now read a third time, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

Motion agreed to.

The Customs and Excise Amendment Bill and the Tariff Amendment Bill were read a third time.

#### **Taxation (Consequential Rate Alignment and Remedial Matters) Bill**

The Speaker declared the House in Committee for consideration of the Taxation (Consequential Rate Alignment and Remedial Matters) Bill.

*(In the Committee)*

Parts 1 to 5, Schedules 1 and 2, and clauses 1 and 2 read.

The following amendments were put:

Amendments set out on Supplementary Order Paper No 93 (*Hon Peter Dunne*).

*Resolved*, That the amendments be agreed to.

*Clause 15F:*

To omit subclause (5) (*Hon Peter Dunne*).

*Taxation (Consequential Rate Alignment and Remedial Matters) Bill**Clause 15H:*

To omit from subclause (11), “Subsections (1) to (10)” and substitute “Subsections (1A) to (10)” (*Hon Peter Dunne*).

*Clause 69:*

To omit “Sections 70 and 71” and substitute “Sections 70 to 71” (*Hon Peter Dunne*).

*Resolved*, That the amendments be agreed to.

On the question, That Parts 1 to 5, Schedules 1 and 2, and clauses 1 and 2, as amended, stand part, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

*Resolved*, That Parts 1 to 5, Schedules 1 and 2, and clauses 1 and 2, as amended, stand part.

The Chairperson announced that the bill would be reported with amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Taxation (Consequential Rate Alignment and Remedial Matters) Bill with amendment.

The report was adopted and the bill set down for third reading forthwith.

Hon Peter Dunne moved, and the question was proposed, That the Taxation (Consequential Rate Alignment and Remedial Matters) Bill be now read a third time.

On the question, That the bill be now read a third time, the votes were recorded as follows:

**Ayes 112**

New Zealand National 58; New Zealand Labour 43; ACT New Zealand 5; Māori Party 4; Progressive 1; United Future 1

**Noes 9**

Green Party 9

Motion agreed to.

The Taxation (Consequential Rate Alignment and Remedial Matters) Bill was read a third time.

**Crimes (Provocation Repeal) Amendment Bill**

The House resumed the interrupted debate on the question, That the Crimes (Provocation Repeal) Amendment Bill be now read a second time.

On the question, That the bill be now read a second time, the votes were recorded as follows:

**Ayes 116**

New Zealand National 58; New Zealand Labour 43; Green Party 9; Māori Party 4; Progressive 1; United Future 1

**Noes 5**

ACT New Zealand 5

Motion agreed to.

The Crimes (Provocation Repeal) Amendment Bill was read a second time and set down for Committee stage forthwith.

The Speaker declared the House in Committee for consideration of the Crimes (Provocation Repeal) Amendment Bill.

*(In the Committee)*

Clauses 1 to 5 read.

On the question, That clauses 1 to 5 stand part, the votes were recorded as follows:

**Ayes 116**

New Zealand National 58; New Zealand Labour 43; Green Party 9; Māori Party 4; Progressive 1; United Future 1

**Noes 5**

ACT New Zealand 5

Result altered by leave after originally being announced as Ayes 117, Noes 5.

*Resolved*, That clauses 1 to 5 stand part.

The Chairperson announced that the bill would be reported without amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Crimes (Provocation Repeal) Amendment Bill without amendment.

On the question, That the report be adopted, the votes were recorded as follows:

**Ayes 116**

New Zealand National 58; New Zealand Labour 43; Green Party 9; Māori Party 4; Progressive 1; United Future 1

**Noes 5**

ACT New Zealand 5

Motion agreed to.

The report was adopted and the bill set down for third reading forthwith.

Hon Paula Bennett for Hon Simon Power moved, and the question was proposed, That the Crimes (Provocation Repeal) Amendment Bill be now read a third time.

On the question, That the bill be now read a third time, the votes were recorded as follows:

**Ayes 116**

New Zealand National 58; New Zealand Labour 43; Green Party 9; Māori Party 4; Progressive 1; United Future 1

**Noes 5**

ACT New Zealand 5

Motion agreed to.

The Crimes (Provocation Repeal) Amendment Bill was read a third time.

**Remuneration Authority Amendment Bill**

The Remuneration Authority Amendment Bill was read a second time and set down for Committee stage forthwith.

The Speaker declared the House in Committee for consideration of the Remuneration Authority Amendment Bill.

*(In the Committee)*

Parts 1 and 2, and clauses 1 to 3 read.

*Resolved*, That Parts 1 and 2, and clauses 1 to 3 stand part.

The Chairperson announced that the bill would be reported without amendment.

**Reporting and passing of bill**

The Speaker resumed the Chair, and the Chairperson reported the Remuneration Authority Amendment Bill without amendment.

The report was adopted and the bill set down for third reading forthwith.

The Remuneration Authority Amendment Bill was read a third time.

**Biosecurity Amendment Bill**

The House resumed the interrupted debate on the question, That the Biosecurity Amendment Bill be now read a third time.

The Biosecurity Amendment Bill was read a third time.

**17 Adjournment**

At 9.41 pm on Thursday, 26 November 2009 the House adjourned.

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## SCHEDULE

Business transacted by the House for the period  
23 November — 27 November 2009

### Petitions Presented

*Reference number, petitioner and request, Member presenting petition (in italics), and select committee referred to.*

*Tuesday, 24 November 2009*

- 52** Petition of Jane Prichard and 46 others, requesting that the House of Representatives examine the practice of cultural marriages to underage females and to initiate legislation that will effectively intervene in the prevention of abuse of human rights arising out of such marriages in New Zealand.  
*(Dr Jackie Blue)*  
**Justice and Electoral**

*Friday, 27 November 2009*

- 53** Petition of Uma Naguleswaran and 57 others, requesting that the New Zealand Parliament follow the lead of the United Nations, several Governments and NGOs (such as Amnesty International and Human Rights Watch) and call on the Sri Lankan Government to immediately allow freedom of movement for the 280,000 Tamil people who continue to be incarcerated in appalling conditions in military detention camps in northern Sri Lanka.  
*(Hon Annette King)*  
**Foreign Affairs, Defence and Trade**

### Papers Presented

*Parliamentary Papers are papers presented by Ministers or the Speaker that are published under the authority of the House (SO 363 and SO 364).*

*Non-parliamentary Papers are papers presented by Ministers (SO 363(1)) or by the Speaker (SO 363) that are not published under the authority of the House.*

*Date paper presented, name of organisation where applicable, title, parliamentary paper number or statutory regulations (S R) series number where applicable.*

*Monday, 23 November 2009*

#### **Parliamentary Papers**

Museum of New Zealand, Te Papa Tongarewa, Annual Report 2008/2009 G.12

*Tuesday, 24 November 2009*

#### **Parliamentary Papers**

Arts Council of New Zealand Toi Aotearoa (Creative NZ), Annual Report 2009 G.11

Children's Commissioner, Office of the, Manaakitia a Tatou Tamariki, Annual Report for the year ended 30 June 2009 E.65

Civil Aviation Authority of New Zealand and the Aviation Security Service, Te Mana Rererangi Tumatānui o Aotearoa and Kaiwhakamaru Rererangi, Annual Report 2008/2009 F.11

Environmental Risk Management Authority (ERMA New Zealand), Ngā Kaiwhakatūpatō Whakararu Taiao, Annual Report for the year ended 30 June 2009 C.23

Families Commission, Kōmihana ā Whānau, Annual Report 2009 E.76

Privacy Commissioner, Te Mana Matapono Matatapu, Annual Report 2009 A.11

Transport Accident Investigation Commission, Te Komihana Tirotiro Aitua Waka, Annual Report 2009 F.7

### **Non-parliamentary Papers**

AgResearch Limited, Statement of Corporate Intent July 2009 – June 2010

Hawke's Bay District Health Board, Whakawateatia, Annual Report 2009

HealthShare Limited, He Rourou Takitahi, Annual Report for the year ended 30 June 2009

Invercargill Airport Limited, Annual Report for the year ended 30 June 2009

South Canterbury District Health Board, Annual Report 2009

Waitemata District Health Board, Te Wai Awhina, Annual Report 2008/2009

*Friday, 27 November 2009*

### **Parliamentary Papers**

Charities Commission, Komihana Kaupapa Atawhai, Annual Report 2009 G.16

Commerce Commission, Annual Report 2008/2009 G.34

Electricity Commission, Te Komihana Hiko, Annual Report 2008/2009 D.11

Film and Literature Classification, Office of, Te Tari Whakarōpū Tukuata, Tuhituhinga, Annual Report 2009 G.58

Government Response to Interim Report of the Regulations Review Committee on Complaint regarding SR 2008.319 Marine Safety Charges Amendment Regulations 2008, presented to the House of Representatives in accordance with Standing Order 248 J.1

Government Response to Report of the Emissions Trading Scheme Review Committee on Review of the Emissions Trading Scheme and related matters, presented to the House of Representatives in accordance with Standing Order 248 J.1

Health Research Council of New Zealand, Report for the year ended 30 June 2009 E.11

Maritime New Zealand, Annual Report 2008/2009 F.12

New Zealand Film Commission, Te Tumu Whakaata Taonga, Annual Report 2009 G.19

New Zealand Historic Places Trust/Pouhere Taonga, Annual Report for the year ended 30 June 2009 C.18

New Zealand Transport Agency, Waka Kotahi, Annual Report for year ended 30 June 2009, together with National Land Transport Fund Annual Report for year ended 30 June 2009 (and including Annual Reports of Land Transport New Zealand and Transit New Zealand) F.16

Research, Science and Technology, Foundation for, Tūāpapa Rangahau Pūtaiao, Annual Report 2008/2009 G.53

Sport and Recreation New Zealand (SPARC ihi Aotearoa), Annual Report for the year ended 30 June 2009 E.32

### **Non-parliamentary Papers**

Crimes (Interception Warrants) Amendment Regulations 2009 (2009/356)

Crown Entities (New Zealand Fast Forward Fund Limited) Order 2009 (2009/353)

Customs and Excise (AANZFTA) Amendment Act 2009 Commencement Order 2009 (2009/348)

Customs and Excise (Rules of Origin for AANZFTA Goods) Amendment Regulations 2009 (2009/349)

Customs and Excise (Specified AANZFTA Parties) Order 2009 (2009/352)

District Courts Amendment Rules 2009 (2009/359)

Double Taxation Relief (United States of America) Amendment Order 2009 (2009/365)

Education (Export Education Levy ) Regulations 2009 (2009/358)

Immigration Amendment Regulations (No 2) 2009 (2009/363)  
 Income Tax (Fringe Benefit Tax, Interest on Loans) Amendment Regulations (No 3) 2009 (2009/366)  
 Income Tax (Minimum Family Tax Credit) Order 2009 (2009/367)  
 New Zealand Superannuation and Retirement Income Amendment Act 2009 Commencement Order 2009 (2009/362)  
 Ombudsmen Act (Schedule 1) Order 2009 (2009/354)  
 Public Finance (New Zealand Fast Forward Limited) Order 2009 (2009/355)  
 Securities Act (Transition to Securities Regulations 2009) Exemption Notice 2009 (2009/368)  
 Sentencing Amendment Regulations 2009 (2009/360)  
 Summary Proceedings Amendment Regulations (No 2) 2009 (2009/361)  
 Tariff (AANZFTA) Amendment Act 2009 Commencement Order 2009 (2009/347)  
 Tariff (Specified AANZFTA Parties) Order 2009 (2009/351)  
 Valuers Amendment Regulations 2009 (2009/364)  
 War Pensions Amendment Act 2009 Commencement Order 2009 (2009/357)  
 Health and Disability Ethics Committees, Central Regional Ethics Committee, Annual Report 2008  
 Health and Disability Ethics Committees, Lower South Regional Ethics Committee, Annual Report 2008  
 Health and Disability Ethics Committees, Multi-region Ethics Committee, Annual Report 2008  
 Health and Disability Ethics Committees, Northern X Regional Ethics Committee, Annual Report 2008  
 Health and Disability Ethics Committees, Northern Y Regional Ethics Committee, Annual Report 2008  
 Health and Disability Ethics Committees, Upper South A Regional Ethics Committee, Annual Report 2008  
 Health and Disability Ethics Committees, Upper South B Regional Ethics Committee, Annual Report 2008  
 Heavy Engineering Research Association (HERA), Annual Report 2008  
 Research and Education Advanced Network New Zealand Limited (REANNZ), Amended Statement of Intent 2009/2012  
 Wairarapa District Health Board, Te Poari Hauora a-rohe o Wairarapa, Annual Report 2009

### **Documents Tabled by Leave**

*'Documents tabled by leave' are documents tabled by Members with the unanimous agreement of the House or Committee of the whole House.*

*Document description, and Member tabling document (in italics).*

#### ***Tuesday, 24 November 2009***

Australian emissions trading scheme, report from the *Sydney Morning Herald* online, dated 24 November 2009 (*Charles Chauvel*)

Australian emissions trading scheme, report outlining the suggested changes to the Carbon Pollution Reduction Scheme (*Hon Dr Nick Smith*)

#### ***Wednesday, 25 November 2009***

Private management of prisons, letter from Department of Corrections to the Minister, dated 18 December 2008 (*Hon Clayton Cosgrove*)

Private management of prisons, departmental advice to the Minister, dated 10 March 2009 (*Hon Clayton Cosgrove*)

Children's wellbeing, letter from Hon John Key to Hon Annette King, dated 3 November 2009 (*Hon Annette King*)

Children's wellbeing, copy of the New Zealand Children's Social Health Monitor (*Metiria Turei*)

Entitlements to hearing aids, document regarding entitlements to hearing aids in South Australia (*Hon David Parker*)

Sensitive claims under the ACC scheme, statement by the Royal New Zealand College of General Practitioners (*Hon Dr Nick Smith*)

*Thursday, 26 November 2009*

Climate Change, article from *The New Zealand Climate Science Coalition* entitled Are we feeling warmer yet?, dated 25 November 2009 (*Hon Rodney Hide*)

Climate Change, statement from the National Institute of Water and Atmospheric Research (*Hon Dr Nick Smith*)

Emissions trading scheme, media release from the Parliamentary Commissioner for the Environment, dated 25 November 2009 (*Dr Russel Norman*)

Accident compensation scheme, briefing on accident compensation from the Department of Labour, dated 20 February (*Kevin Hague*)

Accident compensation scheme, briefing on accident compensation from the Department of Labour to the Minister, dated 23 December (*Kevin Hague*)

## Select Committee Reports Presented

*Name of select committee, report, and parliamentary paper number or bill number where applicable.*

*Monday, 23 November 2009*

### **Primary Production**

Report from the Parliamentary Commissioner for the Environment on Change in the high country: Environmental stewardship and tenure review and Briefing from the Parliamentary Commissioner for the Environment on the review of land tenure

### **Transport and Industrial Relations**

2008/09 financial review of non-departmental appropriations for Search and Rescue Activities (excluding the part of the appropriation that is paid to Maritime New Zealand), Weather Forecasts and Warnings, and Employment Relations Education Contestable Fund

2008/09 financial review of the Ministry of Transport

*Tuesday, 24 November 2009*

### **Local Government and Environment**

Petition 2005/179 of Sarah Allen and 3,100 others, Petition 2008/8 of Andrew Crawford, and Petition 2008/32 of Sharon Stewart, David Collings and 1,451 others (I.9A)

*Wednesday, 25 November 2009*

### **Foreign Affairs, Defence and Trade**

2008/09 financial review of the Ministry of Foreign Affairs and Trade

2008/09 financial review of the New Zealand Customs Service

*Thursday, 26 November 2009*

### **Business**

Recommended sitting programme for 2010

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**Foreign Affairs, Defence and Trade**

Antarctica (Environmental Protection: Liability Annex) Amendment Bill (37–1)

**Health**

2008/09 financial review of non-departmental appropriations for Clinical Training Agency, Health Services Funding, Meningococcal Vaccine Programme, Monitoring and Protecting Health and Disability Consumer Interests, and National Advisory and Support Services

2008/09 financial review of non-departmental appropriations for National Child Health Services, National Contracted Services—Other, National Disability Support Services, National Emergency Services, and National Maori Health Services

2008/09 financial review of non-departmental appropriations for National Mental Health Services, Problem Gambling Services, Residential Care Loans, and Scientific Advice to Support Pest Management Strategies as They Affect Public Health

Petition 2008/34 of Jacqueline Langley

**Social Services**

Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Bill (16–2)

*Friday, 27 November 2009*

**Commerce**

2008/09 financial review of New Zealand Post Limited

2008/09 financial review of the Meteorological Service of New Zealand Limited

**Education and Science**

Student Loan Scheme (Exemptions and Miscellaneous Provisions) Amendment Bill (59–2)

**Finance and Expenditure**

Reserve Bank of New Zealand's financial stability report, November 2009 (I.3H)

**Justice and Electoral**

Petition 2008/31 of Timothy Grigg and 121 others