



*First Session, Forty-ninth Parliament, 2008-10*

***Parliamentary Debates***  
***(HANSARD)***

**Tuesday, 14 September 2010**  
***(Week 54, Volume 666)***

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



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**TUESDAY, 14 SEPTEMBER 2010**

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

**Prayers.**

**QUESTIONS FOR ORAL ANSWER****QUESTIONS TO MINISTERS****Earthquake, Canterbury—Streamlining of Earthquake Claims Process**

**1. AARON GILMORE (National)** to the **Minister of Finance**: What steps are the Government and the Earthquake Commission taking to streamline the Canterbury earthquake claims process?

**Hon BILL ENGLISH (Minister of Finance)**: The Government has taken steps to ensure the Earthquake Commission can assess and settle minor claims as quickly as possible. For claims where there is no structural or land damage the Earthquake Commission will settle with homeowners promptly, which it began doing this morning. In the case of houses that have damaged chimneys only, homeowners can choose to have the Energy Efficiency and Conservation Authority manage repairs and/or replace chimneys with a clean-heating device. These steps are expected to speed up the claims process for almost 40,000 home and building owners.

**Aaron Gilmore**: Why has the Earthquake Commission taken these steps to speed up the process?

**Hon BILL ENGLISH**: The Earthquake Commission has already received about 53,000 claims, and is expecting to receive many more in the coming weeks. If the commission followed the usual processes, these claims would take several years to complete. Of these claims, about 25,000 are expected to be for superficial damage involving claims of less than \$10,000. Another 14,000 are expected to be for repairs to chimneys. Dealing with that large number of less serious claims quickly will free up the Earthquake Commission to focus on the many more serious and complex claims that have arisen from the earthquake.

**Aaron Gilmore**: What steps are the Earthquake Commission, private insurers, and banks taking to fast track the more serious claims?

**Hon BILL ENGLISH**: With some encouragement from the Minister for Canterbury Earthquake Recovery, Gerry Brownlee, the Earthquake Commission, private insurers, and banks have shown a real willingness to work together. Officials are leading discussions with these parties to bring about a more integrated response to serious claims. These details are being worked through and will be announced shortly. The objective will be to ensure that payouts are made as expeditiously as possible and are used as intended—that is, for repairs and the restoration of damage, not for other purposes—and also to ensure that the work is of a consistent standard.

**Hon Ruth Dyson**: What assistance will the Government give to people who need to employ tradespeople and engineers to undertake home assessments and then significant repairs, and who have to pay for them within 21 days, in advance of any money from the Earthquake Commission being paid to them, but who just do not have the money to proceed with assessment and repair work?

**Hon BILL ENGLISH**: The member would do well to direct that inquiry to Mr Brownlee. Work is being done on a direct payment system to try to avoid a situation where homeowners would be out of pocket, but I am sure that Mr Brownlee could answer that question in some detail.

**Brendon Burns**: Can the Minister give the House and the people of Canterbury an assurance not only that the Government will provide all possible financial resources for

the rebuilding of as many heritage buildings as is feasible across our province, most notably in my electorate of Christchurch Central, but also that where such rebuilding is not possible the Government will work with the city council and the Christchurch community to ensure replacement buildings are funded and designed in harmony with those that simply have to be replaced?

**Hon BILL ENGLISH:** That matter is under discussion between the Prime Minister, the local bodies, and the relevant Minister in charge of the Historic Places Trust. It will be important that some parameters are laid down about the extent to which the Government may or may not participate but also that the decision making ultimately lies with local interests and those who have a strong stake in the look of the city.

### **Tax System Changes—Effect on New Zealanders**

**2. Hon PHIL GOFF (Leader of the Opposition) to the Prime Minister:** Does he stand by his statement that “the vast majority” of people will be “better off” as a result of his tax switch on 1 October 2010?

**Rt Hon JOHN KEY (Prime Minister):** Yes.

**Hon Phil Goff:** Is the New Zealand Institute of Economic Research accurate when it says that around half of all households will end the year worse off than they were a year ago because rising prices, the GST increase, and other one-off charges more than offset personal tax cuts; if not, in what respects is the New Zealand Institute of Economic Research inaccurate?

**Rt Hon JOHN KEY:** No, because a variety of different costs apply to a variety of different households.

**Hon Phil Goff:** Are the latest figures from Barfoot and Thompson, which show that average weekly rents in Auckland have gone up by \$20, accurate?

**Rt Hon JOHN KEY:** I could not comment on that. That is Barfoot and Thompson’s reflection. It may or may not be correct; I have not looked at it. But what I have been advised is that under the National Government rents have gone up at a fraction of the rate they went up under the Labour Government.

**Hon Phil Goff:** Is it correct that local government rates since the election have gone up on average by 6.4 percent, and that GST will add an average \$50 per year to everybody’s rates bills?

**Rt Hon JOHN KEY:** It would be selective to look at that, because one would also have to look at the personal tax cuts, which will add about \$28 a week more after all the costs of an average household, rising to \$41 by 2014.

**Hon Phil Goff:** Will GST add an estimated \$7,000 to \$8,000 to the price of the average new home bought by a homebuyer?

**Rt Hon JOHN KEY:** I do not have that number to hand, but I can say that New Zealanders will be in a much better position to buy a home when they can keep more of their own income, and they will do that under our personal tax cut plan.

**Hon Phil Goff:** What additional burden will the increase in GST put on reconstruction costs in the Canterbury region from 1 October?

**Rt Hon JOHN KEY:** The Earthquake Commission has made it clear that it will pay out the first \$100,000 on property and \$20,000 on contents at a GST rate of 15 percent; the bulk will be in that category and therefore will be covered.

**Hon Phil Goff:** Will the Prime Minister confirm that, in fact, the Government will add a further burden of \$2,500 for every \$100,000 spent during that reconstruction?

**Rt Hon JOHN KEY:** No.

**Hon Phil Goff:** I seek leave of the House to table the New Zealand Institute of Economic Research quarterly predictions for September 2010, which state that half of all households will be worse off by the end of the year than they were a year ago

**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.

### **Mōkihinui Hydro Dam—Effect on Endangered Species**

**3. KEVIN HAGUE (Green) to the Minister of Conservation:** Does she agree with Forest and Bird that “many endangered species will meet a watery death, or be rudely shunted from their homes”, if the Mōkihinui dam is given the green light?

**Hon KATE WILKINSON (Minister of Conservation):** In the resource consent hearing the Department of Conservation submitted that the dam would involve significant disruption to threatened native wildlife. I have seen no reason to doubt the department’s analysis.

**Kevin Hague:** Can she confirm that the public conservation land that would be flooded by the dam is home to 16 species of threatened indigenous birds, four species of threatened lizards, three subspecies of threatened land snails, and several species of nationally threatened plants?

**Hon KATE WILKINSON:** I can confirm that the area referred to by the member has some threatened native wildlife, but I emphasize that there is currently no application before the Department of Conservation.

**Kevin Hague:** Can she confirm that the dam will not be able to proceed unless she agrees to swap the Mōkihinui land for some other land of higher conservation value?

**Hon KATE WILKINSON:** I say again that there is currently no application before the Department of Conservation. As the potential decision maker, it is not advisable for me to make public comment on the merits or otherwise of any hypothetical proposal that might be put to the department.

**Kevin Hague:** I raise a point of order, Mr Speaker. The point of the question was whether the Minister agrees that her consent is required for the dam to proceed. She did not address that point in her answer.

**Mr SPEAKER:** It appeared to me that the Minister was saying that it was not in the public interest for her to comment further on the specificity of the issue. It is solely for the Minister to judge on that matter. I cannot overrule a Minister if he or she argues that it is not in the public interest to comment further on a specific matter.

**Kevin Hague:** Does the Minister accept the Department of Conservation’s advice that the public conservation land within the Mōkihinui River has such high value that it is most unlikely to be suitable for exchange at all; if so, why wait for a revised proposal from Meridian Energy before ruling out a land swap?

**Hon KATE WILKINSON:** It would be inappropriate to answer that question because, in effect, it may prejudge the merits of an application if, indeed, an application is made. There is no such application at the moment.

**Kevin Hague:** If she will not rule out a land swap now, will she at least ask her colleague the Minister for State Owned Enterprises to encourage our company Meridian Energy to make its land swap proposal before the matter comes up in the Environment Court next year, saving us all a lot of time and money?

**Hon KATE WILKINSON:** There is no land swap or land exchange application at the moment. If there is one in the future, it will be considered under the usual provisions of the Conservation Act, the Conservation General Policy, and other relevant statutory documents such as the West Coast Te Tai o Poutini Conservation Management Strategy. Until an application is made, I cannot comment further.

**Kevin Hague:** I raise a point of order, Mr Speaker. I am not asking the Minister to comment on a land swap proposal; I accept that she will not do that. My question was

about a conversation with her colleague the Minister for State Owned Enterprises, and she has not addressed that point, at all.

**Mr SPEAKER:** I apologise to the honourable member, but, again, it is difficult for me to ask the Minister to be more specific when the member is asking a hypothetical question. Until she knows what might happen, she cannot tell the member whether she feels the need to have a conversation with a colleague in the future. I think the member has to be reasonable. When asking hypothetical questions, it is very difficult to pin down a Minister because the circumstances are not precisely known.

**Kevin Hague:** The question is not hypothetical, at all. It does not require a land swap proposal to be on the table; it is simply recognising the legal fact that the Minister's consent will be required at some point. Therefore, a conversation with her colleague the Minister for State Owned Enterprises makes sense now to obviate the need for an Environment Court proceeding.

**Mr SPEAKER:** That may be the member's view, but it may not be the Minister's view. When asking this type of question, there is no specific answer. The member may be seeking a particular answer, but I cannot ask a Minister to give a particular answer to a hypothetical question like that. Really, the Minister has a fair bit of freedom as to how she answers that question and she has covered the issue. I accept fully that she has not satisfied the member, but I cannot assist with that kind of question.

**Kevin Hague:** Is the Minister familiar with Hydro Developments Ltd's Stockton hydro scheme, which would be enough to make the West Coast self-sufficient in power, and can she comment on its likely conservation impact compared with that of the Mōkihinui dam?

**Hon KATE WILKINSON:** I am aware of alternative possible hydro schemes. I am not a hydro scheme expert. It is very difficult to comment on a hypothetical application that does not exist. It is difficult, indeed, to consent to an application that does not exist.

**Kevin Hague:** How does the Minister think New Zealanders will feel to learn during Conservation Week that our own company Meridian Energy may flood 300 hectares of pristine conservation land, putting at risk more than 20 threatened species, when there is a perfectly good alternative scheme that would meet the West Coast's power needs?

**Hon KATE WILKINSON:** I think that for a rowi, one of our rarest kiwis, to have been hatched at the beginning of Conservation Week—he was unscathed by the earthquake and is now named Richter—will put a smile on the faces of many New Zealanders as to the importance of conservation in New Zealand.

#### **Accident Compensation Corporation—Performance**

**4. Hon ANNETTE KING (Deputy Leader—Labour) to the Minister for ACC:** Is he satisfied with the performance of ACC?

**Hon Dr NICK SMITH (Minister for ACC):** Generally, yes, I am very satisfied. The Accident Compensation Corporation (ACC) has made huge progress in reversing years of huge deficits, and has markedly improved rehabilitation rates. The one area that I am not satisfied with is sensitive claims, which make up 0.2 percent of claims. That is why I instigated an independent clinical review of ACC's processes, and I am pleased with the way that ACC has responded to the clinical panel's recommendations.

**Hon Annette King:** What discussions, if any, has he had with ACC in light of the fact that there has been a drop of around 6,250 people getting elective surgery funded through the scheme since he became the Minister, and that, on the current track, that drop could reach 10,000 people by December; and is he concerned about the impact this huge reduction is having on injured New Zealanders?

**Hon Dr NICK SMITH:** In respect of elective surgery, it is true that under the previous Government ACC was funding elective surgery that was not injury-related,

and that is why ACC is properly meeting its requirements. The drop in the number of claims in that area is way over the increases in elective surgery that my colleague Tony Ryall has provided for under Vote Health.

**Hon Annette King:** Has he received correspondence from orthopaedic surgeons like the correspondence that I have here in my hand, which states that 80 percent of patients with shoulder injuries are being refused surgery because of changes made by ACC since he became the Minister, and that when those patients do win on review 4 to 6 months after the accident, they have irreparable damage to their shoulders because of the delay?

**Hon Dr NICK SMITH:** Yes, I have received some correspondence from orthopaedic surgeons, and I have met with them. We have a panel—*[Interruption]* Well, I might get to it, if members take the time to listen. The Government and ACC have ensured that those who are eligible for accident compensation actually get it. When we look at the cases that have been reviewed, we see that under the National Government there has been no change from the position under the previous Government in the number of decisions being overturned. In fact, approximately 80 percent of those decisions are being supported through that review process.

**Michael Woodhouse:** How has ACC responded to the Canterbury earthquake, and has he been satisfied with that performance?

**Hon Dr NICK SMITH:** The corporation has responded very effectively to the Canterbury earthquake. There have been 830 claims lodged for injuries associated with the earthquake, and they are being effectively managed, despite two of the corporation's three offices in the region being closed for the first week of the civil emergency. The corporation quickly made contact with all 550 serious injury claimants to ensure their well-being over the course of the last week. ACC has deferred collection of accident compensation levies from Canterbury businesses, because they are under pressure. I also note that ACC has made 20 of its staff available to assist the Earthquake Commission, which is under huge pressure with regard to case management. I think that is the sort of cooperation we would want from Government agencies when we face a catastrophe the size of Canterbury's earthquake.

**Hon Annette King:** Is he aware that the New Zealand Orthopaedic Association has reviewed the criteria that ACC experts are using to assess shoulder surgery since he became the Minister, and has found that they are grossly simplified and do not take account of the loss of function at the time of the accident; and will he ensure that ACC listens to the association's advice? After all, they are the real experts.

**Hon Dr NICK SMITH:** I certainly accept that orthopaedic surgeons have a very real interest in their patients, but we should not be naive; they also have a very real interest in the fact that ACC pays far more generously for surgery than Vote Health does. It is my view that we need to ensure that decisions about orthopaedic surgery are made by the clinicians, not politicians.

**Michael Woodhouse:** Mr Speaker—

**Hon Annette King:** Good Lord!

**Michael Woodhouse:** I have never been called that.

**Mr SPEAKER:** I do not think that was at all necessary.

**Michael Woodhouse:** What is the recent performance of ACC in respect of rehabilitation, and is he satisfied with this performance?

**Hon Dr NICK SMITH:** ACC's improved performance in rehabilitation rates has been absolutely outstanding. In fact, despite significant declines in 2005, 2006, 2007, and 2008, over the last year there has been a 3 percent improvement in rehabilitation rates, which means that thousands of New Zealanders are back at work earlier than they would have been under the previous Government. I am surprised that members opposite are so opposed to effective rehabilitation. Those improved rehabilitation rates are one of

the reasons that the scheme, rather than losing \$2.4 billion in the last full year in which Labour was in office, is now in far more robust financial shape.

**Hon Annette King:** Has he seen the announcement from the National Foundation for the Deaf 4 days ago that ACC has also got wrong the criteria for workplace hearing injuries, and in light of the fact that it took over a year of clinical and public pressure before the Minister and ACC admitted that they had got wrong the criteria for sensitive claims for sexual abuse, will he listen to their clinicians before any more damage is done to those people who have been denied help?

**Hon Dr NICK SMITH:** I have met with the Deaf Association and with the key associations with expertise in audiology. The key element that those organisations accept, which is the Government's position, is that age is not an accident, and that it is not right that accident compensation pick up the cost of the very substantive bill associated with age-related hearing loss. That is not the function of the scheme.

### **Earthquake, Canterbury—Government Assistance**

**5. NICKY WAGNER (National)** to the **Minister for Economic Development:** What steps will the Government take to aid the recovery of the Canterbury region from the recent major earthquake?

**Hon GERRY BROWNLEE (Minister for Economic Development):** Today the Government, with the support of the other parties in the House, will introduce the Canterbury Earthquake Response and Recovery Bill. The legislation is needed urgently so that recovery work can continue seamlessly, following the lifting of the state of emergency in Canterbury, which is expected to happen later this week. Passing this bill will facilitate the Canterbury recovery by providing a mechanism that allows specific amendments to be made to a range of legislation, thereby avoiding any unnecessary slow-down to the recovery work that we now have ahead of us. This legislation is specifically for the recovery from the earthquake event. It is important that we move forward with considered haste, to prevent further adverse effects on the people of Canterbury.

**Nicky Wagner:** How will the Canterbury Earthquake Response and Recovery Bill work in practice?

**Hon GERRY BROWNLEE:** The Canterbury Earthquake Response and Recovery Bill enables the Government to use Orders in Council to facilitate the recovery response. Those Orders in Council, of course, will be subject to normal parliamentary scrutiny, as provided in the Standing Orders. This bill allows for the relaxation or suspension of provisions in enactments that may divert resources away from the effort to efficiently respond to the damage caused and the efforts to minimise further damage. It also allows for the relaxation or suspension of enactments that may not be reasonably capable of being complied with, due to earthquake damage. The Canterbury Earthquake Recovery Commission will link decision makers on the ground in Canterbury with decision makers in Wellington. Membership of the commission will include the three mayors, and the commission will ensure that the recovery is driven by the people of Canterbury.

**Hon Clayton Cosgrove:** Is he satisfied that he has the complete support of the three affected Canterbury mayors for the Canterbury Earthquake Response and Recovery Bill, given their statement on Radio New Zealand today that the lifting of the state of emergency in Canterbury will not happen if they are not satisfied with the legislation that he wishes to pass through the Parliament?

**Hon GERRY BROWNLEE:** I am confident that the three mayors, who will, of course, be on the commission, are satisfied with the bill. Over the weekend there have been discussions with their offices, as well as with offices representing Government

agencies. The work is being led by the Ministry for the Environment, and the Parliamentary Counsel Office has worked tirelessly to get the bill together. A great deal of consideration has been given to the question of how extensive the bill should be. In the end we have a bill that I think will enable those mayors to constructively go about their reconstruction. I take this opportunity to congratulate the three of them, Kelvin Coe, Ron Keating, and Bob Parker, on the work that they have done to ensure that they have what is needed in order to get the job done.

### **South Canterbury Finance—Retail Deposit Guarantee Scheme Extension**

**6. Hon DAVID CUNLIFFE (Labour—New Lynn) to the Minister of Finance:** What advice, if any, did Treasury receive from KordaMentha in relation to South Canterbury Finance's financial condition prior to approving the extension of the Crown Retail Deposit Guarantee Scheme, and did this advice question whether such an extension was appropriate?

**Hon BILL ENGLISH (Minister of Finance):** KordaMentha was engaged by Treasury in June 2009 to undertake detailed analysis of South Canterbury Finance, and it made regular reports to Treasury regarding the state of the company. The fact that Treasury believed there was a chance that South Canterbury Finance could fail was publicly demonstrated in the public accounts for the year ended June 2009, where provision of \$831 million was made. That provision was based on an independent assessment of the size of the loss that could occur from the failure of a major company such as South Canterbury Finance. The provision appeared in the first place because there was an assessment that there was a more than even chance that South Canterbury Finance, along with other finance companies, would fail. I point out to the member that South Canterbury Finance did not fail under the extended Crown guarantee; that has not come into effect yet, and will not come into effect until 13 October. South Canterbury Finance failed under the original guarantee established in late 2008.

**Hon David Cunliffe:** What reports from KordaMentha did Treasury receive of South Canterbury Finance using its acceptance into the guarantee scheme to attract more investment and to increase its loans, and when were those reports received?

**Hon BILL ENGLISH:** I think the member might have received a list of the dates of those reports in the answer to a written question. I cannot tell him whether they focused on those issues. The reports were made to Treasury under the arrangements put in place by the previous Government, and supported by this Government, whereby Treasury made those decisions. We need to keep in mind that part of the point of the guarantee was to allow the finance companies to raise money, because if they did not raise new money, they would certainly fail in the end.

**Hon David Cunliffe:** When a Treasury official said "South Canterbury's failure was well anticipated ...", what was the earliest date that Treasury formed the conclusion that South Canterbury Finance could fail, and when and by whom was that first raised with the Minister?

**Hon BILL ENGLISH:** I could not give the member a particular date, but I can tell him that by the time the June 2009 accounts were published the Government had made provision to cover the possibility that South Canterbury Finance would fail.

**Hon Annette King:** Just South Canterbury?

**Hon BILL ENGLISH:** Not just South Canterbury Finance but South Canterbury Finance and other companies. There was an \$831 million provision made at that stage, so Treasury must have come to a view sometime, I presume, before those accounts were finalised, perhaps in March and April 2009.

**Hon David Cunliffe:** What advice, if any, did Treasury receive relating to South Canterbury Finance's potential breach of its deed of guarantee, and when and by whom was that first reported to the Minister?

**Hon BILL ENGLISH:** I cannot recall whether the member asked about a breach of the guarantee or a breach of the company's own trust deed. As far as I am aware, Treasury did not receive any advice at any stage from anyone that South Canterbury Finance had breached the terms of the guarantee. In fact, if that advice had been received, the guarantee would have been removed, as it was in the case of, I think, one other finance company.

**David Bennett:** Once South Canterbury Finance had been admitted to the Crown guarantee, were there any subsequent actions that the Crown could have taken that would have reduced the cost to taxpayers?

**Hon BILL ENGLISH:** I think we need to keep in mind that once South Canterbury Finance was admitted to the guarantee, the only way that it could have exited the guarantee without a cost to taxpayers was if the company was successfully recapitalised and managed to get back to stability and business as usual. As it turned out, that was not possible, because of the significant amount of bad quality loans that it had made, mostly prior to entering the guarantee. So, in effect, once South Canterbury Finance was admitted to the scheme in 2008 the die was cast. The one action the Government could take and has taken was to pay all depositors promptly once receivership occurred, so as to reduce interest costs. Treasury estimates that that has saved the Crown about \$100 million.

**Hon David Cunliffe:** Did Treasury or any other officials or advisers ever approach the Minister with a proposal to appoint a statutory manager in respect of South Canterbury Finance, either prior to the extension in April 2010 or before its being placed into receivership on 31 August 2010?

**Hon BILL ENGLISH:** First, can I correct one impression. The deposit guarantee scheme was not extended in April 2010; what happened was finance companies applied for entry to an extended guarantee that would begin in October 2010. South Canterbury Finance failed under the original guarantee. In respect of statutory management, the answer is no. If there had been a reason to go to statutory management, that would have been directed to the Minister who has statutory responsibility for getting advice, and that is the Minister of Commerce, on the advice and recommendation of the Securities Commission—not through Treasury to the Minister of Finance.

**Hon David Cunliffe:** I raise a point of order, Mr Speaker. It consists of two parts. The first part of the point of order is to note that the first part of the Minister's response was irrelevant to the question asked. I did not make a proposition—

**Mr SPEAKER:** Order!

**Hon David Cunliffe:** —in respect of April 2010—

**Mr SPEAKER:** The member will sit down. To comment on the Minister's answer is to totally misuse the point of order process. I listened very carefully to the Minister's answer. Although I accept that in the first part of his answer he was pointing out a matter in respect of the commencement of the extended guarantee scheme, he moved on to answer very precisely what the member had asked. The member had asked—if I recollect correctly—whether advice had been received from Treasury about the appointment of a statutory manager. The Minister was absolutely precise; he said that to the best of his knowledge, the answer was no. The member's question was absolutely answered.

### **Earthquake, Canterbury—Delivery of Supplies**

**7. COLIN KING (National—Kaikōura)** to the **Minister of Transport**: What is the Government doing to address challenges in delivering supplies into the area affected by the Canterbury earthquake?

**Hon STEVEN JOYCE (Minister of Transport)**: As the member will be aware, an enormous slip occurred last Friday night just south of Kaikōura, blocking both State Highway 1 and the rail line. This has increased the challenge of moving supplies into Canterbury following the earthquake. The New Zealand Transport Agency, KiwiRail, and their contractors are working around the clock to clear the debris from the site. In the meantime, the inland Kaikōura route 70 can be used by light vehicles, buses, and light trucks not towing trailers. All other traffic is using State Highway 63 through the Wairau Valley and State Highway 7 through the Lewis Pass to travel south to Christchurch. KiwiRail is trucking goods out of its Blenheim depot to Christchurch.

**Colin King**: When are the road and the rail line expected to be reopened?

**Hon STEVEN JOYCE**: Work is well under way to remove the estimated 30,000 cubic metres of rock, as well as to stabilise the slope from which the material has come. The full job will take about 5,000 truck movements and another couple of days to remove enough material to reopen one lane of the highway to traffic on Thursday. Once the rail line is cleared, temporary repairs can begin, and it is expected to reopen on Friday. Work is concentrating on stabilising the face of the slip so that more material does not come down in the future.

### **District Health Boards—Availability of 2010-11 Annual Plans**

**8. Hon RUTH DYSON (Labour—Port Hills)** to the **Minister of Health**: When will all the district health board annual plans for 2010-11 be publicly available?

**Hon Dr JONATHAN COLEMAN (Associate Minister of Health)** on behalf of the **Minister of Health**: When they are all approved and signed. It will not take until 11 months into the financial year to have the Auckland District Health Board annual plan approved, as I am advised it did in 2006 when the member's party was in Government. District health boards have worked hard on their plans to improve services while steadily reducing the \$150 million gap of unfunded services left by the previous Government.

**Mr SPEAKER**: I must be pretty thick or something, but the question asked when all the district health board annual plans for 2010-11 would be publicly available. The Minister answered that question quite quickly when he said it would be when they were completed and signed. It is totally outside the Standing Orders to then make all sorts of negative comments about the Opposition. I am sure that there will be supplementary questions that will give him more licence, but that primary question did not.

**Hon Ruth Dyson**: How does he expect candidates for the district health board elections, let alone the public, to make judgments about the extent of his budget cuts when he has still not signed off 15 of the 20 district health board annual plans, which are now 3 months overdue?

**Hon Dr JONATHAN COLEMAN**: Firstly, there have been no budget cuts; an extra \$512 million is going into health—[*Interruption*]

**Mr SPEAKER**: This time I apologise to the Minister. The Labour spokesperson on health asked a question to which, I presume, Labour members wish to hear an answer. The Minister in answering initially disputed a claim in the member's question; he is perfectly at liberty to do that. But the interjection level was such that I could not hear any more of the answer. I want to hear the answer. I apologise to the Minister. I look forward to the House hearing the answer.

**Hon Dr JONATHAN COLEMAN:** It is absolutely misleading to say there have been Budget cuts; an extra \$512 million is going into health this year. As regards district health board candidates, they are well aware of the legacy of disaster the last Government left them to clean up. In 2007 they managed perfectly well when the Labour Government failed to sign off district health board annual plans, and I am sure they will be well placed to assess the situation this time.

**Hon Ruth Dyson:** Has the Minister not signed off 15 of the district health board annual plans, which took effect from 1 July, because they all show cuts to services—such as the \$300,000 raid on funding ring-fenced for mental health on the West Coast, and the \$316,000 cut to non-governmental organisation services in Wairarapa—that he would prefer to remain hidden at least until after the district health board elections?

**Hon Dr JONATHAN COLEMAN:** That member is once again misleading. In terms of mental health on the West Coast—

**Hon Ruth Dyson:** I raise a point of order, Mr Speaker. The Minister just referred to me with a totally inappropriate and unparliamentary phrase. I took offence and ask that he be required to withdraw and apologise.

**Mr SPEAKER:** The member has raised an interesting point. The member is quite right: normally a member cannot allege that another member is lying or not telling the truth. To suggest that a member might be misleading the House, especially with a statement made in a question, raises an issue as questions are not meant to contain statements and they risk a Minister disputing the statement. Maybe on this occasion, since the member has taken offence, I will ask the Minister to use other language to dispute the claim in the question. The Minister is perfectly at liberty to dispute the claim in the question, but maybe he should not so blatantly claim that another member is misleading the House. He should perhaps dispute the information in more appropriate language.

**Hon Dr JONATHAN COLEMAN:** The House will be able to judge whether there have been cuts to mental health budgets on the West Coast, but the facts show that an extra \$12.6 million is going into mental health on the West Coast this year. In terms of Wairarapa, another \$7.8 million is going into mental health. It will be up to the House to judge whether that initial statement was misleading, but the facts stand for themselves.

**Dr Paul Hutchison:** When did the Minister first approve a district annual plan?

**Hon Dr JONATHAN COLEMAN:** The Minister first approved a district annual plan after the general election in November 2008, when there were still four annual plans that the outgoing Labour Government, 4 months into the financial year, had not signed off. These and the remaining district health board 2008-09 annual plans projected a total of around \$110 million of services being delivered but not funded. These services were subsequently revealed to total over \$150 million.

**Hon Ruth Dyson:** Why has he signed off on the cut to tobacco control services on the West Coast of \$61,000, when the board's own report says that Māori are under-represented in accessing primary health care services and have above-average smoking rates?

**Hon Dr JONATHAN COLEMAN:** If we look at the West Coast, we see that an extra \$4 million is going into health there this year. There has to be a reprioritisation of services to meet the needs of the local communities against the background of increased funding. I remind the member that her Government cut 30,000 New Zealanders off elective surgery waiting lists, so she should not talk to us about cuts.

### **Earthquake, Canterbury—Schools**

**9. JO GOODHEW (National—Rangitata)** to the **Minister of Education**: How were Canterbury schools affected by the 4 September earthquake, and what is the current situation for schools in the region?

**Hon ANNE TOLLEY (Minister of Education)**: Schools in Christchurch City and in Waimakariri and Selwyn districts suffered a range of damage from the quake and aftershocks. Some suffered significant structural damage to buildings and grounds; others had no damage at all. Most schools were closed last week, but I am pleased to advise that all but seven schools are now open and we expect almost all of these to be open by the end of this week. St Paul's School and Halswell Primary School sustained severe damage, and major work will need to be undertaken. St Paul's School is expected to reopen temporarily on Monday at a ministry-owned property in Champion Street. Halswell Primary School is planning to open temporarily in the Halswell Residential College from tomorrow. I would like to take this opportunity to recognise all of the principals, teachers, trustees, and ministry staff, who deserve a huge amount of credit for making sure that schools can open for students.

**Jo Goodhew**: What support has been given to schools and early childhood services following Canterbury's earthquake and the subsequent aftershocks?

**Hon ANNE TOLLEY**: The Ministry of Education's traumatic incident teams have been made available to offer support for students and staff, and workshops have been held for early childhood education services, principals, teachers and boards of trustee members to provide them with advice and guidance in preparation for the return of students and children. In addition, the ministry has contacted all 400 parents with special-needs children to check on their current situation and needs. Advice and guidance have been provided and, where required, home visits are being made.

### **Marine and Coastal Area (Takutai Moana) Bill—Attorney-General's Objective**

**10. Hon DAVID PARKER (Labour)** to the **Attorney-General**: Is his objective under the new foreshore and seabed bill to settle the protracted controversy around foreshore and seabed?

**Hon CHRISTOPHER FINLAYSON (Attorney-General)**: The Government's objective is to pass legislation that addresses the injustice of the current legislation, including the extinguishment of uninvestigated property rights and the removal of the right of people to go to court, and to balance the rights and interests of all New Zealanders, including the guarantee of public access. Hopefully this legislation will settle the protracted controversy around the issues of the foreshore and seabed.

**Hon David Parker**: Does the Attorney-General accept that the Labour Party has contributed constructively to the relatively benign political climate that has existed for the settlement of foreshore and seabed issues since the election, including by submitting to the review panel that the right of the court to confer a customary title should be restored, rather than relying upon negotiated outcomes that a future Government could frustrate?

**Hon CHRISTOPHER FINLAYSON**: Yes. I have made it clear in this House on a number of occasions that I genuinely believe that the Opposition has engaged in the review, particularly with the submission of Dr Cullen, because I genuinely believe that that party wants this matter to be resolved in a just and durable manner for the benefit of all New Zealanders.

**Hon David Parker**: Has the Attorney-General been provided with an acknowledgment from the Māori Party leaders, the Hon Tariana Turia and the Hon Pita Sharples, that this bill, if passed, will represent a full and final settlement of the legal framework for foreshore and seabed rights?

**Hon CHRISTOPHER FINLAYSON:** I have neither received nor asked for any particular written acknowledgment from my colleagues in the Māori Party. However, I have seen statements that they have made indicating their firm support for the legislation.

**Hon David Parker:** Will the Attorney-General be seeking an acknowledgment from the Māori Party leaders that this bill, if passed, will represent a full and final settlement of the legal framework for foreshore and seabed rights?

**Hon CHRISTOPHER FINLAYSON:** No, I will not be seeking any such acknowledgment, nor can I reasonably be expected to. I have indicated to the House that the Māori Party has, through various public statements, indicated its support. I have worked very closely with it in the development of this legislation. Any questions of the Māori Party should be directed at the Māori Party.

**Te Ururoa Flavell:** Tēnā koe, Mr Speaker. Kia ora tātou katoa. Has the Attorney-General seen the submission Te Hunga Roia Māori o Aotearoa, the Māori Law Society, presented to the ministerial review panel last year, which reported that “It remains a concern that a fundamental issue regarding customary and aboriginal rights was mismanaged by the Crown to such an extent that it caused gross racial tension.”? How does he think the new legislation will address such protracted and profound concerns emerging from Labour’s 2004 Act?

**Hon CHRISTOPHER FINLAYSON:** I read that submission some time ago. I think the current bill addresses the core grievances associated with the current legislation—the ones I outlined in the answer to the primary question about extinguishment of uninvestigated customary title and the removal of that fundamental right of access to justice. The bill follows a period of extensive consultation that tries to balance the rights and interests of all New Zealanders.

**Hon David Parker:** Why will the Minister not agree to seek an acknowledgment from the Māori Party that this bill will represent a full and final settlement of the legal framework for foreshore and seabed rights, given that he has today told the House that he thinks it is important that as a country we settle this matter and move forward?

**Hon CHRISTOPHER FINLAYSON:** Because I am very satisfied with the statements that the Māori Party has made, and it is not for me to go around demanding written acknowledgments from other political parties. I am a humble worker in the vineyard; those matters are best addressed to the Prime Minister.

**David Garrett:** Why was a version of section 40 of the Foreshore and Seabed Act 2004—a section that specifically prohibited iwi owners charging for beach use—not included in the new Marine and Coastal Area (Takutai Moana) Bill?

**Hon CHRISTOPHER FINLAYSON:** Section 40 deals with foreshore and seabed reserves; there will be no such thing under the new legislation. We are dealing with customary title, and in previous answers to that member I have outlined how customary title will work.

**David Garrett:** Will he amend the bill to include a specific prohibition on Māori New Zealanders charging other New Zealanders for beach use, which he claimed in the House last week already existed; if not, why not?

**Hon CHRISTOPHER FINLAYSON:** I maintain, I continue to maintain, and I will maintain until I bore everyone silly that the question of access is clear. If the member wishes to make a submission to the select committee or put down his concerns in writing to me, I will, of course, consider them.

**David Garrett:** I raise a point of order, Mr Speaker. The question was very carefully worded and referred to a prohibition on charging. The Minister gave us an answer about access. Access and charging are two very different things. He did not go anywhere near charging in his answer.

**Mr SPEAKER:** I realise that the member asked a very precise question. In the circumstances, I will let him repeat it. I ask all members of the House to be quieter so there can be no question of whether it is heard. I want to hear the answer very clearly, as well.

**David Garrett:** Will he amend the bill to include a specific prohibition on Māori owners charging other New Zealanders for beach use, which he claimed in the House last week already existed; if not, why not?

**Hon CHRISTOPHER FINLAYSON:** Because I believe that the issue is very clear. As I said to the honourable member in response to the previous iteration of this question, I am very happy for him to put his concerns in writing or to make a submission to the select committee on the issue of charging. Everything he says will be carefully considered.

**Te Ururoa Flavell:** Does he agree with the Human Rights Commission, which said in 2009 that the Foreshore and Seabed Act 2004 was a decisive setback in Crown - tangata whenua relationships and in relationships between Māori and other New Zealanders, and how will the Marine and Coastal Area (Takutai Moana) Area Bill improve this situation?

**Hon CHRISTOPHER FINLAYSON:** I believe the bill improves the situation by more appropriately balancing the interests of all New Zealanders. It provides for recognition of uninvestigated customary title and customary rights while guaranteeing public access and recreational use—interests that the ministerial review panel described as the birthright of all New Zealanders.

#### **Earthquake, Canterbury—Government Support for Rural Canterbury**

**11. AMY ADAMS (National—Selwyn) to the Minister of Agriculture:** What is the Government doing to support the rural Canterbury community through the earthquake recovery?

**Hon DAVID CARTER (Minister of Agriculture):** The Government has moved urgently to assist rural Canterbury in its earthquake recovery. We have formed a rural recovery group, involving organisations such as Federated Farmers, Fonterra, banks, insurance companies, and Irrigation New Zealand. To assist this group, we have employed a rural recovery coordinator, who has specific responsibility for overseeing quake recovery efforts and establishing exactly what extra Government assistance might be needed.

**Amy Adams:** What is the level and scale of earthquake damage in rural Canterbury?

**Hon DAVID CARTER:** A full stocktake of damage is still being undertaken, but current estimates are that 300 to 400 farms have sustained some damage, with approximately 100 to 150 of those quite badly damaged. Damage primarily involves buildings, silos that have tipped over, inoperable dairy sheds, and some ground cracking. A major concern is the impact the quake might have had on underground irrigation infrastructure, and we are currently working to ascertain the extent of this damage and what work will be needed to fix any damage prior to summer.

**Amy Adams:** What further steps is the Government considering to support affected rural businesses and communities?

**Hon DAVID CARTER:** Most farms are getting back to business as usual, but it is clear that a number of rural properties have damage that may not be covered by insurance. Once the rural recovery coordinator provides the Government with a full picture of this damage, we will consider whether any further assistance is warranted.

### Employment—Legislative Reform

**12. DARIEN FENTON (Labour)** to the **Minister of Labour**: Does she stand by all of the statements made on her behalf in response to question for oral answer No. 11 on 9 September 2010?

**Hon KATE WILKINSON (Minister of Labour)**: Yes.

**Darien Fenton**: What specific changes is she considering to collective bargaining?

**Hon KATE WILKINSON**: There are currently no plans to implement any changes to collective bargaining at this point other than the provisions—

**Darien Fenton**: I raise a point of order, Mr Speaker.

**Mr SPEAKER**: I apologise to the Minister for interrupting. I would like to go right back to the start and have Darien Fenton repeat her question because I struggled to hear it, and I ask the Minister whether she could speak a little closer to her microphone because it is difficult to hear her.

**Darien Fenton**: What specific changes is she considering to collective bargaining?

**Hon KATE WILKINSON**: There are no plans to implement any changes to collective bargaining at this time, except for changes that have already been signalled in the amendment bill that is currently before the Transport and Industrial Relations Committee.

**Darien Fenton**: If she stands by the statement given on her behalf that any changes to employment laws would “take into account all the issues for the benefit of employees and employers equally”, then how is a law that allows employees to be fired at will with no reason having to be given and with no right to an unjustifiable dismissal claim equally to the benefit of employees and employers?

**Hon KATE WILKINSON**: The 90-day trial provisions, which have been very successful and have been generally and universally accepted, do not take away rights. In fact, several rights are maintained and enhanced. The trial period gives opportunities for employees to get their foot in the door and get a job, which I would have thought that that member applauds.

**Darien Fenton**: What does she say to the warning from Dr Judy McGregor, Equal Employment Opportunities Commissioner for the Human Rights Commission, that the 90-day trial law “offends against natural justice, the presumption of the law in favour of procedural fairness, and a commitment to a fair go for employees.”?

**Hon KATE WILKINSON**: It will probably come as no surprise to that member that I do not agree with the comments made by Dr Judy McGregor.

### QUESTIONS TO MEMBERS

#### Employment Relations Amendment Bill (No 2)—Submissions

**1. DARIEN FENTON (Labour)** to the **Chairperson of the Transport and Industrial Relations Committee**: How many submissions were received on the Employment Relations Amendment Bill (No 2) as at 5 p.m. Monday, 13 September 2010?

**DAVID BENNETT (Chairperson of the Transport and Industrial Relations Committee)**: I am unable to state the precise number of submissions that were received on that bill as at 5 p.m. of that day. However, 200 submissions and six cartons containing hundreds of form submissions have now been received.

**Darien Fenton**: How many of those submissions have requested an oral hearing, and is he satisfied that the committee has sufficient time—

**Mr SPEAKER**: I apologise to the member. I am really struggling to hear her. I apologise that the sound system is letting her down, but could she just speak a little more slowly. I must be able to hear the supplementary question, because there is a

tendency for some supplementary questions to be out of order. I would hate to judge the member's question wrongly.

**Darien Fenton:** How many of those submissions have requested an oral hearing, and is he satisfied that the committee has sufficient time to hear and consider all of those submissions before the report back date of 7 November for a bill that is due to come into force on April Fool's Day 2011?

**DAVID BENNETT:** I am unaware of how many have requested an oral hearing, but I am sure the committee will find that out in due course.

## **CANTERBURY EARTHQUAKE RESPONSE AND RECOVERY BILL**

### **Procedure**

**Hon GERRY BROWNLEE (Leader of the House):** I seek leave for the Canterbury Earthquake Response and Recovery Bill to be introduced and passed through all stages, and, if required for the completion of that business, for the sitting of the House to extend beyond 10 p.m.

**Mr SPEAKER:** Leave is sought for that course of action. Is there any objection? There is no objection.

### **First Reading**

**Hon GERRY BROWNLEE (Minister for Canterbury Earthquake Recovery):** I move, *That the Canterbury Earthquake Response and Recovery Bill be now read a first time.* It is now a matter of history that on Saturday, 4 September at 4.31 in the morning, Cantabrians were woken by the largest earthquake this country has seen for some time. The scale of damage from the earthquake and the hundreds of aftershocks since is something that New Zealand has not seen in recent times. As a result of the devastation caused by these events, a state of emergency still is in place across Canterbury.

The destruction caused to infrastructure and buildings across the Canterbury region is considerable. The damage is so substantial that the recovery will be one of the most significant events in New Zealand's history. Estimates of damage vary, but the costs will run into some billions of dollars, and we have to give thanks while we are talking about property damage that there was no loss of life. That miracle makes it easier for us to focus on rebuilding Canterbury and maintaining a positive frame of mind. Cantabrians have shown tremendous spirit to so rapidly reconnect and restore first Christchurch City and then the regions of Waimakariri and Selwyn District. I also thank the people outside the region who have so generously come to the aid of their fellow Kiwis.

There are far too many to mention, but I would like to mention the officials of government who have worked so tirelessly over the weekend to put this bill together.

We have all seen images of homes and schools wrecked by the tremendous force that was unleashed, images of the towns and city centres where large numbers of buildings are damaged or inaccessible, and images of the many churches and historic buildings shattered by the quake. Furthermore, roads have moved, railway lines have been twisted, and farm lands have been so damaged by holes, fissures, and tears that they cannot be used safely for livestock, and some cropping may be endangered. Vital infrastructure such as sewerage work has been disrupted, although that infrastructure has been largely reconnected in the heaviest urban areas.

New Zealand is a country prone to earthquakes. We have known that for some time and we have prepared for an event like this by establishing the Earthquake Commission, by strengthening our buildings, by having emergency contingency plans, and by having emergency kits in our homes. But we can never fully prepare for, or prevent, the damage that an earthquake of this magnitude causes.

I spent a lot of time in Canterbury over the last 10 days, and I saw for myself the damage in my home area. I have seen firsthand the spirit of the people of Canterbury, and I am very impressed by the way that they have worked tirelessly and carried out their responsibilities in the different organisations of the region to get the place reconnected. When we look back over the last 10 days—and it has been only 10 days—we see that the emergency response has been, to say the least, most impressive. All those involved in achieving that result should be congratulated. It should be remembered that those people often leave their own families and homes to help others. I spoke last Friday night to a group of people who had been helping connect water and sewerage in Christchurch City. Many of them left their homes on Saturday at 5 o'clock in the morning, simply leaving their wives, partners, and families while they went out to help others.

They did up to 100 hours' work last week and achieved an enormous result. The same can be said for the power workers and the communications workers. Their efforts were very impressive.

The task ahead is enormous. The rebuilding and recovery may have begun, but it will take a long time and we will need the rest of New Zealand to lend a hand. The support offered by people from outside the region—the donations they have made to the mayoral and other funds—is evidence of the willingness of this country to help out Cantabrians. I know that the people of Canterbury welcome that support and thank their fellow New Zealanders for that help, but more help is needed.

In 2009, there were about 50,000 building consents, or consents relating to building issues, around the country. If we consider the scale of destruction in Canterbury and apply similar consenting arrangements, we find that every consenting officer in this country could be locked up in the consenting process for a number of years before anything is done in a practical sense. Business as usual will not work. Legislation needs to be adapted to respond to the special circumstances that now exist in Canterbury and, in particular, that will apply when the state of emergency is lifted. So far, we have identified several needs: modifying legislative requirements under the Resource Management Act, such as in respect of heavier than allowable loads being able to be taken to landfills; streamlining Building Act processes to deal with dangerous buildings without delay, and the repair and perhaps replacement of buildings; and flexible welfare support and payments for people in need.

To facilitate the Canterbury recovery, we need a mechanism that allows specific amendments to a range of legislation. This bill will be the House's expression of a strong desire to remove bureaucracy that could slow down the very necessary work we now have to do. I know this Parliament is united in its desire to assist Canterbury in every way it can, and on behalf of the people of Canterbury I offer thanks for that. Therefore, today I am introducing the Canterbury Earthquake Response and Recovery Bill to help Canterbury get over and get past this disaster. This bill enables the Government to use Orders in Council to facilitate emergency recovery responses. Orders in Council can be used to tailor specific solutions to identified issues as the recovery progresses. Most important, Orders in Council will allow the Government to react quickly with the support of the whole Parliament. Just as Orders in Council can be made, they can also be revoked or replaced as needs change during the recovery process.

The current state of emergency has allowed authorities in Canterbury to get on with the job of ensuring the health and safety of residents while taking steps towards ongoing recovery. Some actions would not be permitted in normal circumstances. A number of those activities need to continue immediately after the state of emergency has lifted. Although retrospective provisions are usually not desirable, they are needed in this case

to protect those who have taken necessary action in this period and immediately following the earthquake.

We want to remove impediments to the recovery of Canterbury, but I am mindful that we need to be cautious in our approach. We do not want to remove, suspend, or otherwise modify legislation that protects the people of Canterbury and thus create a perverse outcome. For that reason, I am taking steps to ensure that the Orders in Council are used only for emergency response to, and recovery from, the earthquake event. The first measure I am proposing is that each Order in Council developed in response to the recovery needs to meet the tests of complying with the purpose of the bill. It must facilitate the response to the Canterbury earthquake. The Orders in Council in this legislation will be in place only while they are needed and for no longer than the period up to 1 April 2012. Those Orders in Council will be subject to the House's normal disallowance provisions.

The bill also establishes the Canterbury Earthquake Recovery Commission, of which the three district mayors of Christchurch, Waimakariri, and Selwyn will be members. Later this week, four other members will be added, including an Environment Canterbury commissioner, to augment that commission.

It is important to recognise the enormous capacity of the regions and districts to know what they need in order to recover. This mechanism will mean that they are easily able to connect with their counterparts in Wellington, and that the Government has a clear path for offering assistance to them as they go through that recovery. I stress again, however, that the people of Canterbury and their elected representatives will be leading the recovery, with the Government standing firmly behind them to give assistance where it is needed.

I close by offering my thanks to other Canterbury MPs, from all parties, who have been very cooperative in getting to this point today. I know that that cooperation will continue as the recovery continues. The resource we have in our local MPs is considerable, and we look to give Cantabrians comfort to go about this recovery by enabling those MPs to be prominent in their communities and to give advice on how those communities might progress. I think that providing the mechanism to modify any legislation hindering the recovery of Canterbury and ensuring that scarce resources are not diverted from that recovery is the clearest demonstration of Parliament's support for the people in my home district. I commend this bill to the House.

**Hon PHIL GOFF (Leader of the Opposition):** Labour is very pleased to support the Canterbury Earthquake Response and Recovery Bill. When we observe the scale of the disaster in the Canterbury region, I think every member of this House accepts that there is no room for partisan squabbling at central government level or, for that matter, at local government level. This is a time when people in New Zealand expect their legislators to work together to assist the recovery, to help people to get their lives back together, and to do so without unnecessary delay.

I have had the opportunity over 3 days to spend some time with my Christchurch member of Parliament colleagues, looking around at the scale of the disaster. From Kaiapoi in the north and Pines Beach, where I went with Clayton Cosgrove, through to the central business district, St Albans, Avonside, and south into Bexley, I have seen some of the scale of what this earthquake has done to the people of Christchurch. Literally tens of thousands of people have been affected. There have been 2,500 homes rendered uninhabitable, and the people from those homes have been forced to seek alternative accommodation. Thousands more homes have been damaged and, sadly, much of the heritage and the history of this beautiful city has been damaged or, in some cases, destroyed. The human effects are no less real. To see in the shelters the people suffering from the trauma of that night—4.30 in the morning—and to see the stress and

the fatigue on the faces of those people makes it very clear that we in this House need to do everything that we are capable of to help them to get their lives back together just as quickly as they can.

That is why we support this legislation. We understand that this situation is not one of business as usual, and that we need to make an efficient and swift response. We welcome the Canterbury Earthquake Recovery Commission as a way of coordinating and facilitating the response to this disaster, and it makes sense that we work to assist the Government in its efforts to achieve that end. I acknowledge the role of Clayton Cosgrove, who is Labour's shadow spokesperson on the recovery. He has worked very hard not only in his own electorate but also with all of my colleagues and with Jim Anderton to do everything that they can to help the people on the ground.

It is important that we have legislation to streamline the process, but it is equally important that in doing so we do not remove the safeguards that are necessary in order to maintain standards. We do not want to see the cowboys moving in. We do not want to see get-rich-quick merchants moving in and exploiting people in this situation. We do not want to see an opportunity being provided to those who would knock over heritage buildings not because they cannot be repaired but simply because it is convenient for them to wipe out that piece of heritage, which might have been protected. We do not want to see people lose their legitimate rights. When they are affected by a regulation in an adverse manner, they should have the right to respond, and to be heard and listened to. It is important to have those safeguards in place.

I acknowledge the cooperative attitude that the Minister for Canterbury Earthquake Recovery, Gerry Brownlee, has shown in this matter. It has been a good example of how the two sides of the House have been able to work together. The Minister's offer to allow Labour to see the Orders in Council in advance is much appreciated. The changes that were made from the early drafts, allowing those Orders in Council to go to the Regulations Review Committee, where they can be subject to scrutiny and where the committee members can get expert advice and listen to the report of the Office of the Clerk, are an important safeguard. Where something is wrong, to then be able to bring it back to the House and expose it to debate is, I think, very important. I welcome too the announcement by the Minister that the sunset clause that is necessary in legislation of this nature will be brought back, from 2015 to 2012, because, by and large, the substantial work will have been done in that period of time.

Although we are streamlining the process, one thing that we should be rejoicing about in this House is that despite the complaints about red tape, compliance costs, and nanny State, we have building codes in New Zealand that are so effective in preserving human life that we saw not one life lost in our country, although an earthquake of a similar magnitude in Haiti took the lives of 230,000 people. We can be proud of that. So, you know, although on occasions in the 1990s this House got it wrong about the building codes and that led to leaky homes, it is really important that we maintain those high standards and that level of protection.

I acknowledge the work done by many people to alleviate the plight of those who have been affected by this earthquake. It is a bit hard to know where to begin, but I suppose we would begin with the emergency services. We have seen the search and rescue teams coming in from all parts of the country, seen the work done by the police, and seen the soldiers out there at night, doing the work. They have been working alongside the police. The firefighters have been doing what they could to help. All of those things make one proud to be a New Zealander, with those people being prepared to act in a professional and selfless way. I acknowledge the role of the mayor, the council, and the officials of not only the Christchurch City Council but also the Waimakariri and Selwyn districts. They have worked beyond people's expectations. I

have seen the people out there in the streets, working long hours, and doing the jobs. I have seen the Salvation Army and the Order of St John working in the night shelters. They are doing that work in a way that lifts the lives of the people whom they are helping. I have seen the work of the volunteers, the students with shovels over their shoulder, who are ready to muck in and help. All of those things are, I think, very positive in the response.

I have also seen the resilient nature of Christchurch people and the way in which they have often dealt with adversity. They have been prepared to work alongside and help their neighbours first, even when their own situation is also a very difficult one. But there comes a point where the euphoria wears off, and people start to feel the stress and strain. At that point it is really important to provide the support and information that they need. I am really pleased that the Earthquake Commission has started to hold a series of meetings, working alongside my colleagues. Lianne Dalziel convened a meeting of 500 people in Christchurch south with the Earthquake Commission. I think that is really important.

**Aaron Gilmore:** There weren't 500.

**Hon Ruth Dyson:** You can't count.

**Hon PHIL GOFF:** I do not think it is helpful to have that sort of debate across the House. We are talking about something positive that is happening there, where the Earthquake Commission is there to provide advice, along with the geotechnical experts and the loss adjusters.

But I say to the Minister, in a helpful manner, that our members have been getting a lot of questions out there that people need to be given answers to. Some people have built their homes in areas subject to liquefaction, and I have seen the disaster that that has caused. Those people desperately want to know whether they will be able to rebuild their homes. If they cannot rebuild on their sections, they want to know about the level of compensation that there might be for their plight. I want to know why the insurance companies have refused to cover people, for 3 weeks, when they move into new homes. What situation does that create for people who want to sign up to a new home, but who know that they have to have insurance protection? I hope the House will be able to work on that issue with the insurance companies in order to achieve a change in attitude. I want to know what is to happen for those people who are either under-insured or not insured. I know it is easy to condemn people for not having insurance, but I spoke to somebody who is on an invalids benefit, and he did not have insurance because he could not afford it. Obviously, we cannot leave those people to suffer, and to be without any help.

There are people out there who still do not have their sewerage connected. We can see the Portaloos down the street, but there is no way that elderly people should have to go out into the street to use them. I know that the Minister and others will be working hard to get those services put back in place and to help people who are in temporary accommodation. I have spoken to people who are living with family, living with friends, or renting a motel, and who cannot do that for the longer term. Clearly, that is another area where there is a need for help.

I know that everybody—including members of the House—needs to be patient, but we also need to acknowledge that people out there want, and need, to be given full information, and that they need to be given adequate resourcing in order to get the job done. Labour undertakes to assist the Government in meeting those needs, but equally we will be working on behalf of, and advocating for, people who need help and assistance, and we will be doing that in a constructive manner. Thank you very much.

**Hon Dr NICK SMITH (Minister for the Environment):** The Canterbury Earthquake Response and Recovery Bill is an appropriate and timely response to

Canterbury's massive earthquake on 4 September. It is an exceptional bill, but these are exceptional circumstances. It is a realistic bill, given the scale of the challenge to rebuild Christchurch and its surrounding communities. The bill is designed to take us smoothly from emergency to recovery. It is important we consider this bill in the context of the Canterbury earthquake being the most costly natural disaster in the history of our country. The release of energy at 4.31 on Saturday morning from this 7.1 magnitude earthquake was the equivalent of 1,000 Hiroshima atomic bombs. Engineers prefer to measure earthquakes by ground horizontal acceleration levels because it is these that cause the building damage. The Canterbury earthquake recorded accelerations of 1.26G at Greendale. That is, the horizontal force exerted on buildings was 1.26 times gravity and is like tipping up a building, like Parliament House, on its end and then putting it back again. These are the highest ever recorded on a New Zealand seismograph and amongst only a very few of that size globally.

Yes, we are fortunate that the earthquake occurred at an hour when most people were at home in bed. But the main reason the casualties were so low is that New Zealand, post the 1931 Napier earthquake, implemented building standards that ensured their structural integrity under such an earthquake. Christchurch owes much to two remarkable Cantabrians, Professor Bob Park and Tom Paulay, both now deceased, who set the global standard for the design of earthquake-resistant buildings and bridges in the 1960s and 1970s. That no modern building or bridge built to these standards failed is a huge tribute to the quality of their successful research, the work of their successors, and the hundreds of engineers whom they trained.

Numbers tell a powerful story. It has already been mentioned that the Haiti earthquake at the beginning of the year, of magnitude 7.0, killed 230,000 people; the earthquake in the Sichuan province, in China, in May 2008 of magnitude 7.9 killed 69,000 people; the Kashmir earthquake of magnitude 7.6 in 2005 killed 79,000 people; the San Francisco earthquake of magnitude 6.9 killed 63 people; and the Kobe earthquake of magnitude 6.8 in 1995, in another developed country, killed over 6,000 people. We can be justifiably proud of the design standards that proved their worth last Saturday.

I must also join others in paying tribute to our civil defence and emergency staff, both nationally and locally, for their response over the last 10 days. When in Christchurch at the weekend I caught up with Professor Green from the United States, who has visited the site of almost every major earthquake in the last two decades. He noted that the organisation of the response in Christchurch and Canterbury was the best he had seen, and set the standard internationally. That is a huge compliment to the hundreds of professionals and volunteers who have been working so hard over the past 10 days. Our challenge with this bill is to ensure we continue that excellence as we move from emergency to the recovery phase of this disaster.

This will get harder, not easier. There are some very difficult judgments to be made about which heritage buildings should be demolished as they are beyond repair, and which ones must be saved. Tough calls will also need to be made on which areas can be, and should be, built on, which areas need some form of geotechnical ground improvement before rebuilding, and which areas are too unstable to safely reconstruct on. The enormous challenge is in making these important judgments quickly but correctly. Nobody wants people to be unable to live in their homes or unable to resume trade in their businesses for a day longer than is necessary. Yet the decisions made over the next few months will impact on Christchurch and Canterbury for a century or more. Getting the framework right for these decisions is vital.

This bill creates the Canterbury Earthquake Recovery Commission to lead that work. It links the work of central, regional, and local government. It makes sure we work in

harmony through this recovery and reconstruction phase. The bill provides the necessary provisions to override current Acts. For instance, we do not want our council staff spending the next several months filling out the many forms required for retrospective approval for the demolition of buildings that have already come down during the civil emergency, nor do we want officials applying for consents for discharges that have inevitably occurred into Canterbury's waterways. If we are to get through the recovery phase as quickly and efficiently as possible, we need to be very focused on the right priorities, and those are rebuilding the houses and infrastructure of Canterbury as quickly as possible.

As one of the three responsible Ministers listed in the bill, I assure the House that those powers will be used sparingly. In the early stages of drafting this bill we attempted to identify with officials the very specific provisions we would need to amend. We rapidly came to a conclusion that that would be impossible. There were so many issues that we would inevitably get it wrong, and the only practical way forward was this sort of generic empowering bill. In the coming months, it will require trust and goodwill to work, and like the Minister in charge of the bill, Gerry Brownlee, I appreciate the cooperative way in which Opposition parties have approached this bill.

Questions have been raised about the geographic provisions of the bill and why they are deliberately orientated towards the impacts of the earthquake, not just to the geographic area of the districts of Selwyn, Waimakariri, and Christchurch City. That is with good reason. For instance, the landslide that is being dealt with in the northern part of Canterbury is outside those districts but related to the earthquake recovery; equally so, the Kate Valley landfill, which is taking the bulk of the waste, is outside those districts, but the provisions of this bill may be needed. There have also been questions about the specific Acts that are affected. We have attempted to list all those Acts in this bill, but, again, it is inevitable that we will not know all of the issues, so flexibility is provided for in this bill.

I completed my PhD two decades ago in geotechnical engineering at the University of Canterbury. I studied liquefaction, earthquakes, and landslides from a very academic perspective. None of that prepared me for my visit at the weekend to Canterbury and the sight of uprooted houses, wrecked bridges, collapsed buildings, split stopbanks, and fractured pipe systems. The forces at work are indescribable, but this disaster has brought out the very best in people. My favourite story has been about the Facebook-driven droves of young people getting out and helping the people of Canterbury with the clean-up. This bill is about Parliament doing its bit and giving us a commission and the necessary powers to get on with the most difficult part, which is the rebuilding of New Zealand's second-largest city. With patience, goodwill, and cooperation, and by tapping into New Zealand's world-renowned engineering expertise, we can rebuild a better, safer, and cleaner Christchurch. I commend the bill to the House.

**Hon CLAYTON COSGROVE (Labour—Waimakariri):** Before I deal with the substance of my speech on the Canterbury Earthquake Response and Recovery Bill, I extend my thanks to Gerry Brownlee and John Carter, the Ministers who are responsible for the bill. I do so for a number of reasons. Firstly, as my party leader, Phil Goff, has done, I thank them for accepting the two recommendations that we made yesterday on consultation in respect of Orders in Council and scrutiny of those Orders in Council. Additionally, I thank them for the way we, as opposite numbers, have interacted in the last few days in a spirit of cooperation; there are no politics in this issue. People in my province and in New Zealand would hang their heads in shame if they thought there were.

As we go through the debates on this bill, my colleagues and my party will be supporting the bill. I thank Gerry Brownlee for a further commitment he made

yesterday. I accept the logistics involved, but given the short notice we have had to look at the legislation, my colleagues have been working on it and may propose some additional ideas and thoughts. As a Parliament we want to ensure that the bill is as robust as possible, so as to deliver as best as possible for the people of Canterbury. I thank Minister Brownlee for his commitment to look, in the spirit of bipartisanship, at any proposals we may put up in all seriousness in order to present to the people of Canterbury a bill that is as high-quality and effective as we can deliver.

As the member of Parliament for Waimakariri, which has incurred damage throughout an area from Belfast and Redwood through to Kaiapoi, Kairaki Beach, and Pines Beach, and through to, in a lesser extent, parts of Woodend, Rangiora, and Waikuku, I join with other members in saying that whether we are religious or not religious, we would have to say that we believe in miracles. It is a miracle that people in Courtenay Drive in Kaiapoi were not killed as a result of this earthquake. I am told that a female police officer was sleeping in her bed when the “shake, rattle, and roll” occurred, after which she got out of bed and walked out of the bedroom. Had she done so a second later, I am advised that she would have been killed as the roof collapsed on top of her.

This event is a tragedy of immense proportions. It has provided huge trauma for people. As I walked around Pines Beach, Kairaki Beach, and Featherston Avenue, I found that it has also brought out, as other speakers have said, the best in the human and Kiwi spirit. I wandered down Hood Street, which basically looks like Beirut in the 1980s on a good day. I do not think there is one house in Hood Street in Pines Beach that is habitable as we speak. There I found two young guys taking to their trailer what was left of their belongings. They were in their 20s, I would have thought, and they said they had a question for me. I asked them what it was. They asked where they could sign up to assist at the civil defence post. I told them that they were entitled to think of themselves, at least for the next few hours, and to get themselves and their families sorted out. They said that they would be finished in an hour, and that people were worse off than them. They wanted to know where they could sign up for the civil defence post.

As I went from house to house, I heard amazing stories. There was an interesting theme. If there was a door, I would knock on it and go into the property. I asked how it was going, how the people were, and whether they were OK. Almost to a house, the response from people would be that they were OK, and that I should go next door to look after “Mrs Smith” or “Mrs Jones”. I would look up at their house, and it would look like somebody had taken to it with a giant can-opener. But they showed incredible generosity of spirit in saying that I should not worry about them—even families who had kids said that—and that I should check next door, where people were worse off than they were.

I also went to Kaiapoi North School, to the civil defence welfare post located at the Kaiapoi Rugby Football Club on Smith Street, and to the civil defence post at Pines Beach, where a lady had lost her home. Her house had gone, but she had gone in to man that civil defence post, day in and day out, as a civil defence worker. She had been brought to tears occasionally when, very rarely, she thought of herself instead of thinking of others, even though she was more than entitled to do that.

I met Michael, the Salvation Army worker who had, with his team, looked after folks by providing hot meals day after day, and I met Dave Pilkington, a vegetable packer whom I called to say that I needed vegetables for the civil defence post. He said he did not own the vegetables—he only packed them—yet 5 minutes later he took it upon himself, in liaison with his customers, to provide a couple of truckloads of vegetables to folks. Those are wonderful examples of the human spirit.

We are now moving to a second phase. We are moving to a phase in which, as a counsellor said to me, the “negative euphoria” and shock are dissipating, and folks are becoming more brittle. We have to respect that situation. One person said to me that they might have to go to the toilet in a bucket for the next 6 months. They are worried that they may not have a house, and about how they will get the kids to school. All of those mundane activities that we take for granted in a normal course of events have now become insurmountable problems for many people of our respective communities in Waimakariri, Christchurch, and Selwyn. Just the day-to-day activities of getting by now present an emotional marathon for folks, and that is creating a higher expectation, and a greater demand for resource, activity, and swift resolution of problems. I say to the Government in goodwill that the challenge it will ultimately face as we move through this emergency will be meeting that demand, those higher expectations, and that need for further resource.

This bill is needed. No one wants to see a delay in returning people to a decent standard of living and giving them their lives back. No one wants to see it delayed, but we make the point—and I am gratified that Ministers have touched on it—that those powers should be limited to the recovery, limited to the emergency, and not used by local authorities or others for surreptitious means, shall we say. I am gratified that there will be parliamentary scrutiny through the normal parliamentary process of the Standing Orders. As I said, the Minister for Canterbury Earthquake Recovery, Mr Brownlee, has guaranteed that there will be consultation with us prior to Orders in Council coming into force.

There are many competing forces in our respective local authorities: the issue of heritage, the issue of environment, the issue, of course, of getting people back to normality and into a liveable house or other accommodation, and the issue of dealing with trauma. We should not forget those people who have responded to that trauma, the people who have acted like human sponges in soaking up the trauma of others, like the volunteer fire brigade in Kaiapoi, in my patch. Trauma counsellors, too, have dealt with folks who have burst into tears—men, women and kids alike who have been terrified. Those counsellors have sat there and put an arm around their shoulder, and have let those people talk and try to deal with the here and now and the trauma that they feel. Kids, especially have felt trauma with every aftershock, and we are still having aftershocks.

I say as a personal note that Mr Brownlee should be proud of some of his relations. I pay tribute to the Brownlee boys who own the Kāikanui Tavern in Kaiapoi. I do this in all sincerity. As a gesture, they took in the contractors and the volunteers who have worked hours on end—12, 13, 15 hours a day. Many of them have had their own homes destroyed, but have got out there and said “To hell with it, we have to do something.” The Brownlee boys put a bit of a shout on; they did Kiwi thing. They said “For the next hour, boys and girls, the beers are on us.” Not only did they do that, but they have done a number of other social things just to give people a breather. Mr Brownlee should be proud of his distant cousins.

**Hon Gerry Brownlee:** Not distant, first cousins.

**Hon CLAYTON COSGROVE:** Not so distant—first cousins, my apologies.

**Hon Ruth Dyson:** That’s not what they say.

**Hon CLAYTON COSGROVE:** Ha, ha! It is a culmination of Government and parliamentary work, of work of local authority politicians and officials, right down to private and public contractors, to St John Ambulance workers, to the fire brigade, to the odd publican who provides a bit of light relief, and to the victim who helps out his or her neighbour. It is culmination of all those things that will get us back on the road to recovery and will start to give people back their humanity. It has been an awful,

traumatic event, but I say, as I did at the start, there is one saving grace: houses can be rebuilt, roads can be packed, but we cannot replace human life. Thank goodness we have had no losses thus far!

**Dr KENNEDY GRAHAM (Green):** I begin by paying tribute to the Government and particularly to Ministers Gerry Brownlee and John Carter for their work and their cooperation over the past week. That is much appreciated by all of us.

I believe that all of us in this House today would prefer not to have to address this bill, the Canterbury Earthquake Response and Recovery Bill. It is the product of the ravages of nature and the cause of far-reaching human distress, yet the bill is a symbol of human resilience. It shows a determination to respond to a natural disaster with purpose and resolve, and that our communities can rally together in the face of disaster even stronger than we were before. The Green Party enters this debate in a constructive spirit. At this moment our nation is one, united in a societal sense. The Green Party shares in that and celebrates it. I have suggested to Mayor Bob Parker that Christchurch hold a celebration of life this weekend for the city's residents to enjoy each other's company and share in the glory of being alive. In the here and now, down under, just for the moment, we are one world.

Those of us in Parliament also carry an obligation to ensure the political process continues unabated. That includes a requirement to ensure democracy remains intact. That requirement is continuous and non-derogable. So we have no option but to approach this bill with a constructive attitude for the sake of national cohesion, yet with a critical attitude for the sake of political principles that underpin and give meaning to that cohesion, and to do so on the basis of an overnight reading of the bill and one day of debate.

The bill has been described by the Minister for Canterbury Earthquake Recovery as a fairly powerful piece of legislation. He has never got it so very right before. It accords enormous powers to the Government and through it to the local authorities. It gives full protection from legal liability for any acts of omission or commission. This is not a normal bill. These are not normal powers. We shall not speak of the nanny State, for this is no time for banter, but let us all acknowledge that this Parliament would be ceding the most far-reaching power to the executive in a generation at least, if not more. I agree with Minister Brownlee it is not business as usual, but it is a question of what type of business we should be doing from now on. The question must be asked—and the Green Party will not shirk the question—of whether the circumstances justify such far-reaching suspension of powers.

Mayor Parker said last night that no building can be demolished without consent. So what will the nature of that consent be? Presumably, the three city councils will receive consent applications as before and process them. So what is this bill changing? As drafted, it allows central government to suspend virtually any piece of New Zealand legislation to enable the three councils to proceed rapidly to demolish and rebuild. The point of consent in times of normalcy is to ensure that the broader public interest is served beyond the immediate private interests involved. So why is that changing? How does an earthquake change that? Where is the emergency? Has there been loss of life? No. Is there an emergency in the recovery and reconstruction period? No. If there is a security threat or a humanitarian disaster, then there is justification for emergency powers of this kind. But emergency powers are lifted when these end, and the recovery period begins. The Government itself makes it clear we are about to exit from the emergency period. This is to end tomorrow. The bill is not titled the "Canterbury Earthquake Emergency Bill" but the "Canterbury Earthquake Response and Recovery Bill." If we are out of the emergency and into the recovery, why are we according emergency powers and why are those powers so very sweeping? If all we are seeking to

do is expedite reconstruction, then let us find proper ways of doing this that are proportionate to the challenge. We do not have to potentially suspend virtually the entire New Zealand statute book to rebuild Christchurch.

There are many people in the city who are moved by the opposite concern of the Government. They are worried that the city will be rebuilt too damn quickly and that insufficient thought will go into the concept design and the planning work. As I said in the House last week, this setback is an opportunity for us. It is a chance to introduce new methods and techniques of sustainability. We could have green shoots where there is currently rubble. But if we rush headlong into sprouting concrete edifices within months, simply because there is a new and temporary hole in the ground, we shall live to regret some of the decisions we make.

So what exactly does the bill do? The bill establishes a commission. The commission advises the relevant Minister about an Order in Council. The relevant Minister then makes a recommendation to the Governor-General to issue an Order in Council. That recommendation is above the law; essentially, it may not be challenged, reviewed, quashed, or called into question in any court. What is the Order in Council to address? It may grant an exemption or suspend any provision contained in 22 New Zealand statutes. These include the Building Act, the Commerce Act, the Health Act, the Historic Places Act, the Land Transport Act, the Local Government Act, the Public Works Act, the Ratings Valuations Act, the Resource Management Act, the Social Security Act, the Soil Conservation and Rivers Control Act, and the Waste Minimisation Act. I repeat: any provision of these Acts may be suspended by the head of State because of an earthquake, because of the Government's desire to respond to, and recover from, the earthquake. But that is not all; the bill allows exemptions not just from these 22 Acts but from any other piece of New Zealand legislation, with the exception of five Acts pertaining to the constitution and some custody and detention provisions.

So the relevant Minister can, because of an earthquake in Christchurch, suspend the application of virtually any legislation in New Zealand. Is that truly what this Government intends? Are we perhaps losing all sense of proportion here? There is even a supremacy clause: no order is invalid in the event it is repugnant to, or inconsistent with, any other Act, with the few exceptions already cited. That means the Canterbury Earthquake Response and Recovery Act will be, with those exceptions, the supreme law in the land.

A related concern is the jurisdictional application of these sweeping powers. There appears to be no territorial limitation in the bill. Does this mean that in pursuit of recovery in Canterbury there could be a suspension of consent outside the region? Is that far-fetched, perhaps? Then there will be no problem in introducing such a limitation. The point of legislating is to add clarity, so let us do that.

I take the points Minister Smith has made; these need to be pursued and we look forward to doing that. In the response and recovery mode we should be moved by personal plight and communal aspiration, but not by shock and awe legislation. The Government is essentially saying we must trust it not to do anything silly. But trust is not the normal ingredient of the political process. The reason for political principles, legislative acts, and judicial review is so that societal trust can be applied to executive action. This is no disrespect to the Government. Our Cabinet Ministers may be as pure as the driven snow; it would still be irrelevant. Personal trust and societal trust are different creatures. We can all personally trust Cabinet Ministers yet require that they remain within the law and not suspend it.

It appears to the Green Party that the Government has been galvanised in this by its broad economic philosophy: do not let the GDP fall, do not let the tourists become

concerned, rebuild as fast as possible, and time is money. Well, time is also wisdom. Time enables people not simply to rush headlong into the coming months, but to reflect—not for ever, but for a decent interval—on what we wish to do.

The Green Party will support this bill through its first reading. In the Committee stage we shall advance amendments designed to turn this extreme law round to be more modest and appropriate to the circumstances. If our concerns are met we shall ultimately vote for the bill. If they are not, our support may not be forthcoming in the third reading.

**Hon JOHN BOSCAWEN (Deputy Leader—ACT):** I rise on behalf of the ACT Party to speak on the first reading of the Canterbury Earthquake Response and Recovery Bill. First, I thank the Minister for Canterbury Earthquake Recovery, the Hon Gerry Brownlee, for the work he has done to rapidly identify and respond to the issues facing Cantabrians as a result of this horrific disaster. I also acknowledge the Hon John Carter, the Minister for Civil Defence, for the work that he and his team have done, as well as other Ministers of the Government. I also acknowledge the work that all Canterbury MPs have done in representing their constituents and trying to bring some order to the situation in Christchurch.

On behalf of the ACT caucus I start by saying that our hearts go out to the several hundred thousand residents of Canterbury who have been affected by this earthquake. Although we are incredibly grateful that no lives were lost as a direct result of the earthquake, we are sorely aware that this has been a very trying time for the people and communities of Christchurch and Canterbury, and we in the ACT Party wish them every support on the road to recovery that lies ahead. I acknowledge and commend at this time the tremendous work that has been done and the way that central government and local government staff have responded to this emergency. Staff have worked long hours, worked through the nights, and supported those in need during what has been a very upsetting and stressful time.

Just one example to illustrate this work to the House is the staff from Work and Income working throughout the weekend of the earthquake to ensure that over 10,000 superannuitants and pensioners living alone in Canterbury were contacted by phone, offered support, and advised on safety precautions such as boiling water. Of course, it is not just staff of central government and local government; it is all the volunteers, the members of the police, the army, the St John Ambulance, and the Salvation Army, as we have heard this afternoon.

The ACT Party fully supports the Government's proposed measures to assist the people of Canterbury with their recovery, and completely agrees with the important need to address the statutory requirements that may divert resources from the recovery. I note the Hon Gerry Brownlee's comment this afternoon about going back to retrospectively seek approval to demolish buildings that have, of course, already been demolished.

The ACT Party supports this bill. However, we have serious concerns about the trend that this Government appears to be setting towards transferring decision-making powers from Parliament to individual Ministers via the Order in Council process. Examples of this development have been seen in the House recently when we have considered legislation that contained special intervention powers for the upcoming Rugby World Cup, and issues relating to the performance of Environment Canterbury.

In each case, as with the bill we are discussing today, there have been specific and very important reasons for the application of special powers that override normal parliamentary processes. However, ACT has serious concerns about the impact this trend will have on New Zealand's constitutional principles. Our constitutional system depends on a clear separation of powers between the executive, the legislature, and the

judiciary. Parliamentary scrutiny is an essential and vital element of our system of government and constitutional framework, both of which are threatened by this developing trend, which will only be reinforced every time the Government enacts legislation that overrides normal parliamentary or local government process.

The enacting of such legislation must not become the norm. The New Zealand regulatory system should have sufficient flexibility and universality to handle exceptional events like the Canterbury earthquake and the Rugby World Cup. ACT does not support the risk that such legislation poses to our constitutional safeguards in relation to the role of Parliament and local government in making decisions that affect our nation's communities. We support, however, the Canterbury Earthquake Response and Recovery Bill, which will ensure that the earthquake recovery effort is not compromised.

The bill will go a long way to help the communities of Canterbury recover and will provide much-needed assistance in their time of need. It will provide welcome relief for Cantabrians and enhance the considerable and effective support that has already been provided by Government and local government agencies since 4 September—a week ago last Saturday. The needs of the people and communities affected by the earthquake are paramount and the Government is ensuring that those needs are met. I commend this bill to the House.

**Hon TARIANA TURIA (Co-Leader—Māori Party):** Tēnā koe, Mr Assistant Speaker. Tēnā tātou katoa. There has been one word on my mind in the aftermath of the events of 4 September, and that word is “manaakitanga”. The very core of the Canterbury Earthquake Response and Recovery Bill is about showing manaakitanga by helping the people of Christchurch, including its 30,500 Māori, to recover from the earthquake, to rebuild their homes, to renew their spirits, and—most of all—to restore the quality of their lives and that of their w’ānau around them. Manaakitanga, as defined by Professor Hirini Moko Mead, focuses on positive human behaviour and on encouraging people to rise above their personal attitudes and feelings towards others. The aim is to nurture relationships and to respect the mana of other people, no matter what their standing is in society. Being hospitable and looking after visitors is given very high priority. And so it is that in this bill—and this has been very evident in the days interrupted by hundreds of aftershocks and further disarray—priority is given to looking after the people of Canterbury today and into the future.

The bill enables an effective response to the Canterbury earthquake to be put in place, with the associated statutory powers provided that are necessary to assist with the response. A key priority in the bill is to facilitate the gathering of information about any structure or infrastructure affected by the earthquake. An important note in the fine print is that the information sought through the processes introduced in the bill is defined as that which is “relevant to understanding how to minimise the damage caused by earthquakes.” This is where we come back to the concept of manaakitanga. How much more relevant to the issue of damage can it be than to focus on the well-being of the people?

I will reiterate here what the ACT spokesperson said about the amazing efforts that have been made by Work and Income to make contact with people who are over 65 years of age in order to provide a basic level of contact that can be very appreciated in times of need. The numbers are absolutely remarkable. As at earlier today, Work and Income staff had contacted 16,233 superannuitants by phone, and had visited another 706 elderly people in their homes in the days following the quake. In addition, I commend Te Rūnanga o Ngāi Tahu, which has telephoned over 700 kaumātua to check on their well-being. Telephone teams organised by te rūnanga have also been calling

w'ānau in other age groups, with the aim of calling all w'ānau in the badly affected areas for whom they have contact details.

I also draw attention to the commitment of the local MP Rahui Katene, who alongside all the other MPs in Christchurch has been doing sterling work. She has spent every moment visiting Māori communities and w'ānau in the worst affected areas of Ōtautahi following the 7.1 magnitude earthquake.

When we talk about infrastructure and the damage that has been incurred, we say it is the human infrastructure that must prevail. I am very pleased that in the Government's initial response to the earthquake a fund of \$2.5 million has been established for trauma counselling, to be drawn from the Community Response Fund. I have to say how saddened I was that in the immediate aftermath of the earthquake on Saturday, 4 September, the police reported that incidents of domestic violence had increased by 53 percent. Such a statistic mirrored the research findings issued by Victoria University earlier this year, which revealed that after a disaster there is up to triple the usual number of reports of domestic violence. The ugly face of violence, the escalating rates of anxiety, and the levels of mental illness, stress, and depression are all casualties of the damage caused by any disaster, including the recent Canterbury earthquake. I welcome the purpose of this bill of gathering information about the extent of the damage, not just to the bricks and mortar but also to the human experience.

The response and recovery provisions outlined in Part 2 deal with some 22 Acts that may be affected by the granting of an exemption from the provisions contained within them. I will focus specifically on two areas that are of special interest to the Māori Party, and they relate to the ongoing provision of public health. The Health Act 1956 and the Health and Disability Services (Safety) Act 2001 are the key means by which legislation ensures that there is adequate drinking-water, sewerage, waste disposal, sanitation, and so on. Although there are no concerns about ensuring that decisions are made quickly in order to ensure that the Canterbury region gets back to normal, there are some concerns that affected parties have no recourse after the responsible Minister makes a decision. We need to ensure that those affected parties or groups, which are already disadvantaged, are not further disadvantaged by any decisions that are made. I am thinking in particular of the tangata whenua, people with disabilities, people on low incomes, refugee and migrant communities, Pasifika peoples, those in poor housing, and other groups that may be more vulnerable in this time of instability. There must be some assurances that all decisions will be consulted on with affected parties and groups before final decisions are made.

In addition, the basic human rights of people and the international conventions such as our United Nations commitments must also be taken into account.

We absolutely support this bill, as it gives those who are involved in the rebuilding effort another tool to aid in the recovery of the people of Christchurch. I want to be clear that clause 6(3) in Part 2 causes us some concern, in that the statement that "The recommendation of the relevant Minister may not be challenged, reviewed, quashed, or called into question in any court." might suggest that liability and, logically, accountability and culpability are all being removed. We table this concern now in order to enable the Minister to provide an assurance as to how issues of liability can be addressed.

If I could make one final suggestion, it would be to recommend—indeed, to strongly advise the Minister—that mana whenua must have representation on the Canterbury Earthquake Recovery Commission. There are 30,500 Māori living in Selwyn District, Waimakariri District, and Christchurch City. We want to ensure that Māori have a guaranteed voice on the recovery commission, and that the unique needs of marae, w'ānau, hapū, and iwi are actively respected within it. We strongly urge the

Government to reserve a place for Ngāi Tahu amongst the four appointed persons on the seven-person commission.

I return once more to the expression of manaakitanga. While we debate the bill in this House today I want to extend our heartfelt gratitude for the offers of assistance that have been made by many other iwi and, indeed, by the papatipu rūnanga to support Kai Tahu and other iwi living in the rohe of Ōtautahi, and to all the other people who have made significant contributions. Volunteers from right throughout Aotearoa have devoted themselves to the task of supporting the people of Canterbury. All of us in this House have been touched by the generosity of spirit that has been demonstrated by social service providers, non-governmental organisations, Government agencies, and members of the greater public alike. They have spared a thought for their kith and kin in Canterbury, and have reached deep to show their support. This is also an opportune time to make acknowledgments to all of the hard-working local MPs from all sides of the House who have been working to support the people of Canterbury. He mihi atu nei ki a koutou. This bill will be all the better for all of their efforts. Nā reira, tēnā koutou katoa.

**NICKY WAGNER (National):** I rise to support the Canterbury Earthquake Response and Recovery Bill. I particularly thank Minister Gerry Brownlee and Minister Nick Smith for preparing this bill so quickly and so effectively since the Canterbury earthquake on 4 September.

It is indeed a miracle that all Cantabrians have survived one of the worst earthquakes in our country's history. Canterbury people have responded magnificently to the emergency. As I have knocked on doors in some of the worst areas in Christchurch Central I have found that I seem to have the same conversation. One asks people first how they are, and they say they are OK or all right, and within a few seconds they are saying things like they are so lucky. They all have a reason why they are so lucky. It might be something as simple as the cat having turned up, or that their bedroom has only one crack in it. The most amazing, courageous elderly people that I came across had a house that was absolutely destroyed. The garden was torn up, there were cracks in the driveway, and every room was almost impassable. They said they were so lucky because they have a campervan in the drive and they can drive away any time they like.

That is the sort of spirit that has been coming from the Canterbury people. It warms one's heart to hear of it. Every Cantabrian, every family, and every organisation has been affected. We are all licking our wounds but also we are all counting our blessings. We are all absolutely resolved to restore and rebuild our great region with vigour and with speed.

Christchurch and Canterbury are full of can-do Cantabrians, and the Canterbury Earthquake Response and Recovery Bill will enable us to move swiftly to begin the long, hard work of restoration and rebuilding so we can all get back to that everyday comfort of business as usual. The bill will allow the region to move seamlessly from the present state of emergency to recovery mode, and it will provide a mechanism to coordinate reconstruction.

Thousands of New Zealanders from all over the country have rallied to support Canterbury, and have worked side by side with us. Thousands of people have worked tirelessly over the last 10 days, and we have made great progress; I thank each and every one of them. We have already heard mention of young people who have been out there giving their time and energy to the clean-up effort. A large group of about 1,000 students have taken turns digging out some of the worst areas. There has also been a group of students from Mairehau High School. Those students have been out there in their neighbourhood, doing their bit.

The interesting thing about this is that it has raised the spirits of the whole community. I have talked to elderly people and they have asked me whether I have

heard about the students. They feel so much better now that they know that the students are out there. The interesting thing about those students is that they have caught the imagination of the world. The story of those mostly university students has actually gone out globally, and it has even been in newspapers in places as far-flung as Pakistan.

We have seen a real rallying of spirit in Christchurch. We now have a really good feeling for the future of our city, and we want to move forward. I have always been a one-eyed Cantabrian, but after the last 10 days I am very happy to identify as a one-eyed New Zealander as well. Thank you.

**Hon RUTH DYSON (Labour—Port Hills):** I acknowledge the previous speakers who have contributed to the debate on the Canterbury Earthquake Response and Recovery Bill, and say that this is one of those rare occasions when many parties are praising each other. That is an indication of how severe the earthquake was, and of how much it has affected all of us. Very soon I am going to praise two Cabinet Ministers, which I am not wont to do very regularly. But I am doing it because they deserve the praise.

I begin by acknowledging Gerry Brownlee, who has been appointed by the Government to be in charge of the earthquake response. He has worked hard and constructively with all parties in this House, and I commend him for that. I was very distressed to learn that his home had been damaged in the earthquake. I know that he deliberately chose not to raise that matter in public, but it has been in the media and I just give him an extra commendation. When one feels like getting on with sorting out one's own life and gets a big new job, it makes it much harder. But he has done it magnificently. I also commend John Carter for what I think is a genuine effort to understand the issues from our perspective in Canterbury. He has helped to work alongside us to resolve those issues. I urge both of those Ministers to continue with that attitude as we progress this legislation in the House.

A number of us have concerns about the process and some of the specifics in the legislation. We would like to have those concerns at least considered, and preferably addressed. We certainly have questions to be answered. We have a few hours to do it. I do not generally like legislation being put through all stages without the opportunity for a select committee consideration, so I ask the Minister for Canterbury Earthquake Recovery, who is leading this debate—assisted by John Carter—to take seriously during the Committee stage the issues that have been raised. That will continue the spirit in which they are raised in this House.

I will move on, just briefly, and digress from the specifics of the legislation to talk about some of the damage in my electorate. My electorate is called Port Hills. It got away lightly compared with much of the rest of our region, but people would not think so when they drive around it. There have been two earthquakes in Canterbury. I put on record that we had a second one on Wednesday, 8 September. It was not an aftershock; it caused a lot of people to say: "Bother!", and some shorter words as well. It was very sharp, and it was centred quite close to Lyttelton in my electorate.

Lyttelton and Heathcote Valley, particularly, bore the brunt of that second earthquake. The port itself in Lyttelton was much damaged in both the Saturday quake and the Wednesday quake, but fortunately it was able to continue operating, which is a great relief. But many homes in Lyttelton have been substantially damaged, as have been many commercial buildings. Two historic buildings in Lyttelton, the Harbour Light and the Empire Hotel, are both still under threat of demolition. I understand that the Harbour Light will be saved, which will be a great relief to the many people who have enjoyed evenings there, and I hope that the same will be true of the Empire Hotel.

The whole of our province has seen significant damage to many churches, and it was amazing to see the response to the cross-faith service that was held on Sunday outside

the Christchurch Cathedral. In Lyttelton the Holy Trinity Church was extensively damaged, and I certainly hope that it is able to be restored. In Sumner there are no chimneys left, to speak of. Fortunately, not many of them were in use prior to the quakes. Also we have had significant damage to the Sumner Borough Council building, which again is a historic building. In Heathcote Valley there has been a lot of damage to houses—primarily as a result of the second quake, as I said—and we have also lost the Valley Inn, which was the centre for social evenings and drinking in the valley. It was the home of many good conversations, and the host of our Anzac Day dawn parade services. It was over 130 years old; that building is no longer there. In Woolston historic buildings such as the Ferry Road Law Centre and the community library are under threat of demolition, and many of the businesses will have to move. In Sydenham, many historic buildings that are used as commercial premises and residential facilities are still cordoned off, and are quite literally teetering.

Many other parts of my electorate, our city, and our region have suffered significant damage, and every single person who was there on Saturday, on Wednesday, and in between has suffered huge stress. For some, that stress has been nearly overwhelming.

A community can be judged by its reaction to bad times. The earthquakes on Saturday and Wednesday, and the hundreds of aftershocks since, were big and scary, but from every corner of our communities people got out of their homes and businesses and asked what they could do to help someone else. The response has been extraordinary. The response from around the country has been extraordinary. I expect you, Mr Assistant Speaker Roy, and others, who in the past have not been able to do so, to really go the final step and back the Crusaders next time they play—such has been the strength of support from around the country. I seriously—

**Brendon Burns:** Give us the shield.

**Hon RUTH DYSON:** We will have the shield back; that would be a very generous donation to our region. It would certainly lift our spirits.

People have helped by checking on their own families, their neighbours, and their work colleagues—just checking that people are OK. They have cooked and baked; they have shovelled and sweated. Students have changed their image for ever by volunteering in their hundreds to help with the clean-up. They cancelled the Undie 500—that was a big joy to many people in the South Island—to help.

They have been brilliantly led by our civil defence, our fire brigade—professional firefighters and volunteers—our police, our ambulance officers, our health professionals, and our workers in Orion and City Care. There are so many highly competent, hard-working people—all the staff in our Government departments and agencies. All of these people were helping others in both their professional and private capacities—because many of them have worked well outside of their paid hours—when I know for a fact that many of them needed help themselves. Those people deserve a huge thanks from this House and from our nation.

I move back to the specifics of the bill itself. It is a reaction to extreme events, and to the consequences of those quakes. The bill itself is an extreme measure. It basically suspends 22 Acts and replaces them with an Order in Council without any parliamentary scrutiny or agreement for the actions that would normally come within a legislative framework. That is a big step for the House to take. The establishment of the Canterbury Earthquake Recovery Commission provides an opportunity for a collaborative approach and clear leadership, but there is no accountability to the public for its decisions, and no specific skill set for the commissioners is outlined in the bill. There does not appear to be any provision for a robust registration process for the activities undertaken through this new process.

We cannot afford to have another 1990s leaky building scenario, with local government and central government pointing the finger of blame at each other, while the homeowner is surrounded by wet, rotten boards and ends up carrying the burden. Minister Turia herself noted this very point and I agree with her. In this legislation, the Government is exempted from all responsibility. That is a very big step for Parliament to take.

The final point I make is to ask where this bill will take us. I ask members to look at Napier and the clear vision the city had for life after its earthquake. We in Canterbury have not yet had such an opportunity. It is not surprising after only 10 days. We have spent all our time looking after each other; getting sewerage, water, and power connected; and providing food for people—literally, the essentials of life. We need an opportunity to have a say in the shape of our future. The legislation must not be used in a way that will block our voice being heard in determining the shape of our future.

I end by inviting all my parliamentary colleagues from outside our region, and their friends and families, to come to Canterbury. I do not want people to come to rubberneck. I do not want them to ghoulishly look at the misfortune of others. I want people to come and spend their good money in our town, and to do as much as they can to help with the rebuilding of Canterbury. Thank you.

**Hon DAVID CARTER (Minister of Agriculture):** I will start by acknowledging the special atmosphere in the House today. As all who have contributed to the debate acknowledge, and as Clayton Cosgrove said, we need to deal with this emergency without politics getting in the way. I have to say that I knew we were in for a special time when I came up to the Cabinet meeting on the Monday immediately following the quake to learn that the Labour Opposition in particular were prepared to cooperate by allowing all Canterbury members to remain in Canterbury and still have their votes count in the parliamentary process. I thank very much all the MPs who contributed to that idea. It was great for MPs to be able to be away last week in their home region. MPs from all political parties had that opportunity and Parliament was able to function.

In my opinion, Saturday, 4 September delivered the greatest disaster New Zealand has ever seen. I acknowledge that if it were measured in terms of loss of life, we were lucky. There was no loss of life and that in itself is an absolute miracle. When we consider the scale of the event and the fact that it hit Christchurch, the second largest city in New Zealand, and its surrounding regions, in dollar terms there is no doubt the disaster is of immense proportions and is something that we have never seen before.

I was not at home in Teddington on the night of the earthquake; I was in Auckland. It was a pretty scary experience to receive a phone call from home at 5.30. The terror and fear in my wife's voice is something that I will never forget. The issue for me was to get down to Christchurch as quickly as possible. I walked into the emergency centre that had been established in the art gallery—I guess we got there about 3 or 4 o'clock with the Prime Minister—and immediately realised how the city had responded. It was quite incredible. One might see civil defence exercises and question the worthiness of them, but to see an established civil defence emergency team working in such a coordinated fashion was a pleasure to behold. I congratulate everybody who was involved in that. I am talking about the major centre in Christchurch, but other centres were established in Kilmore Street by Environment Canterbury, and centres were also established in the Selwyn District and the Kaiapoi District.

I spent my time on Sunday in the Selwyn District, and, again, I say that I will never forget the resilience of the farmers who have been affected by this disaster. They cooperated to ensure that, first of all, they, their families, and their animals were OK, and then they immediately looked to their neighbours, whom they automatically assumed would be worse off than them. It showed the spirit of Canterbury and the spirit

of farmers throughout New Zealand. We saw some tremendous examples. A dairy shed designed for 400 cows milked 3,000 cows in a 24-hour period. I ask members to bear in mind that even without the earthquake, for those involved in dairy farming this is the most stressful time in their annual calendar as they are in the midst of calving season. So I think the emergency stage worked particularly well, and I congratulate everyone who was involved in that.

We are now moving to the recovery stage, and that is exactly what the Canterbury Earthquake Response and Recovery Bill is about. It is extraordinarily powerful legislation, and for it to be used correctly involves an act of faith from all of us who will vote for it. If we develop the spirit of political cooperation, which I feel in the House today, I have no doubt that as we move through the next stage of the recovery and deal with issues that we have not even thought of yet, we will find a way for the bill, being flexible as it is, to work to help the recovery.

How long will it take for Canterbury to recover? I do not think any of us know that. I thank and congratulate those who have been involved in the immediate recovery. Seeing Christchurch on Saturday, 4 September, and going back there a little over a week later, one has to acknowledge the huge amount of work that has already been done to clean up our city. I do not suggest that every part of this recovery will be easy. It will not be. But to return to my original point, and as Clayton Cosgrove said, we have to keep politics out of the recovery. If we do that, I have no doubt that the recovery process will be a lot quicker, and, equally, that we will build a stronger, more beautiful, and more vibrant part of New Zealand out of this disaster. I wish all Cantabrians well as we embark on that endeavour.

**BRENDON BURNS (Labour—Christchurch Central):** Ten days ago, before dawn, life changed for me, my family, my city, my electorate, my province, and, I think, probably our country. Our story is not unfamiliar and is not unusual. We were thrown around in our beds, we managed to get downstairs with our daughter to crouch under our dining table, and waited for the aftershocks to subside. As light came through, the scale of the damage became apparent. There was a slash a metre deep, and half a metre wide, across our backyard, a chimney through our bathroom only metres away from where we had been sleeping, and damage across the house. That is not unusual across Christchurch or Canterbury. Many people have been through it and many people are in much worse situations than we are. My first thought after we got out was for my poor sister in Wellington. I thought that if the earthquake was as big as this in Christchurch, how big could it have been in Wellington? I called her, and was reassured to know, in fact, that although they had felt it, Wellington had not been damaged.

The damage across my electorate of Christchurch Central has been well featured in the media, and much of that has been on the central business district, which, of course, has been hard hit. I will talk a little more about some other parts of the electorate. We have lost several community shopping centres in St Albans, and a community centre has lost a wall and may be facing demolition. The Coptic Christian church on Edgeware Road has lost its entire façade, both for the church and the community hall behind it. In Avonside, which is probably the part of my electorate that has been hit hardest, it is like a war zone. Many houses have been abandoned. When I wandered through on Monday talking to people, a chap showed me his pristine house. It was as neat as a pin, but basically its back had been broken by the quake. There was a huge, jagged slash through his backyard, and his heart was broken. He had lived in that house since 1963, when he was a boy.

The good news was that out in the street a dozen or more students and other young people from Rolleston were moving the sand with spades and wheelbarrows, and by the time I came back to Avonside a day or two later with more volunteers, who had rung

me begging for work, all of the sand in Avonside had been moved out on to the street and carted away by the council. That is an indication of how rapidly some of the recovery efforts swung into action.

It has been harrowing sometimes to hear the stories in Avonside and in other parts. Men of a certain age do not often burst into tears, but that has happened more than once as I have taken my caravan out to try to provide a base to give advice to constituents who have been affected by the quake. Stories come through about houses broken in half and about people with no water and no power, but I have to acknowledge the response of the emergency services. The restoration of water and power was truly remarkable. By the end of the first week just about everybody had their power and water back on, and, given the scale of the emergency, that is a truly, truly remarkable achievement.

There was a poll quite recently that acknowledged that New Zealanders were amongst the most generous people on the planet. I think that the last 10 days in Christchurch and Canterbury have been absolutely underscoring of that. We just have to look at the students and at the turn-outs at the welfare centres as an example. The welfare centres are staffed by volunteers—generally local, yes, but I bumped into a Red Cross crew at the Linwood welfare centre that was from Whangarei. Others had come from Timaru, from Nelson, and from Blenheim. There were St John members from all over the city and beyond. Government departments had staff there providing advice on accommodation, on welfare, on trauma, and on stress. They have all done an amazing job, and we need to acknowledge just what a generous people we are. It has been truly impressive to see how quickly help swung into action, the depth of it, and the support that people have provided to other New Zealanders.

I wanted to talk for a moment about liquefaction, which is a new word that everybody now has discovered, and probably 10 days ago most of us would not have known exactly what it meant—

**Hon Ruth Dyson:** Aaron would have.

**BRENDON BURNS:** Yes. I acknowledge a very good summary on liquefaction by Environment Canterbury from a couple of years ago. One of the things the report from Environment Canterbury said was that liquefaction has the potential to strike just about anywhere across Christchurch. It is very dependent on the level of groundwater. We have had a very wet winter, so we paid a heavier price than we might have because of the fact that it has been a very wet winter. Also we need to be careful when we start talking about suburbs and potentially not rebuilding them, given the fact that much of the city is subject to potential liquefaction, other than the good rock of Port Hills, and, of course, so is much of New Zealand, if we think about it. Many of our cities are built on the coast and on the river fringes, which seem to be the most at risk from liquefaction. So I think that rather begins to dissipate any notion that we will not be rebuilding in most areas of Christchurch, because liquefaction is nothing particularly new. It has been there, and there are building techniques that can deal with the worst parts of it, so there is certainly no case for abandoning suburbs.

I think there is a message in all of this for every New Zealander. We are all at some risk from earthquakes. We all need to prepare. Every family needs to have a plan, a civil defence kit, some stored fresh water, and food. I say that as somebody who grew up in Wellington and then moved to Marlborough, which are rather more quake-prone areas, one thought, than Christchurch. I think we know now that a quake can strike anywhere at any time. I think we have also shown over the last 10 days that given the nature of our buildings, our building codes, and the regulation we have in place, we can come through these things with absolutely minimal, if any, loss of life, as we have shown, because we are so much better prepared than many nations are for these things.

In the central business district part of my electorate it is the heritage buildings that very much make our city. Extraordinarily, not a lot has been done—and I am talking pre-quake—to protect them. Much of what has been badly damaged by last weekend's quake, and the aftershocks since, have been those unreinforced, double-storied—sometimes higher—brick buildings from the turn of the 19<sup>th</sup> and 20<sup>th</sup> century. Yet some of the more iconic buildings have come through extraordinarily well, such as Christchurch Cathedral, which seems to have come through without much damage. I thought until last night that our iconic Arts Centre had come through pretty lightly. But at a meeting last night, Dr Ian Lochhead, one of our eminent architectural lecturers, said that he thought, with a “suck of the thumb” figure, that the damage might be \$10 million on that one site alone. I think that rather illustrates some of the challenges we will face in the central business district of Christchurch Central. The Arts Centre chair, Ken Franklin, at another meeting last night identified 25 buildings—just 25, and many of those heritage buildings across the central business district were assessed quite recently—and the estimate was that there would be the thick end of \$1 million each to earthquake-strengthen those buildings. That is, of course, not counting any repairs.

So we will have to take stock of some of our damaged infrastructure. We will have to decide what can be saved, what needs to be saved, and what must be saved, and make some decisions on that. Obviously this legislation is assisting and facilitating with that. My big question is: if we replace buildings, which we will do in many instances, what will we do to ensure that those buildings that will replace those wonderful heritage buildings that cannot be saved will be built with some grace and with some sympathy to what has been lost? I think that is an important challenge ahead of us as a Parliament and as a region and city.

This Canterbury Earthquake Response and Recovery Bill is about the rebuilding in infrastructure terms, but there are many other issues we face. We have issues about jobs. There has been a commendable bipartisan effort by unions and employers in Canterbury that has been wonderful to see, and I think we need to acknowledge how well they have been working together. It is an example to us in this House that they have worked so darn well.

I finish by saying that my mother went through the Blitz in Liverpool, and I now feel like I have some understanding of what she went through. Of course, that city was rebuilt, sometimes not in the best fashion, I would have to acknowledge, and certainly the scale of damage was much bigger than what Christchurch faces. But we now have the chance to rebuild our city. Let us get the support of New Zealanders. We will come through this. The best thing, as my colleague Ruth Dyson said, is that New Zealanders can now plan a holiday in Christchurch. The city is almost all operational, apart from the occasional building sites. We would like people to come and visit and pay respects to our city, enjoy themselves, and know that Christchurch, the “city that shines”, will continue to shine throughout.

**AARON GILMORE (National):** About 350 hours ago Christchurch was a calm, beautiful place. It is the place of my birth and the province of Canterbury has been home to my family for at least seven generations. That changed about 350 hours ago. I will read a little bit about how the world sees Christchurch in the latest Rugby World Cup advertising. “Christchurch the Garden City is surrounded by natural wonders, a sparkling Pacific Ocean, majestic Southern Alps, and an ancient volcanic peninsula. The South Island's largest city has an Alps to Ocean horizon, a heritage heart and a sense of adventure. Visitors discover 19<sup>th</sup> century stone buildings, a network of hillside walking tracks, contemporary galleries, and open-air markets.” That is how the world sees Christchurch, and that is how I saw Christchurch up until 10 days ago.

Since that time, over 350 aftershocks have hit our city and our region. For me, that was a pretty remarkable time. My five-year-old daughter went from being a wonderful happy-go-lucky little girl to spending 24 hours in sheer terror that the world was going to open up and swallow her. It was only yesterday that she resorted to drawing pictures of houses falling down and the men digging up holes, and she has got back to normality.

I live in the north-east of Christchurch, where there has been significant damage. About 1,000 homes have been seriously damaged or destroyed. Houses in Brooklands, Dallington, Burwood, and Bexley, including my brother's house in Bexley, have been heavily damaged, if not destroyed.

The people's response has been remarkable. On Saturday I went through the whole process of denial of what happened to my home city and what will happen. But the people of Canterbury, like they always do on the rugby field or anywhere else, stuck together. The civil defence and the fire service came out. Students came out of the woodwork and stuck together, for no reason other than wanting to help. We saw in Mayor Bob Parker an unbelievable reserve of courage and constitution to get the city back to normal. The Prime Minister came down on the Saturday hours after the quake hit, and showed New Zealand that he cares and that the Government intends to rebuild my home city.

I want to mention quickly people who helped, such as the students. Sam Johnson organised over 1,000 university students to help dig out the city. Sam, Gina, Jade, Tommy, and over 1,000 others took their time and effort over hundreds of hours to clean up people's back gardens and the streets of my city.

The Canterbury Earthquake Response and Recovery Bill has far-reaching potential consequences. It has the potential to make Christchurch not just as good as it was, but great. Earlier speakers on the other side of the House pointed out that Napier rebuilt itself after the 1930s earthquake to become the art deco capital of New Zealand and, potentially, the world. I think Christchurch has the potential to do that, as well.

This earthquake has impacted my city in terms of not only buildings, roads, and bridges, which we will rebuild, but also scars on people's minds that will take much longer to heal. I organised a meeting that drew 600 people in Brooklands on Saturday and I saw grown men cry about what will happen to their homes. It will take a long time to heal. This bill will not heal the hurt, but it will go a long way to helping rebuild our city faster and better than it was before.

There have been some concerns about the powers that the bill legislates for. There are avenues in this bill to take into account via the Regulations Review Committee in terms of the Orders in Council. Being a member of that committee, I will take a strong active interest in making sure that is right. Minister Turia pointed out some issues about making sure mana whenua are taken into account, and I think that it is good to make sure there are wide-ranging views and opinions as we rebuild our city. There are 2,500 homes that need to be rebuilt, and that will take the efforts of everybody together. This bill will allow our city to be rebuilt bigger, better, and stronger. I am proud to be part of a Government that is putting it in place. Thank you.

Bill read a first time.

### Second Reading

**Hon JOHN CARTER (Minister of Civil Defence):** I move, *That the Canterbury Earthquake Response and Recovery Bill be now read a second time.* It is a proud moment to stand and speak in this debate, and to recognise the effort that is being put in by so many people for so many people. As the Minister of Civil Defence, I have to say that the civil defence team and all those agencies that worked with it, both in

Christchurch and here in Wellington, were an absolute stand-out. I must also say that the people of Canterbury themselves, who were so directly affected, have been stoic. The response from people around New Zealand and the way in which they have offered their support and their condolences to the people of Canterbury makes one proud to be a New Zealander.

That is something we can share in this Parliament. I thank those members who have paid compliments to all of us who have been involved, right across both sides of the House. This Parliament shows, and has shown, that when necessary it can work together as a team of leaders of this country to ensure that the needs of the people are responded to.

Importantly, it shows other countries that we have a society and a structure in place that is world class; indeed, it leads the world. The Hon Nick Smith said he heard a comment from a person involved in earthquakes around the world that our nation and our response is to be complimented; it has been way above anything else that that gentleman had been involved with. I am certain that in time to come this country's response will be studied by many others.

Of course, there was always going to be a phase when the civil defence emergency finished and we moved into the urgency of the rebuild. That is the stage we are now at. This bill allows the people of Canterbury to get on and rebuild their lives. We all know that rebuilding will be hugely challenging for them. We are all well aware how many of them are still distressed and that the aftershocks are causing worry. Many people are still not sleeping well. As Aaron Gilmore said, his young child has been affected by this event, and will be affected by it, along with so many others in Canterbury, for days if not months and years to come. It has had a serious impact on the lives of people to the extent that a good number of them are so tired they are not necessarily thinking straight. We need to be there to support them, and this bill will do that.

Again, I say that this Parliament can be proud of the people of this nation, and this nation can be proud of its people. Certainly, we are pleased and proud to be Kiwis. I commend this bill to the House.

**Hon CLAYTON COSGROVE (Labour—Waimakariri):** I will take only a brief call. By affirmation, at least, I would argue that most of the MPs in the House support the Canterbury Earthquake Response and Recovery Bill.

It is an issue of priorities. I make the comment, and I think Phil Goff referred to this, that part of the reason we have to date had no loss of life, acknowledging that possibly two individuals are still in critical condition in Christchurch hospital, is the building standards we have maintained over time. I was formerly Minister for Building and Construction, and I note in passing that there was quite a bit of criticism some years ago. I think “nanny State” was one of the terms levelled at the level of scrutiny and standard required and—in some respects, quite rightly—the time it took to get a building up and get it completed. It is interesting to note that those criticisms have dissipated, and quite rightly so, because our building code has proved its worth and our building standards have proved their worth. I note Minister Brownlee's—or was it Minister Carter's—comments acknowledging the fact that there is concern that we do not want the cowboys back, throwing up boxes willy-nilly, and creating further difficulty for us down the track. Although the legislation contemplates a fast-track procedure for a number of processes, there is acknowledgment from the Government and also the Opposition that we want it done properly.

I also say that one of the biggest fears that is starting to come out from the communities is the question of whether people will be able to build on existing land. I think the local councils need to provide at least an intention and some direction. Obviously, they cannot be definitive. I believe 100 geotechnical engineers are out on

site, testing land to see whether it is still suitable for construction. We have to wait for their verdict, but I personally believe that a signal needs to be sent that it will be the intention and objective to allow people to build on their existing land, pending—

**Nicky Wagner:** Of course that's what we want to do.

**Hon CLAYTON COSGROVE:** I thank the member, but I do not think I was addressing her; I was talking about the local authorities. People are looking for some direction, and my personal view is it should be the objective and intention—as I was saying, I say to Ms Wagner—to allow people to build where they are now, pending geotechnical and engineering advice. In some areas, we do not know what is down there; there may well be a void. I think it was Mr Carter who said to us in a briefing that the only area where we could avoid liquefaction was probably up his way. We have lived with liquefaction. It is not a new concept; it is an old concept that we have lived with for many, many years. But people need to have some confidence restored.

Let us look at the example of Pegasus Bay, in my patch, which is a brand new town being built basically on sand. With the new technology and the higher standards that the Environment Court's decision, from memory, required those developers to build to, there was almost no earthquake damage. I was there the other day. I think that a wine glass was lost in the cafe, some Gib was cracked, and a few bottles of wine came out in the general store, but generally, at least on the surface, everything appears to be intact. I say to the people of Canterbury that technology has existed in recent years that allows places like the Palm Islands in the United Arab Emirates to be built. I have stood there; basically sand has been poured into the sea to create land, and people can live there habitably. People need to have a relative degree of confidence that they can return to the plot of land they have, pending, of course, issues related to geotechnical matters and engineering.

I think the local authorities need to get that signal out there. It does not bind them into a position; I know that they will not want to be bound into a position until they have the relevant technical advice. But I think people in Canterbury are looking for that direction. There is a lot of uncertainty, especially in coastal areas around my way.

We support this bill, and I reiterate Minister John Carter's comments about civil defence. It is impossible to train for every contingency, especially when we are dealing with a massive volunteer force. Many of the civil defence folks have just walked in without any training at all in many cases. They have manned the food banks and water stations, and others have put on the yellow jacket and have got into it. Many have had the benefit of training for coordinating activities. Yes, there have been some strains, and still are, in respect of people getting access through telephone lines to necessary resources. I say to the Minister of Civil Defence that we need to continue to work on giving people swifter access through the telephone lines to the relevant inspectors, people, and resources they need, because when the state of emergency is lifted—hopefully, tomorrow at noon—a degree of uncertainty will be created again.

Certainty was created over the last week in my patch and in others that the welfare post was where one went to get assistance, whether it was with accommodation, trauma counselling, food, or water. Those welfare posts will, I assume, be dissolved and the business as usual agencies will go and pick up that strain. We need to make provision in the coming days for things like ongoing and easy access to trauma counselling. That access has been very good and people have been able to get it with ease. It would be difficult and a shame if people then had to revert to some sort of bureaucratic model, maybe through their general practitioner or otherwise, to get trauma counselling, which in many cases they need. They may not realise that they need it now, but they will need it in coming days.

I simply reiterate the issues that we have raised previously and say that I accept that these are wide-ranging powers. I note that the Green member who spoke neglected to say that these are very, very strange times. This is a time when we need swift action, but also we need to state for the record that there need to be safeguards. It would be inappropriate if these powers went beyond emergency recovery. We have assurances from Ministers, and I take those Ministers at their word, that those powers will not be extended. I assume that we will gain those same assurances from the commissioners yet to be appointed and from other public figures, like the mayors. But we will raise some issues through the Committee stage and ask for feedback from Ministers in order to provide assurances on the record that these powers, which are very wide ranging and can be used very effectively, will not be abused—which is probably the incorrect word to use—or used for surreptitious means at any level of government, whether it be central or local authorities.

I welcome the passage of this bill and I support it.

**AMY ADAMS (National—Selwyn):** I will take a call in the second reading of the Canterbury Earthquake Response and Recovery Bill, firstly, to pay tribute to everyone in Canterbury who has been working so hard since 4 September. I also pay tribute to my colleagues in the House. Certainly, not just the Canterbury-based MPs but everyone has shown a great willingness to do what needs to be done to support the people of Canterbury. That is very much acknowledged, and we in Canterbury are very grateful for it.

I want to make the point that I am talking about the Canterbury earthquake, because, as Clayton Cosgrove, my parliamentary colleague who has just sat down, would agree, this is not simply a Christchurch issue. The districts of Waimakariri and Selwyn have been greatly affected, as well.

When I spoke to the House in the general debate last week, I talked about the fact that the time it will take Canterbury to move through the recovery phase is a big part of what is causing stress and anguish for the people of Canterbury. It is heartening to see this House acknowledge the need to do all that we can, prudently, to facilitate that process and to ensure that it is no more long-winded than it needs to be. That is very much the way that I see this bill.

I acknowledge the comments made about the extraordinary nature of the bill. From a constitutional point of view, it is well out of the ordinary, and I accept that it involves somewhat of a leap of faith. But, equally, I think that we in this House are recognising that this is what is required. The actions of this House, of the Government, of local government, and of regional government since 4 September have shown to all of us that the people leading this recovery have the skills, the passion, and the absolute desire to make sure that this is done well and that the powers are used simply to encourage Canterbury to get back on its feet. I want to be absolutely confident that there is no ulterior motive or tomfoolery. I am very confident that these powers will be used appropriately and expeditiously to get Canterbury back on its feet.

It simply would not be right to be pontificating about red-letter law while more and more damage is caused. To give a real example of that, I was speaking with a constituent of mine just yesterday who has a commercial building that has been significantly damaged. The constituent is not working through the Earthquake Commission, but their own insurers have been out. The constituent has structural engineer's drawings and knows what needs to be done. Everybody is ready to go, and the only thing holding them up is the lack of a building consent. In a business-as-usual world, processing that building consent would take some time, and during that time there is a very real chance that that building could be further damaged, even to the point of needing to be demolished. So if we allow ourselves to be slowed down while we

follow a process for the sake of process, we will see not only a continuation of the anguish and heartbreak but also further damage occurring that could simply be avoided.

I acknowledge that this is a significant set of powers, but equally I draw attention to clause 3, "Purpose", which provides a very clear statement of the scope and the ambit within which these powers are to be used. As a member of the Regulations Review Committee, I can well imagine that in the subsequent considerations of the Orders in Council that are made under this bill, the purpose clause will provide a very clear set of guidelines as to the appropriate ways in which those powers can be exercised. But, as I say, the response from all levels of government has indicated to me that everybody is on the same page. Everybody will use those powers appropriately so that we can ensure that the rebuilding effort is not hampered and not done callously and carelessly, and so that we can get on as fast as we can to move through the disaster phase and into the recovery and rebuilding phase. Everybody in Canterbury is anxiously awaiting that, so I am very pleased to commend the bill to the House.

**Hon RUTH DYSON (Labour—Port Hills):** Thank you for allowing me the opportunity to contribute to the second reading of the Canterbury Earthquake Response and Recovery Bill.

I will begin by acknowledging the two Ministers who have led this process, Gerry Brownlee and John Carter. When I spoke in the earlier part of this debate, I raised some concerns and questions alongside my genuine commendation of both those Ministers. I think both Gerry Brownlee and John Carter not only worked hard and diligently to get agreement for the progress of this legislation but also have been very genuine in the way they have worked with other people. Some people can be bipartisan when it suits them, but in this specific instance the attempt to gain not bipartisan but multipartisan support was absolutely genuine from both of those Ministers. I want that to continue through the remaining stages of the bill. That is why I urge the Minister whose name is on the bill to take the opportunity to take a call in this second reading, and answer perhaps not all but at least some of the concerns and questions raised in the first reading. The Hon Gerry Brownlee has not yet taken a call, and time is running out for him to do so in this second reading.

All members of this House know that it is a lot easier for members of Parliament to make mistakes when they are working under serious time constraints and under the pressure a Committee stage of the House generates. In my view we should use this second reading debate to raise the concerns we have and to ask the questions that we have that are unanswered. Hopefully, the Minister will use this time before we start the Committee stage to give serious consideration to those concerns, and, hopefully, express support for resolving them through amendments to the legislation, or at least answer the questions, even if there is not agreement. But at the moment we are left in some frustration that the Minister has not done that, and I urge him to do so before the second reading debate is completed.

There is no doubt at all that everyone in this country supports the rebuilding of Canterbury in the most efficient way possible. It is also clear Canterbury is in a state of shock at the moment. We have spent the last 10 days trying to get the essentials of life, quite literally, reconnected to our constituents. Many people are still without power, without sewerage, and are using Portaloos on the footpath outside their homes. That is better than some of the alternatives that had to be employed earlier in the week, but it is not a great way to live. We want those infrastructure issues, as well as people's businesses and their lives, to get back as much as possible to post-quake normality—and it will be different from pre-quake normality—but we are nowhere near that. We have been really focused on getting the essentials of life reconnected to our constituents. We have not had the opportunity to say what the bigger picture is now. Where do we

want to go in the future? What will our city look like in 10, 30, 50, or 100 years' time? What will fill the spaces in our streets where buildings will be demolished, or where buildings have already been demolished? What do we want Canterbury to look like? It is my view that we need a genuine commitment from our city leaders and our parliamentarians to ensure this legislation does not block our voice being heard in the debate about what our city and our province will look like in the future. We have not yet heard such a commitment from Minister Brownlee and I am keen to hear it.

This is an extreme bill. It has been introduced out of a genuine interest to speed things up for our recovery; I have no doubt about that. But the bill is extreme. It removes the legislative framework of 22 Acts of Parliament. Legislation is suspended and replaced by Orders in Council. I assume it will be used on rare occasions, but there is nothing in the bill requiring that. Complete power is given to the Ministers, and that is a big step for this Parliament to take.

The appointment of commissioners is seen as a way to have more collaboration and more fast-tracking of the process of rebuilding within the different territorial local authorities. Nobody could argue against collaboration and efficiency, and I certainly would not attempt to do that. But in this process there is no public accountability and there is no transparency. The commissioners are not subject to the ordinary provisions of the local government legislation, nor the Official Information Act. There is no input from the public into their process of consideration or even as spectators at their meetings. Those are quite small requirements. If the Minister thought them worthy of consideration he could respond by saying that, yes, perhaps we would include that as an amendment during the Committee stage. As I mentioned in my first reading speech, not even a skill set is described. What sorts of people would the commissioners be, what type of representation would they provide, and what sorts of skills would we expect the commissioners to have? Again, it may seem quite a small point, but if the wrong people are appointed we will be in a lot of bother. We might not even agree with the process; we certainly did not with the abolition of the Environment Canterbury council. But even in that legislation we had a description of the skills that would be required of the commissioners who were replacing our democratically elected regional councillors. That was a step further than this.

Obviously, another glaring omission in this bill is there is no regulatory impact statement. I presume it is because of the haste in which the bill was put together, but that is often a consideration that is taken very seriously by this Parliament. That is the purpose of a regulatory impact statement, but in this bill there is none at all.

Today in the *Press* our former mayor Garry Moore contributed a very thought-provoking article. He is a person who has always had, and always demonstrated, a genuine passion for our city and its people. His views often provoke debate, and he enjoys that because he is a good debater and loves to provoke thinking about the future of our city. He said in today's *Press*: "Central and local government should remember at this stage that they are public servants. They need to make haste slowly. Rushing legislation, or bylaws, could mean they have to be reversed when flaws in what they have passed start emerging." There is no doubt there is a need to support the efficient processing of the various bits of the law that currently need to be enacted in order to progress Canterbury's recovery. This measure is an extreme way of doing it. It is not like an amendment that allows more flexibility. It is actually revoking legislation and replacing it by Orders in Council. So it is a big step to ask.

I ask the Minister to take the opportunity in this second reading debate to come to the House and take a call so that we can have some of those concerns debated and considered, and some of our questions answered.

**Dr RUSSEL NORMAN (Co-Leader—Green):** I rise to speak on behalf of the Green Party on the Canterbury Earthquake Response and Recovery Bill. This is extraordinary legislation, in an extraordinary time, but the Greens have some concerns about it.

It is worth briefly recapping the powers that the bill gives the Government. Effectively it gives the Government the powers to suspend, change, extend, or modify in any way every piece of legislation bar five. The Government can effectively change by Order in Council any legislation except for the five constitutional Acts: the Bill of Rights 1688, the Constitution Act, the Electoral Act, the Judicature Amendment Act, and the New Zealand Bill of Rights Act. Aside from those five Acts, every other statute can be changed by Order in Council. The bill would empower Ministers to go to the Governor-General seeking to amend, quash, change, modify, or extend any provision of any enactment simply by Order in Council.

We have seldom seen legislation that gives such extensive powers and effectively hands over lawmaking to the executive part of Government. That is what this bill does. Even though in this bill a list is identified of 22 Acts that can be changed by Government by Order in Council, the bill also goes on to say that it is not limited to those 22 Acts. In fact, the executive can, by Order in Council, amend any Act except for the five constitutional Acts. It is extraordinary legislation.

The Greens are very keen to get on with the recovery work, but we want it to be done well. We have a number of suggestions as to how the Canterbury Earthquake Response and Recovery Bill can be amended to make it much more proportionate to the situation we are in, and give Cantabrians more of an opportunity to be involved in it. The first amendment that I wish to identify, which the Greens will be moving in the Committee stage, is that the Canterbury Earthquake Recovery Commission, which this bill establishes, will comprise a majority of elected Cantabrians. This bill proposes a seven-person commission, with four of those commissioners appointed by central government. It seems to me that Cantabrians should lead the recovery process, and that there should be a majority of elected Cantabrians on the Canterbury Earthquake Recovery Commission. That seems a very basic requirement. The Greens will move an amendment to get a further two elected councillors on to the commission so that there is a majority of elected Cantabrians on the commission.

I asked the Prime Minister a question in the House last week about exactly that issue: whether the people of Canterbury would lead the recovery. He said they would, yet when we look at the make-up of the commission we find that four out of seven commissioners are to be appointed by central government. We will move an amendment to make sure Cantabrians themselves lead the process.

The second amendment we will move will limit the lifespan of this legislation to 6 months. We think the extraordinary powers that this bill gives should be kept on a short leash. We think it should apply for 6 months only. The Government will be able to come back after 6 months and move a motion in the House to get a further 6-month extension. That seems reasonable. Given the extraordinary powers in this bill, it seems only right that Parliament keep the executive on a short leash. We say there should be a sunset clause after 6 months, when the Government can come back to this House and seek a further extension for another 6 months via a simple notice of motion. That way, the executive will be kept on a pretty short leash in its use of these incredible powers.

The third amendment we will move relates to the fact that it seems to us that the Government should be given the power to change through Order in Council only those Acts that are identified in the bill. Under the current bill the Government will have the power to amend any statute on the books. We think it should be limited solely to those Acts that are identified, so people know which Acts the Government can change by fiat.

Law by fiat is effectively what this bill provides for, and the people of New Zealand have a right to know which bills will be amended by the executive.

Furthermore, we think the Local Government Official Information and Meetings Act should not be in that list. The people of Canterbury and New Zealand have a right to know what their local bodies get up to, so the Government should not be able to amend the Local Government Official Information and Meetings Act through those Orders in Council. We think it is very important that there is transparency, so that Act should not be on the list.

The fourth amendment we will move is to make sure that the Canterbury Earthquake Recovery Commission is subject to Official Information Act requests. Currently it is unclear; there is no statement that the commission is subject to the Official Information Act or the Local Government Official Information and Meetings Act, and we think it should be made clear that the commission is subject to Official Information Act proceedings. If there is no transparency on that process, it will be hard for ordinary New Zealanders to know what is going on, let alone Parliament or anyone else.

The fifth amendment we will move relates to the publishing and tabling of Orders in Council. Effectively those Orders in Council will be legislating by fiat; the executive will have the power to legislate by fiat on any statute except for the five constitutional statutes. It seems critical to us that when Orders in Council are made they are published immediately. They should be put up on a Government website so that people know what the law of the land is. It is very hard to know the law of the land when there is no way to find it out. We think that as soon as an Order in Council is passed by the Government, it should be published on a Government website within 24 hours, so that people will know the law of the land. It is hard to follow the law if it is not published somewhere. We think that as Orders in Council are effectively legislating by fiat, they should be immediately available to the people of New Zealand and Canterbury, so that they can see what the law is.

Furthermore, we think those Orders in Council should be tabled on the next sitting day. Under the Regulations (Disallowance) Act they have to be tabled within 16 sitting days, which is a very long period—it is a number of months, in fact. It seems to us that Orders in Council should be tabled on the very next sitting day, so that Parliament can see them. It seems a basic requirement that Orders in Council should be given to Parliament on its next sitting day. That should not be any trouble, given that the Government must know what is in those Orders in Council.

The sixth amendment the Greens will move relates to clause 6(3), which basically states that Government decision-making will not be able to be reviewed by any court. That is a pretty concerning provision. It is fundamental to our constitutional arrangement that the courts can review the Government's decision-making processes. We understand that this is a time when we need to make decisions quickly, and we accept that proviso. However, completely throwing out the ability of the courts to have any kind of review of Government decision-making processes seems to us to be a step too far. It is part of the balance of power that the courts have the ability to look at what the Government has done. The bill currently states in clause 6(3): "The recommendation of the relevant Minister"—that is, a recommendation to the Governor-General to have an Order in Council—"may not be challenged, reviewed, quashed, or called into question in any court." That is a pretty extraordinary provision. As an amendment we are suggesting we insert into that subclause, after the words "called into question in court", the words "unless a High Court judge determines that fundamental principles of justice will be compromised by not allowing a case to be heard."

We think it is critical that there be some kind of judicial oversight of the executive. If we are to give the executive these extraordinary powers to effectively legislate by fiat,

there must be at least some process whereby the courts can review it if a High Court judge is of the view that fundamental principles of justice could be compromised by not allowing a case to be heard. There has to be some kind of mechanism to ensure that the courts have some ability to review the executive if it is acting in a way that is fundamentally against the principles of justice.

The Green Party believes the Government has good intentions in pushing this legislation. We understand where it is coming from and what it is trying to do. However, we think it is a step too far and that there are a number of ways this legislation could be improved so that it gets the support of the entire Parliament and we can all stand behind it, protecting our constitution while rebuilding Christchurch and Canterbury.

**CHARLES CHAUVEL (Labour):** I will give a chronology of what the Opposition understands to be the development of the Canterbury Earthquake Response and Recovery Bill, then make a few comments about some of the issues that have been raised in the debate so far. It has been said, rightly, earlier in the discussion that there has been a good level of consultation between the Government and the Opposition on the proposals. What was shown to the Leader of the Opposition's office on Saturday was a series of drafting instructions that represented a wish list, if you like, from the Canterbury councils on the sorts of legislative amendments they felt they would need to effectively engage in emergency recovery and relief. I looked through those drafting instructions carefully. They proposed quite a wide series of amendments to exempt the councils from legislation such as the Resource Management Act, Building Act, Local Government Act, and Land Transport Act, and went on to provide for a suspending power in respect of a further series of enactments that were scheduled to the instructions.

I was disturbed by the scope of those drafting instructions and some of the language used in them. The councils were keen, for example, to "facilitate an efficient clean-up, in particular without diverting staff away from emergency work and on to paperwork requirements." As a paperwork requirement, one of the examples given was a desired amendment to sections 330A(1) and 330B(2) of the Resource Management Act that would have removed any requirement to notify a consent authority that emergency works had been carried out in any particular case. I cannot imagine that, if we had agreed to that sort of request, ratepayers or future purchasers of land or properties would have been happy with that exemption, because of course potential purchasers want to know whether emergency work has been carried out on particular land or property. There needs to be notification and a record of that work. While we were formulating our response to those drafting instructions they were superseded by a draft bill that, happily, discarded the approach that had originally been proposed by the councils, and instead adopted the sort of scheme that we are now debating in the House today.

The bill, as originally worded, proposed the ability to suspend a wide range of legislation for a period of 5 years by Order in Council through a negative resolution procedure. We thought that that was a better approach than the approach that had been originally mooted by the councils, but we did not think that it was an altogether perfect approach. After Clayton Cosgrove had some discussions with Gerry Brownlee we ended up with a number of changes. So there was the undertaking to notify the Opposition in advance of the detail of any Order in Council that proposed to suspend a measure, and to consult the spokesperson over that Order in Council. There was a narrowing down of the 5-year period to just over 18 months. There was the agreement to dispose of the negative resolution procedure and replace it with the procedure set out in the Standing Orders that would normally apply to the business of the Regulations

Review Committee. So any Order in Council under this bill will come to the Regulations Review Committee.

I think it would be useful for the House to understand what that change means. It means that there will be systematic scrutiny of Orders in Council. There will be advice from the legal adviser to the committee on every Order in Council against the Standing Order grounds that the Regulations Review Committee normally checks delegated legislation under—rather than it being for a member of the House to simply look at an Order in Council and wonder whether there is something objectionable in it, which would have been the case under the ordinary negative resolution procedure originally proposed. If any member of the Regulations Review Committee objects to any provision in any Order in Council, then all that member needs to do under the Standing Orders is put a notice of motion on the Order Paper of the House to that effect.

What that will mean is that if the Government does not bring on a debate about that Order in Council within 21 sitting days, then the Order in Council will lapse. So if the Government does not bring on the debate, the order will lapse. If it does bring on the debate, then there will be a proper discussion in the House about the provision that is intended to suspend a legislative requirement.

Obviously there are other safeguards that come from using that ordinary scrutiny procedure that the House has had in effect since 1986. The committee is chaired by an Opposition MP. In the way that the House originally decided to set up the committee, it had a neutral composition, because Rahui Katene held the balance of authority on it. I hope we will see Rahui Katene back in the committee, because she plays a very constructive role in it when she attends. Because of her workload, she has allowed herself to be replaced by a National member for the last 9 months or so. What I hope—because Rahui Katene is a member who has an office in Canterbury and who makes a constructive approach to the committee—is that we will see her again coming to the committee on any business to do with the Canterbury Earthquake Response and Recovery Bill Standing Orders and Orders in Council, and that that will also help to restore the proper role of the committee to act not with a National or a Labour majority but with a cross-bencher holding the balance of responsibility in the committee. If she were to do that, we would improve scrutiny even further. Those are the comments I wanted to address to the evolution of the legislation that we are debating tonight, as I understand it.

This bill is not perfect. I do not like the idea of suspending power, in principle; it is a power that has caused great controversy in our constitutional history and the history that we inherited from the English common law. There are other aspects of the bill that disturb me. I do not like the privative clause that Russel Norman referred to in the speech given just before mine. Clearly, the Greens have some concerns. We will look at the detail of the amendments that they put up. We will decide what our position will be on them during the Committee stage of the debate. But for the moment, having agreed the concessions that we have, and in particular the safeguards around scrutiny, it is—as Clayton Cosgrove has said—our intention to adopt a non-partisan approach to the legislation and to support its passage through the House.

**TE URUROA FLAVELL (Māori Party—Waiariki):** Tēnā koe, Mr Deputy Speaker. Kia ora tātou katoa e hoa mā e noho nei i roto i te Whare i tēnei pō. Our co-leader has already advised Parliament that we will support this bill, as it gives those involved in the rebuilding effort another tool to aid the recovery in Christchurch. I do not think there are too many people at all in the whole of Aotearoa who would stand in the way of Parliament seeking to develop an effective response to the Canterbury earthquake. Such is the nature of our nation that there are many links to Te Wai Pounamu throughout our party and our electorates that have been important during the

time of need. I have been in touch with my brother a couple of times now, just to see how they are going. Fortunately he has not been in the zone. But despite the fact that he is not in the zone, those after-tremors in Christchurch City are certainly keeping them on their toes. Like other members over the last week or so, we feel very much for them.

For our party, the local MP Rahui Katene has been our eyes and our ears. She has kept us fully apprised of the situation. She has been checking with our people, checking on marae, seeing where the needs are, and listening to the stories. She has seen the destroyed homes and roads, and the whole streets of houses tracing a fault through collapsed roofs and walls, through the new divisions as well. Although she said had shared some of the sadness and the grim reality of the hardship for whānau in Kaiapoi, Bexley, St Albans, and New Brighton, she has also heard plenty of stories of hope: so many people opening up their homes to complete strangers, emptying their freezers and cupboards to feed their neighbours, checking on their whānau and neighbours, helping to pick up or move furniture, dig out the sand, which is everywhere, and listening to other people's stories. Again, that is reiterating many of the discussion points that other members have made tonight.

I want to pick up on the comment made by my co-leader Tariana Turia on this legislation. She said that we should not minimise the damage caused by the earthquake to the social and human infrastructure. This bill sets in place the appropriate statutory powers to assist in the response to the Canterbury earthquake. It does what is required to enable the relaxation or suspension of provisions and enactments. But, importantly, the Order in Council mechanism gives priority to the facilitation of information. I want to come to this from a Treaty of Waitangi perspective. Our policy manifesto "Requires robust and accountable work practices by local government and regional authorities when working with mana whenua ...". It also stipulates "As provided in the Treaty, tangata whenua should have an equal say in the decisions which affect them." So we make it known that Māori, specifically Ngāi Tahu as mana whenua, should have representation on the commission that is being discussed, since there are 30,500 Māori who live in the wider Canterbury area.

A wealth of information has come in, whether it be from Te Rūnanga o Ngāi Tahu, from Te Puni Kōkiri, or from our own Rahui Katene. I know from the Minister of Māori Affairs that Te Puni Kōkiri staff have visited whānau as homes were reported damaged, and assisted them to locate. They have monitored the operations of the welfare centre. They made daily visits to the Christchurch City emergency welfare centres. They visited the Selwyn district emergency command centre and the district welfare manager. They also spent time with residents in Darfield, close to the epicentre of the earthquake, who were exhibiting much greater distress levels than elsewhere in the district. The same was true for Tai Tapu. I share some of this information because it is vital that the recovery commission incorporate the experience of tangata whenua. We recommend that the mana whenua be represented amongst the four commissioners to be appointed by the Minister for Canterbury Earthquake Recovery.

One of the things that were really hard to hear about from Rahui was about visiting whānau who were too afraid to leave their homes despite the fact that they would be distinctly threatened if they stayed in them. In fact their whole whānau would be threatened by that. We need to know why they did not feel that the welfare centres catered for their needs, and how they can best be supported in the next few months as they try to return to some form of normality. Some of the people she talked to did not realise that the welfare centre was for the public; they thought it was only for the emergency staff. That is clearly an example of an aspect of communication that needs to be tidied up a little. I share these things because it is important to have the full range of information available in preparing for full recovery.

In closing, I say we believe that this bill will aid the recovery and rebuilding of Christchurch, which will boost the collective wairua of the people who have been affected by the quake. We will be advocating to ensure that Māori have a guaranteed voice on the commission, and we continue to promote the importance of engaging with mana whenua to ensure that the pathway ahead is one that meets the needs of all of the people in Christchurch and the general Canterbury area. Tēnā koe.

**JO GOODHEW (National—Rangitata):** I rise to speak briefly in the second reading of the Canterbury Earthquake Response and Recovery Bill. It is at a time like this that I feel really proud to be a Cantabrian. For most people in my Rangitata electorate, damage has been minimal or there has been none at all, but some residents have suffered considerable damage and disruption. It seems as if we all have either a friend or a relative who has been badly affected. There is disruption in my electorate in the form of uncertainty for those who are in the middle of a house purchase and who are unable to secure an urgent inspection of their new home—what a dent that must be in their excitement. Those people face uncertainty, additional expense, and worry in relation to getting insurance cover. We can see why there is such uncertainty at this time. The issue has widespread impact far beyond the parts of Canterbury that are so obviously damaged.

I have observed disruption in homes, churches, and businesses. Many chimneys took a dive, as did spires on churches such as St Mary's in Timaru, which just a couple of weeks ago celebrated its 150<sup>th</sup> anniversary. This also happened to the Catholic church at Temuka where, almost exactly 23 years ago, my sister was married during another severe event—a storm on 15 October.

Some businesses received minor damage. Our plumber had a bench top for us, but it was smashed. His business will now be set back weeks in terms of getting jobs done. In Methven, the Blue Pub and the Brown Pub were both yellow-stickered, putting their accommodation out of commission for now. So employment has been affected. Cafe 131 will be out of operation for at least 3 weeks, St Ita's Guesthouse is without the ability to take bookings as its owners address damage, and the pub in Rākaia has received minimal damage but the falling chimneys gave a very big fright. For the Icehouse Gallery, the Steel-Worx businesses, and the Thai restaurant in Methven, business is on hold and so, too, is the income of people working in those places.

Others in Ashburton and Timaru are also without income. It is temporary, but they have been reassured by the immediate response of Government agencies, Canterbury MPs from across the House, the mayors, and emergency services. Help has been swift and helpful, and there has been understanding. We have served the immediate need, but now it is time for stage 2 and that is what brings me to this bill. There needs to be a more lasting set of actions for the recovery and that is why this is called the Canterbury Earthquake Response and Recovery Bill.

Clause 3(b) of the bill speaks of giving the Government “adequate statutory power to assist with the response to the Canterbury earthquake.” It is a very necessary next step. But people of the Canterbury region do not need anger and resentment borne out of frustration. They want to rebuild their lives—their homes, their businesses, and their schools.

The courage, compassion, and sharing of the response is one that the people of Canterbury—in fact, all of New Zealand—can be proud of. As already expressed in the House, students stepped up to the mark and will justifiably feel proud of what they have achieved. This recovery needs this legislation, and I am therefore very proud and very happy to commend it to the House.

**BRENDON BURNS (Labour—Christchurch Central):** It is important in the second reading of the Canterbury Earthquake Response and Recovery Bill that I declare

that, although I and my Labour colleagues support this bill, we do so with a degree of nervousness about some of the provisions contained within it. I support it as the MP for Christchurch Central. With all due acknowledgment of the damage inflicted at Kaiapoi, Bexley, and other parts of Canterbury, Christchurch Central has suffered the most damage and certainly the most dollar damage to buildings, particularly—but not exclusively—across the central business district of our city. All members will know that heritage is the hallmark of Christchurch. Christchurch has one of the best preserved central business districts in Australasia and beyond; it is what brings the tourists to our city, and it enriches our lives.

We know that this bill is a response to a once-in-a-generation event: a disaster that we are not likely to—or that we hope and pray we do not—ever see again in our lifetime. We know that a number of non-compliant activities within the city and within the region are currently permitted by the state of emergency, which, the indications are, will lift at midday tomorrow. So the need for the bill is there in terms of what needs to happen for progress in our city, both with the first phase of demolition of unsafe buildings—buildings that definitively cannot be restored—and then so that the next phase, which is the rebuilding of our city, can happen in rapid fashion.

I see this bill as a test of good faith. It would not be in anybody's interests if that good faith was not fulfilled. But at the back of my mind is the last time I spoke on such legislation, the Environment Canterbury (Temporary Commissioners and Improved Water Management) Bill, which was passed under urgency prior to Easter. That bill was not hallmarked by the sort of disaster we face, so I am not making a direct comparison, but it is, obviously, in my mind.

Talking about preservation of buildings, I understand that a small business in my electorate, the Canterbury Cheesemongers shop, has unfortunately fallen to demolition. I visited that shop twice early last week at the call of Martin, the cheesemonger. His building, a small building, had been declared sound, but the buildings on both sides of it had been very badly damaged. We were trying to see whether there was some way of preserving that business and that building when the demolition of the surrounding damaged buildings took place. I understand—and I cannot vouch for this—that, unfortunately, that shop has gone today. That might signal to us the sorts of challenges we will face in the demolition phase: the need to protect and preserve as many of our heritage buildings as we can. The cheesemonger's shop was not an iconic building by any means, but it was a small, turn-of-the-century building that added some character to our city, and it will be a loss that it has gone. We will wait to see whether it absolutely had to happen or may possibly have been avoided. There are big questions as we go through this bill and what lies beyond.

One of the best things that we as local electorate MPs can do is ensure that we provide the best possible information to our constituents, and I am pleased to say that electorate MPs have swung into action. Last night Lianne Dalziel held a meeting that was attended by 500 people. She had an Earthquake Commission representative and others assisting 500 people who wanted to know about insurance, Earthquake Commission cover, and the like. I know that my colleague Clayton Cosgrove has a similar meeting coming up tomorrow night in Kaiapoi. Gerry Brownlee and I have meetings in our electorates on Thursday night with Earthquake Commission staff present. I will also have senior staff from AMI Insurance and, hopefully, other insurance companies present at my meeting at Shirley Intermediate School at 5 o'clock on Thursday night. I am doing a similar meeting at the same venue at 5 o'clock on Friday night to provide the best information we can. I know that both Ruth Dyson and Lianne Dalziel have meetings planned through the weekend and into next week to try to

provide that sort of advice and information to their constituents. That is truly, truly important.

But to come back to the bill, I think that although we have some of the best heritage remaining in Australasia in Christchurch's central business district, the track record has not been flash. We had already lost too many buildings prior to the quake. We have a cumbersome city plan that has done very little to protect our heritage buildings. I think of buildings like the very ugly Rebel Sport building on the corner of Colombo Street and Moorhouse Avenue—a big, ugly, tilt-slab monstrosity that somehow or other has managed to invade our cityscape. I know that more is on its way.

The printing room of the *Press* was demolished. It had immediately adjoined my now vacated office in Worcester Street. The replacement for it on that site is four multi-storeyed buildings stretching to 20 storeys high. This is within 100 metres of the square—the centre and the heart of Christchurch. How that could get through is beyond me. It is because the city plan allows it. My concern is—and we need everybody to hold hands on this—that we make sure that this legislation does not provide carte blanche for further development of that ugly, tilt-slab kind of construction, which does nothing for a cityscape, be it Christchurch or anywhere else.

We have a unique series of façades across Christchurch. It is a unique set of buildings, which has added a huge amount to the fabric of our city, to its beauty, to its character, and to its iconic status. At the moment we are seeking Unesco acknowledgment of the Gothic revival buildings of our city, to put it on the world map in that respect. It would be a disaster if there was an enhancement of the prospects for ugly, tilt-slab designs to replace some of those heritage buildings. We acknowledge that that is happening, and that in some instances it has to happen, but there is a limit as to how much can be restored both physically and financially. We have to protect the best of what we have, rebuild the best of what we have, and acknowledge that some will go. It is clear that we cannot save everything. We are concerned to ensure that this bill allows the best of what is left to be retained, protected, preserved, and enhanced, and that when other new buildings are built they are not ugly buildings that will add nothing to the vibrancy of our city.

I make two acknowledgments in relation to groups of people. One is the Orion lines staff, who have done a fantastic job over the last 10 days restoring power across the city. I also acknowledge those people in the media who have, in general, done a very good job. However, I have one message in that respect. I note the comments made by Peter Townsend from the Canterbury Employers Chamber of Commerce, who was being interviewed by a Perth radio station. The station asked him what he was doing now that Christchurch's central business district had been obliterated. I want the message to go out very clearly that 98 percent of Christchurch's central business district is standing, most people are back at work, and the city is functioning very normally. People should take note that although we have sustained a considerable amount of damage, our city is up and running and looking toward a viable future with buildings restored and new buildings that complement the historic façades of our cityscape.

Debate interrupted.

## AMENDED ANSWERS TO ORAL QUESTIONS

### Question No. 8 to Minister

**Hon Dr JONATHAN COLEMAN (Associate Minister of Health):** I wish to make a personal explanation under Standing Order 349 in relation to an answer I gave during question time today.

**Mr DEPUTY SPEAKER:** Leave is sought for that purpose. Is there any objection? There is no objection.

**Hon Dr JONATHAN COLEMAN:** In answering question No. 8 today I said that an extra \$12.6 million was going into mental health services on the West Coast this year, and that in terms of the Wairarapa there was another \$7.8 million. What I should have said was that a total of \$12.6 million was going into mental health services on the West Coast this year, and that in terms of the Wairarapa there was a total of \$7.8 million.

## CANTERBURY EARTHQUAKE RESPONSE AND RECOVERY BILL

### Second Reading

Debate resumed.

**JACQUI DEAN (National—Waitaki):** I want to make just a brief contribution on the second reading of the Canterbury Earthquake Response and Recovery Bill. I congratulate Ministers Gerry Brownlee and John Carter on the leadership they have shown in bringing us from the point of disaster through, now, to disaster recovery. I also acknowledge members of Parliament from across the House for their generosity in the time they have given to the people of Canterbury. Those of us who live further away from the earthquake—I live in South Canterbury - North Otago—and who watched it only from a distance with minimal disruption to our lives can only admire the way in which members from across the House have dealt with this and will continue to deal with it.

**Hon David Parker:** Is Ōāmaru in South Canterbury now?

**JACQUI DEAN:** The member should have listened. I did say “South Canterbury and North Otago”. I could go on to say “Central Otago—

**Hon Member:** You represent both.

**JACQUI DEAN:** Yes, I do indeed represent both. I also represent Central Otago, but we digress.

The purpose of my speech today is to note that one aspect of the Canterbury Earthquake Response and Recovery Bill is to establish the Canterbury Earthquake Recovery Commission. The commission is going to be established to advise Ministers and to become the conduit between local government, the community, and the Government. I would like to suggest, as my final point, that as well as the commissioners, three of whom will be the mayors of the various councils—Christchurch City Council, Selwyn District Council, and Waimakariri District Council—joined by four others, the local MPs will also have an input into the ongoing process of rebuilding for Canterbury. In making that small point, I commend the bill to the House.

Bill read a second time.

### In Committee

**Hon JOHN CARTER (Minister of Civil Defence):** I think it is appropriate that rather than debating this bill, the Canterbury Earthquake Response and Recovery Bill, clause by clause or part by part, we have a wide-ranging debate through the Committee stage. I seek leave for that to happen.

**The CHAIRPERSON (Eric Roy):** Is there to be any restriction on the number of calls per individual?

**Hon JOHN CARTER:** And for there to be no limitation on calls.

**The CHAIRPERSON (Eric Roy):** Members have heard the leave that is being sought. Is there anyone opposed to that course of action? It appears not. Leave is granted.

**Parts 1 and 2, and clauses 1 and 2**

**Hon JOHN CARTER (Minister of Civil Defence):** I rise to speak in the Committee stage firstly to tell members that the Minister in whose name the Canterbury Earthquake Response and Recovery Bill is will be in the chair straight after dinner. I know that members have questions of the Minister, Mr Brownlee, and he will be here to listen to those questions and to do his best to answer them.

I want to make one or two points to just set the tone of the debate. I have listened to the contributions from various members and I think that the first thing that needs to be set clearly and squarely on the table is that this bill is not about this Parliament or this Government trying to run the recovery in Christchurch. It is a bill to allow this Parliament and this Government to assist the people of Canterbury, but the recovery is to be driven by the people of Canterbury. That is its purpose and it is the very reason for some of the points made by members earlier about the bill being referred to the Regulations Review Committee, for example, and the opportunity for that committee, which is chaired by an Opposition member, to allow full scrutiny of any decisions made in regard to this bill.

I think the second point that needs to be made, and it is an important point, is that any member can come and put a notice of motion on the Table if there is a decision taken by the Government by Order in Council. The bill allows for a motion to be debated, and if the Government does not allow a debate, then the Order in Council lapses. The purpose of that is to allow full and open scrutiny, which not only Labour members but also Green Party members and others have asked for. They have suggested that that is a vital part of our democracy. Of course it is, and that is the intention of the bill and of the Government. Indeed, it is one of the reasons why we have done our best to consult as widely as we can. I know that there are some amendments on the Table. It is our intention to ensure that there is full scrutiny of any decision where a member deems it necessary. If some person in the public is worried about an issue and refers it to a member of Parliament, there is that mechanism to allow the issue to be fully debated and disclosed. Some issues have been raised that the bill does not allow, because they are not necessary in the way in which this bill has been established.

This bill allows the public of New Zealand to hear the reasons for the decisions that are taken, if that is considered necessary. The purpose of this bill is to allow for the recovery to be undertaken as speedily as possible, but in a seemly way. The bill is to allow the people of Canterbury, and particularly the leaders of the people in Canterbury, to ensure that every step is taken to recover as rapidly as possible. As we heard in the House today, they are keenly attuned to the needs of the people of Canterbury. They are aware that there is a state of shock, and that all sorts of emotions will flow as people start to realise the impact on their lives. There will be disappointment, there will be anger, and there will be sadness. All sorts of emotions will flow, and we will need to deal with them as best we are able. This bill will allow those concerns to be addressed.

A member asked earlier when the state of emergency will be over. All being well, if this bill passes by this House, it is very likely that the state of emergency will be lifted tomorrow at 12 o'clock. So we will have a seamless transfer from a state of emergency into a state of urgency. Of course, the needs of the people who need access to welfare and psychologists, etc—all that sort of thing—will still remain; those needs will not disappear. The 0800 779997 number will still be there, so that all of those needs will be catered for, to allow continuity. We do not want any disruption. We realise that the lives

of the people of Canterbury have already been disrupted, so the whole objective and purpose of this legislation is to do our best to ensure that there is a smooth recovery for the people of Canterbury. We have to be concerned about their needs, their worries, and their issues. They have to be first. It is not about this Parliament. It is about this Parliament and the rest of New Zealand helping the people of Canterbury to get back on to their feet so that normality can be restored as rapidly as possible. I have not heard anybody in this House who does not have that as their intent.

I know there are some amendments on the Table; they are being studied at the moment. I cannot say that they will all be adopted, but we certainly are doing our best to genuinely look at whether they can be incorporated. Of course, we would prefer at the end of the third reading debate for everybody in this House to agree. That may not be possible and it would be unfortunate if that were so, but we want the people in Parliament and in New Zealand to understand that this Government is genuinely trying to ensure that we have a cross-party agreement on this bill, because we think that that is in the best interests of the people of New Zealand. It may be that some points will be put that may not be supported; nevertheless, the intention is to do our best to accept, to cooperate, and to ensure a smooth transition. I finish by saying that our objective is to do our best to return the Canterbury region to normality as soon as possible.

**Hon CLAYTON COSGROVE (Labour—Waimakariri):** I want to raise a couple of questions. I thank the Minister in the chair, the Minister of Civil Defence, for noting that Minister Brownlee will be available after dinner, and I note that we will be rising in about 5 minutes' time. I will raise a couple of questions between now and the dinner break, but I will not expect answers.

The Minister for Canterbury Earthquake Recovery was good enough to release Cabinet's advice to us. In essence, we received one paper from the Ministry for the Environment. I raise that issue and I flag it; I accept that there is pressure of time in pulling all this together from the various departments. I note from the paper that a vast number of Government departments and agencies were consulted. The date on the document is 13 September. I see, though, very little, if anything at all, in here about the responses from those departments. I know that there must have been a wide range of views, and that a wide range of agencies may have had some stake in the paper, but that is not reflected in it, given that I was told by Minister Brownlee that it was basically "the" advice paper. The Department of the Prime Minister and Cabinet gave no written formal advice, and neither did the Department of Internal Affairs or any other agencies, so I would be interested to know what response was put forward by the agencies that were consulted.

The second issue we have is in respect of Part 2. Clause 6(4) states: "An Order in Council made under subsection (1) may grant an exemption from, or modify, or extend any provision of any enactment, including (but not limited to)—", and I would be grateful if we could get some feedback on Acts like the Cadastral Survey Act—

**Hon John Carter:** What clause was it?

**Hon CLAYTON COSGROVE:** Part 2, clause 6(4). I am not a surveyor or an expert in cadastral mapping, but I would be grateful to know why that Act is included. I would also like to know about the Social Security Act, given that that Act provides for quite a few waiver powers, I am advised. So I ask why that Act is specifically listed in this document. I will raise those issues with the Minister and colleagues after dinner. We will also have some other issues to raise.

I accept the need for a swift approach to this crisis, and I absolutely accept the pressure that Government agencies were under just to pull things together. But it is of concern that the only advice paper that has been released, or "pulled together", according to Minister Brownlee, as formal advice to the Government is one paper in the

name of the Minister for the Environment on 13 September. I am sure that the Minister in the chair accepts that this legislation confers on the Government very, very wide discretionary powers. Even given the pressure of time, I am surprised that the Department of the Prime Minister and Cabinet, the Department of Internal Affairs, and the Department of Building and Housing, which will have a huge interest in this, have not had, given that it has been a number of days since the crisis, some formal written input into this legislation. I find it slightly odd that they would have provided only verbal advice. Again, I accept that the paper had to be pulled together very, very quickly. But it has been a number of days since we met the Minister on Friday or Saturday, and I would have thought that between then and now, those departments would have formalised their advice in order to, if anything, get on the record their advice to the Government, and to ensure that they had executed their duty appropriately.

As I say, there is a wide range of agencies. Even the Ministry of Foreign Affairs and Trade, the Ministry of Justice, and the Ministry of Pacific Island Affairs—damn near every Government department—I think have been consulted. Yet there is not any reference that I can find in the Cabinet paper as to what their views were, conflicting or otherwise. I do not note that in order to be obstructive, but either there was total unanimity on the part of every agency—having been a Cabinet Minister, I know that that would be a unique moment in our history, and I am sure that the Minister in the chair would agree—or there were different views and different flavours. That would then point us to possible risks.

*Sitting suspended from 6 p.m. to 7.30 p.m.*

**Hon CLAYTON COSGROVE:** I appreciate the Minister in the chair, the Minister for Canterbury Earthquake Recovery, being present to answer some questions. Before the break, I raised some issues in respect of, firstly, the Cabinet paper that he was good enough to provide to us. I do not raise these issues out of any criticism. I understand that this legislation was pulled together very quickly, but I note in the consultation section that a wide—almost an exhaustive—range of Government agencies were consulted. I would be grateful for some information, because the difficulty I have is in knowing how those agencies responded, if they did at all. I am assuming that the advice, if any, that was received from agencies like the Department of Building and Housing, which would have a huge interest in this legislation, the Department of Internal Affairs, the Ministry for the Environment, and the Department of the Prime Minister and Cabinet as a central agency, of course, may have provided initial advice orally in order to aid with the construction of the legislation, but I would have thought that—as it was signed off or conversations were had almost a week ago, and as this legislation had been signalled—those agencies would have come back and provided written advice, if only to place on record from themselves as agencies the fact that they had executed their duties appropriately in giving Ministers due advice. I am sure the Minister would accept that it would be unusual, although I accept these are unusual and swift circumstances, for agencies like the Department of the Prime Minister and Cabinet to provide no written advice. Certainly, agencies like the Department of Building and Housing provided no advice at all.

The second issue I raise is in respect of certain items in the legislative list for modification, extension, or exemption in clause 6(4) in Part 2, namely the Cadastral Survey Act and the Social Security Act. I am advised that there are wide-ranging and quite discretionary powers in respect of the Social Security Act. I am not a cadastral specialist, so I bow to the Minister's and his officials' expertise in respect of the Cadastral Survey Act. I can see the relevance for a number of other Acts, but it would be interesting to know why those Acts have been included.

I want to return to the point I have made. I understand, in respect of the Cabinet paper, which is only some six and a bit pages long, that that is the only advice we have received. I am grateful that the Minister provided that paper to us before the debate, but, as I say, I would have thought, as this legislation was signalled after the event a week or so ago, that even though the paper was signed off on 13 September, agencies would have been in a position by now to provide their views. They have been consulted. That is clear. Even the Ministry of Foreign Affairs and Trade, I note, has been consulted. I presume there is some relevance in terms of communicating the status of our well-being to other countries, especially in respect of trade and tourism, but I would have thought that those agencies would have responded to Ministers, and I would have thought that Ministers would have made it a requirement, as they went through to quality-control the legislation, even if just to check their thinking and that of their officials. Presumably, that would have also presented, unless there was total unanimity amongst every Government agency consulted—and I think members would agree that that would be a unique moment in our history—some varying views on the effectiveness of the legislation, which would have pointed out any risks, and we could continue to work with the Government to examine those risks, and perhaps resolve them in this debate. But I do come back to it. It is rather unusual that a document of six pages and two paragraphs appears to be the only written advice to Ministers in respect of this legislation. I say that not to be obstructive; I simply say it because, like the Minister, we want to see the best-possible legislation come out of this Chamber tonight so that he and his colleague John Carter and others can present the best-possible outcome for the people of Canterbury. But it does concern us that, as I say, a document of six and a bit pages under the name of one Minister is the only written advice, and other agencies have been consulted but have not provided any responses, at all. I would be grateful if the Minister could take a call and at least advise us whether any of the agencies consulted were opposed to, or had concerns about, any parts of the bill, especially the wide-ranging powers. Again, I say to the Minister that we accept that this is very wide-ranging and powerful legislation that, technically, could be abused.

**Hon GERRY BROWNLEE (Minister for Canterbury Earthquake Recovery):** I want to respond to the legitimate request that the member who has just resumed his seat, Clayton Cosgrove, made about knowing more about what the process was. What was released to members today is a Cabinet paper that was put together to get the sign-off for the bill being drafted into a final draft shape. The process has been such that there was, firstly, consultation with the three district authorities concerned—Selwyn, Waimakariri, and Christchurch—and representatives from the legal teams from those councils engaged with legal teams inside each of the affected ministries. So there was a relatively short, informal process. That process very rapidly threw up the fact that if we were to go down the track of having an exhaustive list of what would actually be required, we would be some weeks away from getting a bill that would allow things to continue and that would, in particular, allow for the transition from a state of emergency to one of getting on with the job.

Although it is the case that the written advice in these circumstances is thin, the fact is that there was considerable discussion and considerable input from all those agencies. It was a considered opinion of the agencies, in the end, that we should go down the track of saying we should get a bill that would try to describe as much as possible some of the Acts that we think may need to be altered, but that we should not make that exhaustive, and that we should put in a process that means we can rapidly respond as needs arise over the coming months. That is, essentially, the process we went through.

Although the member is quite right to say it is desirable that everyone is comfortable about where we are going with this, the reality is that we are doing something that has

never been done before. We are doing this because we are dealing with an event that has never happened before. We are dealing with it speedily as a Parliament because we know tonight that there are people out there who have no idea what the future holds for them. Much of the certainty they will require in the next short while will be dependent on us having the capacity to make decisions quickly so we can give them the comfort they need about the property they own, their damaged houses, or the infrastructure near them that might need to be repaired—we could go on and on listing such things.

I think the comfort members should take in this bill is that it does have a very strong purpose clause. The purpose is well defined, and no Minister will be in any way looking at this bill and thinking of it as an opportunity to abuse some of the powers in it. There will be lots of constraints around that particular activity, not the least of which is our commitment to keep all parties in this House informed about how things are going and about the nature of the discussions around the reconstruction.

I also suggest that the solution suggested to us by the Labour Party yesterday—that of using the shortened disallowance provisions currently in the pandemic legislation—is perhaps not the right way to go and that a system that could see an Order in Council brought back into the House for debate was a much better way to go. I suggest that if we ever got to that point, we would have to be in the same sort of situation we are in at the moment, where there is widespread acceptance that it was the right course of action, or we would be in some trouble. So I do not think the concern that is being expressed about the widespread powers is reasonable.

It certainly would be interesting to see the people who are advancing that view go down to the suburbs that are all broken up across the districts and to the shelters that are operating and explain to people that they need a little more time and a much bigger process before they can come along and offer help. I know that the member who asked the question is not suggesting that. In fact, I know he is more acutely aware than many of the suffering that many Cantabrians are going through at the present time. I merely make that point in anticipation of some other contributions that may come later this evening.

The question was raised as to why the Cadastral Survey Act is in the legislation. There has been an enormous amount of land movement during the earthquake. There is a possibility that a peg for a property has moved quite some distance from where the actual boundary lines should be struck. There should be no question that there will need to be some redrawing of boundaries, some realignment, and there may well need to be a faster process in place to give effect to those boundaries being determined.

Many MPs have been contacted over the last few days by people expressing concern about the way in which property transactions since the earthquake have virtually stopped in the Canterbury region, and the reason for that is these sorts of things. Once we get past the aftershocks and once we get into a zone where insurers and lenders are comfortable about normal business, there will be a need to check to make sure that pegs have not moved and that boundaries have not artificially shifted. That is why the Cadastral Survey Act is in the legislation.

Although this bill has, as Mr Norman pointed out earlier, some very broad catch-all provisions, there is a genuine attempt under clause 6(4) to list the sorts of Acts that may—and I stress may—need to have an Order in Council applied to them in order for some small aspect of those Acts to be set aside, suspended, or changed as a result of efforts to remediate the worst effects of this earthquake.

**CHARLES CHAUVEL (Labour):** Thank you, Mr Chairman, and thank you to the Minister for Canterbury Earthquake Recovery for the explanation in answer to the questions that were originally posed. Picking up on a couple of comments that the Minister in the chair, the Minister for Canterbury Earthquake Recovery, made, he

assured the Committee that no Minister was seeking to abuse the powers being conferred by the Canterbury Earthquake Response and Recovery Bill. I think it is important to stress that the major concern about potential abuse is not necessarily a concern about the executive. It is, for example, about the powers that might be used, or otherwise not used, by councils and others under the legislation because of the exemptions being granted. Members will be keen to see the Regulations Review Committee exercise its scrutiny if this bill passes in its present form.

The other point that the Minister made was about the need for property transactions to resume and for the parties to those transactions to have confidence. One of the major issues that has been reported today is that there is real difficulty for parties to commercial contracts gaining insurance cover because of the attitude of reinsurers as settlements come up or as contracts come up for renewal. One of the things that I think would be helpful for the Committee to hear is whether the Minister thought about trying to deal with that situation in this legislation and, if not, whether there is a plan at all to try to address that major concern for people who are affected by this terrible disaster.

In terms of the detailed questions on the legislation that I would be grateful for the Minister's comments on, the first one relates to clause 6(3). This provision would enact that the recommendation of the relevant Minister in recommending to the Governor-General that an Order in Council be made "may not be challenged, reviewed, quashed, or called into question in any court." I ask why it was thought necessary to try to enact a clause of that nature at that stage of the process, where there is only a recommendatory power and where the courts have long expressed real concern about whether these sorts of provisions in legislation are enforceable. I wonder why it was thought necessary or desirable to have that sort of provision in this legislation, and it would be useful to hear from the Minister about that.

With respect to Kennedy Graham, I am not sure that the amendment he has put forward in respect of this clause would improve the situation much. As I said we would in my second reading speech on this bill, we have looked at his proposed amendments over the dinner break, and I will now express a view on them. The relevant amendment would amend that clause to allow a judge to exercise a discretion, effectively, about whether fundamental principles of justice would be compromised by not allowing a case to be heard. I am not sure whether that would remedy the situation.

It would be good to hear the Minister's explanation of why clause 6(3) is there. I am not sure it is capable of useful amendment. It probably should either stay or go.

In terms of the rest of the legislation, my colleague Clayton Cosgrove asked some questions about the appearance of certain provisions in the list that appears in clause 6(4). One of the questions I had was about the apparently random nature of the list. The Social Security Act 1964 is mentioned in clause 6(4)(s), but no other legislation empowering the payment of any sort of benefit is mentioned. There is no mention, for example, of the student loan legislation or the liable parent contribution legislation. I ask whether it was thought that that social security legislation, in and of itself, was sufficient to be mentioned there, or whether other provisions of that nature should be dealt with.

The rest of what I will say relates to the amendments that we saw for the first time before the dinner break. The Labour Party would not be minded to support the provisions that would bring the application of the bill back to until 15 March 2011 only. The Government has already confined the application of the legislation to 1 April 2012. We think that is a useful way to confine the legislation. We do not think coming back to the House in 6 months on this matter would be a good use of the House's time.

In respect of the amendment to require a certain number of members of the commission to be appointed by the Christchurch City Council, we understand that it is

already the subject of an undertaking from the Minister of Civil Defence, John Carter, that a number of the members of the commission will be directly representative of the relevant local councils. If the Minister in the chair could clarify whether that is an undertaking on behalf of the Government, it would be useful.

As I understand it, the amendment that requires Orders in Council to be publicly available and presented to the House of Representatives is one that simply re-enacts the existing law. But if the Minister has a different view, it would be useful to hear whether that is the case. With regard to the provision requiring Orders in Council to be made publicly available and presented to the House of Representatives within 24 hours of being made, a summary of the Minister's understanding of the current law relating to Orders in Council and their publication would be useful, so that we can determine a position on that.

Finally, the amendment that would apply the Local Government Official Information and Meetings Act to the Canterbury Earthquake Recovery Commission seems to be a sensible way to proceed. The Minister has not provided for the commission to be subject to the provisions of the Local Government Official Information and Meetings Act, and it would be useful to hear why the Minister does not think that Act should apply to the proceedings of the commission. Certainly, it is the Opposition's view that it should.

**CHRIS TREMAIN (National—Napier):** Once a year I have the very good fortune to attend a memorial function in Hawke's Bay for the 1931 Hawke's Bay earthquake, which occurred some 79 years ago. People attending that function who range in age between 79 and 102, if I recall correctly, recount stories of the 1931 earthquake that are remarkably similar to some of the stories we are hearing today about the Canterbury earthquake. The Hawke's Bay earthquake hit at 10.47 a.m. on Tuesday, 3 February 1931. It killed 256 people and absolutely devastated the Hawke's Bay region. It measured 7.8 on the Richter scale, and I guess in modern times it was probably the strongest earthquake we have experienced. There were 525 aftershocks following the Hawke's Bay earthquake, as have occurred in the Canterbury region.

The interesting thing about the Hawke's Bay earthquake was that all the buildings in the central areas of Napier and Hastings were levelled. In fact, the *Dominion* newspaper of the day said that as a town, Napier had been totally wiped off the map. The death toll included 161 people in Napier, 93 in Hastings, and two in Wairoa. Of course, thousands more were injured—400 were seriously injured and ended up in hospital. The fascinating thing about that particular quake was that some 40 square kilometres of the seabed became dry land. Now when we fly into Napier airport, over the areas of Pirimai and Mārewa, we can see all the land that came up as a result of the earthquake. The Hawke's Bay earthquake was followed by a fire in Napier. Although the earthquake damaged many, many buildings in the township, it was the ensuing fire that caught a lot more buildings. The entire townscape was pretty much devastated.

The point I want to make about this legislation tonight, in comparison with what we saw in Napier in 1931, is that the recovery effort is in a totally different space. The response to the recovery of services and people being able to get on with their lives is happening far more quickly. I think we will see people getting on with their lives far more quickly, and that is absolutely excellent. The rebuilding in the province of Hawke's Bay took not just years but decades, but we will see Canterbury getting back on its feet extremely quickly. I am proud to be standing here tonight to support this enabling legislation to help Canterbury get back on its feet as quickly as possible. Thank you.

**Dr KENNEDY GRAHAM (Green):** I begin by reiterating the assurance that I offered in the first reading and Russel Norman offered in the second reading of our

intent to approach this very constructively with the Government and with other colleagues and parties. We appreciated the very constructive comments of Minister John Carter before dinner. He assured us that the Government was genuinely trying to ensure cross-party support. We appreciate that, and we give a reciprocal assurance that we are doing what we can to arrive at that place as well.

It will not be lost on members that we have our concerns with the bill. We do not dispute the need for legislative enactment to facilitate a fast recovery. There is common ground there. I happen to live and have a residence in Christchurch. We had mild damage; it was nothing compared with that experienced by the Minister, Brendon Burns, or others. I extend our personal sympathy on that basis. But we did have damage, and we have had the trauma of the experience of the earthquakes themselves and of walking around town talking to people. I feel it in the same way. I pledge the Green Party's commitment to facilitating a fast and effective recovery scheme. Where the point of discussion is at the moment is that the Green Party deeply believes that there should not be any derogation from the usual constitutional principles of the relationship between the executive and the legislature—and, for that matter, the judiciary—simply because we are moving out of an emergency and into a reconstruction period.

It is for that reason the Greens are putting forward six typescript amendments in my name to try to ensure that the minimum constitutional requirements of the New Zealand constitution as we understand it to be are not brought into jeopardy in the rebuilding after an earthquake in one city. It is no disrespect to Christchurch, or to fellow citizens in my own city, to say that our collective interest, in which I share, in the reconstruction of our city must not come at the expense of the constitutional integrity of this country. There must not be the slightest threat of that happening. I do not think that that is being sensational at all. When we look at the extreme nature of the powers that may be ceded to the executive branch of our Government tonight, I think this is a statement that is well considered and should be taken seriously.

We rest the submission of our typescript amendments on the basis that the powers as they are established in the current version of the draft bill are excessive to the purpose. The extent to which we can narrow our differences is the extent to which we get collective agreement around the House. We will work constructively in the next hour or two on that basis. I do not accept the argumentation that the Regulations Review Committee has in place everything that is required to assure New Zealanders that the execution of the executive's powers under the bill would be sufficiently safeguarded. We do not think that that is the case. To the extent it is, that is fine, but to the extent it is not, then the current draft of the bill needs to be hauled in a bit.

With the Chair's permission, I will very quickly address each of the six typescript amendments that have been put forward in my name for the Green Party. They address six different points. The first is judicial review, the second is the limitation of the scope of the powers, the third is the sunset clause, the fourth is accountability to Parliament, the fifth is community participation, and the sixth is what I would call municipal transparency.

The first has been touched on. We would suggest that in clause 6(3), we add at the end of that paragraph the words "unless a High Court Judge determines that fundamental principles of justice will be compromised by not allowing a case to be heard." I have just heard Charles Chauvel say that he does not think that is necessarily the perfect solution. Of course we are open to the suggestion of alternative wording. Members will understand that this was done hastily. We had considered the possibility of simply saying "without the consent of the Attorney-General."

**Charles Chauvel:** Why not delete it?

**Dr KENNEDY GRAHAM:** It is possible to delete it; in fact, that would have been our preferred position. I would support the deletion, but if it is not to be deleted then it needs to be qualified either by the consent of the Attorney-General or the role of the judiciary. Otherwise, the executive basically has untrammelled power under this bill. That is unacceptable. That is point one.

Point two is to do with the limitation on scope. We have touched on this—all of us. There are 22 Acts in clause 6(4). I listened to Minister Brownlee saying a moment ago that it was considered whether we could get an exhaustive list, and then it was established that we could not. It does not follow, I suggest, that we therefore open up the New Zealand statute book to potential overriding, given that there is a supremacy clause in the bill and that if an Order in Council is repugnant, contravenes, or is incompatible with any other provision of a statute except for the five constitutional Acts, it overrides them. It is a supremacy clause. We do not go from having a recognition that a list of 22 Acts is not exhaustive to having a supremacy clause over the whole of the statute book of New Zealand. That is slightly overstressing the case. I suggest that we are honour-bound to identify the Acts. If there are 22, then there are 22. If there are more, then they can be added in due course. This Parliament would not oppose additional Acts, as long as they are specific. But we should not accept a blanket executive power roaming across the statute book in the name of recovering the buildings of Christchurch. If we did—just to highlight the ridiculous breadth of the bill as it is currently drafted—as it is written, we could allow Ministers relevant to the Canterbury earthquake to have our head of State declare that rape, theft, and bribery are no longer crimes anywhere in New Zealand.

**Hon Gerry Brownlee:** Oh, that's ridiculous!

**Dr KENNEDY GRAHAM:** I know it is ridiculous. Of course it is ridiculous, and if it is ridiculous, then we should not allow it. We are not disagreeing on the reality, I say to the Minister in the chair, the Minister for Canterbury Earthquake Recovery; we are disagreeing on the constitutional nature of our obligations.

**Hon Dr Nick Smith:** How does that meet the purpose clause?

**Dr KENNEDY GRAHAM:** I would not put it past Minister Smith to find a rationale.

Let us move on, because I think the Minister has just understood the point that we are getting at. With regard to the 6 months provision pertaining to clause 7(3), we suggest that there be an omission of "1 April 2012" and a substitution of "15 March 2011". We suggest making that change in clauses 7(3), 15(1), and 17(b). We suggest that there is a further subclause, clause 17(2), which states that "... if it appears by 15 March 2011 that further reconstruction is required, the Minister, by lodging a parliamentary notice of motion, can extend the expiry provision for a further 6 months to 15 September 2011,". I heard Charles Chauvel argue that there was no need to bring it forward to within such a short time frame. I suggest that 18 months is too long for a blanket power like that. A lot happens in 18 months. I respectfully suggest to the Minister that the Government consider making the period shorter and renewable, so that Parliament can revisit the renewable issue of the bill with good intent after 6 months or for whatever further period is required. It should be fewer than 18 months.

I understand that some support has been expressed for the insertion of the Local Government Official Information and Meetings Act 1987, and we appreciate that. We still adhere to the suggestion that more individuals from Christchurch and the Christchurch City Council should be nominated to ensure a greater local involvement in the reconstruction effort. That is an issue at the margin, but we think it is important that there is seen to be greater local community participation. As Russel Norman mentioned, the Prime Minister indicated in question time last week that he would ensure that that

would be the case, so it is open to the Government to follow through with that prime ministerial undertaking.

**BRENDON BURNS (Labour—Christchurch Central):** I think it is important to note that the Canterbury Earthquake Response and Recovery Bill is the enabling legislation for the Government, as it has been quoted as saying, doing whatever it takes to get Christchurch back on its feet. This is that enabling legislation. We are passing it in as rapid a fashion as is possible in this Parliament, with round-the-House support for it. Given that there is not to be scrutiny other than this process, it is important that the Minister in the chair, the Minister for Canterbury Earthquake Recovery, who is in charge of the bill and who will be that Minister for the duration of the earthquake recovery in Christchurch, is here to answer some questions.

I would like to pose some questions, given that we as a Parliament are passing this legislation in an extraordinary way through all its stages. Now, in the Committee stage, this is our chance to ask some questions about it. I get a sense that this is a rather big rubber stamp for a rather bigger blank cheque. We know that that is important and necessary because this is the first time since 1931 that we have faced a calamity of this size and consequence. Nobody is more aware of that than I am, as the MP for probably the most affected electorate, Christchurch Central, but we need to test and check this legislation as it goes through. It provides enormous powers to the Government, the Canterbury Earthquake Recovery Commission, and the councils—Waimakariri, Selwyn, and Christchurch—as they go about the business of rebuilding their communities.

I will ask the Minister some questions in respect of the bill. For instance, we note that it provides for retrospective Orders in Council to be made in certain circumstances, most particularly where there is a need to protect actions that have been taken in the period between the uplifting of the state of emergency and the making of a relevant Order in Council. I invite the Minister to give us an explanation of some of the circumstances that might be envisaged where we might see retrospective Orders in Council. I acknowledge that we will see those before the Regulations Review Committee. That is wholly appropriate, but I would like to have an outline from him of the sorts of circumstances he envisages for retrospective Orders in Council.

We know, of course, that there will be a limitation with regard to the processes for public consultation. That is in the very nature of the bill and that is a given, but there seems to be no requirement for mayors to consult their councils, and certainly not in respect of spending priorities. I would like the Minister to outline to us in some detail the processes of consultation that will be in place for councils to advise their constituents about what they are proposing to do, in order to take matters through under Orders in Council to make rapid decisions. I think it is important that we know what sorts of processes are envisaged in terms of alerting the public to meetings, putting adverts in the paper, and alerting them to decisions that are looming.

We know that we are in a rapid time frame, but the public of Christchurch is very vociferous. It is very passionate about the heritage of our city, in particular. There are many people with good, beating hearts, who want to play a role in ensuring that the protection of heritage is a priority. It is important that they have some sense of a process where, even if it is limited and constrained by time and circumstance, they will know what the council is proposing to do, even if it is a matter of a time frame of a week or a month rather than the process that normally applies of a matter of many months of rights of appeal and a process involving courts, if one so wishes. We know we are going past that, but I think it is very important that the Minister takes a call and outlines exactly what is envisaged in respect of the process of consultation and advice to be given to constituents and councils in Christchurch, Waimakariri, and Selwyn.

I also ask a question about the changes in clause 6(4), where we have 22 separate Acts listed that the Order in Council can modify, extend, or provide an exemption from. Then it includes the words “(but not limited to)”, which potentially could be read as meaning that the Orders in Council could modify any legislation. That is a kind of breathtaking possibility, and I think that the House deserves some assurance from the Minister. If the Minister did not quite catch what I was saying, I am referring to clause 6(4), in respect of that clause meaning that potentially Orders in Council could modify any one of those 22 Acts.

**Hon GERRY BROWNLEE (Minister for Canterbury Earthquake Recovery):** I would like to deal with some of the questions that have been raised by speakers up to this point. I do not want to cut across anybody’s opportunity to ask questions, but I do not want to lose those questions either.

I go back to Mr Chauvel, who raised a number of questions. Firstly, he pointed to the Social Security Act and asked why that Act is specifically mentioned. I can give the answer very succinctly: new Social Security Act provisions come in on 27 September. The Minister for Social Development and Employment has suggested that some of those provisions may need to be suspended for the people in Canterbury. In many ways that immediately links us to the part in the bill that deals with ministerial decisions not being able to be challenged through the courts. Essentially, there is a provision made for people in Canterbury around Inland Revenue Department activities, around social welfare activities, and around a range of other things, including compliance with attendance at school and various other issues. People in other parts of New Zealand presumably could go to a judge and ask whether that is reasonable or fair. A judge may well be persuaded that it is not, and go through a process of setting that provision aside. We cannot really go through that, in this case. Although I accept that in other circumstances such a denial of the courts’ role in these issues would be inappropriate, I do not think it is here. It would become a problem only if there was a strong view that something sinister was afoot. In this case, there most certainly is not.

Charles Chauvel also raised the issue about whether more councillors should be on the Canterbury Earthquake Recovery Commission. It is worth noting that it has already been stated that the commission will be made up of the three mayors, plus one Environment Canterbury commissioner, plus three independent members. The idea of this is to get a very flat structure. One of the things that none of us who have been on the ground in Canterbury in the last 10 days can deny is that the districts did a brilliant job. They know what they need to reconstruct their areas. They know, also, that they need to corral what is business as usual—and this answers some of Brendon Burns’ questions, I think—and what is reconstruction work. In that regard, reconstruction work is something that those districts will have to engage with the Government on. Frankly, we know that the districts do not have the money to do the work. We know that they do not have a rating base that can even spread that work over a period of time. There has to be a conduit for the councils, which will each make the decisions that come through to Government. Across a district, there needs to be some equity and there has to be some understanding that if we do not repair one part of the district, the whole district will suffer. We need to see the commission as a very flat structure, not as some new bureaucracy that is coming in to tell districts how to do things.

I will also look at the way in which an Order in Council might be constructed. Firstly, it will be on something that districts identify as a problem. Districts will then report that through the commission, and the commission will engage with the Minister. We know all of this will be short-cut; we know that Ministers will talk directly to the districts. But the commission will keep an overview of all of this stuff. If there is a need to do something, the commission will then request the Minister to make the decision.

The Minister will need to go to a Cabinet committee. We have already said that we will make it clear to other parties in this House if there is to be an Order in Council. People will know about it. That goes also to Dr Graham's suggested amendment about the 24-hour notice regarding any Order in Council. At the moment, the Parliamentary Counsel Office is required to publish in the *Gazette* any Order in Council. The fact is that if we are changing a law we want to use an Order in Council, and we cannot use it if we do not tell people about it. There is no question that we are trying to hide from that process. There is a commitment to let people know before an Order in Council happens, and then of course it would naturally be publicised. Any suggestion that we need Dr Graham's amendment in order to give the public certainty would achieve nothing more than what already happens. At the moment I am told that the Parliamentary Counsel Office manages to get an Order in Council out—the office probably has a longer process—in 72 hours. But in this circumstance, it will be known to members of this House before it is even taken through the process. I do not think there is any need to make that change.

I will come to a couple of points made by Brendon Burns in a minute, but I will run through the rest of Dr Graham's proposed amendments. I have dealt with the issue concerning the High Court, and I do not think that what one might say at first glance, that denying rights is terrible, is as relevant here as it might be in other circumstances. The second is to restrict the Order in Council process to just 21 of the Acts that are listed. That is an idea, but why would we do that if all the intention here is to enable things that relate to the purpose of this bill? The purpose clause states, in 10 lines, "Canterbury earthquake" five times. It is very, very specific about what can be done. There is no way we could do something through the provisions in this bill that affects other parts of New Zealand. I will make just one proviso. Dr Graham has also suggested that we might look at restricting it to the districts of Waimakariri, Selwyn, and Christchurch. The difficulty there is that the Kate Valley landfill is outside those districts. No matter which way we look at it, the Kate Valley landfill will be under significant stress as a result of this disaster. The road slip that blocked the northern highway, along the Kaikōura coast, was the result of this activity, and I do not think we should constrain ourselves when it is quite clear that something relates to the activities of the last 10 days.

In that regard, I think it is also worth noting that we are still experiencing a considerable number of aftershocks, and we do not quite know when that will end. What we do know is that we are getting on with making sure that things come back together as quickly as possible. In that regard, Dr Graham has suggested that we should come back to 15 March 2011 as the expiry date. I think it is fair enough that this amendment is put before us, because we have to be comfortable about however long this legislation runs for. The Government is saying we should give it 18 months. We all know what it is like. We have councils that are, at the moment, in a state of—I have to be careful how I express this; they have done a huge amount of work over a short period of time. Someone told me the other day that in Christchurch, City Care connected as many water connections in 3 days as it would normally do in a year. That is because it is focusing on that job. It does a lot of other things during a normal year. The output from organisations such as that has been extraordinary. We need to give them time to think about what will be business as usual, and what infrastructure, which is only patched up the moment, they need to go back and repair. Anyone who has seen any roadworks done these days will know that that work takes time.

If we look particularly at Kaiapoi, that area has very deep sewers—at least 3 metres below the road. People there know that their sewers by and large, under normal circumstances, are below the water line. They know that they have to dig down, they have to sheet-pile, they have to de-water, and they have to go block by block by block

to get the work done. As they go along they could well discover other problems that they had not anticipated. I think we need to indicate to residents throughout the wider Canterbury region that infrastructurally it could be 18 months before it is certain that we can say that we are so far down the track that we do not need these extra provisions. During that time also, if there needs to be stronger legislation for one aspect of this work, or another, then clearly this House will want to consider it.

I dealt with the issue of the Christchurch City Council. We are not trying to set up another bureaucracy. We are trying to create something that is flat, recognises the knowledge that exists in the districts, expresses confidence in their ability to plan and achieve what we want in terms of recovery, and makes a commitment to work with them. Essentially that is what the commission is.

The other issue that comes to mind is that of the application of the Local Government Official Information and Meetings Act. At this time further consideration is being given to that question. The response may come in the form of a Supplementary Order Paper later this evening, but if it does not, I give an absolute commitment that, as the terms of reference are developed for the commission, we will want a degree of openness. But I stress that decisions made by the commission will be generated from the districts. When we think about the structure being put in place, we realise that the districts will be making their own determinations about what is business as usual and what is recovery. Through the auspices of the commission there might be consenting processes that relate to recovery, but those questions will be dealt with by the districts. We are not setting up a new agency. The normal processes that are already in place in those districts will apply. I suspect that a large number of early decisions made by the commission will be commercially sensitive, and I think we have to be very careful about the encumbrance we put upon those commissioners, who are essentially the local mayors and three others, in respect of that issue.

I will now talk about Mr Burns' concerns about some retrospective Orders in Council. The clearest and easiest one to understand is to do with discharges. Let us take the case of the sewer at Kaiapoi, and the process of putting that sewer back together. If some of the infrastructure that we know must be weak in that system—so much is broken that more in the system must be pretty weak—collapses as a consequence of restoration work and there is a discharge, theoretically there should be a 21-day process to get a consent to enable that discharge.

**Hon David Parker:** Oh, it would be an emergency. You'd use the emergency plans you've already got.

**Hon GERRY BROWNLEE:** Well, that is why we are having this bill. The fact is that under the state of emergency that would be right, but the state of emergency gets lifted tomorrow. I am surprised that the Hon David Parker who is such a stickler for the letter of the law is now waving his head and saying we should not be so pedantic. We live in a pedantic world, for goodness' sake, so we are making sure there is no difficulty with those problems. I think the commission is the right vehicle for councillors to engage with Government, and the commitment from the Government is that the engagement will be as inclusive of this Parliament as possible.

**CHARLES CHAUVEL (Labour):** I take a call to make two points in response to the Minister in the chair, Gerry Brownlee, who has just resumed his seat. One relates to clause 6(3) of the Canterbury Earthquake Response and Recovery Bill. The Labour Party would prefer to see that clause omitted in its entirety. With respect, the Minister's suggestion that somebody might go to court and suggest that the powers to be exercised in one part of a country should not be exercised in Canterbury, and therefore that clause 6(3) is necessary, really does not satisfy the question that was originally raised. It would be good if the Minister would reconsider the existence of clause 6(3).

The other point I make is in reference to the Minister's undertaking that the Canterbury Earthquake Recovery Commission will be subject to appropriate standards of transparency. He said a Supplementary Order Paper on that issue might be coming to the Table or, failing that, it would be dealt with in the terms of reference of the commission. I point out to the Minister that there is an amendment already on the Table that would make the Local Government Official Information and Meetings Act apply to the commission. The amendment is in the name of Kennedy Graham, and it is to insert new clause 9A into the bill. The Labour Party intends to support that amendment. It is an appropriate one. The Minister has agreed with the tenor of it, and I urge him and his party to vote for it.

**CATHERINE DELAHUNTY (Green):** I rise to take a very brief call on the Canterbury Earthquake Response and Recovery Bill, and to mihi to the people of Aoraki and Canterbury. The rest of us have lived through a time very different from theirs, and those of us who have not been shattered by an earthquake need to acknowledge what a tough time it has been. I was in Gisborne during the 6.8 earthquake a couple of years ago, and that felt really bad, but it was clearly nothing compared to what the people of Aoraki and Canterbury have been through, so we need to acknowledge them.

I also support the comments that Dr Graham and other members have made about this legislation. It is important to look at the long-term implications of the bill, and that is why we are calling for an amendment that would include a sunset clause for a review after 6 months. That is not to say that the legislation could not be extended after that period, but in extraordinary times such as we are in now, we need to be extraordinarily vigilant about the kind of planning and decision making that we facilitate. When I look at the Acts that have been mentioned, the provisions of which could be suspended under this legislation—such as the Resource Management Act and the Historic Places Act—I see certain red flags that we need to think about. We will be dealing with enormous amounts of infrastructural development and change, as well as waste and waste disposal, and that has implications in terms of resource management for many years.

The Minister mentioned the issue of sewage discharges, which is a problem I have spent much of my life glamorously working on! Under section 107 of the Resource Management Act, we currently have an exceptional circumstances provision that allows for the emergency discharge of sewage, so we may not need to suspend holus-bolus all provisions of such Acts. That exceptional circumstances discharge measure has been misused. It has been used to enable 40 years of pollution in the Bay of Plenty. I am not suggesting that is the intent of the Minister for Canterbury Earthquake Recovery in this bill; I know it is not. But when provisions such as that exceptional circumstances provision are already in existence under the Resource Management Act, we have to be careful about suspending existing legislation.

Equally, in the case of the Historic Places Act one can envisage a situation where an area that is an archaeological site, for example, could be in an area that has been damaged and could be destroyed without any kind of survey. We would lose forever the archaeological knowledge that the Historic Places Act was set up to protect. In our haste to rebuild we could lose the essence of some of the key aspects of our communities.

The Minister said quite rightly that the landfills will be under enormous stress. If so, will we dump the range of hazardous waste with the range of ordinary waste? That is the kind of thing that has happened in the past in landfills.

Huge issues of planning and decision making urge us to have caution as we debate this legislation. We have nothing to lose by supporting the Act, which we would like to do, and ensuring that within 6 months we stop, wait, and ask our communities whether the process is on track, whether we have made good decisions, and whether we are

doing the right thing. Some of us are concerned about community voices. As Minister Turia mentioned in the first reading, we are concerned about representation of Māori on the commission. We have already had the debacle in the Auckland governance legislation on the representation of tangata whenua, and we do not want that to happen again. In the rebuilding of a vibrant city we need the voices of tangata whenua, we need to have community planning, and we need to have a review process. Before we start holus-bolus getting rid of the powers that have been developed under certain Acts, we need to think about the long-term environmental conditions we are creating. The last thing the people of Aoraki and Canterbury need is to have long-term problems built into our desire, with the best of intentions, to create emergency legislation that is not well thought through.

We hope that some of our amendments will be adopted. We think it is really important that we consider what could happen if they are not adopted, and consider the importance of planning carefully. This is not a time for any form of paternalism; it is a time for engagement with local communities, and that is what this Act needs to be about. Much of it is about that, but we have concerns about the sunset clause. We have nothing to lose by limiting the lifespan of this legislation to March 2011, when we could review the legislation and those issues. Tēnā koutou katoa.

**PHIL TWYFORD (Labour):** I will make some comments about clause 6 of the Canterbury Earthquake Response and Recovery Bill, and in particular the impact it may have on building and construction. Let me say first that a very fine barber was interviewed on the TV3 news about the aftermath of the earthquake. He said the thing I think has been on everybody's mind for the last 10 days—that is, how wonderful it was that no one died. Certainly, that is a thought I know I have had virtually every single day since the earthquake. A number of commentators have pointed out that 230,000 people died in Haiti after the earthquake there, which was of a similar magnitude. I think the fact no one died and the destruction caused by the quake was relatively localised really was a triumph for the building code. It was a triumph for regulation.

I know that members on that side of the House like to use words like “red tape”, “bureaucracy”, and “paperwork”, but what we are talking about is regulation. They are minimum standards that enforce a community consensus about what is acceptable. The building code is the representation of those minimum standards. We have learned a lot in the last couple of decades about the importance of building regulations. I think we should have a national celebration of successful regulation. I hope the members of the National Party will join us in putting on a tickertape parade for regulation, because do members know what? Regulation saved thousands of lives and billions of dollars in the Christchurch earthquake. That is relevant to this bill because this bill sets out to provide some pretty powerful exemptions in the recovery phase from certain important bits of law that we have in this country that regulate all manner of things, particularly building and construction.

It is very clear by now that Labour is supporting this bill. We recognise that in the recovery phase there is urgency to repair and rebuild. I am mindful of how amazingly disruptive the quake has been for everybody in Canterbury. I am particularly mindful of how disruptive it has been for low-income families and people without the resources that act as a cushion in these kinds of disasters. There are people who have had to move out of their homes and who do not have the reserves to be able to just find an alternative property. There are thousands of people currently in that situation, so there is a need for speed. It is not about just people's homes; it is about businesses that people are dependant on for their jobs and their livelihoods. The case has been made and I think it is very clear.

I will ask a couple of questions of Minister Brownlee, particularly in relation to clause 6, the provision allowing Orders in Council. I am interested to know how he envisages that will play out. I imagine that in relation to, for example, the Building Act, clause 6 would allow an Order in Council that would exempt certain buildings in a certain zone over a certain time period from needing a building consent for repair and reconstruction. If that is the case, how does the Government propose that the protections and the quality outcomes, which the Building Act and the consenting regulations are there to protect, will be delivered? I do not think anybody in this House this evening has a problem with the idea of streamlining the regulations to allow for urgency and for the process of repair and reconstruction to be expedited. I am also hoping that nobody in this House cares nothing for the quality of the reconstruction and repair work, and the need to ensure that basic standards of quality work are done in the repair phase.

My colleague Ruth Dyson mentioned before an opinion piece in the *Press* today by former Mayor of Christchurch Garry Moore. In his inimitable way he made certain comments about the rebuilding, particularly of the central area of Christchurch. I was there last night in a meeting with Brendon Burns and 300 people. They were concerned about the urban design standards in the rebuilding of central Christchurch, particularly the protection of heritage buildings. Garry Moore said: "We should learn from what was wrong with what we were living in before September 4, 2010, and rectify it. We should not rush legislation so that we fill the holes in our built form with cheap and nasty junk."

I venture the opinion that this bill, in its desire to streamline and expedite, does not provide any useful tools, regulation, finance, or anything else that will make it easier for the people of Christchurch to do what is an incredibly important job, which is rebuilding the central city. The heritage area is important to the people of Christchurch, and it is also an economic asset for the region and the country. I am interested to know what the Minister has to say about that and what ideas the Government has for how it can work with the people of Christchurch and Christchurch City Council in particular to see that that rebuilding happens in a way that supports the aspirations of the people of Christchurch and facilitates the highest-possible urban design standards in that process.

In saying that, I speak in favour of the amendment that was initiated, I think, by Jim Anderton and is proposed tonight by the Hon Ruth Dyson to insert clause 3(b) "acknowledging that an important priority for the response is to enable the preservation and restoration of Canterbury's architectural and cultural heritage".

**Hon GERRY BROWNLEE (Minister for Canterbury Earthquake Recovery):** I would like to clarify a couple of things. Firstly, on the Building Act issue that the member Phil Twyford just raised, I said earlier in my second reading speech that if we look at building activity for the whole of New Zealand in the last calendar year, we see that it would take the total focus for some years of every consenting officer in the country just to deal with the consents that may come out of this disaster. So, quite clearly, business as usual will not work. I am very happy to involve local MPs, to let them know where we get to with all this later in the week; we will be running a standard briefing each week at 9 a.m. on a Friday, so that everyone gets tuned up as to where things are going and what is happening. Essentially, the moving parts here are, firstly, the Building Act with its standards, which are important. The second aspect is the quality of the tradespeople who will do the work. The third is the supply chain. The fourth aspect is the process of consenting to work, which includes the issues of inspecting and signing off on work. What sits under all of that is the property information memorandum, which for residents in Christchurch will be the enduring record of how well the damage is dealt with.

I do not think it is the desire of anybody in this House to see property values written down in future because of shoddy work practice during the next short while. I can give the member an assurance that it is the Government's desire, as I know it is the House's desire, that we come up with processes—and I say “come up with” because we simply do not know what they will be at this point. There are too many aspects of this recovery that need to be considered: lenders, insurers, the Earthquake Commission, and council consenting processes, as well. But when all of that is dealt with, I hope in a few days' time, we will be able to give people a clear understanding of how they can get high-quality work done and paid for quickly. That is the intention around the reference to the Building Act and all the other Acts that are named in the Canterbury Earthquake Response and Recovery Bill. It is a genuine attempt to give a list of the sorts of Acts that may at some point need to have a temporary arrangement applied to them.

I will talk to an amendment on the Table in the name of the Hon Ruth Dyson to appoint a recovery coordinator to carry on the powers of the civil defence coordinators, should that be necessary. The problem I have with that is that we are saying the civil defence coordinators have done a great job. They have got us through a tight time. They will in the next day or so stand down, and we will go into the normal processes of district councils running the areas. The chief executives in each of those areas will be putting together their recovery teams, which have been well organised over a long period of time. To have an individual step over the top of them for any long period is, I think, not acceptable. It goes quite counter to the concept of having a flat commission structure that recognises the fact that people who live in Canterbury generally do not like to be told what to do. There is resilience in the Canterbury community. It is self-reliant, and it is very, very parochial. It would serve no good purpose, and it would certainly not stand as any encouragement to Canterbury, for us to appoint or to prescribe in law the need for a recovery coordinator.

I am quite convinced that if the commission itself sits down and says the best way to deal with matters is to collectively set up an organisation that deals with them without expanding the commission as a legal entity or anything like that, then it will do so, because it has a huge incentive to get its communities up and running. It has as big an incentive for that to occur as anybody has who stands in this Chamber.

**Hon Ruth Dyson:** Will they able to instruct?

**Hon GERRY BROWNLEE:** The member asks the right question by way of interjection: whether the commission will be able to instruct the councils. The fact is that the mayors are the commission, effectively, so I do not think there is any impediment to that occurring. But it is very important not to undermine the capacity that exists within the local authorities to get this job done, because I cannot think of anywhere else we could go in order to pick up an organisation to do this work. We are reliant on the councils. We have to empower them, and we have to trust them to do the job.

On the issue of clause 6(3), I just say it deals with the courts' power to look at recommendations for the making of an Order in Council, not with the Order in Council itself. It stands there as a prohibitive measure. We all know that there are many examples of the courts choosing to look through those orders. In essence, it says to the courts that if there is silliness around a proceeding, then there is no obligation through any other provision for them to continue with it. If it was totally outrageous, I have no doubt that a judge would be prepared to look through this particular provision in the bill. If someone takes an issue to a lawyer and asks whether they can have a crack on it, then the lawyer will have something to fall back on to say that it is not a good idea to do so. It is a mitigating aspect. As I said before, we need to see this bill in the light in which it is presented—with the goodwill of members and the desire to get the best

outcome for the people of Canterbury—not as a tricky move to apply all sorts of powers to a range of other things.

I finish by saying the 10 lines of the purpose statement include the words “Canterbury earthquake” five times, which makes this provision very specific and shows a very specific link to the powers within this legislation.

**Dr RUSSEL NORMAN (Co-Leader—Green):** In speaking in the Committee stage of the Canterbury Earthquake Response and Recovery Bill I want to address a few issues. I say to the Minister for Canterbury Earthquake Recovery that I totally accept his good intention, and the Government’s good intention, on this. But the argument that the Minister is using for not including more specificity in certain parts of the bill is that we will sort it out as time goes on and we will find common-sense and practical solutions, working within an extremely broad legislative framework. I certainly accept that that is the Minister’s intention.

However, I draw an analogy to the earthquake regulations with regard to buildings. Many people who build buildings would say that they have really good intent and will build a building that can withstand an earthquake, so they do not need all these pesky regulations and all these pesky building inspectors who annoy them all the time. They know how to build buildings that can withstand an earthquake. That is the kind of analogy I would use in terms of this legislation.

The Government seems to be saying that it has the right intention and knows what it is doing, and it does not need all of these pesky regulations or details in the legislation about how to put together the right kind of regulatory framework. But I say that it is quite important that in order to protect constitutional niceties and people’s rights we have some of those details. The Government has acknowledged some of those details, but there are a couple that it has not. One is how to ensure that the majority of the Canterbury Earthquake Recovery Commission are elected Cantabrians. Why is it not in legislation? Currently three out of the seven are elected Cantabrians—they are the three mayors. Four commissioners have been appointed by the Government—one is the Environment Canterbury commissioner, and there are three other commissioners. The result of that is that four, or a majority, of the recovery commission have been appointed by central government, while a minority are elected Cantabrians. Why not put it in the legislation that a majority of the recovery commission are to be elected Cantabrians?

I think the Minister is quite right: people in Canterbury want to maintain control of this process, they want to lead this process, and what better way to do that than to put into legislation that a majority of the people on the commission are, in fact, elected, whether they are city councillors or mayors. This ensures that central government does not have the majority on the recovery commission, which is what the legislation currently provides. The way that the legislation is currently written provides for the majority of those on the recovery commission to be appointed by central government. It may be the Government’s intention to ensure that some of those four appointees are elected councillors, which would be great, so why not put that provision in the legislation so that everyone can be comfortable with ensuring that a majority of the appointees on the recovery commission are elected?

With regard to the Local Government Official Information and Meetings Act, the Minister has indicated that he intends to come to us with a Supplementary Order Paper on the application of the LGOIMA—that rather long acronym—to the recovery commission, so we look forward to seeing that. With regard to the 6-month process, the Greens have suggested 6 months and we have put in a process for easily rolling it over, which would just be a notice of motion within that process. Once the 6 months is up for this particular legislation, we could then put forward a notice of motion to extend it for a further 6 months. It would be a relatively simple process; it would not have to go

through a whole parliamentary debate once again, as normal legislation does. It would simply need a majority for a notice of motion, which would be a pretty simple process and would ensure that the executive is kept on a pretty short leash by the Parliament, which seems to me to be one of the constitutional niceties that we want to hang on to.

Then we come to clause 6(3), which states that the process of coming up with the recommendations for Orders in Council cannot be challenged in the courts. The Greens are proposing an amendment to this clause, so that these Orders in Council can be challenged by the courts if a High Court judge determines that fundamental principles of justice would be compromised by not allowing a case to be heard. We are trying, in a way, to put in writing what the Minister himself said in his contribution, which is that a judge will find a way to do it. The Minister said that if there was a serious breach of the principles of justice, there would be a judge who would find a way to read this clause in a different way, so as to look into it.

If the Minister believes that to be the case, then there is nothing wrong with making it clear within the legislation itself that if fundamental principles of justice could be compromised by a particular decision, then a High Court judge could allow a case to proceed. That is writing into the legislation the kind of situation that the Minister himself said was a potential reality. Again, the Minister will say that that could happen anyway and, of course, it could. But I ask why we do not write it in black and white so that we do not have to bend the law, in a sense, in order for a High Court judge to look at it. We could put it in the legislation, with the expectation that if there are fundamental principles of justice involved in a decision, a recommendation, of a relevant Minister for an Order in Council, then a High Court judge could look at it. That seems to me a way to acknowledge the reality of the situation, and for Parliament to acknowledge what is going on. For those reasons the Green Party will continue with its amendments in the name of Kennedy Graham to try to make this legislation responsive to those issues.

Charles Chauvel talked at some length about the regulation disallowance procedures. I acknowledge that Labour has gone to some length to try to make sure that the Orders in Council fall under those procedures so that there is some degree of accountability. We have pushed for a more direct publishing of Orders in Council to make sure that it is in black and white in the legislation, so that they have to be published within 24 hours. The Minister has said that it is an act of goodwill that Orders in Council will come before members of Parliament before they are enacted. We accept that it is an act of goodwill, but we say why not put it in the legislation so that it is in black and white that they have to be published within 24 hours. Everyone would then be comfortable that everyone knows what the law of the land is, because these Orders in Council are effectively making law through an Order in Council. If they were published, if they were made public within 24 hours, then everyone could be sure what they are getting into.

Also, in terms of tabling in the House, under the Regulations (Disallowance) Act they need to be tabled in the House within 16 sitting days of the promulgation of an Order in Council. Sixteen sitting days is more than a couple of months. We are saying that we should require them to be tabled the next sitting day, and that way everyone in the House can see what they are doing. The Minister says that he intends to table them anyway, or to make them publicly available, so I cannot see what the problem would be with putting it in the legislation in black and white. Thank you.

**Hon RUTH DYSON (Labour—Port Hills):** I congratulate the Minister, the Hon Gerry Brownlee, on listening very carefully to the views expressed in the Committee tonight, considering them appropriately, and responding to them. He has not responded to all of them yet, but I am sure he will finish—[*Interruption*] Only one of my three amendments was commented on. I was hoping he would comment on all three.

**Hon Gerry Brownlee:** I didn't want to embarrass you with the other ones.

**Hon RUTH DYSON:** I thank the Minister for that contribution. We were doing so well in our bipartisan approach until then! But I am pleased to see that all the issues have been taken seriously even if they are not agreed on.

I want to start with the amendment in my name that the Minister has referred to, and that is the amendment to add paragraph (c) to clause 10. It states: "appoint a recovery co-ordinator to be appointed to carry on the powers of a civil defence controller, should that be necessary." The reason I have put forward that amendment—and it is surprising that the Minister has disregarded it so swiftly and said that the local authorities do not need it—is that our three mayors made a joint statement to say that this position lapses when the emergency provisions lapse, at this stage still at midday tomorrow, and that the mayors of our three regions would not support this legislation as they had seen it in draft form if such a provision was not included.

I thought that the Minister might have overlooked it in his haste. He has had only a few hours, really, to think up the bill, put it together, and do all the work and consultation with other parties. I thought he might have omitted it. The mayors have put out a statement that is on the wire now as being the most current position they have on the legislation. In their view, the appointment of a controller who has the ability to direct rather than to suggest could be a critical factor in the success of our recovery plan. I was amazed that the Minister concluded that the mayors would be able to do that. A mayor cannot direct an organisation outside his or her own local authority to comply with his or her wishes even if the mayor is appointed a commissioner, because the commissioners in this legislation do not have that authority. In my view there will be some situations where the ability to direct is important. The civil defence position seems to me to be the appropriate one, and that was certainly the point the mayors made. I look forward to hearing from the Minister as to whether he has overlooked the statement by our three mayors that they considered that this legislation would not be supported by them unless that position was included in it. The Minister may have more news than me. He may have spoken to the three mayors on that particular point more recently than their press statement indicated.

The second amendment I want to refer to is in my name, but I am putting it forward on behalf of the Hon Jim Anderton who, as we speak, is in Christchurch hosting a public meeting about the historic buildings and the architectural concerns many have raised. He is starting the community conversation about the vision we need to talk about and share with regard to the future shape of our cities. My amendment would insert in clause 3(b) the following words: "acknowledging that an important priority for the response is to enable the preservation and restoration of Canterbury's architectural and cultural heritage.", after "to the Canterbury earthquake".

This is quite a significant omission from the original legislation, and it seems to be one of the most important concerns that is being raised in our community at the moment—what will Canterbury look like in the future? We have already seen a lot of our historic buildings threatened. Some have already been pulled down. There has been huge debate about whether they were pulled down too early. If the commission has no guidance at all from this House about what we see as important with regard to our architecture, our heritage, and our historic buildings, then it would be correct in presuming that Parliament did not care about it—because we did not put it in the legislation. In my view it is critical that we have the backing of the entire House for that message to go from here to Canterbury and to the commissioners. So that addition would resolve that omission.

The final amendment in my name amends clause 11, and it would resolve the situation, which I mentioned in both the first reading and the second reading debates,

with regard to the skills that will be required of the commissioners. When the Government abolished Environment Canterbury, our democratically elected regional council, at least it put in the replacement legislation a description of the skills it thought would be necessary in order to do the job—the job that we previously voted for but which we now have appointed commissioners to do. But at least a skill set was described in that legislation.

This legislation does not have that, and in my view it would not only be useful guidance from the Minister to have a view from Parliament about the sort of skills that we consider the commissioners should have but also be another opportunity to send a message to New Zealand, in particular to Canterbury and the commissioners themselves, about what we think are important roles for them to undertake, and what we think are priorities.

I have prepared a list, and I would be very happy for the Minister to make any deletions or additions. I would be interested to hear whether he thinks the list is too long, or whether he does not think we will be able to find people who have that range of capabilities or whether some skills are more operational skills and expertise that he might consider less appropriate in commissioners but more appropriate in staff. I would be really happy to have that discussion and to alter my amendment accordingly rather than see the entire list voted down by this Parliament, which I think would remove the opportunity for that skill set to be defined and for that message to go to our home territory.

The list of skills I consider important to have in the legislation include knowledge of civil defence matters, tikanga Māori as it applies in the Canterbury region, knowledge of the Canterbury region itself and its people, public health issues, water resource management, heritage architecture, small and medium enterprises, and infrastructure. That is quite a big range of skills, but they are all really important. They are not in any particular order of importance in terms of the ranking I have given them—they are just (a) to (h)—but they are certainly the skill set that I think needs to be defined not just in terms of this debate but also in the legislation.

The final point I want to make in the Committee stage is that I had a very useful discussion with the Hon Nick Smith in relation to an issue that is mentioned at the very start of this legislation, in clause 4. Clause 4 defines the Canterbury earthquake. People will probably say “Well, that’s blindingly obvious; we’ve heard about it on the news.” I know it has been mentioned a couple of times outside our region—it is certainly all we talk about at the moment in our region—but the Canterbury earthquake is defined as “the earthquake that occurred on 4 September 2010 in Canterbury, and includes all of its aftershocks”.

Minister Smith is far more qualified in this area than I will ever be, because of his training at the finest university in the country—*[Interruption]* except for medical studies. He has assured me that the second earthquake, which was on Wednesday, 8 September, is counted as an aftershock. We do not count it as an aftershock; we count it as a separate earthquake. I want assurance from the Minister that the earthquake that was centred somewhere near the Lyttelton Harbour Basin and certainly had a huge impact on Lyttelton, Diamond Harbour, Governors Bay and Heathcote Valley, compared with the first quake on Saturday, is covered by this legislation. It would be a silly oversight if it were not. It does not seem to me to be defined in that way, because we have been told that it was not an aftershock and that it was a separate earthquake from a separate fault line. I have no idea how many thousands of years ago there were tremors along that fault line—compared with the 16,000 or 17,000 years or whatever in respect of the one centred on Darfield—but I would like the assurance before the

conclusion of this debate that that second earthquake is covered by clause 4, the interpretation clause.

I know that the time is getting on and we are keen to progress this legislation through to its conclusion. I heard Dr Russel Norman mention that the Minister has a Supplementary Order Paper coming with regard to the coverage of the commissioner's activities under the terms of the Local Government Act. I have not seen that Supplementary Order Paper yet. I am keen to see it before the conclusion of the Committee stage. *[Interruption]* That will be excellent, I say to the Minister. I hope it is tabled soon. It is not tabled yet, by the look of it. It is not on the Table. I am very keen to see it so that we can support it if possible. I also look forward to the Minister responding to my other two handwritten amendments.

**Hon GERRY BROWNLEE (Minister for Canterbury Earthquake Recovery):** Firstly, the issue of the controller: I think the mayors' position was misconstrued in the reports that came out late this afternoon. As I have said all the way through, I see that position—that of the mayor of each of the districts being the leader of the district council of his or her area—as being pretty pivotal to the success of the recovery. I was sufficiently concerned about the reports to have a telephone conference call with the mayors this evening. They have all assured me that that was not their position, and that there had been a miscommunication. None of them is reported directly as having said that; it was just attributed to them. They have made it very clear to me that they are comfortable and very encouraged by the legislation that the House is dealing with tonight.

I move to the amendment relating to the desire by Mr Anderton to see heritage mentioned in the bill. The first point is that the heritage decisions in each of the districts are still the responsibility of the district councils. I point out that in the part of the Canterbury district where that seems to be most contentious—Christchurch city—a new bylaw was passed, I believe, on Monday evening, to afford and accord extra protections to heritage buildings. I think that it is best left in that space. As far as the Government's contribution to ensuring that heritage buildings are, where possible, maintained, there will be a statement from the Prime Minister on that in the next day or two.

As to clause 11, in relation to the skills required for commissioners, well, there is a nice long list there; I do not think we have to prescribe it. I think that if this thing is going to work, people will have to instantly see that there is capacity there. I would say that I do not think we want the Canterbury Earthquake Recovery Commission to be any more political than what we will get anyway, with three mayors. Ultimately, if things spun out, the chair of the regional council in the meantime is a commissioner, so I do not think that prescribing that is necessary, and it is not something that we will be supporting.

On the Lyttelton earthquake, I have had the same advice—that it was part of the series of aftershocks. We could argue this stuff around the tracks forever, and I heard on the news tonight that the first earthquake was actually a small one that triggered the next one, which was the big one on Saturday. I think that geologists are discovering more even as members of this House are passing legislation tonight, and I do not think there is any doubt about any damage that has come from the seismic activity in the Canterbury region in the last short while. Let us be clear about the fact that while we are still having aftershocks, there will still be damage, and I think there is no question that the Lyttelton earthquake is included in that.

I hope that I have covered most of the points. I will make the final point that I have put forward a typescript amendment that will make the Canterbury Earthquake Recovery Commission an organisation for the purposes of schedule 1 of the Official Information Act.

The question was put that the following amendment in the name of the Hon Ruth Dyson to clause 3 be agreed to:

to add to paragraph (b) “acknowledging that an important priority for the response is to enable the preservation and restoration of Canterbury’s architectural and cultural heritage”.

Amendment not agreed to.

The question was put that the following amendment in the name of Dr Kennedy Graham to clause 6 be agreed to:

to add to subclause (3) “unless a High Court judge determines that fundamental principles of justice will be compromised by not allowing a case to be heard”.

A party vote was called for on the question, *That the amendment be agreed to.*

**Ayes 14**

Green Party 9; Māori Party 5.

**Noes 107**

New Zealand National 58; New Zealand Labour 42; ACT New Zealand 5; Progressive 1; United Future 1.

Amendment not agreed to.

The question was put that the following amendment in the name of Dr Kennedy Graham to clause 6 be agreed to:

to omit from subclause (4) “enactment, including (but not limited to)—” and substitute “of the following enactments:”.

A party vote was called for on the question, *That the amendment be agreed to.*

**Ayes 52**

New Zealand Labour 42; Green Party 9; Progressive 1.

**Noes 69**

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

Amendment not agreed to.

The question was put that the following amendment in the name of Dr Kennedy Graham to clause 6 be agreed to:

to omit subclause (4)(1).

Amendment not agreed to.

The question was put that the following amendments in the name of Dr Kennedy Graham be agreed to:

to omit from clause 7(3) “1 April 2012” and substitute “15 March 2011”;

to omit from clause 15(1) “1 April 2012” and substitute “15 March 2011”;

to omit from clause 17(b) “1 April 2012” and substitute “15 March 2011”; and

to add to clause 17 the following subclause:

- (2) Despite subsection (1), if it appears by 15 March 2011 that further reconstruction is required, the Minister, by lodging a parliamentary notice of motion, can extend the expiry provision for a further 6 months to 15 September 2011, and thereafter at 6 month intervals up to 1 April 2012.

A party vote was called for on the question, *That the amendments be agreed to.*

**Ayes 9**

Green Party 9.

**Noes 112**

New Zealand National 58; New Zealand Labour 42; ACT New Zealand 5; Māori Party 5; Progressive 1; United Future 1.

Amendments not agreed to.

The question was put that the following amendment in the name of Dr Kennedy Graham be agreed to:

to insert the following clause after clause 7:

**7A Orders in Council to be publicly available and presented to House of Representatives**

An Order in Council made under section 6 must be published within 24 hours of being made and presented to the House of Representatives on the next sitting day.

A party vote was called for on the question, *That the amendment be agreed to.*

**Ayes 9**

Green Party 9.

**Noes 112**

New Zealand National 58; New Zealand Labour 42; ACT New Zealand 5; Māori Party 5; Progressive 1; United Future 1.

Amendment not agreed to.

The question was put that the following amendments in the name of Dr Kennedy Graham be agreed to:

to add to clause 9 the following paragraph:

(e) 2 Christchurch City councillors by the Christchurch City Council.; and

to add to clause 14 the following subclause:

(6) Despite subsection (1) to (5), only the Christchurch City Council can appoint or terminate the appointment of a commissioner appointed under section 9(e).

A party vote was called for on the question, *That the amendments be agreed to.*

**Ayes 9**

Green Party 9.

**Noes 112**

New Zealand National 58; New Zealand Labour 42; ACT New Zealand 5; Māori Party 5; Progressive 1; United Future 1.

Amendments not agreed to.

The question was put that the following amendment in the name of the Hon Gerry Brownlee to clause 9 be agreed to:

to add the following subclause:

(2) The Canterbury Earthquake Recovery Commission is an organisation for the purposes of Schedule 1 of the Official Information Act 1982.

Amendment agreed to.

The question was put that the following amendment in the name of Dr Kennedy Graham be agreed to:

to insert the following clause after clause 9:

**9A Application of Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 applies to the recovery commission.

A party vote was called for on the question, *That the amendment be agreed to.*

**Ayes 57**

New Zealand Labour 42; Green Party 9; Māori Party 5; Progressive 1.

**Noes 64**

New Zealand National 58; ACT New Zealand 5; United Future 1.

Amendment not agreed to.

The question was put that the following amendment in the name of the Hon Ruth Dyson to clause 10 be agreed to:

to add the following paragraph:

- (c) appoint a recovery co-ordinator to be appointed to carry on the powers of a civil defence controller, should that be necessary.

Amendment not agreed to.

The question was put that the following amendment in the name of the Hon Ruth Dyson to clause 11 be agreed to:

to insert the following subclause after subclause (2):

- (2A) In appointing the persons referred to in section 9(d), the Minister must appoint commissioners who collectively have knowledge of, and expertise in relation to, the following matters:
- (a) civil defence:
  - (b) tikanga Māori as it applies in the Canterbury region:
  - (c) the Canterbury region and its people:
  - (d) public health:
  - (e) water resource management:
  - (f) heritage architecture:
  - (g) small and medium enterprise operations:
  - (h) infrastructure.

Amendment not agreed to.

Parts 1 and 2 and clauses 1 and 2 as amended agreed to.

Bill reported with amendment.

Report adopted.

### **Third Reading**

**Hon Dr NICK SMITH (Minister for the Environment)** on behalf of the **Minister for Canterbury Earthquake Recovery**: I move, *That the Canterbury Earthquake Response and Recovery Bill be now read a third time.* Firstly, I compliment all members on the very constructive debate that occurred over the Committee stage of this bill, particularly given the very difficult issues that we confront with regard to the recovery and reconstruction of New Zealand's second-largest city, after what I think will go down in history as New Zealand's most costly natural disaster. I compliment the Minister, Gerry Brownlee, on the work that he has put in over the last 10 days. Mr

Brownlee and other members of the House—and I acknowledge Brendon Burns and Amy Adams—have had their own properties severely damaged in this earthquake, and the way in which the Minister and other members have worked cooperatively to bring this legislation to the House so quickly is, I think, a great credit to him and to the other members.

It is interesting to reflect, in the debate in this Chamber, that on the occasion of the tragic Napier earthquake, which my colleague Chris Tremain mentioned in the Committee stage, it took 3 months, until April 1931, for legislation to come before Parliament to help the community of Napier to respond to that earthquake. It is a credit to us, I believe, to have brought legislation together so quickly, in just 10 days, 80 years later, to respond to this issue.

I also acknowledge in particular my own officials from the Ministry for the Environment. They have been working incredibly long hours since the middle of last week, as it rapidly became very obvious that the existing legislative framework would be a barrier to Canterbury's recovery. I acknowledge the way in which they worked through the course of the weekend, as we brought this bill together.

I think it is quite important to put on record a couple of points about the legislation. There has been the odd extravagant comment about the bill's intent. I reinforce that Orders in Council are permitted under this legislation only if they directly relate to the recovery from, and the response to, the Canterbury earthquake. Those who claim that this bill will allow any Act of Parliament to be changed for any purpose are not correct, and, in fact, it would be open to judicial review if there were attempts to bypass Acts for purposes that were not related to the massive earthquake in Canterbury.

I will comment on a number of amendments that the Committee considered. I note that the Minister, Gerry Brownlee, did accept amendments where there was a good case for doing so, particularly in respect of the intent of the Government to ensure that the Canterbury Earthquake Recovery Commission, which is in charge of overseeing the recovery of Canterbury after the earthquake, should be subject to the Official Information Act. That amendment arose during the Committee stage, and the bill has now been changed.

But let me go through some of the amendments that the Government did not accept, and the reasons for that. Firstly, there were proposals to limit the jurisdiction of this bill as it stands only to issues in Waimakariri District, Christchurch City, and Selwyn District. That does not make sense, because the impacts of the earthquake have gone well beyond those areas. We have people working around the clock trying to reopen State Highway 1 and the main trunk railway in Kaikōura, which is outside the jurisdiction of those areas. We have had damage to chimneys and to buildings extending well into every one of the 10 districts throughout Canterbury. One issue I am considering as Minister for the Environment is that it might be sensible, given the number of fatalities that have occurred historically around earthquakes and chimneys, and given that I think this House shares a desire to improve the air quality of Canterbury, for us to pass some extra Orders in Council to ensure that wherever possible we eliminate the chimneys and move Christchurch, Ashburton, and other communities on to having a cleaner air quality. So I do not believe there is a robust case to be made for limiting the jurisdiction of this bill simply to those three districts. Quite frankly, the issues go beyond them.

There was the proposition that this bill should cover only those Acts that have been specifically identified. We had a pretty hard crack at trying to identify and be upfront with Parliament about the Acts that we think we would need to move around, and obviously the Resource Management Act, the Building Act, the Acts that deal with the Earthquake Commission, and other Acts will require some Orders in Council to be

issued. But when we look at the Acts of Parliament that govern the region of Canterbury, we see Acts that specifically deal with the Summit Road, the Christchurch-Lyttelton road tunnel, the University of Canterbury, Christ's College, and the port companies. It was not possible, in the very short period in which we needed to respond to the people of Canterbury, to specifically list and identify every one of those Acts, and that is why it is important that this bill has some flexibility.

It has been suggested that we need to specifically list in this bill the skills required of the commissioners. We had a bit of a crack at doing that within the time frame. I do not necessarily disagree with the proposals that were put forward, although I would note that one of the most important skills will be ensuring that we rebuild Canterbury and Christchurch in such a way that they might become more resilient to a future earthquake, which is highly probable in the future. That applies particularly to the infrastructure and the buildings that will be rebuilt. So I do not think it is a wise move to be quite specific about those skills, albeit we take on board the views that the Opposition members have expressed on the skill set. I do not necessarily disagree that those skills are relevant when making those appointments.

There have been amendments seeking to add extra representation from Christchurch on the commission. I do not think we should take a view that the commission is representative. If members want to run the argument that, for instance, Christchurch should have additional commissioners, I have to say to them that the scale of the earthquake in Selwyn was very large. The member who represents Waimakariri and Kate Wilkinson have also made play of the scale of the impact on Kaiapoi, and having seen some of that firsthand I know there is no doubt that there has been a massive impact in that area. I think it is important that each of those territorial authorities certainly has a voice on the commission. To start to double up their representatives would not necessarily get the commission on to the right footing for the recovery.

There have been objections to the issue of retrospectivity. I tell members that we have to be pragmatic here. It is my view that there will need to be an element of retrospectivity to some of the changes that will be necessary to make the recovery as smooth as possible, and that is why we need to take a pragmatic view. There may be a need for this Parliament to consider further legislation, as we work through the humongous issues associated with the recovery from the earthquake in Canterbury. But to have this bill in place as early as this, in order to enable the Government to get the commission up and running, is what this Parliament needs to do in response to Canterbury's hour of need. This legislation is about providing a short, sharp response that will enable us to move quickly from the civil emergency, which has been exceptionally well handled, into the recovery phase, and make sure that not a business or a household is delayed for a day further than is absolutely necessary in its recovery.

Yes, there has been some debate about this legislation making provision for 18 months' recovery. Quite frankly, my view—and it comes from the best knowledge that we have 10 days post-earthquake—is that it will take 18 months for Christchurch to recover. That may change; it may be longer. I suspect the recovery is more likely to be at the longer end of that time period, and if we look at similar communities, whether they be San Francisco, Kobe, or other areas that have suffered massive earthquakes, we see that my view of an 18-month period being required is realistic.

Again, I commend this bill to the House. I thank members for their constructive contributions. This bill is what we need to do as a Parliament to give Canterbury the capacity to recover as quickly as possible from this massive quake.

**BRENDON BURNS (Labour—Christchurch Central):** I acknowledge the comments of the Hon Nick Smith; the work of the Minister for Canterbury Earthquake Recovery, Gerry Brownlee; and the contributions of all the members of the House. We

have got to the point where the Canterbury Earthquake Response and Recovery Bill is all but done and dusted. I have chosen to speak several times through the passage of this legislation today, in what has been a most unusual and rare display of unity across this Parliament.

As the MP for the most affected electorate—without wishing to diminish the scale of the impact in other electorates—I firstly wanted the chance to talk about the impact on parts of my electorate, not just the Christchurch central business district but suburbs, particularly Avonside and, to a lesser extent, St Albans.

There was never much doubt that Labour would support this bill. We—and, I think, all members of this House—want to see a rapid reconstruction of the city of Christchurch and the wider region of Canterbury. But saying that, I have felt today the need to voice some sense of unease about the legislation, given the scale, the scope, and the sweeping powers it provides to the Government, to the appointed Canterbury Earthquake Recovery Commission, and to the mayors of the districts of Christchurch, Selwyn, and Waimakariri.

In my mind—and, I think, in the minds of other members of the Opposition—is the fact that the last time we were dealing with Canterbury local body issues, we were dealing with the abolition of Environment Canterbury. In effect, the Government itself has recently been forced to acknowledge that at the very least it got offside on that issue with the Christchurch public, and hence the taxpayer-funded pamphlets asking for people's views on abolishing the regional council and water management issues.

I therefore found it appropriate to challenge Gerry Brownlee in the chair through the Committee stage as the Minister for Canterbury Earthquake Recovery on a number of issues; other colleagues have done the same. This was, after all, our only chance as members of Parliament and as representatives of the wider public to ask the questions that needed to be asked.

The bill is short on detail. Basically it gives the Government and the commission the powers to override legislation—for instance, the Building Act—by issuing Orders in Council, such as a regulation exempting repair and reconstruction work from the normal requirements to get a building consent. Of course, that raises questions about how building work can be held to the sort of quality that we would expect the resource consent processes to require. We have to acknowledge that we are putting some considerable trust and faith in the details being worked through from the introduction of this legislation.

Other questions we wanted answered were around what the processes would be for the Canterbury Earthquake Recovery Commission and councils to alert the public when they propose things such as the demolition of buildings. We have a particular concern for the infrastructure of the heritage of the Christchurch central business district. It makes our city unique and special. It gives it its defining character. Many, many people in Canterbury are passionate to the nth degree about the heritage of our city and have deep concerns for the future of that heritage. I think everybody acknowledges that we have lost and will lose some buildings, but there is some nervousness that this bill might facilitate a process that allows the knocking over of buildings that, with a little bit of time and breath, might survive or be reconstructed, even if some extra expense was involved. More than that, it might allow the construction of new, tilt-slab, rather uglier buildings to replace them. We would get to a situation where even remaining heritage buildings would be sitting cheek by jowl with rather clashing modern structures without any particular architectural value or merit. Those are the sorts of concerns we have had.

I was pleased to see the amendment tabled at the eleventh hour and 49<sup>th</sup> minute by the Minister tonight, which confirms that the commission will be covered by the Official Information Act. It is important that the public are provided with as wide a set

of information as possible to know what is being proposed, what is coming through in processes to Order in Council, and what is on the council agenda in terms of particular buildings that may be subject to demolition orders or new, rapid-fire reconstruction processes. It is truly important, when we are asking the public of Canterbury to put their faith and trust in the processes that we as a Parliament are enshrining tonight, for the public to know they will get the widest possible information about what will happen, and whatever chance for input into those processes that can be given.

The Minister noted that this will be a very flat structure for the commission and the councils, to allow them to get things happening rapidly. He also acknowledged that one of the checks and balances will be that in most instances there will be approaches to Government for money towards rebuilding costs. That will be a check and balance on the potential for more inappropriate development. Let us hope that is the case.

The Minister has assured the House that there are no tricky agendas behind this bill. Certainly, a lot of good faith is being afforded by us as Labour MPs and other Opposition MPs in supporting this one-off legislation. It is extraordinary legislation as, in my knowledge of Parliament, it is almost without precedent in terms of its scale, the breadth of support, and the time frame in which it has passed through this House. The onus is now on the councils, the Government, and the commission—which is still to be appointed—to show that that faith has been well placed. With that caveat, let us work on this together. Kia kaha.

**AARON GILMORE (National):** I will touch on what the previous speaker, Brendon Burns, said. The Canterbury Earthquake Response and Recovery Bill has the potential to be wide ranging, because the disaster that hit Canterbury 10 days ago was unprecedented. It is the largest natural disaster to hit New Zealand, not only in my lifetime but also in any of our lifetimes in this House, and, indeed, probably in the history of our nation. Something in the order of \$4 billion is required to fix Christchurch and Canterbury in the wider sense, and this bill has been put forward to allow that to happen in a more efficient and better way.

A lot of concerns have been raised about some aspects of this bill, in particular in the Committee stage. I do not want to disagree with the previous speaker about which electorate or area has been worst affected by the earthquake, but in relation to the 1,000 homes on my side of town in Christchurch I say people from those homes believe they are the worst affected. People from any part of Canterbury will believe that they are the worst affected.

Dr Nick Smith talked about some of the reasons why not all the legislation could be pointed out. I will point out one Act before I finish, which is the Plumbers, Gasfitters, and Drainlayers Act. As we speak, 10 streets in Dallington are without water or sewerage. The pipes that exist there are old asbestos pipes that were laid in the 1930s. As members may know, dealing with asbestos poses a particular problem. Those pipes need to be replaced in a very careful and more difficult way than would apply to normal PVC pipes or copper piping. That is an example of a particular issue that may arise that might need a special Order in Council to deal with it, in terms of the rebuild over the months and years to come. I think the powers that exist in this bill will allow those things to occur, because we cannot in any shape or form know exactly what we may have ahead of us.

We know that we need to rebuild our city. We need to make our city bigger, better, and stronger than it was. We need to have the ability to think about maybe building in different places or in different ways, and this bill will allow some of those things to occur over the next 18 months. I think that is a good thing.

Finally, I will touch on the issue of the commissioners. I think it is always very easy to outline a list that might come into play in terms of who should or should not be a

commissioner, but it is difficult to do that today in the short period of time that we have had: 10 days since the quake hit, and 400 aftershocks have hit since then. We need to think very carefully over the next few days and weeks about the other skills that we may need to have represented on the Canterbury Earthquake Recovery Commission in order to rebuild our city. It is very difficult to come up with an exclusive list in the period of time that we have had, so I believe the approach that we are taking is the right and correct one towards making my home city return to the state that I think we all want it to be in. Thank you.

**Hon RUTH DYSON (Labour—Port Hills):** Sorry for being a little slow to my feet; the previous speaker, Aaron Gilmore, resumed his seat far more quickly than I thought he would. I was a bit concerned that he thinks the Canterbury Earthquake Response and Recovery Bill will fix the issue of asbestos piping in Dallington. I hope we do not quite get to that level of operational detail, but not nearly as much as I hope those issues are resolved quickly for the good citizens of Dallington.

As many people have said tonight, this is a quite unusual bill that deals with what I hope remains a very unusual series of events in terms of the strength of the earthquake and the number of aftershocks. They are just part of our lives now. In fact, the language has changed a lot in Canterbury. When we have aftershocks now, we do not shudder, race to the door, and say: “What was that?”. We say: “Oh, I think that was about a 3.9, or maybe a 4.2.” We have all become Richter scale and geological experts. We could probably guess how shallow each aftershock was and where the epicentre was. That is part of Cantabrians’ response in dealing with what was a huge and scary issue for all of us.

People in my electorate, Port Hills, and people in our city and our region, want to know that Parliament is behind our recovery. For me, one of the most important things about the debate today is that this bill shows Parliament’s commitment to supporting the rebuilding of Canterbury. There has been a cross-party approach right from the time of the earthquake. We all resolved that this issue had so traumatised residents and so damaged structures that party politics would be put to one side. We all feel our politics deeply—that is why we are in this place—but there has not been any political point-scoring, and other people’s disadvantage has not been used to our advantage. I think that is to the credit of all members. We have responded in what is an unusual way for Parliament. We have not scored points at other people’s expense, because we know that people are already dealing with huge stresses and challenges in responding to the quakes, and this bill further demonstrates that commitment.

But today, as we progress this bill under urgency, without the opportunity for scrutiny by a select committee—because we want these measures to be set up with some literal urgency—Labour members have expressed concern about what I consider to be the quite extreme nature of this legislation. It is very unusual. It is unusual for Parliament to agree to put aside statutory powers that Parliament has agreed to and put them in the hands of Ministers through an Order in Council process. I was very pleased that my colleagues Clayton Cosgrove and Charles Chauvel, who have been leading the discussions with the Minister for Canterbury Earthquake Recovery, received agreement that all those changes would be scrutinised by the Regulations Review Committee. That is an important part of the process, but it is very limited compared with the opportunities that are available under general statutory powers. So Labour members have expressed concerns about the nature of the legislative approach that is considered to be an appropriate response to the events in Christchurch.

The original consideration, right up until last Saturday—just 3 days ago—was that the emergency bill would just amend a whole lot of other bills. So we had proposed amendments to the Resource Management Act, to the transport legislation, to the

building legislation, and to the local government legislation. In my view, having that specificity that Parliament could say this part of the Resource Management Act could be truncated for the purposes of rebuilding, or the time could be shortened, or the registration process could be retrospective—it would still need to be there—was a far more satisfactory approach. I would have had much more confidence in that approach as a member of Parliament. For some reason—and we have gone through the whole debate without an explanation—that approach was overridden, and as an alternative we have what some people may describe as Draconian legislation, but what I certainly describe as extreme legislation. That is what we are now passing. It is in its final stages as we speak.

Both Minister Brownlee and Minister Smith have put on record their responses to Labour's concerns and questions. They have had opportunities to consider amendments put before them. They have had discussions with Kennedy Graham, who proposed six amendments—some of which we agreed with, and some of which we did not. We had good discussions about the reasons for that. The Green Party did not agree with us, obviously, but we had at least some opportunity—albeit a rather brief opportunity—to discuss our reasons for supporting some amendments and for opposing others. The Minister for Canterbury Earthquake Recovery likewise had the opportunity to consider the amendments. He did not take up much of that opportunity, and I think it was a wasted opportunity.

Amendments were proposed in Kennedy Graham's name and in my name—including one on behalf of the Hon Jim Anderton—which would, in my view, have improved the bill. They would have given us more confidence that what is a very extreme measure would be less likely to cause public disquiet and concern. The last thing I want is to come back to this House and feel the same as we have about the leaky building syndrome issue, when local government and central government have pointed their fingers at each other and said: "It is your fault. You should pay.", while homeowners have borne the brunt of mistakes made by Parliament in the 1990s. In my view, rushed legislation often has that risk attached to it. Quite often, members of different parties will see things from a different perspective and say "If this is the problem, here is the solution." I think Minister Gerry Brownlee could have made more of that opportunity tonight, but he did not.

Well, I am pleased that we are passing this legislation. I want our Parliament to give Canterbury the message that we support its recovery. That is a good message for Cantabrians to hear. Earlier I urged the Chair, Assistant Speaker Roy, to consider his region—the Southland region—and the fact that a major boost to the morale of Canterbury would be for us to have back our Ranfurly Shield, which Southland borrowed for a little while. I hope he is considering that, because it would also give us a good boost.

But, seriously, this bill will help. It has risks attached to it. We will be keeping an eye on the implementation of this bill to ensure that none of the concerns we have come to fruition. We do not want a concrete slab city, we do not want trucks being able to use our roads when they are risky and tearing them up even more than they have been destroyed, and we do not want our historic architecture removed from the landscape for ever. We want as much of the beauty of our city to be retained for the future as possible. We want our citizens to have a place to work, a place to live, and a healthy city to continue to thrive in. That is a big ask. We have a lot of work to do, but Parliament has given its support to that. The local members of Parliament have all worked tirelessly to help the residents of our city, and I certainly hope that that support and that approach continue.

**Dr KENNEDY GRAHAM (Green):** This has been one tough day, and we are faced with tough circumstances that still obtain in Christchurch and Canterbury. This is the third reading of the Canterbury Earthquake Response and Recovery Bill, and therefore it is the final opportunity to comment before it is enacted into law. I begin by reiterating our appreciation to the Government and to Minister Brownlee, Minister John Carter, Minister Smith, and other Ministers for their good intent and their cooperative spirit in Christchurch during and after the earthquake, and for that matter here in the House.

Our abiding concern, I suppose, in Opposition is that we are always very squeezed by time pressure when legislation of this nature comes through in such a compressed time frame. This has been a good debate, but we are left with the feeling that there has been insufficient time to properly work through some of the issues in good faith between the parties. We tend to emerge with a feeling that we are left with the crumbs of democracy that have fallen from the tables of power, and we are left to exit the Chamber feeling that we have not done justice to the depth of significance of some of these issues. To that extent, not only are we dissatisfied but we are saddened about the health of democracy in this country.

This is a tough day, these are tough circumstances, and indeed this is a tough bill. It is a tough bill in the sense that it has far-reaching powers. Ruth Dyson used the word “Draconian”, but she did not associate the bill with it. She said some people regarded the bill as Draconian. I heard that word spoken about this bill independently of Ruth Dyson earlier today. We can take our choice; it is a semantic issue. But let us all agree—and I think we do—that extraordinarily far-reaching powers are about to be enacted.

The basic attitude of the Green Party to this bill, as we said in the first reading and reiterated in the second reading and during the Committee stage, is that its powers are excessive for the purpose. We do not deny the purpose; we share in the purpose. We regard the powers as being excessive relative to that purpose. Some of our concerns have been allayed, and I say to Minister Smith that I appreciate his explanations about the territorial application. We took his point in the first reading, and we did not submit a Supplementary Order Paper that we had prepared on the territorial jurisdiction issue. However, we did take on board the concerns about the bill from the very beginning.

I identified six principles in the Committee stage. Going backwards, as it were, the sixth principle is municipal transparency, in terms of the Local Government Official Information and Meetings Act. We appreciate the effort of the Government to respond positively to that. That reflected an initiative on our part, which was shared by the Labour Party, and we appreciate the Government’s response to it. With regard to community participation and whether more city councillors from Christchurch should be involved, I hear the Minister’s reassurance that he is interested in providing a flat, non-bureaucratic structure, that there is mayoral involvement, and so on. We hear that. I do not know whether that completely allays our concerns around community participation, but I think we are all agreed that there needs to be adequate local community participation. With regard to accountability to Parliament and the 24-hour rule that we were putting forward, we accept the ministerial explanation that there will be gazetting normally, although we still retain the preference that there should have been automatic reporting to Parliament under the legislation.

Our principal concerns run deeply, and I trust that the Government acknowledges in good faith the depth of our concerns. There are three fundamental concerns, and I think they have constitutional implications. The first relates to the sunset clause to limit how long the emergency powers should last. Our preference was for 6 months. We did not think it was beyond the imagination of the Government to recognise that 6 months is quite a long time in a fluid situation of this nature, and that the legislation could easily

have been renewed within that time. However, so be it. The lifespan of the legislation is 18 months, and we acknowledge that it is still a finite time period. The two fundamental principles that we think are in severe jeopardy here relate to the lack of any limitation of scope and the issue of judicial review. I must say we are not satisfied on those points, and our concerns run deeply.

I understand the Minister's assurances about political trust. We already commented in the first reading on the issue of trust, and there is no need for us to repeat ourselves now. I acknowledge the good intent on the part of the Government, and I acknowledge that I offered the odd extravagant comment at the time. In lame defence, I simply say I was registering a point by extreme analogy. That is all fine in the give and take of debate, and I acknowledge the good intent of the Government in that respect.

I conclude by addressing not the Government but the people of New Zealand. I make two points. First, the Green Party flags for the people of New Zealand our deep concern over two provisions of this bill: clause 6(3), which pertains to legal immunity, and which has been debated at length; and clause 6(4), which pertains to the lack of limitation on the scope of the legislation. We flag our concern about those issues, and we invite the people of New Zealand to watch very closely those issues. On the second point, I also address the Government. It is on notice tonight to act by the standards that it has proclaimed for itself, which from now on will be the subject of arbitrary political determination on its part, rather than subject to normal legal constraint. We shall vote for this bill, notwithstanding those very deep concerns. We do so for one reason: national cohesion in a state of extreme urgency in Christchurch. But let our support for this bill not go without an appreciation and acknowledgement of the fundamental concerns that we have about those two points in particular. Thank you.

**HONE HARAWIRA (Māori Party—Te Tai Tokerau):** Kia ora rā. Kia ora mai anō rā tātou katoa e te whānau e nohonoho mai nei i roto i tō tātou Whare i tēnei pō. Ki a rātou anō e noho tonu ana ki roto o Ōtautahi, me mihi atu mai i a mātou katoa o roto o tēnei Whare Pāremata ki a rātou i roto i tēnei taumahatanga kei runga i a rātou i tēnei wā.

*[Thank you and greetings to us all, the family sitting there in our House tonight. Those who continue to live in Christchurch, all of us in this House of Parliament once again indeed acknowledge this burden that is upon them at this point in time.]*

Watching my whanaunga—Tau Henare's whanaunga, actually—Tihi Puanaki trying to explain the terror of the earthquake on *Te Kāea* showed me how serious its impact has been on everyone in and around Christchurch. I know Tihi well, and she is no shrinking violet. She is a formidable and renowned kapahaka leader, a passionate teacher of te reo, and a real strength in her community.

Tihi's story, of course, has been repeated by many others in many ways, every day in all media and in everyone's daily conversations. It confirms the importance of the Canterbury Earthquake Response and Recovery Bill to assist with the response to the earthquake. So we are keen to support this bill and, in particular, to acknowledge the efforts of all those involved in the rebuilding of the devastated communities of Canterbury.

Along with other community facilities that were able to be used, Māori Party MP Rahui Katene has reminded us to acknowledge the efforts of the people of Ngāi Tūahuriri in opening Tuahiwi Marae, just north of the central business district, to people in need of accommodation. No doubt all the other marae would have been opened up as well, except they were all closed for structural safety assessments. Rahui also asked that we acknowledge the generosity of Ngā Hau e Whā marae, which was closed, but which provided mattresses and general supplies to those welfare centres that were open to help those in need throughout Christchurch.

Rahui also told us of the work of Te Rūnanga o Ngāi Tahu, and has asked us to acknowledge it as well for doing its bit to support Ngāi Tahu families, other Māori living in its takiwā, and all other residents in the stricken area; and to acknowledge its website, which is a hive of valuable information—tips about how to cope through the crisis, and specific information to help children and families deal with the trauma. We acknowledge also the practical assistance being provided by Ngāi Tahu through their Tautoko Whānau bank account, which they are proposing be administered by their own kaiwhakahaere, the Mayor of Christchurch, and a representative of matawaka, and coordinated with other community support initiatives being put in place.

As a special aside, Rahui told us one of those little stories that help to lift people's spirits in the midst of disaster. I am referring to the offer from Ngāti Koata and other iwi in Nelson to open Whakatū Marae to give whānau a break after a very stressful couple of weeks in Christchurch, the offer from Te Rūnanga o Ngāi Tahu to provide transport to and from Nelson, and the offer from iwi around Te Tau Ihu to provide kai and cater for manuhiri, as well.

One of the other big issues that came through to our caucus from Rahui's regular reports was the concern she had that many whānau were opting to stay in their unsafe homes because they could not get to welfare centres. Rahui told us of spending a lot of her time last week visiting whānau, kaumātua, and kuia in Darlington and Hornby, and she was shocked to find that many of them were still without power, water, and sewerage. Some of them even lacked transport to get to the welfare centres, so many were opting to hunker down in their unsafe homes.

Hearing these and many other stories from Rahui reminded me that, even in times of common disaster, sometimes support is not provided to all communities equally. I raise these points because Rahui's comments also reminded me of the importance of the Government acknowledging the 30,000 Māori living in Christchurch and recognising that their views and their needs need to be taken on board along with those of all other members of the community. I raise these points because, again, Rahui reminds us that it is important to the history of Ōtautahi, to the background of the current crisis, and to the future of a rebuilt Canterbury to ensure that Ngāi Tahu is involved in all decisions being made during the rebuilding phase, to ensure that the responses of Māori to the impacts of the earthquake are properly heard and acted upon. The Māori Party would like to see, in the implementation of this bill, the opportunity for tangata whenua to have an equitable say in the decisions that affect them and other Māori in the area, and the opportunity for Ngāi Tahu to add its considerable community knowledge and resource networks to the efforts to rebuild the district.

We will be supporting this bill to assist the recovery and rebuilding of the Canterbury district, but we are reminded again by our southern sister Rahui of the importance that Māori, and specifically Ngāi Tahu, have formal representation on the commission to ensure an effective response to the needs and the circumstances of the 30,000 Māori who live in the wider Christchurch area. Kia ora tātou.

**NICKY WAGNER (National):** I rise to support the Canterbury Earthquake Response and Recovery Bill in its third reading. Every Cantabrian who has been through the 7.1 magnitude earthquake has responded magnificently to the state of emergency. Thousands of New Zealanders have volunteered to support emergency services to get our city and our province up and running. They have all been incredibly professional—quickly and quietly getting on with the job. What a fantastic effort! Ten days later, the region is close to getting back to normal and all Cantabrians are ready to roll up their sleeves and get on with the process of recovery and reconstruction.

The Canterbury Earthquake Response and Recovery Bill will allow our region to move seamlessly from the state of emergency to recovery mode and will coordinate the

reconstruction and rebuilding of Christchurch City and all the towns, all the farms, and all the homes across Canterbury. This legislation is powerful. It will empower our can-do Cantabrians to rebuild our society, our infrastructure, and our future.

The destruction caused across the Canterbury region is immense. It is so substantial that the recovery will be one of the most significant in New Zealand's history. It is the job of local government, regional government, and central government to enable and to lead this reconstruction. This bill will provide the coordination required to prioritise work and to ensure that the redevelopment is well planned and well executed, and that we get the best possible result when our work is done.

The Hon Ruth Dyson mentioned how Cantabrians can now talk "earthquake", and can judge the Richter scale with ease. After every shock we gauge the rating, and even in our sleep we can decide whether it is worth waking up for. Minister Paula Bennett tells us that she saw in Christchurch today T-shirts stating "We don't get out of bed for anything less than a 6".

Finally, I congratulate Minister Gerry Brownlee and Minister Dr Nick Smith on producing this bill so quickly and effectively and providing a platform for the people of Canterbury to get on with the restoration and reconstruction of our homes, our businesses, and our society. I think now is the time for us to get going; we are keen to do that. We want to make sure that our city and our region makes the absolute most of every possible opportunity, and that we can build an even more colourful, more vibrant, and more beautiful city and province.

Bill read a third time.

**The House adjourned at 10.02 p.m.**



# Index to Tuesday 14 September 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

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