
Parliamentary Debates
(HANSARD)

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WEDNESDAY, 2 AUGUST 2006

Madam Speaker took the Chair at 2.15 p.m.

Prayers.

POINTS OF ORDER

Motion of No Confidence—Leave to Move

Dr DON BRASH (Leader of the Opposition): I raise a point of order, Madam Speaker. I seek the leave of the House to move the motion standing in my name on the Order Paper.

Madam SPEAKER: Leave is sought. Is there any objection? There is.

Members’ Names—Incorrect Referral

LINDSAY TISCH (Senior Whip—National): I raise a point of order, Madam Speaker. Yesterday you referred to one of my colleagues as “Phil Connelly” when in fact his name is Brian Connell. He has been a member of this House since 2002. Similarly, last week you referred to the former high-profile Mayor of Wellington as “Max Blumsky” when his name is Mark Blumsky. Both members have taken offence.

Madam SPEAKER: Obviously I apologise to those members.

Conduct in the House—Standards

Hon BILL ENGLISH (National—Clutha-Southland): I raise a point of order, Madam Speaker. I raise a serious matter of standards in the House and how Parliament is perceived by the public, in the light of your role as the ultimate guardian of those standards. Yesterday an exchange took place in the House regarding the member Mr Ron Mark. A colleague of mine raised a point of order to the effect that Mr Mark had made a rude gesture to which my colleague had taken offence. You told the House that you had not seen the gesture, but you asked the member to withdraw if it had caused offence.

Since then the seriousness of that matter has become more apparent. I have here a photo taken from a TV broadcast last night that makes it quite clear that Mr Mark is, to use a colloquialism, giving the finger to someone. That has now been broadcast on national television. So the general public have seen a member of Parliament apparently able and allowed to make a gesture in this House that would be unacceptable in most workplaces and unacceptable among any group of adults who saw themselves as conducting themselves with respect for each other.

This matter is important for the House, firstly, because the public have seen that conduct and the fact that it had no significant consequence. Secondly, by comparison with other decisions you made yesterday, this incident was treated very lightly. Two of my colleagues were ejected from the House: one—called by the wrong name—who did not do anything, and one who, perhaps, deserved it because he interjected. I have to say that interjections broadcast on TV are not rated by the public anything like the offensiveness or low standard of behaviour of the gesture made by Mr Mark.

Along with other matters, I am becoming increasingly concerned—as I think a good number of parliamentarians are—about the growing public perception that behaviour of any kind is now acceptable in this Parliament, that members can behave in almost any way and, provided there is some mumbled apology about it, they get away with it. So I ask you to consider, Madam Speaker, firstly, the seriousness of Mr Mark’s action—granted you did not see it at the time—secondly, the seriousness of the fact that it has been broadcast in the mass media for the public to see as the action of a parliamentarian, and, thirdly, some kind of proportionality between the actions taken against my
colleagues, including one who was wrongly named, and the actions that were required of Mr Mark to show some atonement for what he did.

Hon Dr MICHAEL CULLEN (Leader of the House): Yet again, the authority of the umpire—that is, yourself—is being questioned in this House. It is completely untrue to say that Mr Mark got away with it. Mr Mark was required to withdraw and apologise. The Speaker has to check whether the action occurred if she did not see or, in the case of a remark, hear it. In the case of Mr Henare, he compounded his error by insulting the Speaker as he left the House, and was very lucky not to have been named as well as ejected. Far from getting an excessive punishment, he had a very minor punishment for the totality of offences that he committed.

In terms of behaviour in the House, perhaps some reduction in the level of barracking while questions are being answered would be a good start. Perhaps not continuing to threaten the Speaker with disorder if she does not give the rulings the Opposition wants would be a good second step to take. Finally, the fact that that photo exists merely proves that, yet again, the press gallery have been breaching the rules under which they are supposed to operate within the House, because they are not supposed to be taking any pictures other than of the member on his or her feet or of the Speaker.

But the reality is that it does not matter; what does matter is that Mr Mark withdrew and apologised. That is the end of the matter. It should not then be relitigated in any shape or form.

Madam SPEAKER: I think I have heard sufficient on this. Of course the gesture that was made by Mr Mark was totally unacceptable. I did not see it, and said so, but I asked him whether he had done it. He admitted that he had and withdrew and apologised immediately. I thank the member for drawing the matter to my attention. I will, of course, view the item on television and see whether it was within the rules.

The other matters were separate and were not connected. I also thank the member for drawing attention to behaviour in the House. I do receive, as I have said before, an enormous number of queries, complaints, and comments about the fact that people cannot hear what is happening. It is the barracking that I have been endeavouring for over a month now—with the cooperation of members—to try to get to a sensible level. Of course members should be able to interject—that is part of the robust debate of this House—but not to the extent that other members or members of the public cannot hear what is happening. So I thank the member for his comments.

Dr WAYNE MAPP (National—North Shore): I raise a point of order, Madam Speaker. I thank you for what you have said, and I appreciate that yesterday you did not actually see the behaviour and that that may have limited the disciplinary action you undertook. But I think this is a very serious matter, and members on this side of the House want some sort of indication of the nature of the punishment that such a transgression will receive in the future.

The reason is that a withdrawal and apology, which the Leader of the House apparently thinks is satisfactory, effectively invites people to repeat offences, knowing that the only punishment they might receive is simply to have to get up and give an apology. We have seen that many times before. People knowingly breach the Standing Orders knowing that that is the likely consequence. This is far more serious, however, than most of those kinds of oral statements.

I would like to think that you would give some indication to the House for the future that such behaviour would be dealt with far more seriously—at the least, the person would have to be required to leave the Chamber. Frankly, perhaps naming might be appropriate. If it is left, in the future, at withdrawing and apologising, you are likely to see more of it. What could be more calculated to bring the House into disrepute than that kind of behaviour?
Madam SPEAKER: I thank the member for his comments. He is probably quite right, in the sense that I have run a very robust House. I have not applied the Standing Orders strictly, because I have not felt that that is what members want. I thank Dr Mapp for making it quite clear now that the Standing Orders, in all their full glory, should be enforced strictly, and I shall endeavour to do that.

RON MARK (NZ First): I wish to make a personal statement. Firstly, I want to apologise unreservedly if I have caused offence and brought the House into disrepute.

I also say to you, Madam Speaker, that yesterday was robust for me. I sat in this Chamber and listened to point of order after point of order directed to you, raising issues such as interjections by members of the House over questioners. Those points of order that I listened to were made by members of the National Party, and I was reflecting at the time on the fact that it was the deputy leader of the National Party whom you had to censure last week for interjecting over my leader. I was inflamed by some of the comments.

Madam SPEAKER: Would members please be seated. The personal statement procedure is to address the point; it does not allow a member to go on and make a speech. Would the member please bring his personal statement to a suitable conclusion.

RON MARK: I will try my level best to stay within the Standing Orders, but I understand it is the opportunity to explain my actions and my decision, the consequences of my actions, and the reasons that I did something.

The reasons I did that were probably an accumulation of a number of frustrating factors that I took on board and took offence to. I took offence to what I cannot term a lie, because that word cannot be used in the House, but to a statement made by Tau Henare that was absolutely untrue. I took offence to it. In the banter that ensued between us I made a gesture that was unacceptable, and for that I apologise to the House. I have apologised three times now. I think that should suffice, Mr Henare.

Dr RICHARD WORTH (National): I raise a point of order, Madam Speaker. In the last few days we have been looking at issues that touch Standing Orders 399 and 400. This is a different point from the point Dr Mapp raised, which was the issue of disorder in the House. This, I would say to you, Madam Speaker, is an example of a contempt and should be dealt with differently. We are not here, where a withdrawal and an apology would assuage a contempt. It clearly does not; nor does an abuse of the rules relating to personal statements do that. We have here a clear example of contempt, within Standing Order 400. I draw your attention to Standing Order 400(o).

Madam SPEAKER: I am sorry to interrupt the member, but consistent with the Standing Orders, as the member knows, there is another appropriate process and the member is perfectly entitled to raise a matter of privilege with me. It is not in this House.

Hon MURRAY McCULLY (National—East Coast Bays): I raise a point of order, Madam Speaker. First of all, you have indicated you are going to see the tape, and I welcome that. But when you consider the tape, I want you to resist following the course that the Deputy Prime Minister has suggested to you. He seemed to suggest to you that your purpose in viewing the tape might be to consider whether the TV3 cameraman or TV3 as an organisation were in breach of their obligations to the House by filming it, rather than taking some account of whether Mr Mark had behaved in a grossly disorderly fashion, for which some further punishment might be meted out. I, for one, suggest to you that TV3 is fully within its rights to film an exchange within the House that was clearly a significant event occurring within the Chamber at the time. If you are to pursue TV3 in this matter, I suggest that you will compound the problem in that people will regard the House as being even sillier than Mr Mark portrayed it to be yesterday. I think the focus of your further inquiry needs to be very much on the
conduct of Mr Mark. If TV3 was to be pursued in the manner suggested by Dr Cullen, I think most members on this side of the House, for a start, would regret that very strongly.

Hon Dr MICHAEL CULLEN (Deputy Prime Minister): Madam Speaker, you have already dealt with the issue of the behaviour of Mr Mark, and it is out of order to relitigate that behaviour now.

Madam SPEAKER: I thank members for their comments. I think the Hon Murray McCully’s comment probably highlights the dilemma a Speaker has. I have just heard several points of order from members who have told me to apply the rules strictly, and I now hear another plea that I should not apply the rules strictly. I endeavour to apply the rules fairly, and I endeavour to apply them equally to all members of the House. From time to time we will all see matters slightly differently.

RODNEY HIDE (Leader—ACT): I raise a point of order, Madam Speaker. I think there is a concern here, and I believe that the behaviour of MPs in this House is of some public interest. Mr Ron Mark, in particular, made an obscene gesture across the Chamber, and I think the public has a right to know that that is the sort of behaviour being exhibited. I think there would be concern amongst the public, and, indeed, in this House, if the proposal to have Parliament in control of the cameras therefore somehow shielded the behaviour we saw from Mr Mark. It would become a farce. We have to be very, very careful. If Parliament is going to take control of the feed, then people who contribute in the way Mr Mark did should be shown on TV. That feed should be available. Such members are making a contribution, albeit a silent one. The idea that somehow Mr Mark would be protected by Parliament in terms of his behaviour, and the way he made his interjection, would be seen by the public of New Zealand to be very self-serving, indeed. I personally think that the TV cameras did us all a service.

Madam SPEAKER: I thank the member. Points of order are, of course, to be made succinctly, but I thank the member for his contribution. As the member well knows—and he was at the committee meeting where this matter was discussed—the same rules will apply whatever the feed. I do not think we should take anything more on this, but I do appreciate and hear what is being said by all the members.

PETER BROWN (Deputy Leader—NZ First): I raise a point of order, Madam Speaker. I try not to join in the points of order debates that go on from time to time in this House, but I feel I must draw your attention to the background behind this dispute. The Hon Tau Henare raised an issue that he knew to be untrue, because he sat in our caucus at the time. The HMNZS Charles Upham was of huge concern—

Madam SPEAKER: Mr Brown, I appreciate your frustration, but there are other avenues for this. It has to be a point of order, and the issue has been dealt with.

PETER BROWN: What I suggest is that if you are to reflect on this—and I personally urge you to reflect on it—then you should reflect on the whole scenario. An MP stood up and made allegations that were known to be untrue, which was the start of the whole thing.

Madam SPEAKER: I understand, and I was trying to indicate to members that all members are entitled to the same respect.

QUESTIONS FOR ORAL ANSWER
QUESTIONS TO MINISTERS

Ingram Report—Ministerial Actions

1. Dr DON BRASH (Leader of the Opposition) to the Prime Minister: Is she satisfied that all Ministers referred to in the Ingram report acted with propriety at all times; if not, why not?
Rt Hon HELEN CLARK (Prime Minister): Findings in respect of Mr Field are well known. No conflict of interest with his ministerial role was found, but the report did imply that errors of judgment were made by him as an MP. There were no findings that other Ministers acted with impropriety, and I am entirely satisfied with that.

Dr Don Brash: Does the Prime Minister share the assessment of her former Minister Taito Phillip Field that all that is at issue here are “some inferences which may have been drawn from reporting of the Ingram report.”, or does she accept that the issues raised about Mr Field’s conduct as a Minister are more serious than that?

Rt Hon HELEN CLARK: I have constantly said that the report implied errors of judgment, and I have pointed out that, as a result, Mr Field was not reinstated as a Minister.

Dr Don Brash: Has the Prime Minister seen Mr Field’s statement: “Much of the evidence presented in the report was untested. Some inferences which may be drawn are inaccurate.”, and will she now agree that everyone’s best interests would be served by offering protection to those witnesses who refused to talk to the inquiry, and letting the truth emerge?

Rt Hon HELEN CLARK: The statement that the evidence was untested is, of course, entirely true, because it was not a court of law. But, as I have told the member a number of times, I consider that more than enough money has been spent on this matter.

Dr Don Brash: Does the Prime Minister not understand that by declining to facilitate arrangements for Mr Keith Williams or any of the Thai nationals present at Mr Field’s house in Samoa to be interviewed by the Ingram inquiry, she leaves the clear impression that her then Minister of Immigration, Mr Paul Swain, and her then Minister of Foreign Affairs and Trade, Mr Phil Goff, discussed and gave certain assurances about Mr Siriwan’s immigration status at that meeting—as asserted by Mr Williams?

Rt Hon HELEN CLARK: Absolutely not, because I have total confidence in those Ministers—far more confidence than I have in Dr Brash’s propriety in respect of the Exclusive Brethren.

Dr Don Brash: Whose account of the 17 May 2005 meeting of Damien O’Connor and Taito Phillip Field does she believe: Taito Phillip Field, who wrote the day after the meeting stating that, in the case of Mr Siriwan, Damien O’Connor would grant a special direction to cancel the 5-year penalty for his spouse and allow the reunification of Mr Siriwan with his spouse by granting him 2-year work permits to be issued in Apia; or Damien O’Connor, who advised Mr Ingram that the Siriwan case was not decided—as stated in Mr Field’s letter?

Rt Hon HELEN CLARK: I am sure that the case was not decided at the meeting.

Road Safety and Infrastructure Development—Progress

2. MARTIN GALLAGHER (Labour—Hamilton West) to the Minister of Transport: What significant announcement has she made recently which contributes to both road safety and infrastructure development?

Hon ANNETTE KING (Minister of Transport): Last week I officially opened the long-awaited $83.5 million Mercer to Longswamp section of State Highway 1 in the Waikato region—a magnificent feat of engineering. This was an important event in terms of both road safety and infrastructural development. Not only has this project eliminated the Meremere crash black spots but it has also taken us a step closer to the completion of the Waikato Expressway. That is a vital project to reduce congestion and provide a more efficient long-haul route through the Waikato to Auckland and the Bay of Plenty.

Martin Gallagher: What is this Government doing to ensure the completion of the Waikato Expressway?
Hon ANNETTE KING: That is an excellent question. The additional $1.3 billion announced in the Budget, as well as the extra $215 million for the Waikato region from the Waikato joint officials group process, means that every remaining component of the Waikato Expressway is now moving forward. Over the next 5 years the additional funding will allow further investigation, then the design and construction of the Rangiriri Bypass, the design of the Ngāruawāhia, Cambridge, Huntly, and Hamilton bypasses, and the Longswamp to Rangiriri four-laning project. As well, a number of other projects in the Waikato region are aimed at improving safety and reducing congestion. I know that the National member from the Waikato ought to be pleased, but I do not hear much gratitude from him.

Metiria Turei: If the Minister is so obviously concerned about both money and road safety, will she prioritise Green Party initiatives to get as much of the intercity freight off and out of trucks and on to the rail network, which would help to save some of the $3.2 billion over the last 4-year period spent via accidents, and—much more important—would help to save the lives of some of the nearly 100 New Zealanders killed every year on our roads through truck accidents?

Madam SPEAKER: Before I call the Minister, I remind members that questions should be started with a question, not a statement.

Hon ANNETTE KING: I certainly am very encouraging of freight being carried on rail. However, we will always need trucks and roads, because rail does not go to every part of the delivery system. But I am very encouraging of freight going on rail, as this Government has shown, first of all by buying back the rail tracks of New Zealand, then by investing the money to ensure they are able to be operated.

Peter Brown: Noting that answer, is the Minister in a position to assure the House that, in the wake of the axing of the Overlander, no rail freight will transfer from rail to road?

Hon ANNETTE KING: I was not aware that the Overlander carried a lot of freight, and I do not actually see there being a lot of change in terms of the freight carried by rail. The main thing is that the main trunk line is retained in a good order, and this Government has been investing millions of dollars to ensure that happens.

Martin Gallagher: Has she seen any other reactions to the additional funding for the Waikato and the Bay of Plenty?

Hon ANNETTE KING: Yes. Even though the amount of money this Government is spending on the Waikato region is far in excess of anything the National Government ever spent, at the Transport and Industrial Relations Committee hearing on the Vote Transport estimates the member for Hamilton East complained that the additional $215 million on top of the budget for transport spending in the Waikato was not enough. However, his colleague Bob Clarkson is much more discerning and thankful. He acknowledged with satisfaction this Government’s commitment to the Bay of Plenty. That is a man who will go a long way.

Ingram Report—Residency Application for Overstayer

3. Dr the Hon LOCKWOOD SMITH (National—Rodney) to the Minister of Immigration: When was the Taito Phillip Field - sponsored application for permanent residence for Mr Chaikhunpol, an illegal overstayer for more than 5 years, received by his department, and when was the decision made to grant Mr Chaikhunpol a residence permit?

Hon DAVID CUNLIFFE (Minister of Immigration): The Ingram report does not say that Mr Field sponsored the application. The application was lodged under normal residence policy, and the sponsor in those circumstances was the New Zealand partner.
The date upon which the application was recorded was 17 March 2004, and a residence permit was granted on 9 October 2004.

Dr the Hon Lockwood Smith: When Mr Chaikhunpol, a Thai painter, was being considered for permanent residence following his application supported by Taito Phillip Field in March 2004, would it have been relevant to possible conflicts of interest whether, between that time and the time of his department’s granting of a residence permit in October 2004, Mr Chaikhunpol was working for next to nothing on houses owned by Taito Phillip Field?

Hon DAVID CUNLIFFE: I can find no such criticism in the Ingram report.

Dr the Hon Lockwood Smith: Is he concerned that Taito Phillip Field’s House at 51 Church Street was painted by Asians during that time period in 2004, and that Taito Phillip Field’s close friend Ms Thaivichit told the Ingram inquiry that she had organised a Mr Phimpadcha to do the work, which was a claim Mr Ingram found to be untrue—Taito Phillip Field himself told Noel Ingram: “I think I may have been involved”, which was a statement Mr Ingram found difficult to believe—and given that Mr Ingram was unable to determine who had done that painting, is it possible the cover-up was deliberate, because, had the truth emerged, it may have demonstrated a direct conflict of interest for Taito Phillip Field?

Hon DAVID CUNLIFFE: I can find nothing in the Ingram report that—

Dr the Hon Lockwood Smith: Read it!

Hon DAVID CUNLIFFE: I say to Dr Smith that I have done so many times. I can find nothing in the Ingram report that indicates any conflict of interest, in that any ministerial decisions preceded the painting in question.

Dr the Hon Lockwood Smith: Does the Minister share the concern of Noel Ingram QC that he was unable to establish the identity of the Asians who painted Taito Phillip Field’s House at 51 Church Street during a crucial period in 2004, a concern Noel Ingram states is “increased significantly when regard is had for the unsatisfactory nature of the explanations provided by Mr Field in relation to that painting:”; and does he consider it just a coincidence that the time period of that cover-up was the time period when his department was considering the permanent residence application supported by Taito Phillip Field for immigrant painter Mr Chaikhunpol?

Hon DAVID CUNLIFFE: I am not responsible for the conduct of the Ingram inquiry.

Dr the Hon Lockwood Smith: Is the Minister concerned that during the period that Taito Phillip Field’s representations for permanent residence on behalf of immigrant painter Mr Chaikhunpol were under consideration by his department in 2004, painting work was undertaken on Taito Phillip Field’s other house at 73 Blake Road, Māngere, by the same painters, according to Mr Field’s advice to the Ingram inquiry, who undertook the painting at 51 Church Street, yet the identity of those painters was also withheld from Mr Ingram so as to avoid a possible finding of conflict of interest involving Taito Phillip Field?

Hon DAVID CUNLIFFE: The inquiry finds, as I read it in paragraph 313, that it appears that in the case of Mr Chaikhunpol, at least, his motivation for painting Mr Field’s house at a substantially discounted rate may have been some form of gratitude. What is clear is that the painting succeeded, not preceded, any ministerial decisions.

Dr the Hon Lockwood Smith: Does the Minister share Noel Ingram’s “difficulty understanding why Mr Field would be confused as to whether or not he personally was involved in the painting of 51 Church Street in 2004.”, or does he think it quite reasonable for a Labour Government Minister to forget whether he personally painted a house the previous year; and does he consider it to be just a coincidence that during this
period of cover-up, his department was considering the permanent residence application of Thai overstayer and painter Mr Chaikunpol?

Hon DAVID CUNLiffe: I am not responsible for Mr Field’s memory, nor is the member able to achieve proof by repeated assertion.

Dr the Hon Lockwood Smith: Is the Minister concerned that Noel Ingram QC had experienced no problem in determining who did painting work on Taito Phillip Field’s various houses after the granting of a residence permit to Mr Chaikhunpol in October 2004, yet Mr Ingram was unable to determine who carried out painting work on some of those same residences prior to the issuing of that residence permit to Mr Chaikhunpol in October 2004; if that is not a cover-up, how does the Minister explain it?

Hon DAVID CUNLiffe: There is no evidence in the Ingram report, or indeed in the member’s question, that any ministerial action occurred after the painting took place. That is the key point that the member appears conveniently to continually overlook.

Dr Don Brash: What action would the Minister of Immigration take if another Minister, on ministerial letterhead, misrepresented his position on an issue he had not yet decided, as the Prime Minister has today confirmed Mr Field did in the middle of 2005?

Hon DAVID CUNLiffe: I would take such action as I considered appropriate, based on the facts at the time. What I have said to the House previously is that I do not consider it appropriate for this Minister to revisit the decisions of previous Ministers, otherwise where would one stop?

Church College, Hamilton—State Funding

4. Hon BRIAN DONNELLY (NZ First) to the Minister of Education: Has any State funding been provided to Church College in Hamilton for its students, with the exception of specific pupil funding such as the Ongoing and Reviewable Resourcing Scheme; if so, what was the fiscal impact of the funding received?

Hon STEVE MAHAREY (Minister of Education): The Government provides a capped pool of funding for private schools, with the amount given to each school calculated on a per pupil basis. With the exception of 2005, the proprietors of Church College have chosen not to access that subsidy. The school accepted funding of $690,000 in 2005.

Hon Brian Donnelly: Is it correct that the additional funding that was provided to Church College—given that it had not received any funding since 1958—in fact cost the Government nothing, because of the funding cap on independent schools?

Hon STEVE MAHAREY: In effect, yes. The school has not claimed funding, so the only funding made available to it is that $690,000.

Moana Mackey: What changes have there been in Government funding for schools since 1999?

Hon STEVE MAHAREY: We have come a long way since the early 1990s, when school funding did not keep up with inflation in real terms. Total funding for New Zealand schools is now more than $4 billion a year, which is up from less than $3 billion a year in 1999. The massive increase in funding has provided for 3,040 extra teachers above those required for roll growth, new classrooms, buildings, and increases every year in the operational funding for schools. When it comes to making real investments in education, this Government’s record is second to none.

Hon Bill English: Now that the Minister has told us that funding for students in the State system has increased by over 35 percent per head, why is it that he despises young New Zealand citizens who attend private schools so much that he has made sure their funding has been cut by about 30 percent per head?
Hon STEVE MAHAREY: I reflect on the fact that the member is putting words into the mouths of other people—in the way he usually does—by saying people are despised, when, of course, they are not. Students who attend private schools are wonderful young New Zealanders, just like all other young New Zealanders. Now, of course, members on the Opposition side of the House are beginning the process of shouting, which is what they normally do, as well. I say to the member, our policy is extremely clear and was articulated well by Trevor Mallard during his time as Minister—that is, the Government capped that fund at around $40 million, and has been clear about capping it since then.

Hon Brian Donnelly: Can the Minister confirm, as he seems to have done, that the cost since 1999 or 2000 of schooling has had an increase of 35 percent and that the number of students going to independent schools has increased by 25 percent, yet the Government still spends exactly the same amount as it did in 2000 on independent schools?

Hon STEVE MAHAREY: I can confirm that private schools receive around $40 million a year in Government subsidies, and that reflects the notion that Labour put forward in its 1999 election manifesto—that is, to cap the level of funding. That has been our policy since that time. But I say the portion of all students attending private schools has remained fairly constant, ranging from about 3.3 percent to 3.7 percent of all students, during that period of time.

Taito Phillip Field—Immigration Representations

5. Dr the Hon LOCKWOOD SMITH (National—Rodney) to the Minister of Immigration: Can he confirm that from 1 January 2003 to 30 September 2005, Taito Phillip Field made 438 representations to the Associate Minister of Immigration, not 261 as he claimed in his letter dated 31 July 2006?

Hon DAVID CUNLIFFE (Minister of Immigration): Yes. As I stated yesterday the letter to the member was provided on the basis of advice that I undertook to check. Having done so, I can now confirm that the member’s understanding is correct.

Dr the Hon Lockwood Smith: Would the Minister exercise ministerial discretion to grant a work visa to someone like Mr Sunan Siriwan, who had shown such contempt for New Zealand law as to be an illegal overstayer for 8 years; who had worked illegally during that time; who had been declined refugee status, after not even bothering to turn up at his interview; and whose case was described by an experienced immigration consultant as “hopeless” and which, his head of immigration in New Zealand has said, the department would have declined—a ministerial discretion Phillip Field urged in order to reunite Mr Siriwan with his child, with whom he was already living; if so, why?

Hon DAVID CUNLIFFE: The facts of the case have been placed on record and have been debated many times in this House. I hope that in making a decision, I would be able to rely upon the representations made to me by all members.

Dr the Hon Lockwood Smith: Would he exercise ministerial discretion to grant a work visa to someone like Ms Phangnarm, who had shown such contempt for New Zealand law as to be an illegal overstayer for 5 years, who was declined refugee status four times, whom the Refugee Status Board found to be “an entirely incredible witness”, and who had been deported from New Zealand and banned from returning for at least 5 years—a ministerial discretion urged by Phillip Field in order to reunite that person with her partner, when she was already living with her partner; if so, why?

Hon DAVID CUNLIFFE: As I have said, Ministers must make decisions on the basis of the best information available to them at the time, and they are entitled to rely upon the information provided to them by members on all sides of the House.
Darren Hughes: Is he aware of any members of Parliament advocating for overstayers or illegal immigrants, such as Mr Craig Foss, who wanted overstayers to work in a vineyard in the Hawke’s Bay?

Hon DAVID CUNLIFFE: I am aware of requests for ministerial discretion from all sides of the House. I hope Mr Foss has not asked the Inland Revenue Department for a similar discretion.

Madam SPEAKER: That last comment was not necessary. Would the Minister please withdraw.

Hon DAVID CUNLIFFE: I withdraw.

Dr the Hon Lockwood Smith: If the Minister asserts to this House, as he has done just now, that two of the 262 special directions made in response to those 438 submissions from Taito Phillip Field involved false information from Taito Phillip Field, how many of the other 260 special directions in response to Taito Phillip Field’s submissions also involved false information?

Hon DAVID CUNLIFFE: That is not what I have asserted to the House.

Dr the Hon Lockwood Smith: Would the Minister exercise ministerial discretion to grant a work permit to someone like Miss Ngaosri, who had shown such contempt for New Zealand law as to be an illegal overstayer for several years, whose application for a special direction had been turned down by his Associate Minister in 2001, and who had been declined refugee status in both 2002 and 2003—a ministerial discretion urged by Taito Phillip Field—if he would, why would this Minister do that?

Hon DAVID CUNLIFFE: I would not, because as Minister I do not decide individual cases.

**Working for Families—Uptake**

6. CHARLES CHAUVEL (Labour) to the Minister for Social Development and Employment: What reports has he received on the uptake of Working for Families tax relief?

Hon DAVID BENSON-POPE (Minister for Social Development and Employment): In the month of June 2006, 70,500 more families were receiving Working for Families tax relief through the Inland Revenue Department than a year before. In the month of June alone, the Government paid out $140 million in Working for Families targeted tax relief to hard-working New Zealand families raising children. I am pleased to confirm to members of the House that the Working for Families tax relief package is tracking according to forecast.

Charles Chauvel: What reports has the Minister received about public understanding of targeted tax relief for working families?

Hon DAVID BENSON-POPE: The impressive uptake in Working for Families targeted tax relief this year does indicate a high level of public awareness. But I have seen a report in the *Dominion Post*, dated 27 July, which demonstrates that Dr the Hon Lockwood Smith PhD does not realise that Working for Families tax relief was first implemented in the 2005-06 tax year, is very confused at the difference between the 2004-05 and the 2005-06 tax years, and does not realise that Working for Families tax relief is a progressive tax system that proportionately targets lower and middle income earners compared to higher income earners.

John Key: Is the Minister aware that his own ministerial staff have been directly contacting businesses and asking them to make presentations on Working for Families on the cafeteria floor because they are deeply concerned about the appropriate take-up rate, and is that further evidence that his $15 million advertising campaign is not working; in which case, will he commit today to saving the taxpayer a bit of money by canning the balance of the programme?
Hon DAVID BENSON-POPE: Yes, I am aware—
Madam SPEAKER: No, I have not called the Minister; I cannot hear.
Brian Connell: I raise a point of order, Madam Speaker. Just to protect myself, I point out to you that neither Phil Connolly or Brian Connell said anything in that last exchange.
Madam SPEAKER: That was not a point of order.
Hon DAVID BENSON-POPE: Yes, I am aware that staff are making approaches in workplaces to employers and to unions to ensure, as this Government has requested, that people do have access to the entitlements they should be picking up.
I can confirm the widespread support for this proposal in the House by reading the following quote to the member: “I don’t think of Working for Families as a welfare programme. Many people in employment also receive money from Working for Families. So we have clearly said that certainly what’s been rolled out so far will be continued, and we’re likely to roll out much of the rest of the programme as well.”, which was, of course, said by former Governor of the Reserve Bank, and current National Party leader, Don Brash.

Sue Bradford: Has the Government made progress in reducing the number of people who are required to pay back tax relief at the end of the financial year because of changing circumstances and their difficulties in assessing income; and what steps is the Government taking to cut further the numbers of those forced to pay money back?

Hon DAVID BENSON-POPE: The normal process, as the member understands only too well, is at the end of the year to carry out the wash-up of people’s tax expectations. That process will continue as it has in the past.

Corrections, Department—Ministerial Confidence

7. SIMON POWER (National—Rangitikei) to the Minister of Corrections: Does he have confidence in his department; if so, why?
Hon MITA RIRINUI (Acting Minister of Corrections): Yes, but there is always room for improvement.
Simon Power: Will the Minister now explain to the House how collaborative working arrangements operate?
Hon MITA RIRINUI: Collaborative working arrangements, known as alliances, share the risks between designer, constructor, and owner. The risk is lower for all parties because the rewards and the risks are shared.
Simon Power: Why did the Minister’s department adopt the collaborative working arrangement method, when it has been described as “one of the first of its kind in New Zealand”, with project manager John Hamilton claiming that the department was providing “a major leadership role in undertaking the project in such an innovative way”; and does the Minister think it appropriate that a Government department take on the risk of experimenting with such an untested contracting arrangement, when it has clearly led to a half-billion-dollar blowout in the construction of four new prisons?
Hon MITA RIRINUI: Once again, the member is wrong. There is nothing new about closer working relationships, either internationally or in this country. I can give the member some examples. The central motorway junction in Auckland—the construction and expansion of Auckland’s central city motorway sections—was successfully completed last year. Fletcher Construction was involved in that. We understand that the cost of that programme was in excess of $1 million. Mighty River Power is another example. Would the member like me to go on?
Simon Power: Can the Minister confirm that under the collaborative working arrangement approach contractors lose a proportion of their margin if forecast costs are exceeded, but if costs blow out any further “it is the department only taking
responsibility”, as a Department of Corrections report states; and why are taxpayers carrying the $490 million can for this suspect contracting arrangement?

Hon MITA RIRINUI: Once again I repeat for the member’s benefit that closer working alliances are nothing new. The risks and the benefits of the construction are shared. If the member does not understand that philosophy he should ask his back-bench colleague from Tauranga, Bob Clarkson.

Simon Power: Is the Minister confident that the reviews by the State Services Commission and Treasury will find that his department was competent in managing the costs of the regional prisons project; if not, why not?

Hon MITA RIRINUI: I will wait for the report to be released.

Simon Power: Can the Minister confirm the rumour that the corrections portfolio is in such a mess that all decisions relating to the construction of the four new prisons have been taken out of his hands and are now made on the ninth floor of the Beehive?

Hon MITA RIRINUI: No.

Ron Mark: Would the Minister not accept that many of the problems that have plagued the Department of Corrections over the past 6 years, and have led to a reduction in public confidence in the department, have arisen because many of the people in the middle management tiers and in head office are simply incompetent; if he does accept that that statement has some validity, can he tell the House what progress he is making on the restructuring of that office?

Hon MITA RIRINUI: I cannot affirm the member’s assertion. However, in answer to the previous question from the National Party concerning the rumours circulating around the department, such rumours exist—and I never listen to them—but they all pre-date 1999.

Senior Citizens—Positive Ageing Strategy

8. Hon MARK GOSCHE (Labour—Maungakiekie) to the Minister for Senior Citizens: What progress is the Government making in encouraging participation in the workforce among senior citizens as outlined in Goal 9 of the Positive Ageing Strategy?

Hon RUTH DYSON (Minister for Senior Citizens): Since the implementation of the Positive Ageing Strategy a number of initiatives have been undertaken, including the PeoplePower project by the Department of Labour and the Equal Employment Opportunities Trust, which provides information and employment strategies for older workers. Another is the Jobs Jolt package. An evaluation of the latter initiative suggests that the package resulted in a 4 percent decrease in the number of 55 to 59-year-olds receiving an unemployment benefit for a 9-month period.

Hon Mark Gosche: What reports has the Minister seen on obstacles to participation in the workforce by senior citizens?

Hon RUTH DYSON: I was very distressed to see a report that one of Parliament’s most senior members was prevented—in fact physically prevented—from effectively participating in his job yesterday by a man who has a very poor track record of dealing with senior citizens.

Barbara Stewart: How will the broader entitlements being made available to senior citizens by way of the golden age card interface with the Government’s positive ageing strategy?

Hon RUTH DYSON: As part of the confidence and supply agreement with New Zealand First, my associate Minister, the Rt Hon Winston Peters, and I have been working well together to finalise the golden age card provisions. Those provisions will enhance the delivery of the Government’s Positive Ageing Strategy. I hope they are of some benefit to the current leader of the National Party.
9. KATE WILKINSON (National) to the Minister of Justice: Does he stand by the Taskforce for Action on Violence within Families report, which claims that “Access to protection orders by victims will be enhanced.”; if so, why?

Hon MARK BURTON (Minister of Justice): As the question indicated, the statement the member refers to is a statement made by the Taskforce for Action on Violence within Families. Although I am not a member of the task force, I am a member of the Family Violence Ministerial Team, which has received the report. The advice in the report is currently being considered, and the ministerial team, through the chair, will provide comment to assist the Government with its response.

Kate Wilkinson: How can the Minister not accept that the declining number of protection orders reported in the Ministry of Justice Family Court Statistics 2004 is indicative of the declining number of lawyers who are prepared to take on legal aid work and is reflected in the vulnerability that Blenheim Women’s Refuge and sexual assault clients face?

Hon MARK BURTON: The concern I have to ensure the long-term viability of legal services is reflected, firstly, in the enhancement of the current legislation to broaden access to legal aid, and, secondly, in the national survey being conducted right now by the Legal Services Agency to ensure that we have accurate nationwide information on which to base future decisions.

Sue Bradford: What will the Government do to ensure that Women’s Refuge will be able to provide adequate services to back up the recommendations in section 5 of the violence within families report, given that some refuges can barely survive now, much less cope with the ongoing increased demand?

Hon MARK BURTON: Although I have no direct responsibility for funding decisions for women’s refuges—as I think the member understands—it is fair to say that the approach the Government is taking with the ministerial group and the senior officials who are involved in the task force is indicative of a determination to ensure that the quality of service that is available within the community is guaranteed and enhanced in the future.

Jacqui Dean: How can he have confidence in the legal system when judges are admitting to reading documents on protection order applications and making decisions on them “during a 15-minute tea break” and when every month since June last year there have been more breaches of protection orders than new orders granted, or is this the only way the Government can deliver speedy and inexpensive access to justice?

Hon MARK BURTON: If the member wants to raise questions relating directly to the courts portfolio she should perhaps address those questions to the Minister for Courts. But I can say to the member—[ Interruption ]; if her colleagues will allow her to hear—that I am aware that my colleague the Minister for Courts is undertaking considerable work to review and improve court processes to ensure that the quality of service delivered is enhanced and improved.

Sue Bradford: Will the Minister be taking steps to make sure that hard-pressed groups like Women’s Refuge are not having to do the legal work for women needing to take out protection orders, as is happening in some cases at the moment, so that women who need them will be able to take them out regardless of their income?

Hon MARK BURTON: As I indicated in an answer to a previous supplementary question, work is being done now to look at the extent of legal aid requirement where it exists. In addition, I can inform the member that the Minister of Finance says the Legal Services Agency will be getting more spending. The Legal Services Agency will be reporting to me, in terms of the remuneration rates issue, to look at an appropriate
setting and process for reviewing those rates, as I have indicated earlier, to ensure that that can be done as soon as the new legislation is bedded in.

Jo Goodhew: How can the Minister justify a statement made on his behalf in the House last week that: “This Government is taking the issue of family violence seriously.”, when Family Court cases—such as a woman and her new partner being stabbed to death by her former partner while she was in the process of getting a protection order—raise serious questions about the speed of the process and the availability of legal representation on protection order applications?

Hon MARK BURTON: I have previously answered, effectively, that question. The Minister for Courts is looking at the speedy resolution of such cases.

Kate Wilkinson: How can the Minister justify a comment made on his behalf in the House last week that: “This Government has put more money into every agency responsible for reducing family violence.”, when Women’s Refuge has warned that its services could be cut because of a recent $21 million Budget funding shortfall although it has an 80 percent increase in the number of women who want protection from violent partners but want to remain in their homes?

Hon MARK BURTON: I can confirm the accuracy of the comment made on my behalf. An increase in funding has been received, including by Women’s Refuge.

Kate Wilkinson: How can the Minister justify a statement he made to a Blenheim law firm in response to the firm no longer undertaking legal services work that: “The work of legal aid providers is a vital contribution to ensuring access to justice for all New Zealanders, and the contribution of providers to our communities is something this Government does value.”, when all his Government has done is escalate the shortage of legal aid providers by increasing eligibility without addressing the lack of funding; and how does this deliver speedy and inexpensive access to justice?

Hon MARK BURTON: I can justify that matter because, contrary to the member’s assertion, there has not been a lack of funding. There has been a multimillion dollar increase in funding to ensure an extension of eligibility. I cannot apologise for the fact that the first priority of this Government was to ensure accessibility and entitlement to low-paid people before we put up the rates to lawyers.

Question No. 10 to Minister

RODNEY HIDE (Leader—ACT): I seek the leave of the House to hold my question over until the Minister with responsibility for Auckland Issues can fit Parliament into her busy schedule.

Madam SPEAKER: Leave is sought. Is there any objection? There is objection.

RODNEY HIDE (Leader—ACT): I raise a point of order, Madam Speaker. Do we have an Associate Minister with responsibility for Auckland issues?

Madam SPEAKER: That is not a point of order. Does the member wish to put his question?

Water Supply, Auckland—Local Government Act

10. RODNEY HIDE (Leader—ACT) to the Minister with responsibility for Auckland Issues: Is she aware of any risks created by the Local Government Act 2002 to Auckland’s waterworks, given her reply to supplementary questions on 15 June 2006; if so, what action has she taken to address those risks?

Hon Dr MICHAEL CULLEN (Leader of the House) on behalf of the Minister with responsibility for Auckland Issues: I am aware of an issue in relation to section 225(d)(i) of the Act, and discussions are continuing with the Minister of Local Government.
Rodney Hide: Does she find it acceptable that anyone endangering Watercare Services’ above-ground pipes must advise Watercare Services, but that such advice is not necessary, because of a drafting error in the Local Government Act 2002, if the pipes are below ground, so endangering Auckland’s water supply?

Hon Dr MICHAEL CULLEN: Indeed, that question relates to section 225(d)(i) of the Local Government Act 2002. But simply rectifying that by inserting a reference to Watercare Services in relation to the reference to a local authority would not have dealt with the issue that caused this question to arise.

Dr Richard Worth: Does she not realise that her covert support for the Auckland Regional Council proposal to take over the asset of Watercare Services from the constituent territorial local authorities and the removal of the statutory cap on water prices in the Local Government Act 2002 will hugely increase water prices for consumers in the Auckland region; why does she not back off?

Hon Dr MICHAEL CULLEN: I have never seen that particular Minister back off in her life.

R Doug Woolerton: Do the references to the principles of the Treaty of Waitangi contained in section 4 of the Local Government Act 2002 in any way affect the risk to Auckland’s waterworks; if so, how?

Hon Dr MICHAEL CULLEN: I am not aware of a risk to Auckland’s water supply from section 4 of the Local Government Act 2002, but I always welcome further representations from the member on those matters.

Rodney Hide: Is she aware that Genesis Energy recently did not tell Watercare Services, because it was not required to do so, of its intention to shift a huge transformer over roads that passed over underground pipes in South Auckland that carry the water from the Waikato River to Auckland, that if it had not been for an alert staff member in a water retail company a major source of water to Auckland could have been cut, and that because of that error Auckland runs the risk of having its water supply cut, 24 hours a day, 7 days a week; what is she doing about that?

Hon Dr MICHAEL CULLEN: As I said to the member, it is not quite as simple as I think he assumes. Section 225 of the Act refers to the carrying out of work on or in relation to a waterworks, and the particular incident he cites, which is the cause of the concern that has led to the matter being brought to the attention of the Government, probably would not be covered by simply amending section 225 in order to refer to Watercare Services. That is why further work needs to be done to make sure this kind of situation can be covered in the future.

State Houses—Damage

11. PHIL HEATLEY (National—Whangarei) to the Minister of Housing: Is he concerned that damage to State houses has increased 40 percent from $15 million in the 2004-05 financial year to $21 million in the last financial year?

Hon CHRIS CARTER (Minister of Housing): Any increase in costs of repairs is a concern. However, more than half of the total damage bill was for basic expenses that all landlords face, like mowing lawns prior to re-letting, replacing locks and shower curtains, clearing drains, and replacing flooring, which are also included in the tenant damage category in some circumstances.

Phil Heatley: Will the Minister concerned confirm that this staggering blowout is not from regular maintenance, as he would have us believe, but is, in fact, “not a result of fair wear and tear”, but “results from the action or inaction of a tenant or third party,” according to the Housing New Zealand Corporation’s own definition; and what is he doing to curb this skyrocketing damage bill?
Hon CHRIS CARTER: No, the member misrepresents what he is quoting from the Housing New Zealand Corporation. One of the reasons we are recording more tenant damage is because we are investing more in maintenance for currently tenanted properties, rather than waiting for them to become vacant before making repairs, and we are identifying more things that need to be fixed as a result.

Russell Fairbrother: What is the Government doing to recover the cost of damage to State houses?

Hon CHRIS CARTER: The Housing New Zealand Corporation has a very clear policy. When damage is intentionally caused by tenants or other parties, we go after the perpetrators and seek to recover the costs. Last year the amount we recovered from tenants increased by 25 percent.

Pita Paraone: Given the impact that damage to State houses is having on their demand, is the Minister satisfied that his Government’s claim that there are 5,700 more State houses than there were when the Labour-led Government took office is in any way adequate, considering the previous National Government reduced the stock by 13,000 during the 1990s; and has the Government any plans to restore the stock of State housing to the level available prior to National’s massive sell-off?

Hon CHRIS CARTER: I can say with confidence that we have increased the number of State houses by over 7,000 to start to make up for the 13,000 that the previous Government sold—mostly to speculators, not tenants.

Judy Turner: Does the Minister agree that the evidence is clear that people take greater care of property they own themselves; if he does, can he also see additional benefits in the rent-to-buy scheme for State houses, as proposed in a policy by United Future?

Hon CHRIS CARTER: I can confirm that the Government does recognise that people owning their own house is the best possible outcome. That is why we have brought in things like Welcome Home Loans to help them do that.

Phil Heatley: Why is it that of the $21 million of deliberate damage, only half is recovered from tenants; and how many tenants have been asked to leave over the past year because of their ongoing disregard of State houses?

Hon CHRIS CARTER: The member continues to misrepresent the figures. The two greatest causes of maintenance costs are the repair of broken windows and cleaning. Most of the cleaning takes place between tenancies.

Phil Heatley: Why is the Minister again budgeting $21 million in the next financial year to fix State house damage and vandalism if he thinks his softly, softly strategies will solve the problem; why is he budgeting the same amount if he thinks his strategies will work?

Hon CHRIS CARTER: I remind that member, and the House, that most of that money goes toward repairing the houses through normal maintenance. We really value the State house stock. We want it to be in good repair because we want people to live in decent houses.

Phil Heatley: How does the Minister think the 11,500 families languishing on the waiting list feel when others abuse the privilege of a State home; what does he say to those needy families when others—who have caused $21 million worth of damage—are allowed to abuse the homes given to them?

Hon CHRIS CARTER: I spend a lot of time explaining to people on the waiting list who come to see me that the previous National Government sold 13,000 of those houses.

Phil Heatley: Why is it that under this Minister, State house tenants can earn $95,000 before tax, can profit from four, five, or six paying boarders, and can now
vandalise a place and still never be asked to leave, and all the while 11,500 needy families languish on the waiting list?

Hon CHRIS CARTER: The Government continues to have tenants who pay market rents. Most of them are tenants who were brought in during Mr McCully’s time, when all State house tenants paid market rents.

Phil Heatley: I seek leave to table the Housing New Zealand Corporation’s own definition of this $21 million, which is used not for wear and tear but for vandalism and damage.

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

Phil Heatley: I raise a point of order, Madam Chair.

Madam SPEAKER: No, it is the Speaker.

Phil Heatley: Sorry, there is a habit of getting names wrong in this House.

Madam SPEAKER: We all do it from time to time.

Phil Heatley: I seek leave to table the budget for vandalism and damage for this coming year, which is the same amount budgeted for damage as last year.

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

Gender Equity—Reports

12. JILL PETTIS (Labour) to the Minister of Women's Affairs: What reports, if any, has she received supporting gender equity?

Hon LIANNE DALZIEL (Minister of Women's Affairs): I have seen a report that states: “the bedrock values I see as fundamental to New Zealanders are an acceptance of democracy and the rule of law, religious and personal freedom, and legal equality of the sexes. If you don’t accept these fundamentals, then New Zealand isn’t the place for you.” These sentiments were expressed by the current Leader of the Opposition, Don Brash, in a speech last Friday.

Jill Pettis: What other reports has she received on alternative approaches to gender equity?

Hon LIANNE DALZIEL: I have seen extracts from a book that identifies a lack of commitment to equality between the sexes. The book states, for example: “The girls don’t need a high level of education because they are not permitted to be in paid employment after they marry.” This is, of course, unless the husband cannot work. This book is about the practices of the Exclusive Brethren, funder of Don Brash and the National Party.

Te Ururoa Flavell: Tēnā koe Madam Speaker. Tēnā tātou katoa. What advice was sought from her ministry to permit the removal of the words: “a gender-inclusive curriculum, which acknowledges and includes the educational needs and experiences of girls equally with those of boys,” from the new draft curriculum statement; or, as with the deletion of the Treaty of Waitangi principles from legislation, does the Minister believe that not talking about the gender of Māori and non-Māori students enhances gender equity?

Hon LIANNE DALZIEL: I do not have any advice from my ministry on that particular subject. If the member would like to put down a question, I will be happy to answer it for him.

Te Ururoa Flavell: What advice was sought from her ministry about the removal of the words “non-sexism” or “non-racism” from the new draft curriculum statement, and does she agree that the removal of those words endangers gender equity?

Hon LIANNE DALZIEL: I have brought no information to the House in respect of submissions the Ministry of Women’s Affairs may have made on the curriculum. I do
not know the answer to that question. If the member puts down a written question, I will be happy to provide the information to him.

**Question Time**

Hon MAURICE WILLIAMSON (National—Pakuranga): I raise a point of order, Madam Speaker. I refer first of all to Standing Order 377(1), which states: “An answer that seeks to address the question asked must be given if it can be given consistently with the public interest.” I also refer to Speakers’ ruling 153/3, which states: “An answer to a question ought to be given if it can be given consistently with the public interest.”

I want, Madam Speaker, to take you through a series of events that have happened in this House in the last few weeks that I think you need to take quite seriously. Back-bench members of Parliament, especially Opposition members, have very few opportunities to hold an executive to account. One of those is question time in this House. It is your role to ensure that our rights as members of Parliament are protected, and that Ministers do not obfuscate when asked questions.

I would like to draw your attention, first of all, to question No. 3, an immigration question, on Wednesday, 19 July in this House. My colleague Lockwood Smith asked a number of specific questions of David Cunliffe. They were questions like: “Would the Minister expect a discretion to be exercised to direct a work visa to be issued to someone who had shown such contempt …”—as with questions we have had today. Mr Cunliffe’s answer was: “It is important to note that all matters regarding the Ingram inquiry do not fall within my jurisdiction as Minister of Immigration.” He was not asked about the Ingram inquiry. He was not asked about its setting up, how long it took, or how much Dr Ingram was funded to do it; he was asked a specific question about an immigration matter.

If you read question No. 3 of 19 July, you will see there were a number of further questions from Dr Lockwood Smith, such as: “What action would be taken by the Minister of Immigration on finding that a submission made to him by a fellow Minister …”, where, again, there was no reference to the Ingram inquiry. Mr Cunliffe’s reply was: “I repeat that matters pertaining to the Ingram inquiry do not fall within my responsibilities as Minister of Immigration …”. In the interests of saving some time, I will not read the further four replies. In fact, at one stage Mr Cunliffe stated: “For the fourth time, I say that thinly veiled references to matters already covered in the Ingram inquiry have been dealt with within that inquiry …”, and that they were not his responsibility. That was on 19 July, and there was a clear indication from Lockwood Smith that he wanted to get answers on specific immigration matters. Members of Parliament have a right to hold an executive to account to them.

If we move forward 8 days to 27 July, my colleague Dr Lockwood Smith asked a very simple question of the Minister of Immigration: “Does he have confidence that ministerial discretion was exercised appropriately in the case of Mr Sunan Siriwan?”. Again, no reference was made to the Ingram inquiry, just to a particular case. At that point Mr Cunliffe, who did not want to deal with the specific question, started off by saying: “The Ingram report describes the decision as ‘a justifiable exercise of that broad discretionary statutory power.’ ” Dr Lockwood Smith interjected on that, and Mr Cunliffe then, in a number of answers, said: “Once again I refer members to paragraph 179 of the [Ingram] report, which states that it was ‘a justifiable exercise …’”.

Madam Speaker, you can see from that that only 8 days after 19 July the Minister of Immigration, in his answers to a back-bench member of Parliament in the Opposition, had done a complete 180-degree flip. Earlier on, he refused to answer those questions from the member, because he said: “It is important to note that all matters regarding the
Ingram inquiry do not fall within my jurisdiction ...”. A week later, on 1 August—yesterday—again in reply to Lockwood Smith, he stated: “Yes. The Ingram inquiry found no evidence to suggest ...”. Mr Cunliffe has now taken to replying on the Ingram inquiry only, and not referring to the specific question.

Madam Speaker, I would like you to go away and think about this matter seriously, because you are concerned about enforcing order in this House—and I support you on that. But members of Parliament cannot be expected to show up here, day upon day, and, when we want to ask specific questions of members of the executive—who are paid to do their job and paid to answer them—just obfuscate, as has clearly been done by Mr Cunliffe on a number of occasions. When he does not feel that it will help to answer a question, he says that it is none of his business; when he feels that it is better to go the other way, he talks only about the Ingram report and will not answer the specific question raised.

Madam SPEAKER: I thank the member for his contribution. I would remind members, of course, that the Standing Orders do require points of order to be made succinctly, but, using discretion, I have allowed the member to complete his statement. I have done my own inquiry as to whether questions are addressed; I have not just isolated a few. It is interesting, when one does the analysis, to see, in fact, that the vast majority of questions are addressed. But some are not. That is why I have asked Ministers from time to time to address the question. But obviously we will in future take note of what members have been saying, in order to ensure that—as the member quite rightly said—the executive is held to account through question time.

QUESTIONS TO MEMBERS

Taxation (Annual Rates, Savings Investment, and Miscellaneous Provisions) Bill—Submissions

1. JOHN KEY (National—Helensville) to the Chairperson of the Finance and Expenditure Committee: How many submissions, if any, has the Finance and Expenditure Committee received on the Taxation (Annual Rates, Savings Investment, and Miscellaneous Provisions) Bill?

SHANE JONES (Chairperson of the Finance and Expenditure Committee): I roto i te reo Māori, 3,681.

[An interpretation in English was given to the House.]

[In the Māori language, 3,681.]

John Key: Is he aware that it is normal to receive about 50 submissions on a taxation bill, that it is highly unique that we have received approximately 3,600, and can he tell us, from his diligent reading of those 3,600 submissions, how many are opposed to the bill?

SHANE JONES: About 37 hours have been set aside to hear those submissioners who want to be heard, and I look forward to Mr Key wrenching himself from his leadership ambitions and joining us to hear them.

Madam SPEAKER: The member did not need to make that comment. Would the member please rise and withdraw the comment.

SHANE JONES: I withdraw and apologise.

General Election 2005—Inquiry

2. Dr RICHARD WORTH (National) to the Chairperson of the Justice and Electoral Committee: On what authority did she cancel the meeting of the committee on 2 August 2006 when the only item of business related to the inquiry of the committee into the 2005 General Election?
LYNNE PILLAY (Chairperson of the Justice and Electoral Committee): As chairperson of the committee.

Madam SPEAKER: Supplementary question, Dr Richard Worth.
Dr Richard Worth: Thank you, Madam Chair.
Madam SPEAKER: I am still Madam Speaker for questions to members.
Dr RICHARD WORTH: I apologise, Madam Speaker. Why, contrary to Speaker’s ruling 77/5, did the member cancel the meeting of the committee; was it to prevent discussion by the committee as to whether the expenditure of public funds by the office of Helen Clark on the Labour Party pledge card and leaflet was outside the scope of the relevant appropriation?

LYNNE PILLAY: As that member knows, the committee’s agreement to meet was conditional on a particular report, and, as that member knows, the report was not available.

Residential Tenancies (Damage Insurance) Amendment Bill—Advice

3. PHIL HEATLEY (National—Whangarei) to the Member in charge of the Residential Tenancies (Damage Insurance) Amendment Bill): What advice, if any, did she receive from the Insurance Council of New Zealand and the Real Estate Institute of New Zealand before introducing the Residential Tenancies (Damage Insurance) Amendment Bill?

MARYAN STREET (Member in charge of the Residential Tenancies (Damage Insurance) Amendment Bill): None before the introduction, but I have received advice from the Insurance Council of New Zealand subsequently. The bill was not drafted on the advice of the insurance or real estate industries; it was drafted in response to concerns raised by the judiciary in the course of giving reasons for a judgment.

Phil Heatley: Would it not have been smart, professional, and diligent to have talked to those two major players—the real estate and insurance sectors—because they tell us that under her bill landlords would struggle to get insurance for their tenants and tenants with a poor insurance history would be unable to get accommodation; as sponsor, why did she not seek their advice?

Madam SPEAKER: Members are reminded that questions, like answers, should be succinct.

MARYAN STREET: I have consulted the insurance industry, but I also place significant weight on the findings of Judge MacAskill, who, when hearing the case of the students in Dunedin who were ruined by an insurance company for damage they did not cause, stated: “The outcome of this proceeding, though in accordance with the law, is unjust. In general, the pursuit of substantial claims against tenants with respect to damage caused carelessly is oppressive in effect, and I respectfully urge that the law be reformed.” That is cause enough for this bill, in my view.

Phil Heatley: I seek leave to table a released submission before the select committee from the Insurance Council of New Zealand, which states tenants will struggle to get insurance.

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

Phil Heatley: I seek leave to table a released submission from the Real Estate Institute of New Zealand, which states that tenants will struggle to get accommodation.

Document, by leave, laid on the Table of the House.
Hon PETE HODGSON (Minister of Health): I move, That the House take note of miscellaneous business. The prisoner’s dilemma that is the National Party is that leaving Don Brash where he is is necessary because its members cannot sort out amongst themselves who will succeed him. The end result of that dilemma is hilarious for this side of the House and downright embarrassing for those members who sit on the opposite side of the House. Dr Brash is not going to come right. He is not going to learn more by staying in the job longer. He will not progressively develop skills to become a good or a better leader. More experience will not sharpen the gentleman’s presentation. The gentleman has peaked. The bumbling has not reduced. The misjudgments are now as frequent as they ever have been. The passage of time has not made Dr Brash more modern, more hip, or more in touch. Instead, the passage of time has made Dr Brash older.

Winston Peters was right when 2 years ago he said that Dr Brash resembled a colonial tea planter. It is an image he cannot shake off, because it is true. This is the man who tried to squeeze an arthritic frame into a dodgem. This is the man who walked a plank with the grace of John Cleese, except that John Cleese hams it up when he does that sort of thing. Dr Brash does not have to ham it up—he looks funny without even trying. He really is like that. This is the man who says things that he must then recant, withdraw, reframe, deny.

Let us be reminded of the things the good Dr Brash has said. Let us remind ourselves that good Dr Brash said: “I don’t care who owns the schools.” Do members remember that? Or this one: “If I had been deciding, yes, New Zealand would have followed President Bush into Iraq.” That is what he said. Do members remember that one? Or this one—the well-known one: “Frankly, if I had had my way the nuclear legislation would be gone by lunchtime.”—“Gone by lunchtime, Dr Brash.” He is the guy who cannot stop blundering. He cannot stop saying things that do not go with the mainstream New Zealand viewpoint and that do not sit with the bedrock values of New Zealanders. This guy is so far out of touch he is stratospheric. This guy is so far out of touch that he is better off on a kiwifruit orchard than he is in the House, because he does not represent much at all in the House of Representatives.

There is more, of course. This is a 5-minute speech and we are surrounded by an embarrassment of riches, besides which we do have more recent examples. Last Friday will do. That was when Dr Brash gave a speech saying that new immigrants should share the bedrock values of New Zealanders. “Well what,” asked the media, nanoseconds later, “might these bedrock values be, and which immigrants don’t share them, Dr Brash?””. “Ah, well,” said Dr Brash, always eager to help, “the equal status of women is something that isn’t always shared by Muslims.” “And,” asked the media nanoseconds after that, “are those equal status of women bedrock values shared by the Exclusive Brethren?””. Those are the same Exclusive Brethren that Dr Brash had no second thoughts about relieving of $1.2 million worth of election activity and pretending for a week during the election that he had not even met them. It is predictable. The thing is that Dr Brash got into trouble during the election by saying he was in favour of mainstream, and someone asking: “What about the Exclusive Brethren?””. Within 9 months he is saying: “I’m in favour of bedrock values.”, and someone is asking: “What about the Exclusive Brethren?””. This guy does not learn. He will not get better. That is Dr Brash’s problem. He will not learn a lot more, because he has stopped learning. He does not, and he cannot, learn how to do better. He is already giving his National Party all he has to give, and it is not enough.
Hon MURRAY McCULLY (National—East Coast Bays): Members often hold differing views across this House—sometimes quite strongly differing views. But there is one matter on which, in all of the time I have been in this House, there has been complete unanimity. That matter is that New Zealand politics has always been regarded as being free from corruption. There has always been a strong consensus across all of the political parties in this House that where even a hint of corruption is alleged, the strongest possible action should be taken to investigate the allegation and to lay the facts bare. That, in all of my time in the House, has been accepted on all sides—until now.

Now we have a different situation on our hands, because the Prime Minister of this country ordered up a report in the form of the Ingram report, which was about 9 months late and short of almost all of the important detail. That report was an insult to this Parliament, and an insult to those who believe in corruption-free politics in New Zealand. Yesterday we saw a further example of insult to this Parliament by Helen Clark, as the Labour Party, aided and abetted by its lapdogs in the Green Party, invited this Parliament to become part of a shabby cover-up of the Field affair. I say the “Field affair”, but it is fast becoming the “Clark affair” because increasingly the scrutiny is moving on to the actions of Helen Clark and to her cover-up of the actions of Taito Phillip Field.

The National Party correctly refuses to become part of a shabby cover-up. We correctly forecast the duplicitous gains that were in prospect. Of course, the objective was simply to close down the Taito Phillip Field affair and the Ingram report—to put them behind us, all shake hands, and go home and pretend that nothing had happened. The Greens were going to move a meaningless motion of censure. Taito Phillip Field was going to follow up with a Clayton’s apology, and it was all going to be over without anyone ever knowing what had actually happened or who had actually done things—perfect; from the Helen Clark rule book. For the National Party to sign up to that arrangement would be to participate in a shabby cover-up. That is what those parties that were to collaborate in such an arrangement are guilty of—a shabby cover-up. Let me be very clear today: the National Party will not be party to any such cover-up, and we will not allow the Taito Phillip Field saga to go away until we have the answers to the questions that every member of the public believes require to be answered. We will go on asking the questions until we get the answers.

The scale of the insult to this Parliament yesterday can clearly be seen by looking at what is laughingly referred to as an apology from Mr Field, who said: “… I accept that members of this House have been concerned by some inferences which may have been drawn from reporting of the Ingram report.” Mr Field says he did not do anything wrong. He does not think he has anything to apologise for. He says it was the inferences that came from the media’s reporting of the Ingram report that have caused concern. Mr Field’s alleged apology continues: “because much of the evidence presented in the report was untested, some inferences”—more of those inferences again—“which may be being drawn are inaccurate, I can understand the disquiet felt by colleagues.” That was straight from the Helen Clark rule book of apologies. We are familiar with the Helen Clark rule book of apologies, and that one was right out of the textbook.

I say to the Prime Minister and her Labour colleagues today that to come along to this House and expect that we would be part of a motion of censure of the sort proposed by the co-leader of the Green Party, to be followed by the Clayton’s apology that I have just quoted from, is a gross insult to this Parliament. It is also a gross insult to every person who has sat in this Parliament and believed that New Zealand politics was free of corruption, and that where there was a hint of a suggestion of corruption, the strongest possible action should be taken to investigate it.
SUE MORONEY (Labour): This week in Parliament has been a week of comings and goings and ups and downs. Of course, I am partially referring to the comings and goings of people who have retired and whom we have farewelled in the last week. We have farewelled Dame Silvia Cartwright, Peter Cartwright, and the Hon Jim Sutton, and, of course, we have welcomed our new colleague, Charles Chauvel. But as part of Labour’s positive agenda of pressing ahead with what we have been doing, this week has been no different. The business tax review and the revised school curriculum mean that more consultation is going on with real New Zealanders. We are consulting real New Zealanders about real issues that affect everyday people.

In talking about the performance in the House and the ups and down and the comings and goings, I point out that the most interesting “up and down” that happened in the last week was when the Prime Minister asked: “Would the leader of the National Party please stand up.” Well, up gets Gerry Brownlee, followed by Dr Brash—but not for long, because Dr Don Brash was severely shoved back down in his seat. Someone should tell Gerry Brownlee that actions speak louder than words, and that action certainly told us a lot. But perhaps Gerry Brownlee did not understand the question. I understand that these days the National Party is so cool that the question probably needed to be put to it in the form of a rap song rather than in a direct question to the House. Had the Prime Minister asked: “Would the real Slim Shady please stand up, please stand up, please stand up?”, perhaps National would have got the answer right. However, it is hard to imagine Gerry Brownlee standing up for that one.

But National’s leader, Dr Don Brash, has tried his very best to set the scene. He has been trying to paint a picture of what New Zealand should look like. He said that immigrants who come to New Zealand should have to agree with bedrock beliefs. But then there was silence. Why has nobody else in his party backed that up? How can one set a scene when the rest of one’s team do not pick up the ball and run with it? Not one other National member of Parliament has raised the issue of bedrock values. What are National members so embarrassed about? I think the rest of them have worked out that their power base at the last election—the Exclusive Brethren—will not be very pleased to hear that it is not welcome in this country if it does not believe in democracy. The Exclusive Brethren—an organisation that stops its people from turning up to vote—does not believe in democracy.

What about equality? The Exclusive Brethren certainly does not promote that. National MPs have not been able to back up Don Brash’s scene-setting speech, because it actually undermines their key organisation in their electorates of the Exclusive Brethren. The Exclusive Brethren must be wondering what sort of bad investment it made in the last election. I should invite that organisation to come to a racecourse to make a better investment than the one it made with the money it poured down the drain by supporting the National Party—a party whose leader then turned round and talked against the organisation’s bedrock values.

I would like to see some more from the exciting new bunch of National MPs who were brought in at the last election—visionaries like Chris Auchinvole, Bob Clarkson, Chester Borrows, and Allan Peachey. Why do we not hear more from those members? Perhaps it is because so much elbowing is going on in the front bench that there is no breathing space for them.

Certainly, there is no policy going on in the National Party, because National knows that it would be unelectable if it told the electorate what it really intended to do. However, it has given us a few clues. One of the most recent is the 90-day probationary period bill that has been drawn out of the ballot. This bill is one of the very few clues we have received about National Party policy. The most significant issue that faces employers in this country today is getting people with the appropriate skills to apply for
the jobs at the right time. What is the National Party’s answer to that? It is to get rid of workers’ rights; it is to tell workers that they can be got rid of within the 90 days, for any reason that the employer wants. That will bring people with the right skills to the doors of employers at the right time!

That bill is giving us a very good clue as to the sorts of policies National would put into place. It is a very timely reminder that its policies are backward policies. They are very backward policies that take away workers’ rights and that have not worked in other work environments. But what is working and what is delivering on those issues is skills development—the investment in skills development that is happening under the Labour Government.

Dr PITA SHARPLES (Co-Leader—Māori Party): Tēnā koe, Mr Assistant Speaker. I want to talk about truth and reconciliation—moving forward as a nation. The establishment of the Truth and Reconciliation Commission in South Africa was one of the turning points in the history of the world. It was a turning point that sought to move a nation forward from the atrocities of the past, and to achieve a future based on healing and reconciliation. At the forefront at that time was Archbishop Desmond Tutu, a tireless anti-apartheid activist and the winner of the 1984 Nobel Peace Prize laureate. He spoke out in a way that I believe speaks to our nation at this time. He said: “If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality.”

Removing the Treaty from legislation and deleting it from education are injustices that must not go unchallenged. The truth and reconciliation that our nation must confront are sourced in our history and in our future, based in our past and given authority in our present. It is a history that must not be erased, deleted, or removed from the school books of our new curriculum, from the statute book of this fine House, or from the public record. It is a history that derives from the relationship given life to in Te Tiriti o Waitangi. Our history is a shared history—a history of Pākehā, of tangata whenua, and of nationhood that has been given its authority from the binding document of our constitution, Te Tiriti o Waitangi.

Last night I read an email from Maanu Paul, the chairman of the New Zealand Māori Council, which I want to share with the House. He wrote: “We need to tell our history. It is a history of passion, commitment, endeavour, sacrifice, and bravery … That is we have a sense of history founded in our island hopping journey across Te Moana Nui A Kiwa (the Pacific), adapting and adopting our architecture, horticulture, language, art, craft, waiata, pakiwaitara, pepeha, and our mātauranga (knowledge). This makes us want to fight for our rights—our tikanga—our taonga and more importantly for the gains our forefathers fought for.”

The mokopuna of Maanu and Gwenda Paul will also, however, benefit from the rich history of whakapapa that comes from the situation of intermarriage. The consequence of the marriage of a Māori man to a Pākehā woman is a demonstration of their unique and shared histories. In the relationship of those two individuals, their children, and grandchildren, we can make sense of the place of Te Tiriti o Waitangi in their past, their present, and their future.

Our history, going forward, lies in our shared humanity. In order to reconcile the past with our movement onwards, we need to be in a position in which we can speak our truth, share our stories, and walk our talk. Reference to the principles of the Treaty in legislation enables us to apply the Treaty to present-day circumstances and issues. Recognising the significance of the Treaty in our curriculum provides our upcoming leaders with an understanding of how both parties can act reasonably, honourably, and in good faith.
Last night I listened alertly to the member from Hamilton West talk with excitement about national identity, defining it as being about the Defence Force, the Territorials, and, belatedly, a bit of arts and culture. Once again, there was an omission by design: the silencing and rewriting of our cultural identity by the glaring failure to refer to Te Tiriti o Waitangi.

Someone who is neutral in situations of injustice has chosen the side of the oppressor. The Māori Party challenges all members of this House to remove the blinkers of injustice, and to speak up about a history denied and a history deprived. Thank you.

Dr the Hon LOCKWOOD SMITH (National—Rodney): There is something very curious about the Ingram report. The report shows that in 2005 a whole lot of painting work was done on a number of Phillip Field’s residences: one at 51 Church Street, Ōtāhuhu; one at 73 Blake Road, Māngere; and one at 2A Prangley Avenue, Māngere. The work was done by Thai immigrants whom Phillip Field had assisted with their immigration applications. These people had been overstayers—all sorts of particularly strange cases. What is interesting is that, in respect of the painting work done on Taito Phillip Field’s houses in 2005, Noel Ingram had no trouble sorting out who did the work. In 2004, similar painting work was done on two of those houses: the one at 51 Church Street, and the one at 73 Blake Road. It is strange, but for that work done the year before—in 2004—Noel Ingram could not sort out who did it, at all.

Taito Phillip Field’s friend Ms Thaivichit said she got a Mr Phimpadcha to do it. The only problem is Noel Ingram found that he did not do it and that that was a lie. So he asked Taito Phillip Field who did that painting work in 2004, and Taito Phillip Field gave a whole range of answers. First, according to Noel Ingram, he said he had no recollection, but “there may have been some internal painting activity …”. Then he said Mr Sulusulu may have some knowledge of who did it. Next, he suggested that “he together with his wife and housekeeper may have been involved; he then suggested that Ms Thaivichit may have been responsible; and finally he stated that he was reasonably confident that Ms Thaivichit would have been responsible for organising that painting.”

Noel Ingram concluded with these words: “I have difficulty understanding why Mr Field would be confused as to whether or not he personally was involved in the painting of 51 Church Street in 2004.” Noel Ingram is drawing to our attention the fact that Taito Phillip Field—a former Labour Cabinet Minister—expects us to believe he could not remember whether he painted a house. I ask members whether that is credible. I can accept that Phillip Field might have said he could not remember whether he started painting that house at the beginning of August or the end of July. But to tell Noel Ingram he could not remember whether he had painted the house is simply lying. I do not care who a person is; no one can claim not to remember whether he or she painted a house. That is not possible.

Members might ask why it matters that Noel Ingram had no trouble sorting out who did all the painting work in 2005, yet could not sort out who did it in 2004. The reason why it matters is that crucial decisions were being made on work permit applications and residence applications in 2004, when that painting work on Taito Phillip Field’s houses was going on. Crucial decisions were being made on work permits and residence applications for Thai immigrants, for painters like a fellow called Mr Chaikhunpol, and if the truth had been revealed about who had painted Taito Phillip Field’s houses, a clear conflict of interest would have been established. This issue in the Ingram report is important because the cover-up—the engineered cover-up—about who did the painting work on those two houses in 2004 covers the time period when crucial decisions were being made by the then Associate Minister of Immigration on some key applications for work permits and residence.
That is one of the reasons why there should be a further inquiry by a select committee into this report. Noel Ingram points out that because people either lied to him—including Taito Phillip Field—or refused to talk to him, he could not sort out those issues. That is why there should be a further inquiry.

Hon CHRIS CARTER (Minister of Conservation): In the last 4 years I have been privileged to hold the job of Minister for Ethnic Affairs. It has given me the chance to engage with probably more diverse groups in this country than most other members have engaged with. I know that you, Mr Assistant Speaker, in your very diverse electorate of Manukau East, which is probably one of the most diverse communities in New Zealand, have had a chance to meet quite a few people. Of course, my colleague Lynne Pillay is a very active person in west Auckland, engaging with communities out there. People like us have had a chance to get to know people in diverse communities, and to know some of the fears, aspirations, and ambitions of those people, and particularly of new migrants to our country.

Last week, when the leader of the National Party, Don Brash, spoke at a conference on immigration and investment in New Zealand, he alarmed those communities. He compounded the fears that were already out there—fears that have manifested themselves in relation to the desecration of Islamic centres in Auckland. Just yesterday I went out to the Hutt Valley to visit a mosque there that had been graffitied with racist graffiti. Also yesterday, a synagogue in Christchurch was attacked. So within our peaceful country—a place that has served as a refuge for many people who have come to New Zealand—racism is alive and well. Luckily of course, this racism is not at the same level that it is at in some other places, but it is out there. That sensitivity, that anguish in the community, was touched on, inflamed, and aggravated last week when Dr Brash suggested people should not come to New Zealand if they did not share core New Zealand values.

Of course, we all want immigrants to share core values, and I say they do. Dr Brash, when asked whom he was talking about, could not or would not name any of the groups he might have been referring to. Of course, he could have touched on the Exclusive Brethren—something my colleague Mr Hodgson talked about earlier—which is a group that does not share core New Zealand values. The Exclusive Brethren do not believe in voting and do not believe in equal rights for women, but are well prepared to give millions of dollars to the National Party.

But I want to get back to our communities and our increasingly diverse multi-ethnic and multicultural society. The situation in Lebanon, the ongoing anarchy in Iraq, the war in Afghanistan, and indeed the racial riots in Australia last year and the massacre of Muslim boys and men in the former Yugoslavia 10 years ago all create a framework whereby ethnic communities in New Zealand are sensitive. For Dr Brash to speak about some New Zealanders not sharing aspects of New Zealand culture is, to say the very least, insensitive. To go further than that, I say it actually creates discord and disunity in our community.

Dr Brash actually implies that diversity is thoroughly bad. Yesterday we had an excellent maiden speech from my friend and colleague Charles Chauvel. He talked about migration being absolutely essential for New Zealand. He said this country was built on migration, from the first canoes that left Charles’ ancestral islands of Tahiti and Rai’atea and other islands, to the ancestors of all of us who have arrived in this country. Migration has enriched both the culture and the economy of this country.

Sending out a message on core values from somebody who aspires to be an alternative Prime Minister is extraordinarily stupid. It is also extraordinarily destructive in the framework of the contemporary international scene. Just last Christmas, we saw racial riots in Australia at Cronulla Beach. We saw a large Lebanese community there
that felt as though it was not part of Australia. In that context, Dr Brash raises the question of some New Zealanders not sharing core values, and he therefore says they should not come to this country.

Again, we ask the Leader of the Opposition to name whom he is talking about. If he is talking about the Exclusive Brethren, I agree with him, but if he is trying to play on racial and cultural prejudices, then I utterly reject that. Populist politicians in Europe and elsewhere have played that card, leading to the destruction of their societies. Racial riots have occurred in Paris and other French cities, and much of the responsibility for that situation can be blamed on the rhetoric of people like Mr Le Pen inflaming the situation in France. The situation is similar in the Netherlands and elsewhere.

We do not want to have racism in this country.

BRIAN CONNELL (National—Rakaia): When Minister Burton took a call—he said it would be short, and thank God it was—he said the Government was embarrassed by riches. In part he is right: it is embarrassed by Taito Phillip Field's riches! I will come back to that in a moment.

I have been in this House for 4 years, and the worst thing I have witnessed since I have been in this House was the obscene gesture that Ron Mark perpetrated yesterday. When I remonstrated with the Speaker to drag the House back out of the gutter into which it had descended, she kicked “Phil” and me out—in doing so she could not even get my name right. She might wonder why the National Party—

The ASSISTANT SPEAKER (H V Ross Robertson): I just say to the member that it is not in order to bring the Speaker into debate, and that members may not use the general debate to discuss a ruling of the Speaker, or the Speaker's view or opinions. In that respect, I refer the member to Speaker's ruling 17/6(3). I ask the member to desist and to be careful how he couches his language.

Gerry Brownlee: I raise a point of order, Mr Speaker. You may recall that over the last couple of days Michael Cullen has been going around various political commentators and telling them that there was no merit in the motion expressing no confidence in the Speaker, and that there was therefore no need to have a particular debate on it, because there was an opportunity in the imprest supply debate, which he described as broad and wide-ranging, and also in the general debate, which he similarly described. I do not know what has happened here. The Leader of the House has tried to tell the media that the Opposition has every opportunity to raise these matters in debate, but somehow, Mr Assistant Speaker, you are now trying to curtail that discussion. I think the Labour members need to get into a room, start talking about all the deficiencies in the cover-up process so far, and come back with a consistent line. Although you are doubtless going to resort to the Standing Orders, and perhaps even Speakers' Rulings, I suspect that somewhere in your in-box there is an instruction—one you have not read yet—from Michael Cullen to bring down a new ruling.

The ASSISTANT SPEAKER (H V Ross Robertson): I thank Mr Brownlee for his comments, and I appreciate the fact that he has considered them. I can but rule with precedent, and that, of course, is Speakers' Rulings. The issue is covered under Speakers' ruling 17/6: “(1) It is out of order for a member to suggest that the Speaker is defending the Government ... (3) or to bring the Speaker's name and opinions into a debate.” It is in relation to the last part that I have asked Mr Connell to be careful how he couches his debate.

Hon Murray McCully: I raise a point of order, Mr Speaker. I want to raise two points with you. First of all, I suggest to you that you misheard my colleague. I was listening to the debate very carefully. I think there is a fine distinction here. He was recounting to the House the level of offence that he had taken at some actions by another member, Mr Mark, in the House yesterday. He is entitled to do that. He was
recounting to the House his anger, I presume it was, that, having raised that matter, he was required by the Speaker to leave the Chamber. That, I suggest to you, was an integral part of the story that my colleague was trying to relate to the House. I was looking forward to hearing the balance of that story, and I think it is unfortunate that you cut him off before you were able to hear the full context of what he was trying to say.

The second thing I suggest is this. There are Speakers’ rulings that require members not to say certain things about the Speaker and that state that if members have a strong view about the actions of the Speaker, there is a formal way in which they can record their dissatisfaction, dissent, or whatever, and then have it considered by the House. The problem is that our having undertaken that step, the ability to have the discussion that the Speakers’ rulings presume will be held has been denied us. I suggest to you that, in that context, you are required to provide a little more latitude to the House, in the absence of our being able to complete the procedure that has been properly initiated. The only step available to members is in the context of a general debate, where we can in a passing way make reference to those events.

Hon Mark Burton: Briefly, I have two points, and both are relevant. The problem was not with Mr Heatley’s reference as to why he felt angry and concerned—

Ron Mark: Connell, not Heatley.

BRIAN CONNELL: I raise a point of order, Mr Speaker.

The ASSISTANT SPEAKER (H V Ross Robertson): There is already a point of order, Mr Connell.

Hon Mark Burton: I apologise to the member Ron Mark. I made the same mistake that he made in referring to—

The ASSISTANT SPEAKER (H V Ross Robertson): I remind members that points of order should be short, succinct, and to the point. I suggest that members do not bring in any practices that can lead to members on the other side taking offence, because that in itself leads to disorder.

Hon Mark Burton: I think the problem was that the member strayed into a breach of Speakers’ rulings. There was not a problem with his recounting why he was unhappy. I do not think that was the problem. It was, as you rightly pointed out, when he strayed into a direct breach of Speakers’ rulings.

The second point gets us back to this problem. The member’s own colleagues started this day by making long points of order that called on the Speaker to apply the Standing Orders. The National members said they were concerned about the House being brought into disrepute because of a lack of respect for the Standing Orders, but then they continually want to challenge the very Standing Orders. They cannot have it both ways.

The ASSISTANT SPEAKER (H V Ross Robertson): I would like to rule on this, because I would like the member to get back to his speech. It is not for any member to relitigate a ruling, and it is not appropriate to debate, in effect, the motion relating to the Speaker. I just ask the member to be careful. He has been here 4 years and he has some experience.

BRIAN CONNELL: I raise a point of order, Mr Speaker. Given the large number of points of order and your rulings for each of those, can I please have more time in my speech?

The ASSISTANT SPEAKER (H V Ross Robertson): I will tell you what I am going to do. I am going to allow you to start again.

BRIAN CONNELL: Thank you very much, Mr Speaker. That is very generous of you. I start, then, by saying that this Parliament has allowed itself to be manipulated by the Prime Minister into sheltering Taito Phillip Field from the proper oversight of this Parliament. Members might recall the Prime Minister saying to the country that when in
Government she would bring new levels of accountability and integrity to this House. Well, she has done that! She has brought new levels, all right. They are so low that one has to get into the gutter to find them. That is the problem. I cannot imagine that the last Parliament would have allowed this type of debacle to develop, by covering for Mr Field and by not allowing this Parliament to get to the truth. Every member of this Parliament is being tainted by the stench of corruption. Any Speaker has an obligation to make sure that the honour of the members of this Parliament is protected. I believe that we are being let down badly. There is hardly a man or woman across New Zealand who, irrespective of voting patterns, does not think that Taito Phillip Field should be brought to account—no men or women except, of course, those in the present Government.

Mr Field may be innocent—I am big enough to allow that—but the point is that we will never know. The trouble with never knowing is that the general public see what is alleged to have happened through Mr Taito Phillip Field’s actions, and the rest of us are marked in the same way. That, surely, has to be unacceptable.

Another question that begs answering is why a man who has done nothing wishes to apologise to Parliament. Why would a man who is guiltless want to stand up before his peers and say that he is sorry?

Chris Auchinvole: It’s a device.

BRIAN CONNELL: Well, it is—the member is quite right; it is a device.

Dr the Hon Lockwood Smith: A little bit sorry.

BRIAN CONNELL: Just a little bit sorry! It is simply a device by the Prime Minister—we can see her grubby handprint all over the drafting of that apology—to take the issue off the agenda. But we are not buying into that.

So what lessons can we learn from what has been perpetrated on this Parliament? If someone perverts the political process for political gain, then that person brings the House into disorder. The disorder we have seen in this House in the last 2 or 3 weeks can be sheeted home directly to the Prime Minister's manipulation of this House, and members of the National Party simply will not stand for it. We are members who not only argue that we have integrity but, by our very actions, demonstrate that we have integrity. We would expect nothing less.

We do have disorder in this House; there is no doubt about that. Despite your asking me not to go there, Mr Assistant Speaker, I say that when we have disorder we end up having no confidence in our Speaker, and that is a sad day for New Zealand. This Parliament has a very proud tradition. A Speaker's responsibility is to protect that tradition and to protect current members in this House from the stench of corruption. I believe that we have been let down.

What do we want from the Government regarding Mr Taito Phillip Field? We want what Dr Ingram wants. He stated: “If the allegations … are to be resolved, it would be necessary for an authority with appropriate powers of investigation to enquire further.” What is so unreasonable about asking for that? All we want is simply for the truth to be got at.

DARREN HUGHES (Labour—Otaki): One of the most interesting things about the Opposition in Parliament, the National members, is that whenever Dr Brash goes out and gives a big speech about a certain area, a deafening silence comes from his colleagues in support of it. On Friday Dr Brash gave a think-piece speech, a scene-setting speech—which is a little hard to take seriously, is it not? Anyway, he trotted off to Auckland and talked about the “bedrock values of New Zealand”, which I would have thought were pretty important; if one were going to be talking about values one would want to mention those that were bedrock values. So he gave his speech, but not a
single one of his flunkies on the Opposition benches have mentioned that speech this afternoon in the general debate.

Hon Ruth Dyson: Not one?

DARREN HUGHES: Not a single one has bothered to back up his or her leader’s call for a debate about bedrock society in New Zealand. Does that leader exist in a parallel universe? Does that man—

Hon Murray McCully: Point of order—

The ASSISTANT SPEAKER (H V Ross Robertson): Point of order—

DARREN HUGHES: The strategist!

The ASSISTANT SPEAKER (H V Ross Robertson):—the honourable member Murray McCully.

Hon Murray McCully: I raise a point of order, Mr Speaker. Before I raised my point of order, you will have heard that after you had given me the call to raise it the member who was speaking made a further comment that was designed to show disrespect both to me and to you. I wonder whether you are going to let him get away with that.

The ASSISTANT SPEAKER (H V Ross Robertson): I am sorry; I did not hear it, Mr McCully. I was otherwise engaged listening to you. Could you please continue.

Hon Murray McCully: It is normally the practice, when such an assertion is made by a member and the Speaker has not heard it, that the Speaker puts it to the member about whom the accusation has been made and asks that member whether he or she wants to confirm it, or not. Are you not going to do that?

DARREN HUGHES: Speaking to the point of order, I say that I do not know what the member is talking about.

The ASSISTANT SPEAKER (H V Ross Robertson): I say to Mr McCully that all members are honourable members; their word is their bond, and I can only take what the member has said.

Hon Murray McCully: I will leave it there, Mr Assistant Speaker. We can get the transcript or the tape, and I am sure we can litigate this on another occasion. But my purpose in rising was to draw to your attention the fact that a reference was made to members on this side of the House that was offensive to those members. I will not repeat the word, but I was surprised you did not take the matter up with the member and ask him to withdraw it. I now ask you to do so.

The ASSISTANT SPEAKER (H V Ross Robertson): I thank the member. I did consider it, but no one actually raised it. The member has now, and I know what the member has said.

Hon Murray McCully: I will leave it there, Mr Assistant Speaker. We can get the transcript or the tape, and I am sure we can litigate this on another occasion. But my purpose in rising was to draw to your attention the fact that a reference was made to members on this side of the House that was offensive to those members. I will not repeat the word, but I was surprised you did not take the matter up with the member and ask him to withdraw it. I now ask you to do so.

The ASSISTANT SPEAKER (H V Ross Robertson): I thank the member. I did consider it, but no one actually raised it. The member has now, and I know what the word was. Can I just say that—

Simon Power: They shouldn’t have to.

The ASSISTANT SPEAKER (H V Ross Robertson):—I am on my feet—under Speakers’ rulings 26/6 and 26/7 members must not use nicknames when they refer to members. The member will now—

Hon Member: It wasn’t a nickname.

The ASSISTANT SPEAKER (H V Ross Robertson): Have you finished? The member will now withdraw and apologise.

DARREN HUGHES: I am happy to withdraw and apologise. I am sorry about that.

Simon Power: I raise a point of order, Mr Speaker. Referring to your last ruling, I feel you now leave the House in a very difficult position. You have just ruled that unless a member reacts to a breach of the Standing Orders, the Speaker or presiding officer will take no action. My understanding is that whether a member reacts to a breach of the Standing Orders is not the measure by which the Standing Orders are enforced. They are enforced if they are breached, whether or not members react. You have now placed us in a very difficult position.
The ASSISTANT SPEAKER (H V Ross Robertson): Can I say to the member—and the member knows this—that members make disparaging remarks about each other all the time. It was the personal reflection that was out of order, and now that the member has pointed it out, the member on the other side of the House has been asked to withdraw and apologise. I note what the member has said—thank you.

DARREN HUGHES: I was talking about the fact that Dr Don Brash, the Leader of the Opposition, goes all around New Zealand occasionally—when the National Party team tells him what to do in terms of his strategy and his style—to try to relaunch his career several more times, and to give it another go. He gives one of those speeches, and I suspect that they are not all that well-thought-out. I suspect that those speeches are decided on a couple of days beforehand, when Mr McCully goes into Dr Brash’s office and says: “Boss, we need a big idea”—

Hon Ruth Dyson: I’ve got a strategy.

DARREN HUGHES:—“we need a circuit-breaker; I’ve got a strategy. It’s a bit similar to the one I gave Jim McLay, Jim Bolger, Jenny Shipley, Bill English, and now you, Don Brash. I’m giving you a similar kind of strategy in terms of a circuit-breaker. Here’s the one I reckon is going to make all the difference.”

Hon Ruth Dyson: What happened to those others?

DARREN HUGHES: Well, the other National Party leaders, of course, have not done so well following Mr McCully’s advice. It was only when the National Party caucus rebelled about his involvement that National’s party vote finally went up. Of course he would never admit that. Interestingly, when National had a photograph taken of its front-bench members, somehow the second-rouwer Murray McCully made it on to the front bench, which I am sure had tongues wagging right across the conference.

So Don Brash gave that speech, right? He got up and said that we have to have bedrock values, because tens of thousands of people come in through Auckland airport, having signed immigration forms saying: “I intend to undermine New Zealand democracy; I intend to break the law at every opportunity; I intend to make sure that New Zealanders who already live in this country are treated badly.” Thousands of people have their immigration forms approved, having written that on their forms, according to Don Brash. So a circuit-breaker was needed to say: “Bedrock values only; otherwise you can’t come in.” Bedrock, of course, is an important part of The Flintstones TV programme—something that Don Brash would like, with his kind of prehistoric views on social policy in our country.

The problem is that after having given that speech, not one of those members has had the loyalty to their leader to make it the centrepiece of their Wednesday debate. He gives those speeches, but none of those members mention them ever again. It is as if the speeches disappear into the ether. National members all come to Wellington on Tuesday and say: “Oh, did you see that Dr Brash gave a speech last week?”, and “Oh well, don’t worry about that; we’ll just wait for the next big flip-flop. We’ll get on with the next thing; don’t worry about it.” So I am feeling very sorry for Dr Brash at the present time, in that regard, because when will that man’s policy speeches be taken seriously? It does not look as if they will be, at all. [Interruption]

The Minister for Senior Citizens is here, and she spoke in question time today about the difficulty we saw when Mr Brownlee manhandled Dr Brash back into his seat in the Chamber. I have never seen the Prime Minister exert so much influence and control over this Chamber. She gave her answer, then said that we were not sure who the leader of the National Party was and asked one of them to decide. They both got to their feet, and before we knew it Gerry Brownlee—in a very familiar-looking move—pushed the pensioner away. The way he was able to do that looked good, did it not?
Simon Power: I raise a point of order, Mr Speaker. Members on this side of the House are concerned that the member on his feet has only a short period of time remaining, and we want him to take the opportunity during his speech to verbally come out in support of Taito Phillip Field. We are wondering when he will get to that.

The ASSISTANT SPEAKER (H V Ross Robertson): That is not a point of order. I say to the member that frivolous points of order designed to break up a 5-minute speech are in themselves disorderly. Such tactics lead to disorder and are unacceptable for the progress of the business of the House. The member has his first yellow card.

DARREN HUGHES: Thank you for your protection, Mr Speaker. We now know that Simon Power’s leadership aspirations rest on breaking up the speech of the member for Otaki. That is the great strategic comeback from Simon Power. He used to be the “Kennedy” figure of the National Party, and now the only thing he can do to try to get himself noticed in Parliament and in Hansard is to interrupt the junior Government whip. I do not think he will have much chance of getting the National Party leadership at all.

The members opposite who are yelling, screaming, and showing themselves to be a disgrace of an Opposition have not given us a single policy this afternoon. They do not back up their leader. They cannot explain how one can spend more and tax less—a very simple question of economics. They say the same thing every day they come to Parliament: the Government never spends enough money on any issue it is covering, and the Government should get less revenue. Can members work that out? Can they work out how one can tax less and spend more? These people are impossible. They do not support their own leader. They spend all their time trying to ignore the fact that he even exists. When he fronts up in Parliament they push him around, and he is pushed back into his seat by a man who was once convicted and fined $8,500 for throwing a pensioner down some stairs—and now is paid $8,500 a month in Parliament to push his leader around. The man is an absolute disgrace in that regard. The Opposition should focus on things all New Zealanders can feel they belong to, not wacko Exclusive Brethren things to which women are not allowed to belong. We believe that the Labour Party should be inclusive of all New Zealanders.

Hon TAU HENARE (National): Absolute corruption, absolutely dirty, and a cover-up as big as my blanket at home—in fact, bigger. The lies the officials have told—absolute corruption. And that was just about the French Revolution back in 1789! The same situation exists here. It smells dirty, it smells corrupt, it looks corrupt—and, by crikey, it is corrupt. And the Government talks about bedrock principles of democracy. Well, the bedrock principles of democracy are based on telling the truth—on elected officials fronting up and not using the system for their own benefit. That is not what has happened here. Not one of the Labour speakers today has supported Phillip Field. Out of a caucus of 50 members, not one has got up and stated support for Phillip Field. Well, we never know—maybe one Labour member supports him.

There has been $450,000 spent and 9 months of work—and do members know why the report contains nothing they can hang him on? It is because the terms of reference were decided by the Prime Minister. The outcome of this report was already worked out when the Prime Minister sat down with Michael Cullen and Phillip Field and worked out the terms of reference for the so-called Ingram report. Half a million dollars later we are none the wiser. Why? Because the matter has been covered up, from start to finish. Government members know that full well, so do my former colleagues in New Zealand First—they know as well—and not one of them will get up and support Phillip Field either.

Yesterday we saw in this House the application of one rule for some and another rule for others. While others got away with disgusting behaviour, two members from this
side of the House were marched out of the House for absolutely no reason. I take this opportunity to say that I am totally against the Speaker.

The ASSISTANT SPEAKER (H V Ross Robertson): The member knows that it is not in order to bring the Speaker into the debate. Members may not use the general debate to do that. I refer the member to Speaker’s ruling 17/6—I want him to look at that—and I say to him that if he has any concerns at all about the Speaker then the only way to air them is by a notice of motion. I suggest that the member might like to take that course. I now ask the member to stand up and withdraw and apologise. He has his first yellow card.

Hon TAU HENARE: I withdraw and apologise.

The ASSISTANT SPEAKER (H V Ross Robertson): I thank the member.

Hon Murray McCully: I raise a point of order, Mr Speaker. I ask you to consider your ruling again and to reflect on the matter I touched on in an earlier point of order. I have no dispute with your ruling as to what the Standing Orders say, and they do correctly identify an approach members should take when they feel a lack of confidence in the presiding officer. I remind you that that course of action has been taken. Members on this side of the House have tried to comply with the Standing Order—have lodged a notice of motion—and it is through the actions of the Government that they are being denied the opportunity to debate the motion they have properly filed. Surely in those circumstances members on this side of the House must be granted some latitude. As members have been denied the vehicle the Standing Orders prescribe for their use in such circumstances, surely they must have the ability to make a passing reference in the course of a general debate on a Wednesday afternoon, because they have no other recourse.

The ASSISTANT SPEAKER (H V Ross Robertson): I thank the member. That matter was dealt with previously when another National member spoke. There was general agreement as to how the member would conduct himself, and he did so admirably. Mr Henare went a step too far. He has now withdrawn and apologised. I appreciate that he has done that, and I ask him now to desist and come to order, and to continue with his speech.

Hon TAU HENARE: Some are born good, some make good, and some are caught with the goods. That member, Phillip Field, has been caught with his hand in the cookie jar—the big cookie jar, not the little wee lolly jar. And not one of the members opposite has enough—no, I will not say it—to stand up and support a colleague. They do not have enough gumption to support the former Minister—and this is not the first such occasion.

I want to say also that in the beginning it was Phillip Field who was at fault. Then as the big snowball started rolling it collected Prime Minister Clark. It also collected Dr Cullen. And yesterday we saw it catch someone else: Jeanette Fitzsimons of the Greens. Let us not forget about her. They are all complicit in this dirty cover-up. No democracy in the world can get away with a little bit of corruption or a big bit of corruption. Wherever corruption raises its ugly head we must do everything in our power to make sure we root it out, because we owe it to the institution of democracy and to the people of this country to do so.

This matter should be before the Privileges Committee. But if it is not to go to the Privileges Committee, why has the Serious Fraud Office not—

Simon Power: I seek leave to have 10 minutes put aside at the conclusion of the general debate for Labour Party members present to express their support for Taito Phillip Field.

The ASSISTANT SPEAKER (Ann Hartley): Leave is sought for that purpose. Is there any objection? There is.
Hon BRIAN DONNELLY (NZ First): A few weeks ago we heard of the decision that Church College is to close its doors. What people might not realise is that although it was entitled to do so, that school, which began in 1958, did not until the last couple of years accept any Government funding other than student-specific funding such as the ongoing resourcing scheme. We need to recognise the contribution Church College has made to New Zealand. Now that most of the 700 or so students from Church College will be entering the fully funded system, the decision to close the school will have significant costs for the Government, in terms of both additional buildings to accommodate students, and money for ongoing teacher salaries and operational funding.

In the State housing area where I grew up many kids attended private or independent schools. In fact, over the country thousands of kids from working-class homes attended private schools. I am referring particularly to Catholic schools, and members on both sides of the House will have attended Catholic schools when they were independent. Those schools had remained outside the State sector when the sector was established in 1877, and had received nothing from the Government since that time.

In 1975 that all changed with the Private Schools Conditional Integration Act, which drew all Catholic and many other independent schools under the State’s umbrella—but not all; a few retained their independence. There are now 112 independent schools, catering for almost 30,000 students. They range from decile 1 to decile 10 and have annual fees ranging from $400—I might note—to $12,000. To put that into context, I tell members there is an integrated school here in Wellington that receives virtually the same funding as any other State school but that is charging parents an annual fee of $4,500. There is a primary State school in Auckland that charges well over $450 per annum.

Over time, the amount of support from Government for independent schools has ranged from a high of a 50 percent subsidy for teacher salaries in 1975, to a low of nothing in 1989. By the year 2000 the subsidy had been increased to 30 percent of the cost of a State student for years 1 to 11, and 40 percent for years 12 to 13. Interestingly enough, at that time the GST paid by parents on fees paid was almost exactly half the subsidy provided by the State—in other words, when $19.1 million was paid in GST, $40 million was paid out in subsidies.

But a decision was made by the new Labour Government to cap the total amount of money funded to independent schools at $40.2 million. The results have been drastic for those schools. As teacher salary costs have risen—and they have risen by 45 percent since 1998—those costs have had to be absorbed. As school running costs have risen—and they have risen by 39 percent since 1998—those costs have had to be absorbed. As student numbers have increased—and they have increased by almost 25 percent since 2000—those numbers have had to be absorbed. When the 1,200 home-schooled Brethren students enrolled at independent Westmount School, the Government saved itself more than $1 million per annum in home-schooling fees, but it did not pay an additional cent for those students to be taught in the independent system.

I am calling on the Government to revisit the capped fund policy, because of its practical implications. There are those who say that independent schools should receive nothing. Regardless of one’s political position, the truth is that those schools are still responsible for the education of young people in becoming fully productive citizens of our nation. It is our nation that benefits from what those schools are doing.

There is also a practical reality. Independent schools save the country money, and I can well remember Archbishop Liston, during my time at school, threatening the Government that if it did not come to the party then the Catholic proprietors would close all their schools down. It would be a massive cost to the Government if it had to
cater for the 27,000 additional students that would be its responsibility if the
independent schools all closed tomorrow.

There is actually an optimum point of subsidy from a cost point of view. Research by
the New Zealand Institute of Economic Research shows that it is around about the 45
percent mark. That is well above even the 30 percent subsidy, but the result of the cap
has been to reduce the rate to close to 25 percent.

I say that the Government is treating those schools punitively. It is the parents, who
have already paid their taxes, who are receiving the blunt end of the stick. They have to
pay higher fees and more GST. Anyone with any sense of justice will see how unfair the
situation is. So New Zealand First will be asking that the Government revisits this
policy—not to give a full funding, because we do not believe in that; not even to give
the level of a 45 percent subsidy; but at least to give a return to the proportion of
funding in 2000. We know that those who send their children to independent schools are
unlikely to vote for Labour or New Zealand First but, nevertheless, it is up to the
Government to do the right thing.

Hon RUTH DYSON (Minister of Labour): After hearing that contribution, which
was well considered and thoughtful—even though I might not agree with many of the
points made—I find it very difficult to imagine how much that member must miss his
former colleague Tau Henare, who made the previous contribution to the House. The
difference in style and in the ability to get anything progressed in this Parliament has
never been more stark than when listening to the Hon Brian Donnelly, preceded by Tau
Henare.

This has been another very, very bad week for the current leader of the National
Party, culminating in his being pushed around quite literally by his deputy leader, who
has a very well-known reputation for assisting people down the stairs—particularly
people who do not want to go down any stairs. But doing it in front of the entire House,
and therefore in front of the entire nation, during question time is just extraordinary.

Every week Dr Brash proves to the nation and the caucus that he does not have what
it takes to be the leader. Every week he provides us with more evidence that he is not up
to being the leader. Every week he provides us with policy, contradiction, and double
standards—fresh off the back of the National Party’s extraordinary “cool” marketing
presentation, as was outlined to the House the week before the National Party
conference. It is a marketing campaign that, by the way, Dr Brash had not seen 3 days
before it was presented to his own party conference. He had not even seen it. Mind you,
we should not be surprised about that. This is the same Dr Brash who called a press
conference—he was not door-stopped; he specifically called a press conference—to
explain the email story. Then part way through the conference, when he was challenged
about the content of his own email, he said to the journalist that he actually did not have
a copy of that email. He was provided with a copy and then proceeded to read it out to
the entire group at the press conference. Should we be surprised that that member had
not even seen his own marketing campaign, which was presented just 3 days afterwards
to his own party conference?

That “cool” presentation talked about a number of things, such as encouraging the
new women members of the National Party—and old members of the National Party—to
try to get their faces on the front page of Woman’s Day and New Idea. If that party
could come up with one new idea then members may well deserve to get their photos on
the front cover, but, at the moment, they have not.

One of the other ideas that was presented to the National Party during the “cool”
presentation was that National MPs align themselves to charities and non-governmental
organisations, so they could cosy up to them and say: “We’re your friends. We’ll help
you.” That was very interesting news to one charity. I received an email from a very,
very reputable organisation, which stated: “I saw in last week’s *Dominion Post* that National Party MPs were being encouraged to get involved with charities.” It sounds like a good idea; of course, they would have to be told to do it. “I have approached National Party MPs asking them if they would assist with a charity collection.” What was the answer? “To date, I have had only one reply, which said that that particular person was unavailable to help.” That is the response that a genuine, reputable, not-for-profit organisation in New Zealand got when the National Party was fronted up to deliver.

New Zealanders do not want a marketing campaign, and they do not want to see the soft, airbrushed face of Judith Collins on the front pages of their magazines; they want action. When this organisation asked for action, what it got from the National Party was “No, we are too busy.” Well, I would like one member of that caucus to show some genuine commitment to not-for-profit organisations and to deliver, but no one will.

The cool marketing campaign, which their leader did not even know about, is not going very well with the public so far. Then we led on to the “bedrock” speech. I have to commend Dr Brash for the name of his speech. It is a fantastic name. Bedrock is the town in which the Flintstones—the Stone Age cartoon characters, Fred and Wilma, and Barney Rubble—live. Nothing suits that member more than the Stone Age.

JACQUI DEAN (National—Otago): I want to make a gesture to the Labour Party. I want to make a gesture to the Government. What I will do is offer Labour members some of my speaking time, in which they can have the opportunity to raise a point of order. This is a genuine offer. I would like to give the members who are present on the other side of the Chamber—and I see Sue Moroney—an opportunity to stand up and give their support to Taito Phillip Field. They should do it now. Let it be noted that I have invited those members to do so. I have made time available. I am happy to do it again so that the members opposite can stand up and give their support to Taito Phillip Field. I will give them another moment. Look at them. Not one of the members opposite is prepared to get up and support their colleague. What does that tell us? It tells us there is a cover-up. There is a smell in this Chamber, and that smell revolves around Taito Phillip Field.

I listened to the maiden speech of the new Labour member. It was very good, in fact. He has high ideals for himself, for his party, and also for New Zealand. What a shame that his Government does not live up to those modest ideals. Boy, is he in for a shock when he gets to know what it is like to be within the Labour caucus. The Labour caucus members do not have the guts to stand up and support their colleague in the House. I again offer them an opportunity to stand up in this House and lend their support to their colleague Taito Phillip Field. No, the silence is absolutely deafening.

Mind you, this is a party whose leader signs paintings that she does not paint herself; this is a party whose leader sped through South Canterbury last year, and then blamed it on her police escort; this is a party whose leader, as Prime Minister, loves her people so much that she referred to a staff member as “a lowly messenger”. This is a Prime Minister who will do anything, whatever it takes, to hold on to power.

I want to see a select committee inquiry into the goings-on of Taito Phillip Field. It is not a hard thing to ask, but will the Government do it? I doubt it. We needed a select committee inquiry, but what did we get? After 9 months of waiting we got a report on Taito Phillip Field. These were the powers of the inquiry. Noel Ingram’s powers were no different from the ability of any natural person—in other words, he had no powers. He did not have the power to compel attendance of witnesses before him to give evidence. He did not have the power to administer oaths in relation to those examined or interviewed. He was the same as me. He had no powers to compel the production of
documents in the course of this inquiry. This is not good enough for the people of New Zealand.

The Labour Party has just celebrated its 90th birthday—90 proud years of the Labour Party. Man, those members must be absolutely ashamed of what is going on in this House in 2006. We have here Labour members with their heads down; Labour members who are not prepared to get up in this House and support their colleague. What must those people who founded the Labour Party 90 years ago be thinking of the party today, which is prepared to shield a man who has taken advantage of people.

Remember, this is the Labour Party. This is the party that will not support a man who has taken advantage of illegal immigrants and paid them less than the minimum wage. This is the Labour Party—the workers’ party. This is the party that is shielding a man who paid immigrant people less than the minimum wage. Oh, yes! Labour members are not laughing now. What we need is a select committee inquiry.

The debate having concluded, the motion lapsed.

PROTECTED OBJECTS AMENDMENT BILL

Third Reading

Hon MAHARA OKEROA (Associate Minister for Arts, Culture and Heritage) on behalf of the Hon Judith Tizard (Associate Minister for Arts, Culture and Heritage): I move, That the Protected Objects Amendment Bill be now read a third time. In today’s global climate, culture is an increasingly sought-after commodity, and the protection of our movable cultural heritage requires robust and effective legislation. The illicit international trade in cultural objects ranks alongside drugs, money-laundering, and illegal arms trading as one of the largest international criminal industries. It provides a strong incentive for the related crimes of theft and the pillage of archaeological sites, historic complexes, and religious monuments. Significant New Zealand cultural objects have been exported without permission in the past, and the current legislation provides inadequate protection for the future.

New Zealand has had first-hand experience of the legal problems that can arise in trying to recover illegally exported cultural heritage objects that surface in the international art market. Members of this House are aware that the New Zealand Government litigated, at great expense, in the English courts in the 1980s in an attempt, which was ultimately unsuccessful, to recover maihi that came off a pātaka from Ngāti Rāhiri of Te Ātiawa. New Zealand is also a likely destination or transit State, particularly for items from our region.

The Antiquities Act 1975 has been known for some time to have shortcomings in its ability to address the issues arising from illicit trade. It has shortcomings also in relation to its definitions, its penalties regime, the export restrictions, and the determination of the ownership of discovered Māori objects. With the third reading of this bill, we near the end of what has been a long process of review of the Act. The bill changes the title of the Act to the Protected Objects Act 1975, and it puts in place a number of amendments that will bring the legislation into line with the needs of the 21st century.

The bill was introduced to the House on 3 February 2005. It had its first reading on 5 April 2005 and was referred to the Government Administration Committee. The committee received 15 submissions from interested groups and individuals, including four oral submissions. The hearing of evidence took 1 hour and 14 minutes, and consideration took a further 1 hour and 10 minutes. The committee reported back to the House on 1 August. The bill was read a second time on 10 May, and completed its Committee stage on 25 July. Technical amendments and a change to the
commencement date of the bill to 1 November were made by Supplementary Order Papers 12 and 48 in the name of the Hon Judith Tizard.

This bill comes at a time when New Zealand’s heritage landscapes, buildings, sites, and objects, as well as our records of the people, ideas, and events that have played a role in our history, are being recognised as invaluable assets. Those are the things that, above all else, sustain our sense of national identity. We have seen the establishment and funding of regional museums, policy for capital construction projects, the establishment of the National Heritage Preservation Incentive Fund, the best-practice Policy for Government Departments’ Management of Historic Heritage, and the funding of the hugely significant Kerikeri Heritage Bypass project. Preserving and celebrating our unique cultural heritage is about being able to take our place in the world and build our future from a sound basis of pride in being a Kiwi. That is one of the reasons why, over the past two terms, the Government has introduced a programme of funding and legislative measures aimed at better protecting New Zealand’s cultural heritage.

The Protected Objects Amendment Bill is a key component of the Government’s programme of changes in the heritage sector. The bill puts in place the provisions necessary for New Zealand to sign up to the International Institute for the Unification of Private Law and Unesco international conventions, and establishes a register of precious objects that could be subject to claims for recovery through conventions if illegally exported. A key driver of that has been to secure reciprocal protection from other State parties for New Zealand cultural objects that are stolen or illegally exported.

The bill makes less expensive and onerous the processes for claiming the ownership of heritage objects through the Māori Land Court. It provides for a substantial increase in penalties for illicitly exporting or destroying our precious heritage objects, ensuring that there is a real and powerful deterrent. The bill clarifies and further defines the categories of heritage objects for which permission to export is required. It makes the processes for applying to export heritage objects more consistent, and it requires professional advice to be given by experts. The benefit of those changes will, ultimately, be priceless—the assurance that we retain those objects whose unique value makes them an indispensable part of New Zealand’s cultural heritage. Every time an important cultural object is illegally exported, our nation’s heritage is eroded and all New Zealanders are poorer, if not financially, then culturally—because this is an issue for all New Zealanders.

Legislation aimed at protecting our cultural heritage has always been based on the principle that the Crown has a legitimate interest in ensuring that items of major heritage value, including those in private ownership, are retained in New Zealand. That said, heavy-handed legislation that constantly impinges on legitimate activity is clearly not desirable. The bill therefore seeks to preserve the careful balance between the national interest and private property rights that was established in the Antiquities Act. Because it targets a limited number of objects, it will not impose change on the majority of collectors and traders.

In concluding this speech, I would now like to take the opportunity to acknowledge the members of the Government Administration Committee for their consideration of the bill and the improvements that have been made in the light of their report. Several useful contributions were also made by other members of the House during the Committee stage. I would also like to thank those in the community who spent time and effort on preparing submissions on the bill and the position paper of May 2003.

The Government has set aside $100,000 for publicity and education in the first year following the enactment of this bill. A further $85,000 each year has been set aside for the likely increased costs of administering the Act. The Ministry for Culture and
Heritage will undertake a comprehensive information campaign in order to raise awareness of the changes and their practical impact. In addition, the ministry has a database of over 500 stakeholder individuals and groups who will receive regular information and updates prior to the Act’s commencement. I am confident that this will ensure the smooth and effective implementation of the new provisions.

I am excited that we have arrived with this bill.

Hon Brian Donnelly: Yes, we can hear it in your voice.

Hon MAHARA OKEROA: I thank the member for being so perceptive. The sound framework that the bill provides for the protection and management of New Zealand’s movable cultural heritage will define our nation as one that truly cherishes the tangible reminders of its past. I commend the bill to the House.

CHRISTOPHER FINLAYSON (National): I am sure the Associate Minister would agree with me when I paraphrase St Paul—we have certainly run the race with the Protected Objects Amendment Bill. I am sure we are pleased it has reached its first reading, and because the Associate Minister gave a very full and fair speech I do not intend to speak for very long.

Darren Hughes: Third reading.

CHRISTOPHER FINLAYSON: It is the third reading; I apologise. I saw the member for Rimutaka light up. I was sure that when I was talking about St Paul, he was thinking about himself, but no, that was not the case.

I will begin by saying how disappointed Mr Groser is that he is not here for this third reading. He is actually in Geneva at the moment, dealing with the World Trade Organization arbitration between Airbus and Boeing, which is, of course, a huge tribute to New Zealand and to Mr Groser himself. I say to the member for Otaki that it is slightly disappointing that not one Labour member of Parliament has had the class to congratulate him on his hugely important appointment.

The Associate Minister briefly mentioned the legislative history of this bill. I think it is fair to say that what should have been a reasonably straightforward bill, which could have got through the House fairly quickly, turned into something of a Homeric epic. The introduction of the bill, as the Associate Minister said, was on 3 February 2005, and it is only in August 2006 that we reach the happy stage of holding the third reading debate. That says something about the way Parliament is run, and I do not think it is particularly good for the country that it takes so long to get legislation through the House. I think we have to sharpen up in that regard.

As I have said throughout the course of the debates that I have been involved in on this bill, National supports this bill. As the Associate Minister said, it amends and improves the Antiquities Act, which provides for a system of domestic control over the export of cultural heritage objects, but does not provide for the means to recover objects that have been illegally exported. As the Associate Minister said, that is why we need it, in order to accede to the Unesco convention that provides specific structures for international cooperation and for the cross-border recovery of items that are significant in terms of our cultural heritage. Accession to the International Institute for the Unification of Private Law convention is also required, because it complements the Unesco convention and allows for a person to sue in a foreign court for the return of foreign cultural objects.

In previous speeches, I have referred to—and I think the Associate Minister even briefly referred to—the facts of a case that the Attorney-General of New Zealand brought in the English courts to recover an object that had been taken from the Associate Minister’s own hapū. It went all the way to the House of Lords, but nothing could be done. That is the sort of the problem that has been faced with regard to New Zealand taonga and antiquities for many years. Indeed, I can recall a former professor of
law of mine recounting a story to me. He and his wife were looking through a second-hand shop in Toronto and happened to come across a Goldie painting, which I think they picked it up for a very, very small price, because the owner of the shop did not realise how valuable it was. That makes one think of how many protected or valuable objects have been lost to New Zealand because of the absence of legislation such as this. So it is high time there was legislation in this area. But in order to have legislation passed through the Parliament, we, of course, first needed the international conventions that I have referred to.

Unfortunately, the new regime has no retrospective effect. I do not say that in a critical way, because there is no way around that. It will take effect only from the date appointed by the Governor-General, and the same will apply in any foreign jurisdiction. But hopefully, from this time forward, we will be in a situation where the kinds of facts represented in the Ortiz case will not occur again.

So, as I said, National supports this bill. It is very important legislation, and I am pleased it is coming into force just as soon as the Governor-General signs it. We hope that this new regime will stop the illegal export of protected New Zealand goods. We also hope that the regime we have set up will provide protection, as Mr Groser said in his second reading speech, for the Elgin Marbles-type situation; there are many countries that have basically been pillaged of protected objects because of the actions of others.

In conclusion, it is worth recording that National was originally responsible for the passage of the Historic Articles Act in 1962. That Act was the precursor of the Antiquities Act 1975, which this bill amends and updates. One of the many false and misleading claims made by the Prime Minister in recent years is that National has never done anything for culture. Of course, nothing could be further from the truth. When the facts are examined, one can see that National has an extremely proud record in the arts, culture, and heritage area. As I said, we were responsible for the passage of the Historic Articles Act in 1962. We established the Historic Places Trust, which has been the subject of amending legislation in recent times, we were responsible for the establishment of the Arts Council, and we were responsible for the establishment of the Film Commission. Actually, we provided the first Minister for arts, culture, and heritage, Mr Highet, in 1975. So our record is a very proud one, and the legislation that was passed in 1962, which became the Antiquities Act in 1975, is the legislation that this amendment bill seeks to improve.

I support the third reading of this bill, as does the National Party. We look forward to the bill being signed into law as soon as possible.

Hon PAUL SWAIN (Labour—Rimutaka): I rise to speak in support of the bill. Firstly, I want to congratulate the Minister who, while giving an impassioned speech, almost lost some of his own protected objects during the course of it but he managed to get back on track. So I say to him: “Good work.” As the previous speaker has just said, this legislation has been around for a while. Obviously it has needed the attention of the House but, more specifically, the bill tries to define and describe precisely the types of protected New Zealand objects that are subject to export regulation. It prohibits the permanent export and wilful damage of such objects. So I looked at the bill very, very carefully. I wondered, particularly when I looked at some of the schedules, whether this bill was perhaps some code for the Leader of the Opposition and the National Party, because we know that both are relatively close to extinction and both need some form of protection.

When I look at new schedule 4, to be inserted into the principal Act by clause 30, on which very good work has been done by the Government Administration Committee, I see that it defines “fossil”. It is very important that fossils are protected from export—
Shane Ardern: Have a look around you, Paul.

Hon PAUL SWAIN: Ah well, this is the point. I see that “fossil” has been defined in this way: “‘fossil’, irrespective of how it is preserved, means an object constituting the remains or traces of a non-human organism that lived in New Zealand prior to human habitation; including (but not limited to) the whole organism or parts of it, or trace evidence of its behaviour”. Actually, it sounded very much like Don Brash to me, when I thought about that definition. Obviously at some stage—and probably it will be sooner rather than later; although I think to be fair and honest from Labour’s perspective, we would prefer later rather than sooner—Don Brash will be leaving the National Party leadership, and obviously there may well be an attempt to try to export him. But I think that he could well be protected under the definition of “fossil” in the Protected Objects Amendment Bill.

Darren Hughes: Not from self-harm.

Hon PAUL SWAIN: That is right. So I think it is incredibly important that National members realise that while they might try to get rid of him, he could well be around in New Zealand for a very long time, because he could well come under the provisions of clause 5 of schedule 4.

Then we go on to look at some of the other things in schedule 4. I found the Protected Objects Amendment Bill very interesting when I was reading it. Clause 3(2) in schedule 4 talks about documentary heritage objects, and states: “(2) Objects in this category include … (c) photographs and negatives: …”, so I wondered whether we might have a couple of photographs that are protected from being exported. Two sprang to mind. The first one was of the Leader of the Opposition climbing into the stock car.

Darren Hughes: Oh, that was a good one.

Hon PAUL SWAIN: That was right. So I think it is incredibly important that National members realise that while they might try to get rid of him, he could well be around in New Zealand for a very long time, because he could well come under the provisions of clause 5 of schedule 4.

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Darren Hughes: Oh, that was a good one.

Hon PAUL SWAIN: That was a great photo, and I am certain no one would want to export that, because it is certainly now a part of the wonderful campaign heritage of the previous election.

Darren Hughes: A taonga.

Hon PAUL SWAIN: It is absolutely a taonga, and one that people should be referring back to. No one should be allowed to export that photo, because it certainly belongs in New Zealand.

The other photo that came to mind was the walking the plank photo. I thought that was a photo that, once again, should be protected. It should be preserved in New Zealand. Clearly the National Party should make sure that photo is not able to be exported. The Government has come to the party and is now passing legislation to ensure that that particular photo—the wonderful photo of Dr Brash walking the plank—will remain in New Zealand and not be able to be exported. There will be serious fines for people who try to do that. So if National members were trying to clear the decks of their past history, and to sneak those photos into an envelope—the walking the plank and the climbing into the stock car photos—and send them away, there will be quite serious fines for doing that. I cannot quite remember, but I think they might be up to $10,000 or something like that. I wonder whether that is GST-inclusive or GST-exclusive.

Darren Hughes: They wouldn’t know that.

Hon PAUL SWAIN: No, those members do not know, because they had some problems with their returns, as I recall, around that matter.

Anyway, I continued looking at schedule 4, because I actually thought, deep down, that this legislation was code for the National Party and the Leader of the Opposition. Further on in schedule 4, clause 5 talks about natural science objects and I found in that clause a definition of “taxon”. A taxon—I was not sure about this, I must say; we learn something every day—means “a taxonomic grouping of extant or extinct organisms,
such as a genus, species, or sub-species”. However, in my mind, all we really need to do is to say: “Taxon equals the National Party.” That is what it is. The National Party is certainly an extinct organism.

Darren Hughes: How did they slip that amendment through?

Hon PAUL SWAIN: I do not know. I suppose the problem is that some people are wondering whether it would be possible at some stage to export the National Party, holus-bolus, overseas. I think that under this particular provision in schedule 4 the definition of “taxon” clearly applies to the National Party—it being an extinct organism, genus, species, or subspecies—and someone would be prevented from doing that. There may be a lot of people in New Zealand who would think that exporting the National Party would be a good thing. I am not sure what that person would get for it overseas; maybe someone was thinking of putting it on TradeMe. But I think that, under this legislation, no one would be allowed to export the National Party for fear of incurring some sort of fine.

The final thing I looked at when I looked further through schedule 4 was a list of cultural issues I think they were called, or some such thing. That list came up with all sorts of things that should be protected, such as “social and political issues”. I looked down the list and I expected to find “bedrock values” in there, because we would think that, in New Zealand, bedrock values should not be able to be exported. So I thought the Leader of the Opposition would have at least tried to put an amendment into the bill by looking at New Zealand bedrock values, mentioning them in the schedule, and attempting to define the term. Of course, the problem is that when asked what those bedrock values are, Dr Brash had some difficulty in defining them. I think he talked about the idea of things that all New Zealanders share. He said that there are some issues around the values of some people who come in from overseas—for example, men’s treatment of women, I think he said.

The next question was whether this issue was a bit of a problem with the Exclusive Brethren, and whether the Exclusive Brethren shared those bedrock values. The problem that Dr Brash got into was that he did not think forward to the next question.

Darren Hughes: Never does.

Hon PAUL SWAIN: He always gets himself into that problem. I think there was an issue previous to that one, was there not? I cannot remember what it was about. It was not bedrock values, it was something else.

Darren Hughes: Mainstream!

Hon PAUL SWAIN: That is what it was—it was about who was mainstream. Basically, in the end, defining who was mainstream came down to it being everybody who voted National. People who were in the mainstream were people who supported National, and those who were not in the mainstream were everybody else in New Zealand. So that led to some hilarity and, in the end, what do we hear about mainstream now? Not one skerrick, not one sausage, and not one razoo do we hear about mainstream. Now the topic is “bedrock”—and I bet people that “bedrock” goes the same way. It will be one of those things that the National Party never mentions again, because the leader of the National Party is somebody who simply cannot think those things forward. Of course, basically, that is why he is no good at the job. The problem is that he has not got it, because either one has it or one has not.

The ASSISTANT SPEAKER (Ann Hartley): The member needs to come back to the bill.

Hon PAUL SWAIN: I support the bill. It is good and I think, by and large, it is doing a good thing for the National Party.

SHANE ARDERN (National—Taranaki-King Country): That speech was made by a once quite reasonable Minister of the Labour Government. What we have just
heard illustrates what happens to the fossils from the Labour Party when the Prime Minister of New Zealand no longer requires them to be part of her team.

I will come back briefly to the Protected Objects Amendment Bill—on which there was not a lot of discussion in the last contribution—and say at the outset that the National Party supports its passage. We do so for a number of very sound reasons, one of the most important being that it brings New Zealand into line with internationally recognised treaties and with organisations such as Unesco. It also gives New Zealand artefacts, and such like, the same protection as one would expect internationally.

But I shall digress just for a moment to tell the member who has just finished his speech that I know of one photograph that will definitely become part of New Zealand’s archives—the photograph of one little “Fergie” tractor being driven up the steps of Parliament. In fact, the tractor itself could even become a protected object under this legislation. I will tell the member why that might be so. He may jump to the conclusion that the reason is the famous, defunct “fart tax”, but it is not.

Hon Member: It’s because it’s illegal.

SHANE ARDERN: The reason is that that same little tractor was brought all the way back to Wellington from the Waikato and driven to the courthouse with a billboard on the back of it, stating: “Unlike the Prime Minister, we don’t destroy the evidence.” I think the billboard itself will one day fall under the schedules of this legislation, because the words on it absolutely capture the political climate we find ourselves in at the moment.

Certainly, as the previous speaker said, we see a range of things under new schedule 4, added to the principal Act by schedule 1, that this bill sets out to protect, and one of them is social and political issues of note. I say to the House that the tractor incident is a political issue of note, because what we had then we still have today, which is a Prime Minister who is prepared to go to any lengths to cover up or protect the poor innocent ears of society from some of what goes on in the Labour Party—from some of the things the Labour Party sees as being fair and credible things for an MP to do.

So I thank the previous member for giving me this opportunity to respond in terms of this political issue of note. It is a political issue of note, because we are seeing a deterioration in the standards that apply in this House that goes well beyond where this House has ever gone in the history of New Zealand and of this Westminster-style Parliament. I say to that member, who is now listening to my speech from a different place, that he is quite right when he raises under schedule 4 some of the aspects that relate to political issues of the moment.

I also say to members opposite who interjected by saying that driving a tractor up the steps of Parliament was illegal that that incident was actually tested in court. They may be interested to read what the judge said. I will paraphrase what he said, because I cannot remember the exact quote. He said: “There may or may not be a force higher up at play here,”—that is pretty close to what he said—“but whatever the event is, this case should never have been brought to this court.” Members opposite should go back and study that case, because the judge could see what was going on. It certainly was not fair play, nor was it one law for all; it was one standard for Opposition MPs and another standard for the Prime Minister and other Government-supporting MPs.

Under this bill I think there is quite an archive of material in New Zealand that should be protected and never allowed to be sold offshore. Certainly, the photographs of the little Ferguson tractor circulated around the world. I have had photographs sent back from Moscow. Also, CNN and the BBC rang me up. So I thank the Government at this point in time for the opportunity it gave me as a result of its insistence, through the Commissioner of Police, that I be prosecuted and brought before the law. One could not
have wished for a better opportunity, quite frankly. I am sure that that history will all be protected.

Just for a moment, I will come back to the bill. The chief executive will, at the end of the day, have the power—the legislative control—to decide what is and what is not an important artefact. Obviously, he or she will seek advice, and that is a good thing.

I guess the second important thing in this process—and it is an example of how if one lets the socialists go too far, they will always go too far—is the governance of the Historic Places Trust and other organisations. If we look at other legislation that has been debated in the House recently in respect of how these various organisations are governed, we will see that the Government has, in its wisdom, decided that having more Government appointees—Labour-lackey ministerial appointees—is the way to achieve a better outcome, rather than having people chosen on merit from within society to have a view on how the various pieces of legislation should be enforced. I say to the House that in this particular legislation, which we are supporting, the balance has been struck about right, but the Minister and Government members need to go back and look at some of the detail in various other bits of legislation they have passed in recent times to protect some of our heritage. They need to ask themselves why they have been diverted off what has been a very sound and reasonable process in deciding those things. I say to the Government members present that they should do a bit of research into this, because they might find some of it very useful when they campaign during the next election. Unfortunately, a lot of what they will find will be very damaging to them, and we will certainly use that to achieve the strongest possible outcome we can.

As my colleague who spoke previously said, National has a proud history in this area. It is often said that if one is from the left-academic side of politics, one will have a much higher regard for art, heritage, and things that should be protected. Yet if we go back through the legislative process, we will see that it is the National Party that has been to the fore in passing legislation to protect this kind of stuff, that has led the setting up of structures to ensure our heritage is looked after, and that has been involved in the promotion of various organisations that promote arts, and such like. It is not, as is commonly thought, entirely the domain of the academic left; it is the domain of all of New Zealand, and the National Party has a proud record in that. So we support this bill.

Hon BRIAN DONNELLY (NZ First): This bill has one enormously important implication for New Zealand, which is that it prohibits the exportation of taonga tūturu. I want to explain what I mean by that by telling everybody that some commentators have suggested that the present leader of New Zealand First, the Rt Hon Winston Peters, who is also the Minister of Foreign Affairs, will, at the end of his stint here, take up a position overseas. There are suggestions he may go to the United Nations or to the Pacific Islands Forum, or even that he may become the High Commissioner in London. Given the sterling work he is doing as the Minister of Foreign Affairs, those suggestions are quite sensible and logical. He has received world recognition and he has charmed Condoleezza Rice, so it is completely logical that people should make those suggestions.

However, this bill actually prohibits the exportation of taonga tūturu. I will explain the definition of that taonga. It relates to Māori culture, history, and society. No one can deny that Winston Peters has made a huge contribution to our society and our history as a nation—particularly for Māori. New paragraph (b) of the definition of taonga tūturu in clause 6 states: “was, or appears to have been,—(i) manufactured or modified in New Zealand by Māori;”. Well, Winston Peters had a Māori father, so therefore he meets that criterion. The only other criterion is that the taonga tūturu has to be more than 50 years old, and certainly Winston Peters is more than 50 years old. So as a result of this bill,
Winston Peters will have to remain in New Zealand for the benefit of us all. We think that in itself is a good enough reason to vote for this legislation.

The National member Christopher Finlayson expressed disappointment that the bill has not moved fast enough through the House. Maybe he could ask his colleagues to spend less time on frivolous points of order and time-wasting debates. Then the House could focus more on the real business, which is to move important legislation like this bill through in a timely fashion. Who knows what may have gone out of this country in the interim period while those people were taking frivolous points of order?

Christopher Finlayson also mentioned the Elgin Marbles.

Debate interrupted.

**TABLING OF DOCUMENTS**

**Conduct in the House; Photograph**

Hon BILL ENGLISH (National—Clutha-Southland): I am sorry to interrupt the member. I seek leave to table a picture that was referred to today before question time.

The ASSISTANT SPEAKER (Ann Hartley): Leave is sought to table that picture. Is there any objection? There is objection.

**PROTECTED OBJECTS AMENDMENT BILL**

**Third Reading**

Hon BRIAN DONNELLY (NZ First): I rest my case. That sort of frivolous wasting of the House’s time is the reason why legislation like this bill cannot be moved through in a timely fashion. I was talking about the Elgin Marbles. New Zealand First has been outspoken in that respect. We believe that Greece and the Greek people have been robbed of part of their heritage, and that the British Government should do the right thing.

The bill mentions ventifacts. I want to tell the House about a personal experience I had with regard to ventifacts. I happen to have a ventifact on my window ledge at home. I never knew what a ventifact was until Waverley School visited us—the school I was teaching in—at Titikaveka on Rarotonga. People from that school told us they had on their beach the only protected rocks in New Zealand. Evidently, a bill had been passed to protect the rocks on Waverley Beach, because they have all been shaped by the wind—those are known as ventifacts. As a result, those things look a bit like adzes. They are protected. Fortunately, in my case, the one I was given had been removed from the beach a long, long time before and had come out of somebody’s garden. When people ask me what it is, I am very proud to say I have one of our protected rocks.

I want to finish off by saying New Zealand First did not have anybody on the Government Administration Committee, so therefore I have not had a lot of information passed on to me about many of the issues around this bill. But it is certainly fundamental to New Zealand First’s philosophy that we should do everything we can to protect our unique heritage—it is what makes us and defines us as New Zealanders. Our very name, New Zealand First, subsumes that philosophy and carries that philosophy with it. Without further ado I say New Zealand First will most certainly be voting for this legislation, and I congratulate all of the people who have worked to get the bill to the point of going through its third reading.

Debate interrupted.
SPEAKER’S RULINGS

Mispellunciation—Māori Language and Members’ Names

The ASSISTANT SPEAKER (Ann Hartley): Just before I call the next member, I want to bring to members’ attention a ruling that was asked for last week—the member was also involved in that matter. Last week there was a discussion about pronunciation, and we said we would discuss it as presiding officers and come back with a ruling, which we have done. I will read the ruling to members: “To pronounce a word differently from the way in which another member pronounces that word is not a matter of order. There are many different ways to pronounce English words and I presume that this is true of Māori words too. No member in this House has the monopoly of directing how a word is to be pronounced. But if a member deliberately mispronounces a word—particularly another member’s name—so as to create disorder, then that is out of order and the Speaker, on the Speaker’s own initiative or on the matter being raised as a point of order, will intervene.”

Hon BRIAN DONNELLY (NZ First): I raise a point of order, Madam Speaker. It is a point of clarification. That was a very wise decision, and I thank you very much for bringing it to our attention. But I hope it was not as a result of any perceived mispronunciation on my part.

The ASSISTANT SPEAKER (Ann Hartley): No, absolutely not. This was just an opportunity to bring the matter up, and certainly the ruling needed to be reported back to the House.

PROTECTED OBJECTS AMENDMENT BILL

Third Reading

Debate resumed.

Dr PITA SHARPLES (Co-Leader—Māori Party): The office I have created here at Parliament has Māori taonga of all kinds throughout it. These are particularly special to me. As I look at them I think of my relationship with my hapū, being a Māori in this land, and also my people and our history. My tribal orientation and identity come through those taonga—that is why they are here. They are protected objects that restore to me my humanity. In turn, my humanity seeks to protect them. It is in recognition of this rangatiratanga that we have tangata whenua. As mana whenua the Māori Party comes to this bill passionate about the purpose of better protecting and preserving certain objects.

We are the exclusive keepers of the culture and intellectual knowledge of our traditional knowledge—our mātauranga me ona tikanga. It is becoming our role as guardians that we uphold our responsibilities and obligations to exercise Mana Motuhake in relation to our cultural taonga, including the whakapapa, mana, mauri, ihi, and wehi of those taonga. As part of that guardianship role we support the intention of the bill to introduce greater penalties to deter the possible illegal trafficking of Māori cultural material. Our Māori cultural material has rapidly become fodder for the global market. Indeed, the purchase price of taonga Māori on the international market has tripled in the last few years, as has the desire for the acquisition of genuine Māori brand gained currency.

The protection and ownership of the culture and heritage is perhaps best indicated in the instance of tā moko—our traditional Māori tattooing. Tā moko tū tangata whenua is considered a taonga. The heritage conveyed through its design is specific to the tribal origins and the personal history of the wearer. Ngahuia Te Awekotuku, a Māori professor of the arts, in her analysis “More than Skin Deep: Ta Moko Today”, has
described foreign tattooists’ use of Māori designs as “pillaging the spirit of a tribal people to sate the culturally malnourished appetites of the decadent West.”

The roll-call of celebrity wearers of Māori moko includes former heavyweight boxing champion Mike Tyson, who sports a facial tattoo with a distinctive Māori influence; American singer Ben Harper; US professional cyclist David Clinger, whose moko-inspired tattoo from an Argentinian tattooist covers the upper half of his face and most of his scalp; and, of course, there is Robbie Williams. Robbie Williams has quite a bit on his body. He is notorious for his body art. He has a Celtic cross on his right hip, the message “Elvis grant me serenity” on his right arm, the symbol of an Egyptian sun god, Beatles’ lyrics on his back, the French words for “Everybody’s got his own taste” on his chest, and now he has a Māori design on his right arm.

Chris Auchinvole: How do you know, Pita?

Dr PITA SHARPLES: Yes, true. I would be the first to agree with Williams’ idea of “Each to your own”, but people should make sure that it is their own before they start exploiting or appropriating taonga Māori, even if they acquired it legitimately and legally. In the case of Mr Williams, the cultural heritage—the identity and lineage—expressed in his moko comes from my ancestors, that of Ngāti Kahungunu. It appears that recently the rock star has admitted he is bored with looking at the images adorning his physique, and he is considering surgery to remove them.

Surgery is one option to restore ownership of other objects of Māori cultural heritage and to have them reside solely with tangata whenua. Prevention and prohibition of illegal trafficking is the first stop. In this way the fact that New Zealand has signed up to the 1970 Unesco Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is an excellent initiative that the Māori Party is fully supportive of. These initiatives will help to prevent the rapidly burgeoning international crime demonstrated in the looting of archaeological sites and of theft of items of significant heritage value, both of our own nation and other countries as well.

We must ensure ownership of these taonga remain firmly with mana whenua—the appropriate tribal owners—to protect misuse of cultural material. In this, I acknowledge those of our people who have defended our intellectual cultural property from attack. Members will remember the Danish toymaker who wanted the game Bionicle; that was stopped by Māui Solomon and others. The flaming poi is used on our cultural artefacts and has been described as an “emerging trend” by Time magazine for their use of it in the Nevada Burning Man Festival and, of course, there is Shane Kawanata-Bradbrook’s work. He is from Ngāi Tamanuhiri and Rongowhakaata. He obtained a public apology from the global tobacco giant Philip Morris for using Māori imaging on its packaging. I pay tribute to people like Aroha Mead of Ngāti Awa and the tribes involved in the Wai 262 claim before the Waitangi Tribunal on the flora and fauna and cultural intellectual property; those are Ngāti Kurī, Te Rarawa, Ngāti Wai, Ngāti Porou, Ngāti Kahungunu, and Ngāti Koata.

So while we are happy to support the provisions of the bill, we realise that the ownership of Māori cultural heritage objects may be revisited in our lifetime. In the case of Ngāti Kahungunu, for instance, our claim—pursuant to article 2 of Te Tiriti o Waitangi—expresses that recognition and protection of Ngāti Kahungunu cultural knowledge and Ngāti Kahungunu rongoā guarantee tino rangatiratanga over and the full exclusive and undisturbed possession of all our taonga within our tribal rohe. This is ground breaking work. Our people hold that in 1840 Ngāti Kahungunu collectively and individually retained their body of cultural knowledge and skills in respect of which Ngāti Kahungunu are kaitiaki. Te tino rangatiratanga includes the authority of decision
make, the right to determine indigenous cultural and customary heritage rights, the right to protect, enhance, and transmit the cultural knowledge in relation to all taonga.

These are quite heavy issues to say in this House. The Protected Objects Amendment Bill is definitely heading in the right direction, but the debate must continue about the protection and ownership of taonga both repatriated and newly found. Our taonga do not belong to the Minister for Arts, Culture and Heritage, they do not belong to Te Papa, they do not belong to museums, art galleries, and private collections home and abroad, although we do have to acknowledge and respect the curatorial guardians who have cared for our taonga; their research, preservation, security, and possession of our treasure is appreciated. But the issue is about tribal ownership, and our ability to still own things as a group. We never forget that it is our inherent right under article 2—ko te tino rangatiratanga ki runga i ō tātou whenua, ō tātou kāinga, me ngā taonga. [sovereignty over our lands, homes, and treasures]

Our cultural heritage estate, our taonga tapu, are so much part of who we are as indigenous peoples, that it is our life’s work to fulfil our responsibilities and obligations in terms of kaitiakitanga, as expressed in our ownership, authority, and protection.

LINDSAY TISCH (National—Piako): The Protected Objects Amendment Bill is very important legislation. I was on the Government Administration Committee that looked at the very important issue of protected objects. National has supported this legislation right through. We had a number of very good submissions to the select committee. At the first reading, I talked about the various conventions and their importance, and of how New Zealand needs to be part of those conventions in order to protect our heritage and our culture. All through the readings and in the Committee stage, National has had a very good team that has crystallised and articulated the arguments about the necessity and importance of maintaining, restoring, and protecting for future generations those things that we believe are so important.

It is very easy to be able to sell off objects. We saw recently in Australia how bidders for a Victoria Cross had to pull out of the bidding because the law required the Victoria Cross to stay in Australia. That may well have affected the price that the Victoria Cross went for, but, at the end of the day, something so important to Australia was protected. Those are the sorts of provisions that are so important for us here—provisions that will protect our objects, our heritage, and our culture, not only for ourselves now but for future generations. National has great pleasure in supporting the third reading of this bill.

Bill read a third time.

Sitting suspended from 5.56 p.m. to 7.30 p.m.

MEAT BOARD AMENDMENT BILL

Second Reading

Hon DOVER SAMUELS (Minister of State) on behalf of the Minister of Agriculture: I move, That the Meat Board Amendment Bill be now read a second time.

This bill was introduced into the House on 22 March 2006. It had its first reading on 30 March 2006 and was referred to the Primary Production Committee on that day, with the instruction that the committee present its final report on or before 27 July 2006. The committee reported the bill back to the House on 25 July 2006.

The meat industry makes a significant contribution to the New Zealand economy in terms of its contributions to gross domestic product, employment, and export earnings. For the year ended June 2006, provisional statistics show that $4.5 billion worth of meat products were exported, which accounted for around 14 percent of the total value of
merchandise exported from New Zealand. The meat industry employs thousands of people on farms and in meat processing. By international standards, our meat industry is highly productive and very efficient. New Zealand sheep, beef, and goat farmers, through their levies, make considerable investments in meat industry research and market development in our country. Our meat processors employ the most advanced technologies available, and our exporters have developed niche markets right around the world.

The Government introduced the bill to clarify a provision in the Meat Board Act 2004. The bill clarifies that a mechanism established by the Meat Board for the allocation of rights to quota markets may allocate access to quota to any person who is a registered meat exporter, whether or not the person currently exports meat products. The bill will remove any perceived ambiguity in the original drafting of the legislation framework and eliminate a potential impediment to the continuation of the Meat Board’s current and longstanding practice in respect of the allocation of quota rights. That will bring to businesses certainty in this very important industry, and will help to protect our access to those very valuable markets.

The Government continues to put considerable emphasis on export market access for our primary sector products. The lack of progress in the Doha round of multilateral trade negotiations demonstrates the considerable difficulties that export-dependent countries like New Zealand face. The meat export quotas were negotiated between New Zealand and the European Union, and with the United States of America in the context of the Uruguay round of negotiations. Those negotiations were signed off in 1994.

Getting the best benefits out of our markets must be protected for the benefit of all New Zealanders, and this bill certainly will facilitate that. I wish the New Zealand meat industry well.

I acknowledge at this particular time the contribution that was made by the Primary Production Committee and specifically by the chairman, David Carter, who conducted the bill through the select committee process. I say to my colleagues on the committee that I think we did a good job. We had a few differences of opinion, but in the end we got there.

I commend this bill to the House.

Hon DAVID CARTER (National): I am pleased to take a call on the second reading of the Meat Board Amendment Bill. I start by making sure that there is no question about any conflict of interest in terms of my involvement in this legislation. I am, of course, a farmer. I am also a shareholder in two organisations—PPCS and Alliance Meats—that made submissions to the Primary Production Committee. I assure this House that in no circumstances did my very minor shareholding in either of those companies play any part at all as I considered the legislation. In fact, as we conclude the debate on this bill, it will be seen that the wishes of those two major exporters, according to their submissions, have certainly not been satisfied by the select committee.

I agree wholeheartedly with the Hon Dover Samuels that the meat industry is absolutely critical to the New Zealand economy. It is an industry that has enjoyed relatively buoyant times over recent years, but it is also an industry under increasing pressure, because of the cost structure under which it operates and because of the ever-increasing ability of previously under-developed nations to develop their agriculture and then compete in every market to which we send our product. We can continue to claim the uniqueness of the New Zealand meat product because of our clean and green environment, but, at the end of the day, I think a customer going into Sainsbury’s or a supermarket in Tokyo is likely to be more persuaded by the cost of the item on the supermarket shelf than any claims we make as to the pure, untainted manner in which
we as farmers here in New Zealand produce our product. Therefore, I think it is incumbent on all politicians of this Parliament to keep, seriously, a very close watch on the costs that are being imposed on the industry—some of those certainly imposed by central government.

From my point of view, this legislation came out of left field. I was involved, through the select committee process, in the original Meat Board Act 2004, and therefore was as surprised as, I think, most players within the industry that an amendment had been put before Parliament, with a special request from the Minister in charge of the legislation—the Minister of Agriculture, Jim Anderton—to progress it through the select committee process as quickly as possible. I take the opportunity of thanking my colleagues on the select committee, who were from Labour and National—there was no involvement from the smaller political parties. I thank my fellow committee members for the way they helped me to shepherd this legislation through the select committee process.

Having acknowledged that the legislation came out of left field, I do accept that there was some dissatisfaction on the part of some players around the allocation of quota to the valuable markets referred to by Dover Samuels. Let me say that there will always be some dissatisfaction in the industry. The industry is, by its very nature, very competitive. It is vital that the industry remains competitive so that we as a nation have the opportunity to maximise value for “New Zealand Incorporated”. There will always be tension around the way the Meat Board allocates the quota. Clearly—and as demonstrated by the submissions to the select committee—there is a very healthy tension between the big players within the industry and the smaller, emerging players, who, of course, always want to get bigger. I do not think that should be underestimated. I think it is healthy, but I would not want to see any dispute progress further than a healthy debate before the Meat Board, via any question of ambiguity in the original Act of 2004. The select committee took no part in considering whether there was ambiguity. That was not our role, and, frankly, I do not have the legal expertise to consider that. Suffice it to say, the Government saw that there was possibly an area of ambiguity and moved promptly to close any argument that there could be ambiguity, and I support that move completely.

The next major point that needs to be made is that this legislation is not about Parliament or politicians determining how the quota should be allocated to the various players within the meat industry. Parliament made the decision to allocate that responsibility to the Meat Board with the 2004 Act, and that was not for debate in this legislation. I am not sure that all submitters actually saw that point; one or two took the opportunity to relitigate the issue of whether that was the appropriate process. But Parliament, without, from memory, any opposing vote by any political party, saw fit to pass that role from the House of Representatives to the Meat Board, which I think has done a very creditable job with the allocation process. It is acknowledged, as I said earlier, that there will always be some arguments around the fringes as to whether particular parties get enough of the access to those quota markets.

The fundamental issue within the industry is how to maximise the value of that access to good markets for the benefit of, certainly, the whole of New Zealand but of, more particularly, the meat industry. The select committee accepted without question that the meat industry is a combination, of course, of farmers, processors, and exporters. So the question that was perhaps for discussion by submitters and select committee members was of the position of processors who went to the effort of ensuring that their meat was produced to a standard that made it suitable for export to those markets and then, for some reason, made a decision not to export it but to sell it on the domestic market. I think that having the ability to maximise the flexibility under which
companies operate so that they can determine the latter stages of the process—their decision as to how they sell a product—is the very best way they can maximise their returns, and the very best way they can be in a position to pay the best possible price to producers and, therefore, to farmers.

Having said that, I say that although the legislation must be flexible, we cannot afford for it to have any ambiguity at all. Its flexibility is valuable, because it allows new players to come into the market, to establish niche markets overseas, and then to progress the finalisation of their products so that they are in a position to maximise their returns. I would hope that at this stage all submitters will accept the word of Parliament that the issues of further allocation will be something to which all parties have every right to communicate with the Meat Board about, and to place their case. The legislation allows regular reviews, communication, and discussion between the players, but I hope that the fundamental arguments, and the fundamental acceptance of Meat Board decisions, will be put to bed with the passing of the legislation. At the end of the day, those markets are valuable to New Zealand. They are valuable, of course, to the farmers who produce the meat that ultimately goes to those markets, but also, from a “New Zealand Incorporated” point of view, they have been hard earned and are of substantial value to us.

DAVE HEREORA (Labour): I take this opportunity to take a short call in support of the Meat Board Amendment Bill. I also support the comments of the previous speaker, the Hon David Carter, and I take this opportunity also to knowledge him as chair of the Primary Production Committee. As a member of that committee I can say that he managed the process quite well. I also acknowledge another member of the committee, Colin King. His personal involvement in this industry was most helpful, particularly to me in trying to understand the quota system.

For me, the bill clarifies one of the provisions within the Meat Board Act 2004, regarding the allocation of access to meat export quota markets. New section 24(5), inserted by clause 3, clarifies that a mechanism established by the New Zealand Meat Board for the allocation of rights to quota markets may allocate “access to quota markets to any person who is a registered exporter, whether or not the person currently exports meat products.” On that note, I can tell members that we heard from submitters in support of, and against, that proposal. I found it really interesting to hear of the impact of that situation on the local economy, and the price on the international market. I felt, having heard that explanation, that it was a rewarding opportunity within the industry for those players to participate on that basis.

The bill also upholds the original objectives of the Meat Board Act by removing any perceived ambiguity in the original drafting of the legislative framework. Although some submitters to the committee welcomed the amendment bill, others opposed it because they considered that the Meat Board’s current allocation mechanism did not capture the best possible returns available from meat export quota markets. Some submitters took that as an opportunity to seek changes to the original intent of the Meat Board Act, with regard to quota allocation. In particular, they argued that quota should be allocated only to processors who export all, or a major part, of their production, because only exporters can capture the best possible ongoing returns available from quota markets. They also considered that that would reduce or remove the distortions they believed existed in the New Zealand market for slaughter stock.

However, in contrast, submissions in support of the bill noted that making quota available to all registered meat exporters, whether or not they export meat products, would ensure that the financial benefits associated with access to quota markets would continue to be available to the wider New Zealand meat industry. They also submitted that when passing the Meat Board Act in 2004, Parliament clearly intended that all of
the different parts of the meat industry should benefit from quota. For example, the definition of “meat industry” in the current Act includes livestock farmers, meat processors, and meat exporters. The presumption is that exporters who are not processors should benefit from the quota markets.

It is also important to note that the Meat Board Act 2004 clearly states that the Crown owns the rights to secure the economic benefits deriving from quota markets, and that those benefits are assigned to the meat industry. The Primary Production Committee’s report on the amendment bill concludes that meat processors should be able to access those benefits, whether or not they export, and that exporters should be able to benefit, whether or not they are processors. The bill will clarify the Meat Board’s ability to have an allocation mechanism that allocates quota rights to all meat processors. Such a mechanism should help to ensure that quota benefits can be accessed by specialist exporters, who are able to develop niche markets but who do not process meat themselves, through buying quota allocations from processors who are allocated quota but who do not export. I value the opportunity to raise those points as a member of the committee, as I mentioned earlier. I thank the House for that opportunity. Kia ora.

ERIC ROY (National—Invercargill): I wish to take a call on the Meat Board Amendment Bill too, and it appears to me that the Primary Production Committee has done its job. Some issues need clarifying and it is important that that is done, for all sorts of reasons. I will make some comments about the meat industry in the first instance, because I think this is a salient time to remind the House of one or two pertinent facts.

I acknowledge at this time those farmers, particularly in South Canterbury, the Wairarapa, Wanganui, and the East Coast of the North Island, who are currently involved in the arduous task of competing with the elements at a crucial time in the cycle of the meat industry—that is, either lambing or just before lambing, when the risk of metabolic disorders and diseases is high and farmers are working in inclement conditions. They are absolutely committed to doing their best for themselves, and the big gainer from that is the New Zealand economy.

On that point I wish to make one or two comments. Since I came back to the House I have watched the Labour Government members just about falling on their faces from self-congratulatory pats on the back at how well they have done on the economy. But in reality the economy has done well because the people who provide the bulk of our export income—namely, the farmers—have stuck to their knitting, in spite of being told under a previous Labour Government that theirs was a sunset industry and it was time they moved on.

In the mid-1980s, the price we were getting for lambs was about $13 and we could not sell a ewe for profit unless it was an extraordinary ewe. So we donated them to the Labour Party. We sent them off so that the bill went to the Labour Party, in order to give it some appreciation of what it had done. At that time I wrote to Mr Peter Neilson, who was then the Parliamentary Under-Secretary to the Minister of Trade and Industry. He had said that if farmers could not make money from meat—from lamb—then they ought to do something more productive. So I wrote to him and asked what I could do. I described my property, which was largely pastoral. The topography meant that it could not be used for arable farming, and some constraints about dairying meant that I could not do that. I was really locked in.

I did not get an answer from Mr Neilson. Yet that administration was saying that the meat industry was a sunset industry, and that we should forget about it and do something else with our land. I suppose I could have planted it with trees and had my carbon credits stolen. I do not know what I would have lived on in the meantime. My
point is simply that farmers have stuck to their knitting, and what they are doing they are doing very, very well. Today they produce a prestige, quality product.

We now come to the issue of how we manage that prestige quality product. Essentially New Zealand is very fortunate because, for a whole lot of reasons, it has access to the best-paying market in the world: the European Union. I have not seen the figures and I do not know whether they have changed, but we used to send 226,000 tonnes equivalent of bone-in carcass into that market. The next biggest player at the time when those figures were current was Australia, with 17,000 tonnes. That is a huge advantage for us.

Here we need to note three significant points. The first is that the quota rents, the value of that market, belongs to New Zealand—to no one else. The second point is that the quotas are protected by statute—and what we are doing now is providing a bit of clarification around the statute process that protects them. The third point is that those quotas are allocated by the industry, largely through the Meat Board. Those are the three fundamental issues at stake here.

This bill provides a bit of clarification about the issue of allocation. We will always have dispute between the players as to who should get what, where it should go, and who should get the advantage from it. We have quite a mix of players, from very, very big players to some very small players and some aspirant players who want to get in to the market. So we need an element of tradability. That is an issue the industry should sort out, not parliamentarians, who would get it wrong in picking winners. We probably need to have 2 percent, 3 percent, or a lower order of quota traded every year in order to provide opportunity and to allow transition to take place. It is important that we have new players—that we have an opportunity for innovators to expand or to come into the market. That is crucial.

The quality product we are producing is delivered in a range of ways. We have seen a huge shift from the frozen stockinet all-in carcass to the range of products—fresh, pre-cut, frozen, and chilled atmosphere packaging technology—that the industry now produces. It has moved significantly upmarket. Its product used to lie around the bottom shelves of the supermarket. That product is now pretty close to the top shelf in most European markets. That is because there is now an absolute commitment to produce an excellent, high-quality product.

It is interesting to note that in the days when all the support systems were pulled out and the price of lamb dropped from about $25 or $30 down to $12 or $13—which is hard to believe now—we had 70 million - odd sheep. I do not know how accurate the count was, but it was around 70 million. Today we have somewhat fewer than 40 million as a winter population—between 37 million and 39 million, I guess—and we are producing the same quantity of meat from those sheep. That has happened because we have seen huge gains in productivity. We have seen huge gains in fertility—up about 25 percent in the last 15 years—increases in the weight of lambs, and increases in the yield of lambs. That is what has given us a similar volume of meat today.

We have a product that continues to advance. It is an exciting time to be producing lamb and sheep meat. Not only has the prestige of the product improved but also nothing else in the primary production sector has had such significant production gains. And there is no reason to say the gains will stop here. With gene mapping and a whole lot of other things out there, the parabola of growth—the diagram that shows a parabola of growth spurt—is still on the up.

This is an exciting time. We have an industry that is performing exceptionally well on the production side, and we want the other side—the product development, marketing, and branding side—to continue the growth gains we have seen. As I said initially, the important thing is that we manage the best-paying quota market in the
world. We probably would prefer that it not be a quota market, but it is, and fortuitously we are the biggest player in it. I stress again the important issues: that the quota rents belong to New Zealand, that they are protected by statute, and that the allocation is the responsibility of the industry.

I conclude by coming back to the points I made earlier about the Labour Government, which is still congratulating itself on its performance. It is farmers who have stuck to their knitting, in spite of the adverse climate conditions that I have talked about and in spite of being instructed by a previous Labour Government to get out of farming, who have brought about the prosperity this country now enjoys. Brock Waterfield kind of summed it up in this statement: “A nation cannot prosper till it learns that there is as much prosperity in tilling a field as there is in writing a poem.”

The Government needs to recognise the contribution of provincial and rural areas, and particularly of the people who are out in the snowfields and mud paddocks right now creating the prosperity and wealth of this country.

HONE HARAWIRA (Māori Party—Te Tai Tokerau): Tēnā koe, Mr Speaker. Tēnā tātou katoa i te Whare. Last night I was told off because it was reckoned that my kōrero contained matters that were not particularly relevant to the bill I was addressing. So as I rise to speak to the Meat Board Amendment Bill I am mindful of ensuring that all of my kōrero tonight is relevant.

Hon Member: Kia ora, kia ora.

HONE HARAWIRA: Kia ora tātou. This bill states that the Meat Board can grant access to quota markets for all meat exporters, whether or not they currently export meat products. I wonder whether it is relevant to bring up some of my own vivid memories of the rank smells and the freshness of blood and offal on the gut floor of the Moerewa freezing works—my memories of being on the chain and of the slashing knives, the hoses, the flash white gumboots, and the endless humour amongst those at the works back in their heyday in the 1970s. Yes, it is a personal memory, and yes, it was a long, long time ago, but still I have no doubt that it is a memory I share with thousands of other meatworkers and the 32,000 sheep, meat, and dairy producers all over the country.

I ask whether it is relevant that these meatworkers—many of whom were Māori in my day, and probably still are today—should have a view on this bill, or, for that matter, whether the Meat Industry Association, AgResearch, or even the Federation of Māori Authorities should have a view. The Māori Party certainly thinks so, yet despite the fact that about 30 percent of all meatworkers are Māori, there were no submissions from anyone specifically representing Māori interests in the meat industry.

We also know that despite our having a booming agricultural industry, which is forecast to reach $21 billion by 2010, there are very, very few Māori training in the field. It is for those reasons, then, that we believe it is timely to consider how Māori may be affected by opening up access to quota markets, and timely also to consider training and recruitment strategies to create a pathway into the industry for tangata whenua. We ask how this bill might advance Māori interests for the benefit of the whole nation. And we ask how Māori might be encouraged to participate in this $20 billion industry at all levels, rather than just on the chain—not that we are sneezing at the chain gang, which is an association that goes back many years for Māori. In fact, in a 1962 edition of Te Ao Hou, Steve Watene described the Māori workers at Gear Meat Processing in Petone, where my colleague Mr Te Ururoa Flavell used to work back in those days, as having a natural aptitude for the work and being exceptionally good workers. That must have been before Mr Flavell got there. He went on to say that the workers in those days managed well because they were particularly good at using their hands and enjoyed the work. This capacity to enjoy the work, especially when they are
in groups, a capacity that, in general, is probably more typical of Māori than Pākehā, made all the difference. Though they got on well with their Pākehā mates, they preferred, on the whole, to work in all-Māori groups. They were very good at the heavy work like butchering and dressing.

Māori have been there in the meat industry in big numbers ever since. So the place of Māori in the industry is very relevant to any amendments being proposed to the Meat Board Act 2004. In fact, the survival and economic stability of many, many Māori families has long been linked to the up and down fortunes of the freezing works. Indeed, the huge social disruption to the small Taranaki town of Pātea when its freezing works were closed down in 1982 has become immortalised in the lyrics of “Poi E”. The break-up of their close-knit community and their attempts to deal with that symbolise the confusion and struggle many Māori families went through as they were forced to go to the cities to look for work. The lyrics by Ngoi Pewhairangi and the music by Dalvanius Prime describe the poi like a fantail that flies through the forest, as a metaphor for Māori youth trying to find their way in the concrete jungle of the Pākehā and still searching for their identity.

So as we turn to this bill we have a number of questions to ask. What provision is there for Māori meatworkers to make the transition to becoming producers? What plans are there to ensure that Māori can participate in positive economic outcomes through this access to quota? Whose views are being taken into account? What particular groups of New Zealanders stand to benefit from the measures being introduced? And how might Māori benefit from improved business certainty in the primary sector? We ask these questions because we know that some workers, like those at the Southmore meat processing plant in Christchurch, are getting only a measly $13 something an hour.

We also want to express our ongoing concern for genuine progress in our nation, because, as with any other bill, we need to weigh up the costs and measure the benefits against the deficits. Under the terms of a genuine progress index, although we recognise that primary beef and sheep production are key features of our wealth, yesterday, today, and tomorrow, we also know that that wealth is dependent on exploitation of our natural capital—our soil, our water, and our air. I mention that in light of a workshop held a couple of weeks ago in Tai Tokerau to discuss sustainable rural development. Dr Morgan Williams, Parliamentary Commissioner for the Environment, spoke on environmental sustainability and noted that on fewer than 40 percent of farms in the north, farm and dairy effluent discharge complied with environmental standards. The meeting also highlighted the need for iwi to ensure that Māori concepts of kaitiakitanga were fully considered as an integral part of the rural sustainability agenda.

These are all highly relevant issues that must be accounted for when considering the benefits associated with opening up access to markets. At the first reading of the bill, the Minister trumpeted the fact that the social and economic well-being of Aotearoa depends upon the success of growth in agriculture, forestry, and the related primary sector industries. We remind the House, though, that any likely financial returns from quota allocation must also be considered in light of the possible adverse impact on the quality of our environment.

The matters we have raised today may not be matters that the Primary Production Committee bothered to consider, but they are matters that must be considered by all players in the industry—farmers, meat-processing plants, meatworkers, employer groups, and unions; indeed, all the key players in the market. It reminds me of the whakataukī: “Kia mau ki te kura whero kei mau koe ki te kura tāwhiwhi kei waiho koe hei whakamōmona mō te whenua tangata—hold fast to the valued treasure, not the illusory one, lest you be left as fertiliser for the human land.” It is a little like “a bird in the hand is worth two in the bush” but a bit stronger. It inspires us to value tangata
whenua’s good workers, who are ready to avail themselves of the opportunities anticipated by this bill. It also reminds us to cherish the land and the environment—indeed the whole world around us—so that in caring for our world we know it will care for us. If we can open up access to quota markets, while maintaining our commitment to kaitiakitanga and to sustainable development, then we will all benefit from the economic and social gain that comes with genuine progress for everyone in Aotearoa. Tēnā koutou. Kia ora tātou katoa.

COLIN KING (National—Kaikoura): It gives me pleasure to rise to speak to the Meat Board Amendment Bill. It also gave me great pleasure today, when we farewelled Dame Silvia Cartwright, that our main course was a beautiful fillet of lamb. It should make all New Zealanders remarkably proud that we have the platinum level of food safety, and it is something we never want to undervalue.

In answer to my colleague from the Māori Party Hone Harawira, I acknowledge at this time the great work of Regina Rudland and Wayne Walden, who were Māori members of the New Zealand Meat Board and who worked towards setting up Meat and Wool New Zealand, and the Meat Board as it is today. I also acknowledge the Meat Board and Meat and Wool New Zealand for the leadership role they have taken with the Māori Farmer of the Year Award, and for the consultation they undertake regularly with the Māori stakeholders in the industry.

I also note the point of view that although those meatworkers would have been on $13 an hour, there would also have been a substantial bonus in there in that if they worked as a team they would have been remunerated at a rate of close to $20 an hour. I think we can do better, but we have done quite well, to date.

Applying ourselves to the Meat Board Amendment Bill, we can see that it does clarify the situation as it stands today. In actual fact, the purpose of the amendments are to clarify that under the existing law the allocation of quota to meat processors who do not export is lawful. That is where it is today with the Meat Board. The Meat Board allocates its quota to meat producers or processors on that basis of production history. It all sounds very simple and straightforward, but those meat plants that process have to have EU and US certification to be eligible for quota. They do not just get it by right; they have to be able to certify that their plants measure up to the highest food standards possible, and only at that cost and expense are they then eligible to be able to get that quota. It is also very important for us to remember that under the Doha round, the Crown owns the quota. However, it has set it up in such a way that it has enabled the industry to capture that value. It is on that basis that we want to walk through the steps of what is so successful. It has been running since 1997. It was enshrined in a 2004 Act, and this amendment clarifies that position. Meat processors are included in this benefit, whether or not they export, and exporters are included, whether or not they are processors. Those are two steps. The third and fourth step is that returns from quota allocation will flow to farmers who sell the livestock to the meat processors, because of the competition that exists between the various meat processors and companies.

It was interesting to note that one example of how this operates is that quota that has been allocated to a number of companies or a few companies is traded, and people who do no processing at all but purely export do business. They buy the quota, and the trading that occurs is a small amount, around about 2 to 3 percent. However, it is well structured in the sense that the Meat Board measures month by month the amount of meat that is exported to a quota market, whether it is to the United States or to Europe, and they work this through. They constantly monitor those who underutilise their quota and give them warning signals as to the nearness of the responsibilities of releasing that quota so that it can be utilised by the rest of the industry; 1 October is the date when those who are holding quota and have not used it have a time to return it to the Meat
Board for reallocation to general quota. On that basis, if they do not utilise that quota they are severely penalised in two ways. They are penalised by losing the quota, and they are also penalised by a cash penalty.

It is a very interesting situation we find ourselves in. When we look at the amendments, we have to realise that they amend the provisions inside the Meat Board Act 2004, and when we go through the various aspects of it, I can tell members that probably the most contentious that arose in the Primary Production Committee, which we had to give our full attention to, was section 24(5), inserted by clause 3, which states: “To avoid doubt, an allocation mechanism may provide for an allocation of access to quota markets to any person who is a registered exporter, whether or not the person currently exports meat products.” That was a clarification around the basis that up until that point there was a moot point as to who should be the ones who were allocated the quota. There was the view that exporters were the ones who should be allocated quota, and there were those who contested that, for the betterment and the capture of complete value to the market, it should go to all meat processors that are registered or certified as able to export. That was overcome reasonably.

The next point came up in section 32 around the insertion of the word “eligible” in clause 4. In that amendment to section 32, eligibility again clarifies the situation of the decisions. The amended section concludes by stating “or processing of meat products eligible for export.”, so it helps to clarify the situation, quite clearly, that it is consistent with the allocation mechanism that the Meat Board is using.

Finally, we come to the fifth point, in clause 5, which amends section 36. Clause 5(1) uses the phrase “persons applying for or allocated quota”, and in doing so, again, it makes that section consistent with the terminology throughout the Act now. Where section 36(1) stated that fees are payable “by meat exporters”, it will now state: “by persons applying for or allocated quota”. Section 36(3) previously stated: “The Board must take all reasonable steps to consult with meat exporters on the initial level of the fees, and on any increase in the fees.”; clause 5(2) omits “meat exporters” and substitutes “registered exporters”.

So, again, it certainly does tidy up aspects of the Act itself by clarifying how the quota may be allocated, and we can take comfort from the fact that, on a regular basis, the Meat Board has to consult with the industry. That is borne out in section 26, “Consultation”, which states: “The Board must not establish any particular allocation mechanism without consulting those meat industry organisations the Board thinks appropriate about its proposed establishment.” I can assure members that that process has been gone through over the last 18 months, and I am confident it will reoccur again, because section 29, “Review of allocation mechanisms” states: “(2) The Board must review each unrevoked allocation mechanism at intervals not greater than 5 years. The first review of each allocation mechanism after the commencement of this Act must occur within 5 years of that commencement.” So we should take comfort that there is a huge amount of accountability of the Meat Board to the industry, and that the communication with the Meat Board itself—with its industry representatives and its farmer representatives—is very alert and reactive to the industries and to the value that those quota markets have to New Zealand.

It gives me great pleasure to support this bill through its second reading. I trust that New Zealand and all those farmers out there who are lambing at the moment will be able to sleep comfortably in the knowledge that we have the best access in the world to quota markets. Thank you, Mr Speaker.

Bill read a second time.
Debate resumed from 1 August.

Part 3  Inquiries into circumstances and causes of deaths

CHRISTOPHER FINLAYSON (National): Part 3 deals with inquiries into causes and circumstances of death, and I particularly want to say something about clauses 61 to 63. As the commentary on the bill, written by the Justice and Electoral Committee, states, clause 61 places restrictions on the making public of details of self-inflicted deaths. The term “making public” will also include publishing on the Internet.

The bill continues the regime of the 1988 Act, which placed very tight restrictions on what the news media could report about self-inflicted deaths that occur in New Zealand. It is indeed a very wide provision. Clause 61(1) will prevent the media from exercising their judgment in reporting self-inflicted deaths, unless the coroner’s authority has been obtained. If the coroner has found the death to be self-inflicted, the only details that may be made public are the name, address, and occupation of the deceased, and the fact that the coroner has found death to be self-inflicted. Other details, such as the manner in which death occurred, the circumstances of death, or the inquest, are not to be published without the coroner’s authority, and no further particulars will be permitted unless the making public of them is unlikely to be detrimental to public safety, as set out in subclause (3) of clause 61. Moreover, the coroner in determining whether the disclosure of particulars is unlikely to be detrimental, must have regard to the characteristics of the dead person, comply with practice notes issued by the chief coroner, and have regard to other matters the coroner considers relevant.

This is an extremely important subject. It certainly detained the select committee for some time, and in my opinion there were some very, very high-quality submissions on the topic. Out of deference to two of them, I want to read into the record some of the submissions that were made.

The first of those submissions was made by Paul Thompson, editor of the Christchurch Press. Mr Thompson submitted that the provisions in the bill make the reporting of self-inflicted deaths even more controlled than they are currently. He did not think that the restrictions were necessary, and he thought that they should not be extended in the way proposed by the bill. He also submitted that statutory restrictions of this kind are unusual in the Western World, if not unique, and saw no reason why New Zealanders should be any different in relation to this matter than Australians, Canadians, or Americans. I say that I have also checked the draft bill that the Lord Chancellor and Ms Harman propose to introduce into the UK Parliament, and it seems there is nothing there, either. Mr Thompson said that the restrictions suggested a paternalistic, patronising attitude towards New Zealanders that was outdated and unnecessary. He said that suicide cases may be many and complex, and that although they may be difficult to deal with, they are no longer a matter that is too shameful to mention. Discussing the issues, he said, in a sober and sensible way would hardly be consistent with glamorising suicide.

To similar effect were submissions made on behalf of the Commonwealth Press Union, which was most unhappy that section 29 of the 1988 Act is to be re-enacted and, indeed, expanded. The media freedom committee of the Commonwealth Press Union said that the restrictions placed on the New Zealand media exceed those of other jurisdictions, and suggested that clauses 61 and 62 of the bill should not be enacted, and that there should be a cooperative approach to the whole issue of suicide. Instead it was suggested that the media could subscribe to a code of conduct on how they report
suicides, while at the same time being able fully and frankly to discuss the issue in New Zealand.

This was a very difficult issue, which, as I have said, has occupied our deliberations. I hope we have got it right; I am just not certain that we have. I would like to support the press on this issue. Indeed, following the committee process, I have made inquiries of those who have suffered suicides in their families. The preponderance of views—Madam Chair?

The CHAIRPERSON (Ann Hartley): I call Christopher Finlayson. He wants to continue.

CHRISTOPHER FINLAYSON: Thank you, Madam Chair. If I can finish this topic, then I am sure the Minister in the chair, Rick Barker, will make a contribution. The preponderance of views of those who have suffered suicide in their families seems to be that they would like to support the media on this issue, but have a real fear of tabloid journalism. Most people I have spoken to seem to believe that the best way to deal with this difficult topic is by speaking out about suicides rather than by concealing them and allowing half-truths and speculation.

There is a general trend towards open reporting and open discussion of difficult topics, and those values are based on the recognition that truth is valuable and that the community is healthier when it deals with difficult topics on the basis of truth rather than speculation. I add that those are not my words but those of counsel for the New Zealand Herald in a hearing held in the Coroner’s Court for North Canterbury in November 2004.

For myself, I am prepared to support the provisions to be enacted—and it is to be noted that National does not have a minority report on this part of the bill—but I think they ought to be kept under very careful review, and it could well be that we could review these provisions again in a couple of years’ time. There is no provision in the bill to deal with post-legislative review, but that certainly does not prevent another look being taken at this legislation in the near future.

While I am on my feet I want to say something very briefly about inquests, because the procedure for inquests is set out in clauses 70 to 81, and one can see from those clauses that an inquest is primarily inquisitorial, although there are also some adversarial aspects. For example, there is a power provided in the bill to allow parties or interested persons to cross-examine witnesses.

Two points are of note. The first is that the coroner who decides to hold an inquest must fix, among other things, a place where the inquest will be held, and subclause (1B) of clause 71 was inserted by the select committee because there was a concern that with fewer coroners, inquests may need to be held many miles from where a death has occurred. So in fixing the place of inquest, the coroner has to take into account certain matters—for example, where the members of the family of the deceased reside, where witnesses will be giving evidence, and so on.

Finally I refer to clause 73, which provides that specialist advisers may sit with and help coroners. I said in the select committee that I thought it was rather odd that a coroner should require a legal specialist adviser, especially where, under the new regime, coroners must have held a practising certificate as a barrister or solicitor for at least 5 years. And the same principle applies with regard to relief coroners appointed pursuant to clause 94, because they must have legal qualifications. I suppose there could be circumstances where questions of foreign law arose that would necessitate some legal assistance, although evidence of foreign law is a question of fact, not of law. So I cannot really understand the reference to legal specialist advisers in clause 73. But, again, it is hardly a matter that would justify National dividing the Committee.
That is all I wanted to say about Part 3. Thank you, Madam Chair, for letting me take the second call. The whole issue of the reporting of suicide is an extremely important one, and I hope we members of the Committee will be able to discuss it fully and openly tonight, because we have to get this one right.

Hon RICK BARKER (Minister for Courts): Thank you for the opportunity to speak on this bill. Firstly, I reassure Mr Finlayson that the Justice and Electoral Committee has got this legislation right. I read with interest the submissions, such as that made by the Press Council. I draw his attention to what I think is the most important line in that submission: “The Press Council eschews debate on the issue of ‘contagion’ or ‘copycat suicide’, except to say that the evidence to support this is very unclear.” On the basis of eschewing the research, the Press Council opts for freedom of the press.

I did some cursory investigation myself, and found every piece of evidence to be very clear. It did not take much to research the information through the Internet. The first thing is that copycat suicide has been recorded over and over again. Every piece of research showed that when a high-profile suicide is attempted, others follow. We had the example in Hong Kong whereby a very unusual method was used for suicide. It had never been seen before, and by putting it in the public arena, in a very short period of time it became the third most common form of suicide in that area. Every other piece of research showed that when someone, particularly a young person, commits suicide, other suicides follow. The copycat and contagion effect is documented incredibly thoroughly. It is beyond doubt. So the Press Council is saying that it wants to have the ability, under the guise of freedom of speech, to report suicide, and that the public’s right to know is greater than the negatives that can befall the general public. I am very cynical about this.

I have another issue I want to raise before I carry on. I am sure Mr Finlayson would agree with me that any family that has suffered a suicide will say that that is a personal, family matter. It is about their family and their family issues. Everybody in a family will feel a sense of guilt about a suicide, because they will wonder, in their deep thoughts, what they could have done to prevent it, and what they did that made the person suddenly tip over the edge and decide they wanted to be somewhere else. Very often for the family there are suicide notes, an enormous amount of recrimination, an incredible amount of guilt, and a whole range of other issues. To have these matters discussed in public would be to defile that family. These are private family matters. To have the public trawl over them in some voyeuristic manner would add insult to the injury of that family. To have the media highlight some really unusual characteristic or some difficulties in the relationship would be to make those who already feel very tender and have a sense of guilt feel incredibly ashamed and guilty.

The Press Council has swept aside those issues and shown no interest in them at all, but of the many families I have spoken to about suicide, all have given me a very clear message: they do not want their private family affairs and these matters to be held up in public for all to see. They want them to remain private family matters—and the emphasis should be on that.

The second point I make to Mr Finlayson and all those who have any shadow of a doubt about this matter is that the research shows that copycat suicide and contagion is a very real factor. Anyone who has studied this issue will tell us that when someone commits suicide in an area, it sends a signal to others that suicide is an OK thing to do. That person is the permission-giver. We had a very good example of that recently in a small central North Island town, where a number of people took their lives, one after another. Despite Parliament’s prohibition on reporting that matter, a senior executive of a television programme said: “Despite what the law says, I believe that the public has a
right to know.” Although there were legal consequences arising out of doing it, the programme went on to display all of the facts. That case demonstrates the responsibility taken by the media on this issue.

If I could for one instant believe that the rules that were agreed to would be honoured, I would be tempted to consider the matter, but I can not. The fact is that, contrary to what the media shows, the number of suicides in New Zealand is falling. That is the situation. The public perception is somewhat different. The second inaccuracy in the public perception is that youth suicide is the main problem, but that is not the case, either. The most common form of suicide in New Zealand is that of a person who is male and is aged 25 to 30 years old and older. Those statistics will come as a surprise to people. The third thing is that a disproportionately high number of Māori commit suicide. Again, that is contrary to the public perception, because the media have highlighted only those issues that they know will maximise their traction. If the media were able to highlight a particular youth suicide in an area, the shock and horror aspect of it would certainly sell newspapers, and a subsequent copycat suicide would sell even more newspapers—and we are told that that is the benefit of freedom of information. Well, I do not accept that. My view is that Parliament is entitled to have a view on these things. It has had a view on them, and it has been very successful. The rate of suicide in New Zealand is declining, and I think that Parliament is taking exactly the right stance on this issue.

Another point I would make, in the last few minutes I have, is that this is not so much a justice issue as a health issue. I am very pleased to see that Jim Anderton has put out a strategy on reducing suicide numbers. Many of these issues are covered in that strategy. I believe we should work through that strategy over time and measure it, and if at any point in the future those who are responsible for analysing the information on these issues—people primarily in the health sector and in social services—say that we are at the stage where we can maturely debate these things, and that that will not have flow-on consequences for us, then I am prepared to accept their advice and guidance on the matter. But when members of the newspaper association say they eschew research, that gives me no confidence in their opinion, at all. Had they put up an argument based on international research and considered opinion on the consequences of publicising suicides, I would have said their argument had some merit. But it does not. Contrary to what they have said, the research internationally is unequivocal and very clear.

So I commend the Justice and Electoral Committee for its decision. Personally, I am absolutely convinced that it has the argument right. I think the balance is exactly right, and I support the bill 100 percent. It is my own personal experience, and the experience of many other people I have spoken to on this subject, that this is a family matter and should remain a family matter.

The last point I will raise for the Committee is that I understand that Mr Finlayson has put on the Table an amendment to Part 4. I wish to invoke the 24-hour rule on this matter, because it has financial implications.

KATE WILKINSON (National): Thank you for allowing me to take the call on Part 3 of the Coroners Bill. I want to say that, at this stage, there are some issues about what the Minister has said that I will dispute, and that will become obvious during my address.

This part of the bill, as has been said, deals principally with inquiries into causes and circumstances of death and the conducting of inquests. Basically, the coroner has the control and the discretion whether to open inquiries, to conduct inquiries, to decide on making public any evidence, etc. We have heard that the provision that seems to cause the most debate in this part is clause 61 in relation to restrictions on making public the details of suicides. Under the bill nobody can make public the particulars of a self-
inflicted death without the consent and authority of the coroner, although one can publish the name, address, and occupation of the person concerned, and the fact that the coroner found the death to be self-inflicted. So it is not a blanket prohibition on publishing any details of the person.

Bob Clarkson: What about the dead ones over there?

KATE WILKINSON: Suicide is certainly not a joking matter, and it has been called New Zealand’s sad little secret.

Again, I would dispute what the Minister has said, because if we look at some of the research, we see that, according to the Dominion Post of 4 July 2006, each year about 500 New Zealanders commit suicide and the horrific number of 2,500 actually attempt it. In the words of the Dominion Post article: “It is time New Zealanders brought that secret into the open. It needs to be treated with at least the same degree of urgency and seriousness that is given to the road toll, which kills 100 fewer people each year. The most recent suicide figures available—for 2003, with the delay the result of the time it takes cases to make their way through the coronial court system—paint a grim picture. That year, 515 people died by suicide, compared with 465 people the year before.” To me, that indicates an increasing trend of suicide rather than—as the Minister has alluded—a decreasing trend.

The report further states: “Three times as many men as women kill themselves. Maori are more likely to kill themselves than non-Maori. Those living in the most deprived areas are more likely to kill themselves than those living in wealthy areas. For women, it is the young who are most likely to succeed in committing suicide, with 15 to 24-year-olds having the highest rate. For men, it is the 25 to 44-year-olds. Those figures”—ashamedly—“put New Zealand’s rate of suicide amongst the worst figures in the developed nations of the OECD.”

The issue surrounding clause 61 really does concern the safe reporting of suicide by the media. The bill does not preclude that; it merely requires the coroner to make that decision. The bill is not necessarily denying honest, open reporting of suicides, but it puts a brake on the possibility of glamorising or sensationalising suicide, and running the risk of copycat incidents. Again, I think we have to be careful about copycat incidents. If we read the Press Council reports—and I appreciate that the Press Council might have a somewhat vested interest—we see that they state that any blanket statements about copycat suicide fail to address two major unresolved issues.

The council says that blaming the messenger as the direct cause runs counter to the professional health view that suicide has many causes. The major presumption about the simplistic argument that suicide stories lead to suicide is the presumption that the tragic victims actually saw or read such a story, and this can hardly be tested. Having said that, I want to traverse some of the arguments of the media, for which I have some sympathy. But, then, I also have sympathy for the friends and family of the suicide victim, who will be always asking themselves whether there was anything they could have done to prevent the suicide.

Like my colleague Mr Finlayson, I would also like to quote from an editorial in the Press, whose editor, I believe, has put some considerable work into this issue. It states: “The justification for them”—the reports on suicides—“is thin and feeble. It is that open, honest reporting of suicides would somehow ‘glamorise’ or ‘sensationalise’ them (words that have been used by health professionals in this debate) and thus make it acceptable to impressionable vulnerable people who might be inclined to indulge in copycat practice. The evidence for this is tenuous at best. The effect of the restrictions is in fact to perpetuate antiquated attitudes towards suicide as something shameful, a matter to be kept darkly secret and one that New Zealanders can only handle when it is discussed in blandly general terms. These attitudes are not the case any longer in the
wider community, it is just that the legislation has not yet caught up. An odd anomaly of the restrictions is that they apply only to suicides that occur in New Zealand. Those that occur in other countries can be reported on in the usual, straightforward way. No media outlet has any interest in ‘sensationalising’ suicide much less ‘glamourising’ it, inadvertently or otherwise. To suggest that candour on the subject would in some way encourage it or make it more acceptable is ludicrous.”—this is according to the Press—“That is not so in other countries—Australia, Canada, the United States, Britain—and would not be the case here.”

The issue is a vexed and complex one. It is important, and we are appreciative that such deaths—any deaths, in fact—are not swept under the carpet, that the families can find out what went wrong, and that there is absolute transparency so families can have some sort of closure to such tragedies. It is a time of much emotion, and the emotional needs of the families must be taken into account, as well as the need to ensure proper justice, proper transparency, and proper processes. I do not think we can highlight enough the importance of the Coroners Bill in this respect. I do not know whether the issue of the reporting of suicide cases will ever be a straightforward one. I do not know whether it will ever be resolved. It is complex; it is vexed. We now have the coroner—who, arguably, may be the best person to do so—decide whether it is in the best interests of the public and the family that the details of a suicide are published. The coroner does have that discretion, although the other argument is the freedom of the press. There may be no easy answer, but the Coroners Bill, which does put in place a comprehensive system of inquiry and inquest, is perhaps an improvement on the old system.

CHESTER BORROWS (National—Whanganui): Thank you, Madam Chair, for allowing me the opportunity to speak on the Coroners Bill. I believe that the amalgamation of coronial services will give some certainty and consistency across the investigation of sudden death. Also, it will provide for those most affected by such deaths—the families—some sort of certainty and consistency as to what they can expect from the public agencies involved in those inquiries.

Within my electorate four coroners are operating. They all operate as lawyers in general practice and have a responsibility for coronial matters within their patch. Three of those coroners would be ready within the next few years to stop practising and exercising their warrant as coroners, so they agree with this legislation. Within those various areas, though, it is amazing to see the difference in time delays for providing such things as pathologist reports, and so getting to inquests. In one area we can expect that after a sudden death an inquest will be held within 8 to 10 weeks. In other areas the wait can be as long as 9 months to a year. In one particular case the time delay was over 4 years. That does nothing to ease the pain of those people—the family—most closely associated with any of those deaths. In fact, all it does is rip the lid off the pain again, and everything is left to hurt.

In respect of suicide matters, I agree with the power of the coroner under the bill to decide whether information will be released to the public. I think that as far as death goes, we have a lot of big answers to find within our country. For some unusual reason we murder people more than in most other Western countries. I have never really been able to get a handle on why that happens, and I guess I could be profited somewhat if I could decide what that answer was. The other sad fact is that we kill ourselves more than people in a lot of other countries, as well.

One of the little duties I have been performing over the last few years is to officiate at funerals. Last year I officiated at 26 funerals in my small town, and two of those were suicides. There was huge public interest. Despite that, the circumstances of those deaths do not belong to the public; they belong to the families who are most closely involved.
One of the things that I think the amalgamation of coronial services will do in respect of suicide is to allow for some closer study to be done into the causes of suicide and the common links of suicides. These links amount to only anecdotal evidence at the moment. Maybe I will highlight just one example. During my career, I attended lots and lots of suicides. Suicides range, as the Minister said, from quite young people to very old people. In fact, it is surprising how many very old people commit suicide. It is surprisingly common in that age group. One trend that followed all the way through in a lot of youth suicides I attended was the suicide victim’s association with cannabis. Yet to try to get toxicology tests done on a body to establish the levels of cannabis in the system—or alcohol for that matter—was quite difficult to achieve, because they cost a lot of money. It cost about $1,200 per test on body tissue to find out the level of cannabis in the system. What happened, of course, was that none of the Government agencies was prepared to have that money come out of its bucket. So I look forward to a time when we can get some sort of consensus amongst coroners and those who investigate these sad deaths that those sorts of tests should be done and that it is in the public interest to explore the reasons in and around suicide.

MARTIN GALLAGHER (Labour—Hamilton West): I move, That the question be now put.

Dr JONATHAN COLEMAN (National—Northcote): Madam Chair, thank you for the opportunity to speak to Part 3 of the Coroners Bill. I did not have the privilege of being on the Justice and Electoral Committee, which examined the evidence, but I have listened to the debate over the couple of months that it has been going on, and I must say I think this is a very important issue for our country.

National is sceptically supportive of the Government’s stance on Part 3, which deals with the reporting of suicide. I think this is an issue that needs to be looked at closely, and especially with regard to clause 61, “Restrictions on making public of details of self-inflicted deaths”. A point to make is that in no other jurisdiction in the Western World are the rules around the reporting of suicide as stringent as they are here in New Zealand. For that reason this is something we will have to keep under review.

Personally, from what I have heard and seen, I do not think it is clear-cut that it is in the public interest to restrict the reporting of suicides, but I accept that this bill will give coroners the discretion to do so. That is a very good thing, because there is no question that we have a suicide epidemic in this country. If members look at some of the things that have happened in the last year in New Zealand, they will see that in the town of Gore there was a spate of seven youth suicides over a period of a few months. There was a lot of speculation as to why that occurred, but no one really seemed to know. There was some speculation about the media. I would not like to say the media had a role, exactly, but some of the media coverage around those deaths perhaps contributed to some of the subsequent deaths.

Needless to say, the point is that suicide is an extremely important issue in this country. I know from my own experience that one of the things that made the greatest impression on me as a medical student was turning up to the autopsy laboratory early one Monday morning. In those days—I am sure it is still the same at medical schools—students had to attend a certain number of autopsies. I can still clearly remember seeing two young men of my own age, which was 22 at the time, lying on the autopsy slab. They had taken their own lives in the same manner, with a .22 rifle. I remember thinking that those two cases were completely unrelated, in that the men were from different areas of Auckland and did not know each other. But it clearly pointed to the fact that suicide is a major problem in our society. That was nearly 20 years ago, and the statistics really have not got a heck of a lot better since then.
Yesterday the latest suicide trends for this country were released. I am not sure how the Hon Jim Anderton, the Minister responsible for releasing the report, has reached these conclusions, but he has stated in his report that the number of self-inflicted deaths has increased from 465, 4 years ago, to 516 in 2003, which was 1 year later. That would seem to be an increase. However, the 3-yearly average is decreasing over time, so Mr Anderton feels that the long-term trend appears to be heading in the right direction. But I think the really interesting thing about the report and the statistics released yesterday is that the hospitalisation rate for parasuicide, or attempted suicide, is actually rising. It went from 66.6 hospitalisations per 100,000 of population 20 years ago to 82.5 hospitalisations per 100,000 of population for the period 2002-04.

The interesting thing about that is that one cannot look at the suicide statistics alone; one actually has to break them down into their demographic. It is a well-known fact that men are more successful in committing suicide than women, principally because men tend to choose more violent modes that tend to be, unfortunately, more successful. So there are more female survivors of suicide attempts than male survivors. Those figures tell us that despite the overall rate, on a 3-year average, declining, because the parasuicide attempts and hospitalisations are increasing, the problem of suicide is probably growing in our society.

Dr PAUL HUTCHISON (National—Port Waikato): Thank you, Madam Chair, for the opportunity to speak on Part 3 of the Coroners Bill, which deals with inquiries into causes and circumstances of deaths. I particularly want to confine my remarks to clause 73, which allows specialist advisers to sit with and help coroners. Clause 73(1) states: “If satisfied that it is desirable to do so the chief coroner may, on the recommendation of a coroner, appoint a cultural, legal, medical, or other specialist adviser to sit with and help the coroner at an inquest by giving advice.” I am particularly interested in this area because of the situation of perinatal and maternal mortality, but, as well as that, of course, it includes child and youth mortality.

My interest stems from the fact that during the 1990s the perinatal mortality committee ceased, and it took something like 6 to 7 years before the Labour Government managed to get an effective Perinatal and Maternal Mortality Review Committee working in this country again. This is particularly serious given the circumstances relating to perinatal deaths and of course, more recently, to infant deaths and deaths of young children, given the fact that we are, at present, confronting the tragedy of the Kāhui twins. I think most New Zealanders would want to know that when the coronial investigation into their deaths occurs, it takes place with the very best advice possible.

There is no doubt that clause 73, which allows specialist advisers to sit with and help coroners, is highly relevant. Professor Taylor from Dunedin, who is the chair of the Child and Youth Mortality Review Committee, was anxious that people are aware that this committee—which is a statutory committee set up under the Health and Disability Commissioner Act 2001—reviews, and reports to the Ministers on, the deaths of people aged between 4 weeks and 24 years. This is with a view to reducing the number of deaths in this group, and to allowing continuous quality improvement through the ongoing promotion of quality assurance programmes. One would hope that if in the case, for instance, of the Kāhui twins there is expert advice on every aspect from their leaving the hospital to when the tragedy occurred, good data will be available from a medical and scientific viewpoint to ensure that the lessons that can be learnt are indeed well recorded and fed back to the various caregivers, whether they be health workers, social workers, or whoever they are. In this way, in the future when high-risk babies leave hospital, everything possible will be done to anticipate and to help prevent avoidable tragedies as happened in that particular case.
Professor Taylor certainly believes the committee would like to ensure that good epidemiological advice and data are collected on each occasion. We have come through almost two decades, since the late 1980s, of not having good data in this very crucial area, so it is pleasing indeed to see clause 73. Clause 73(2) states: “The coroner’s recommendation that a specialist adviser be appointed must be made after having regard to any relevant practice notes issued … by the chief coroner.”, and subclause (5) states: “Advice given by a specialist adviser may be given any weight the coroner thinks fit.”

What is so poignant at the present time is that we know that risk identification has become quite a clear, evidence-based practice, but we have this gap after people leave hospital, during their early years of life, when, at times, there is not good, continuous care and treatment. One of the problems that has come up recently is that district health boards are not allowed to give information, for instance, on births to Plunket. The lead maternity carers may know about a child being born, but Plunket is not aware unless it is told specifically. It seems, in many respects, that the information restrictions due to the privacy code have absolutely gone berserk. In this simple sort of area it is vital that the Government takes notice and ensures we have good information flow to all the relevant people—relevant in terms of the case before us of the Kāhui twins, and relevant in terms of coronial inquiries. We need to ensure that the data collection is as good as possible.

One of the other things that the Child and Youth Mortality Review Committee believes is important is a specific requirement for information collected for coroners by police or health-trained investigators to be directly passed to the mortality review committees. There is absolutely no doubt that this is one of the things the Minister, if he is interested in improving the situation, should ensure—although it is difficult to put in the legislation—is actually made mention of, and that is why I am doing so today.

Another point that Professor Taylor makes is that there needs to be a much closer link between coronial systems and relevant health investigation management, and that of course is patently clear in the tragedy we have seen recently.

His final point related to clause 61, where there is a potential restriction for researchers publishing on the topic of suicide. The view, again, is that this can be done anonymously, that data collection is extremely important if we are to learn from the mistakes. Once again, the underlying principle is actually there, if the coroner gives permission for researchers and other people like them who are interested in quality assurance and quality improvement to gather data. The important point is to make sure there are not unnecessary hurdles in the way, and that collecting good, scientific-based evidence will act synergistically with an improved coronial bill to ensure that where there are preventable problems, they indeed can be improved.

DARREN HUGHES (Junior Whip—Labour): I move, That the question be now put.

A party vote was called for on the question, That the question be now put.

Ayes 71
New Zealand Labour 50; New Zealand First 7; Green Party 6; Māori Party 4; United Future 3; Progressive 1.

Noes 48
New Zealand National 48.

Motion agreed to.

The question was put that the amendment set out on Supplementary Order Paper 36 in the name of the Hon Rick Barker to clause 71 be agreed to.
Amendment agreed to.

Part 3 as amended agreed to.

**Part 4 Appointments, administration, powers, offences and penalties, and technical provisions**

The CHAIRPERSON (Ann Hartley): The debate on this part includes schedules 1 to 5.

CHRISTOPHER FINLAYSON (National): Part 4 deals with the appointment and powers of coroners and with the general administration of the coronial system. A very important change introduced by clause 95 is one of the key reforms of this bill, which is that there is to be a chief coroner. The appointment is to be for a period of 8 years, and it is interesting that that person will not be eligible for reappointment. Hopefully, the chief coroner will be the person who develops national standards and who will provide support to other coroners.

I refer members particularly to clauses 120 and 121. They provide that the chief coroner will be able to issue practice notes. The sorts of things that are contained in the practice notes are set out in clause 120(2). The Justice and Electoral Committee inserted a provision requiring a coroner to have “regard to any practice note … that is relevant to the performance or exercise of the function, power, or duty.”

Another key reform introduced by the bill is the introduction of a full-time coronial service. I refer members to clause 98, which provides that coroners are to “… act full-time unless authorised to act part-time”. I ask members to note, however, that clause 94 provides for the appointment of relief coroners.

A very interesting and important clause, for reasons that will become apparent later in my contribution, is clause 97. The clause provides that a coroner “must not undertake any other paid employment or hold any non-judicial office (whether paid or not) unless the Attorney-General is satisfied that the employment or non-judicial office is compatible with the coronial office.” That is perhaps another indication of the judicial nature of the coroner’s task.

Most of the powers relating to coroners are set out in clauses 107 to 121, and that group of clauses also deals with the immunities of coroners. It is important to note that coroners are to have the same powers, privileges, authorities, and immunities as a District Court Judge who exercises jurisdiction under the Summary Proceedings Act 1957. A coroner “who is not a District Court Judge has, at all times, the same immunities as a Judge of the High Court.” Again, this emphasises the judicial nature of the office.

It is important to emphasise that a coroner is not a mere administrative tribunal that implements Government policy. One can see that an inquest is a judicial hearing, and that coroners have powers that are generally recognised as a mark of a court of record.

I refer particularly to clauses 108 to 111 because that group of clauses sets out where the coroner may, for example, call for investigations or examinations, or even commission reports. Indeed, clause 110 provides that the coroner may issue a written notice that requires a person “to supply information or documents or other things”.

I will briefly touch on clause 112, which provides for warrants in the event that such written notices are not complied with. Yet these warrants are to be issued by District Court judges. I think that is odd, and I raised the issue in the select committee because I think a coroner should be able to issue such a warrant. Again, it is interesting to compare that with the United Kingdom legislation, under which coroners can do exactly that. Maybe the Minister Rick Barker would like to respond, but why he thinks a legally qualified coroner is not up to issuing such a warrant escapes me. The same applies to a warrant issued under clause 116, which relates to warrants for the removal of bodies.
The expenses and penalties clauses follow the provisions of the Coroners Act 1988 and the 1999 amendment, and I am not going to spend too much time on those, but I do want to reflect on certain of the transitional provisions. They are contained in schedules 1, 2, and 3. I want to say something about schedule 3, as National is very unhappy with clause 3 of that schedule. Clause 2 of the schedule provides that on repeal of the 1988 Act every former coroner vacates office, but clause 3 provides that no former coroner is to be entitled for compensation. It is important to look at the scheme of the 1988 Act to show how iniquitous that is, because under the 1988 Act there is no doubt about the judicial nature of coronial office. Coroners were, for example, appointed by the Governor-General under warrant. The coroner’s powers and immunities were similar to those contained in this bill. The removal provisions in the 1988 Act, although not as strong as those contained in the Constitution Act in respect of High Court judges, nonetheless also emphasised the judicial nature of the office.

It has been well established that an inquest is a judicial hearing, and under the 1988 Act coroners had powers that were generally recognised, as I said earlier, as marking out a court of record. The National members raised this issue at the Justice and Electoral Committee. The Labour members, I regret to say, could not see the problem. But the coroners had engaged the services of Mary Scholtens, who is a former Deputy Solicitor-General, a Wellington Queen’s Counsel, and one of New Zealand’s leading public lawyers. She saw there was a problem. She said this was a situation where Parliament should have regard for constitutional conventions surrounding the independence of judicial officers, and the potential for the undermining of those conventions.

Interestingly, today all members had the latest Law Commission report, on access to court records, made available to them. It was reported to the Minister of Justice on 30 June this year. The report emphasised the fundamental importance of judicial independence and stated that that was a core principle of the New Zealand constitution. It also stated that one of the essential elements of judicial independence is that the salary of judges cannot be reduced while they are in office, and that they enjoy security of tenure.

This very interesting report refers to a decision of the Canadian Supreme Court, which described three conditions that are essential to judicial independence: security of tenure, financial security, and institutional independence of judicial tribunals regarding matters affecting adjudication. That is why National is so concerned about clause 3 of schedule 3.

An alternative view was raised by the Crown Law Office, which referred to the decision in *Claydon v Attorney-General*. That case concerned the lawfulness of the disestablishment without compensation of Employment Tribunal members by the Employment Relations Act 2000, but the case is not relevant to this situation. Coroners are in quite a different position from that of the members of the Employment Tribunal, which was what was considered in the Claydon case. They were on fixed-term contracts and had very different powers and functions.

As Mary Scholtens observed in her opinion to the coroners’ counsel: “The distinction between coroners who are judicial officers, and administrative tribunals, such as members of the former Employment Tribunal, who don’t attract the same constitutional protections, is critical.” It is that concern that motivated the National Party to issue its minority view, and that is why we introduce the amendment under my name.

I say to the Minister that we are very disappointed that he has refused to look at this matter closely, because it raises some very important issues. As I said in the debate in the second reading, it is interesting that in the coronial legislation that is about to be introduced to the United Kingdom Parliament, provision is made for moving towards a full-time coronial service, yet the Lord Chancellor may make regulations providing for
compensation to be given to those coroners who lose office. This is not time-wasting; this is an important constitutional principle. Quite frankly, I think that if Sir Geoffrey Palmer, who is now a distinguished leader of the Law Commission, was still Attorney-General and Minister of Justice, he would not have a bar of it.

I am very disappointed that the Minister is not prepared to look at this issue openly, because it is one that goes to the very heart of judicial independence. As we develop the debate in the Committee tonight, the Minister will see there are some very real concerns, which he simply brushed aside in a cavalier and, I hasten to add, arrogant manner.

Dr Richard Worth (National): The previous speaker, Christopher Finlayson, who effortlessly sketched in this important argument, has suggested that the mind of the Minister Rick Barker is closed. For my part, I express the view that his mind may still be ajar and that, in the course of this argument, he will see there is real merit, and no disbenefits, in acceding to what I hope in the future will be called the Finlayson amendment.

National supports this bill. We have made that clear throughout, and we have sought to focus on the main issues. This amendment is a main issue. I invite the Minister to reflect very carefully, before it is too late in the context of the parliamentary process, whether there is merit in the amendment that is proposed. Of course, what we are talking about, what is the crunch issue here, revolves around clause 132 and the transitional provisions. It focuses directly on schedule 3, and there are two clauses in schedule 3 that are relevant. First of all, clause 2 provides that on the repeal of the Coroners Act every former coroner vacates office, and the other provision that is critical is clause 3, which provides that no former coroner is entitled to compensation for loss of office.

I do not want to repeat the arguments Mr Finlayson has put carefully before the Committee, but I think it is important to record that under the existing Coroners Act coroners were appointed by the Governor-General by warrant and had tenure until reaching the age of 68, which was later modified to 72. Until 2004, when a change was made to the legislation, coroners had: “... the powers, privileges, authorities, and immunities of a District Court Judge exercising jurisdiction under the Summary Proceedings Act 1957.” It is very significant to record that, reflecting the protection given to their judicial office, they could be removed only for inability or misbehaviour. Those are not quite the words that are contained in statutory provisions relating to the appointment and removal of judges—not now—but, nevertheless, they indicate in a clear and unmistakable way that these coroners are to have tenure.

It seems that the Ministry of Justice has taken the view that cancelling coroners’ warrants by statute is not unconstitutional. But even if that view is correct, and I do not accept that it is, particular care clearly needs to be taken to respect constitutional provisions that have as their purpose the protection of the separation of powers doctrine, which is the separation between the legislature, the executive, and the judiciary.

It is also very important to note that a lot of these coroners have given substantial service. For example, those who have been lawyers have made a deliberate choice whether to continue in their legal careers, in the full sense of that word, or to make themselves available for the public service that is involved in being a coroner, often at light remuneration rates. I am sure a number of those coroners would not have made the choice if they did not believe, as they had good reason to believe, they had security of tenure. Now, the Government is going to take away that tenure right without compensation.

In these circumstances I urge the Minister to consider the issue of compensation. We are not talking about big amounts of money. We should be constitutionally prepared to
face our responsibilities. We should accept that the importance of the separation of powers doctrine is never to be underrated. That is why, in the short amendment that Mr Finlayson has put before the Committee, he is proposing that there be an ability to pay compensation.

Lest the Minister thinks National members are on a flight of fancy, I hasten to reassure him that that is not so, and that there is a solid legal base for the argument that compensation should be paid.

Hon RICK BARKER (Minister for Courts): I am confronted now with two arguments. One is from Mr Finlayson, who says that my mind is closed and that I have cavalierly brushed aside members’ arguments on the Coroners Bill without due regard, and the other is from Richard Worth, who with his eloquent and persuasive tones cunningly tries to inveigle me into a position of compromise and negotiation, who says that all is possible, and who puts before us a choice.

I want to make some observations. Firstly, I am really impressed at the industrial astuteness of National members in becoming self-appointed job delegates for coroners. I think that is really good. Secondly, if Parliament sets up a particular process, as it is entitled to do, then of course at some stage, if it wishes, it is entitled to put that process aside. In fact, that is partly what it is doing. Parliament is modifying and changing a process, as is its right. Otherwise, it surrenders its sovereignty—and Mr Worth would never agree to Parliament surrendering its sovereignty, I am sure.

I draw Mr Worth’s attention to the wording of the bill—let us read it. As a shrewd and cunning lawyer, I think he is capable of reading it. The provision states: “No former coroner is entitled to compensation for loss of office as a coroner …”. They are not entitled, as a right. The words do not state: “No coroner shall ever be paid compensation.”

Chris Auchinvole: Aha!

Hon RICK BARKER: Mr Auchinvole is obviously much further ahead than the two lawyers; he has cottoned on to it immediately. The provision does not preclude the possibility absolutely; it leaves the matter open. It states that a coroner is not entitled to an absolute right, and I want Dr Worth to reflect on those words and try to figure out whether he can draw a straight line between the dots.

KATE WILKINSON (National): Thank you, Madam Chair, for allowing me to take a call on Part 4. I too want to discuss in more detail the disestablishment of current coroner positions. The matter has been covered by my colleagues from a constitutional point of view, and also from the point of view of compensation. My slant on it, though, is more from a practical point of view—one of justice and fairness.

We know that under the new system approximately 20 full-time, legally qualified coroners would replace our existing approximately 60, mostly part-time, coroners. The commentary on the bill advises that, yes, current coronial positions would be disestablished. It states: “We were advised that any sufficiently qualified coroner would be eligible to apply for re-employment as a full-time coroner under the new regime.” That is the point I really want to elaborate on.

Many part-time coroners at the moment are practising solicitors. They have a full solicitor’s practice, but they may not necessarily want a full-time coroner’s job. They have many years of experience, yet they are not going to get any redundancy or compensation. But, worse than that, our coronial system will lose a lot of that experience and wealth of knowledge.

The Coroners Bill stipulates the qualifications that coroners must hold. A coroner must have held a practising certificate as a barrister or solicitor for at least 5 years. There are examples of hugely valued and experienced coroners throughout New Zealand who have been coroners for many, many decades. They have that depth of
knowledge, experience, and local knowledge around their areas, but they do not necessarily have a law degree. So they are being unceremoniously dumped by this bill, without being given any sense of recognition whatsoever.

That situation is particularly pertinent in many rural areas. I have been to Gisborne to talk about the situation there, and I know that coroners on the West Coast are in a similar situation. These regional and rural areas are unique and have their own characteristics. In the tragic circumstances around death, it is important that coroners have some local knowledge of the people and their circle of acquaintances, which is knowledge that a travelling coroner, perhaps, might not have. Some of those highly experienced, long-term coroners feel—and I have some sympathy for them—they have been discriminated against.

I have a letter from a coroner in Westport, and he refers to other areas like Ruatōria, Motueka, and Kaikohe. I have already mentioned Gisborne. He has written a very comprehensive letter, which details some of his grievances, if you like. I think the best way to do him justice is to quote from his letter. I will obviously quote selectively; I will not read the whole letter. The letter states: “The proposal is that we be dismissed without compensation because we do not hold a law degree and have not practised as a lawyer for at least 7 years. In my case I was appointed by the then Minister the Hon Geoffrey Palmer, later Prime Minister, now Sir Geoffrey Palmer, and shortly to be President of the Law Commission. I was going to become a lawyer, like the other 58 coroners with law degrees who are my fellow coroners, but in those days Latin was a compulsory subject and my school in Westport did not teach Latin. However, I did work in the head office legal section of the Public Trust Office in Wellington for quite a number of years, prior to coming back to Westport to practise accountancy. I am currently a retired Fellow of the New Zealand Institute of Chartered Accountants, a member of the Chartered Institute of Secretaries, and a Fellow of the Institute of Directors. I have also been a justice of the peace for 38 years, the first 20 or so being constantly engaged on the bench at the Westport District Court. In those days justices carried out a great many more duties than they do today. At a coroners conference a few years ago, the then Minister the Hon Phil Goff said that all the new appointments since he took over were qualified solicitors. I have no quarrel with that, as he was talking about new appointments replacing a vacancy or vacancies.”

The coroner who wrote that letter has had 20 years of experience, but he does not have a fixed contract. He is not covered by provisions in the Coroners Bill, so he has no right of redress. He has no law degree, because they did not teach Latin in Westport in those days. The enacting of this bill will mean that Westport and other areas within provincial New Zealand lose that hugely valuable knowledge base and experience. What is worse is that these coroners, who have given a tremendous service to the community, did not need to be lawyers in those days. They do a great job as coroners now, but they are being dumped without ceremony by the callous provisions of this bill.

There are transitional provisions, and it would have been very, very simple for those transitional provisions to have allowed these talented, experienced, dedicated, but non-legal coroners to continue to benefit and give value to our coronial system in New Zealand. Unfortunately, that is not the case, but it would not take much—I hope the Minister will take a call on it—merely to amend the transitional provisions to allow for suitably qualified, existing coroners to continue to be of service to the community.

JONATHAN COLEMAN (National—Northcote): I think my colleagues have canvassed the arguments pretty extensively with regard to Part 4. What should be commended in the Coroners Bill is the fact that it will establish the office of chief coroner. Although National has a number of reservations about the disestablishment of 44 posts with no compensation, there are some admirable features to the new structure.
Having a chief coroner and introducing some uniform professional standards we do not see as being a bad idea. The good thing about the bill is that it will introduce some uniformity across the country.

Hon Rick Barker: Oh, it’s another good idea!

Dr JONATHAN COLEMAN: If the Minister would just listen, I might even offer some more praise for the bill. People are looking to the bill for uniformity of practice across New Zealand. New Zealanders have to be confident that when they come into contact with the coronial system they will be treated the same wherever they go in the country.

Nevertheless, we need to have a great deal of sympathy for those long-serving coroners for the unconstitutional way in which they will be unceremoniously dumped from their positions, with absolutely no compensation. We have to ask who on earth would want to be a coroner. It is a thankless job. Coroners listen all day to stories of death, they confront sad and obviously distressed families in their time of greatest need, and they are often called upon to make controversial judgments, then hung out to dry in the media. Many of these people, after 40 years of service, will be told: “Thanks very much for coming along. We were very happy to have you while we needed you, but, sorry, you won’t be required under Minister Barker’s new regime.” I guess the question for the Minister is whether he is prepared to offer ex gratia payments to those people. Would the Minister like to take a call and answer that very question?

I think that with all the years of thankless service these people have given to the country, they deserve far better than what they will get under the Coroners Bill. These people have balanced their sense of social responsibility to give service to their communities while maintaining other professional duties. Many have been ex-policemen, many have tried to maintain a legal practice at the same time, and medical practitioners have also fulfilled the role. So, very often, the role of coroner has been taken on by people who are probably the best qualified in their community, and who take up that mantle because, frankly, no one else is prepared to do a very thankless job that has been pretty poorly rewarded. A lot of coroners could have made a lot more money doing other things, but they have been prepared to do a service to their community.

I ask the Minister to think carefully about whether he is really firm on the provisions of Part 4, and whether there might be some leeway there so we can recognise the service of these people and not do away with them in such an unconstitutional manner. Frankly, if we can do away with the coroners in this manner, we have to ask who might be next.

Looking through some of the editorials, I see that it is quite clear that press opinion is largely supportive of these coroners, especially in some of the rural areas. The Nelson Mail states that the dismissal of these coroners is unconstitutional. It tells the story of Mr Smith, a Coroners Council member, who says that coroners have not had a pay increase since 1991. Someone who has been in that job for the last 15 years would have to be pretty keen—

Hon Rick Barker: That’s not correct.

Dr JONATHAN COLEMAN: Is the Minister accusing the Nelson Mail of libel?

Hon Rick Barker: Fixed that in the last Budget.

Dr JONATHAN COLEMAN: And what was it raised by? The Minister cannot just say it was raised. He has not got a figure; it is just a reflex response from that open, empty mind.

Hon Rick Barker: It’s all public information. Get on the Internet. Google the answer.

Dr JONATHAN COLEMAN: I am not going to get on the Internet; I am giving a parliamentary speech. That coroner, Mr Smith, was concerned that the move could set a
precedent for similar changes in other courts. If we are going to do this to the coroners, who will be next? That is the question.

ANNE TOLLEY (National—East Coast): I also want to speak to Part 4 of this bill. I say to the Minister for Courts that I do not want to play games in Parliament by joining the dots, because this part of the bill, in particular, has serious consequences for some very able members of the community throughout New Zealand. They deserve more than the sort of nonsense we have just heard from the Minister in charge of the bill.

I want to talk seriously to the Minister about transition provisions for the disestablishment of coroners. I particularly want to talk about the East Coast. I was not on the Justice and Electoral Committee but I understand that the Law Commission began this process with a review, and that it specifically mentioned areas like the East Coast and the West Coast, to which my colleague Kate Wilkinson has referred. They are unique areas. I brought Kate Wilkinson up to Gisborne and we met with two of the three coroners there and discussed some of their difficulties with the proposals in this bill. The coroners in Gisborne and Wairoa are part-time. The Gisborne coroner is a well-respected barrister and solicitor who has been in the job for decades. Gisborne is 2½ to 3 hours travelling time from the nearest larger centres either side. The idea of losing that member of the community and the work he does is causing quite some dismay in Gisborne.

But the area I really want to bring to the Minister’s attention is the coast. Up there, based in Ruatōria, is a part-time coroner—he is not a practising barrister or solicitor; he is a JP—called Hughie Hughes, who is a very well-respected member of the community. He is based in Ruatōria and, as the Minister knows, that area of the East Coast has large tracts of land between very small and very poor communities. The roads are bad. Members might ask why on earth that would be of importance to a coroner. We actually said to him: “So what? Travel time doesn’t seem to be a huge issue.” He made the point that not only are the townships small and quite a number of hours distant from each other but they are manned by single policemen in one-person police stations with no back-up and often an inability to deal with all the cases. So the coroner travels and is a huge aid to the police up and down the East Coast.

The example he gave of the position he holds in the community, which is almost a unique position for a coroner, was the tragedy in Ruatōria of the death of five young people in a car accident. The community was in shock and there was considerable angst between the local police and local families, who of course wanted the bodies of their young and who were in a terrible state of grief. The coroner played the part of a totally independent person who had the respect of different iwi and hapū and of the police. The role he played there was one of a community service.

The service of those sorts of people in some quite specific areas in New Zealand is important. The role cannot be played by a person who comes in from the outside—maybe from Hawke’s Bay, which would be 5 hours’ distance—has no knowledge of the people concerned, and does not have the confidence of the local people, who are mainly Māori people, and therefore may not have the respect that is given to a person such as Hughie Hughes. I say to the Minister that these are unique cases. They are not something that will be found right throughout New Zealand, and the Law Commission made that point itself. So my role here is to ask the Minister that when he is looking at the transitional provisions and thinking about how he is going to put this law into place, he considers the uniqueness of the situation of those part-time coroners on the two coasts.

DARREN HUGHES (Junior Whip—Labour): I move, That the question be now put.
A party vote was called for on the question, *That the question be now put.*

**Ayes 71**
New Zealand Labour 50; New Zealand First 7; Green Party 6; Māori Party 4; United Future 3; Progressive 1.

**Noes 48**
New Zealand National 48.
Motion agreed to.

The CHAIRPERSON (Ann Hartley): An amendment in the name of Christopher Finlayson to Part 4 is ruled out of order under Standing Order 322.

The question was put that the amendments set out on Supplementary Order Paper 36 in the name of the Hon Rick Barker to Part 4 be agreed to.

Amendments agreed to.
Part 4 as amended agreed to.

The question was put that the amendments set out on Supplementary Order Paper 36 in the name of the Hon Rick Barker to schedule 1 be agreed to.

Amendments agreed to.
Schedule 1 as amended agreed to.

The question was put that the amendment set out on Supplementary Order Paper 36 in the name of the Hon Rick Barker to schedule 2 be agreed to.

Amendment agreed to.
Schedule 2 as amended agreed to.

The CHAIRPERSON (Ann Hartley): An amendment in the name of Christopher Finlayson to clause 3 of schedule 3 is ruled out of order under Standing Order 322.

The question was put that the amendments set out on Supplementary Order Paper 36 in the name of the Hon Rick Barker to schedule 3 be agreed to.

Amendments agreed to.

A party vote was called for on the question, *That schedule 3 as amended be agreed to.*

**Ayes 71**
New Zealand Labour 50; New Zealand First 7; Green Party 6; Māori Party 4; United Future 3; Progressive 1.

**Noes 48**
New Zealand National 48.
Schedule 3 as amended agreed to.
Schedule 4 agreed to.
Schedule 5 agreed to.

**Clauses 1 and 2**

Dr RICHARD WORTH (National): As we come to the closing of the Committee stage of this debate, I think it is worthwhile noting two things. Firstly, I want to be utterly fair to the Minister Rick Barker, who has exercised a financial veto in respect of
the Finlayson amendment, under Chapter 6 of the Standing Orders, and to give him an opportunity to recant if he wants to. He made it very clear. He said the effect of the Government’s position in respect of clause 3 of schedule 3 is that ex gratia-type payments were not ruled out. I think it is important to record that, because clause 3 states: “No former coroner is entitled to compensation for loss of office as a coroner or deputy coroner ...”. The Minister made the point that there should be a focus on the word “entitlement”, but that the clause did not rule out the payment of compensation in appropriate cases. I put it that way to give him an opportunity to back off if he wants to.

The second issue I seek to identify is that, but for National, it is highly probable that this legislation would not have been advanced. Why do I say that? Because there has been absolutely no contribution, apart from the comments of the Minister, from Government members. I reflect on the fact that not so long ago the chairperson of the Justice and Electoral Committee was Tim Barnett, rather than the present chairperson. He would have been in this Chamber making a contribution. I say that if it is fair enough that Martin Gallagher, the chairman of the Law and Order Committee, is here, then we should also have the opportunity to hear comments from the current chairperson of the Justice and Electoral Committee, Lynne Pillay. It is a shame we have not had a contribution from that member. If I speculate why that is, I think we all understand that it is simply because she is not up to the task.

The Coroners Bill is important legislation, and National has sought to emphasise that at every point. We really have only one position of violent disagreement with the Government, which is the issue of the tenure of coronial office and the appropriateness of compensation payments.

Probably the most controversial issue the select committee had to grapple with was suicide reporting. I simply say that New Zealand’s print media increasingly regard the issue of suicide as one of urgent public interest and a major public health problem. Media representatives have said, when talking about the benefits of publicity, that blaming the messenger for causing or worsening the problem, whose basic causes must be sought elsewhere, fails to recognise the important and cleansing nature of the blaze of publicity being focused on the darker side of New Zealand life.

The select committee grappled with this issue. The relevant clause is clause 61. Clause 61 remains in place, with discretions vested in the coroner to do what he or she thinks is right. I express the hope, against the background of the urgings from the Commonwealth Press Union and the New Zealand Press Council that it is time the issue was seriously considered, that if there is to be greater publicity, there should be some guidelines offered on this very tricky issue of suicide reporting.

I offer further comment on the issue and say, first of all, that suicide should be reported when such reports are in the public interest. Media professionals have an obligation to avoid the distribution of material that is likely to incite or encourage self-harm or suicidal behaviour. I also say that media professionals are under a clear obligation to exercise care not to trivialise, romanticise, or glorify suicide, particularly in media that target young people or that are likely to be available to them.

Hon RICK BARKER (Minister for Courts): I want to pick up on a couple of comments made by the previous speaker, Richard Worth, who is normally a very thorough and accurate person. It is an extremely rare case that one can pick up Dr Worth for being wrong on a point of substance. It is very rare. He is a very learned colleague, he debates constructively and favourably in the House, and his being wrong is an unusual situation. But we heard an example of it tonight when he made an observation that the chair of the Justice and Electoral Committee had not participated in this debate. He said that she had not.
I suggest the member checks the *Hansard* record, because I recall sitting in this very chair and listening to Lynne Pillay making a contribution earlier on in the Committee stage. I can only assume Dr Worth was asleep or in deep conversation with a colleague, and failed to admit it, or was somewhere else; I am not sure. But I want to say that he was very unfair to Lynne Pillay. I do not want to be ungenerous to Dr Worth; I think he could have been mistaken. It is unusual for him to make a mistake like that.

The second point I want to come back to is that I was challenged earlier about the fees for coroners. I want National Party members to get hold of the bench and brace themselves for this. This is what the Government has done, after 9 long years of neglect by National of coronial fees, when it did nothing for coroners. The previous fee for deciding, after receiving a report of a death, not to make further inquiries was $40; the new fee is $80. For completing an inquest lasting less than 2 hours, the previous fee was $250; the new fee is $400. Those are substantial increases.

The other point that should be made to Dr Worth is that we do not have an employee-employer relationship with coroners. That is the first point that needs to be made. It is a very clear point. When he looks to consider these positions in terms of normal industrial law, he has the wrong basis for doing so. But I also say to Dr Worth that when one reads the legislation one sees that schedule 3 is very clear.

**Dr Richard Worth**: Clause 3.

**Hon RICK BARKER**: Clause 3. I made it very clear to him.

The other point I want to make briefly before concluding is in response to Anne Tolley’s comments about the East Coast and other places. The whole principle of change for this bill is to ensure we have, as a previous National Party speaker said, national standards that apply across the country. We want the highest level of professionalism possible in coronial services. I have seen quite considerable variation across the country, and I think everybody in New Zealand should be entitled to the finest coronial services possible. That is the purpose of this legislation. When the transition is going through, members can be assured that we will be very mindful of those particular issues in terms of the location of coroners. I have every confidence the chief coroner will ensure that we have excellent coronial services throughout New Zealand.

I am also equally sure that when we look back on this legislation in 10 or 20 years’ time, people will say it is good legislation. I have no doubt about that. It will move coronial services forward, and all the issues that were raised by Dr Worth about coronial databases and accurate information will be there, as well. I think Parliament has done itself proud with this legislation, and I thank everybody who has participated in the debate.

**CHRISTOPHER FINLAYSON** (National): There were two issues at stake tonight, and the Minister was the only person from Labour who responded to them, which is proof, if proof be needed, that the gene pool in Labour has seriously deteriorated. This would never have happened under Geoffrey Palmer. Instead we have a Minister of Justice who grew organic vegetables, and, on the basis of his answers to questions today, some would say he has become one. We have an Attorney-General who is a history teacher. The Minister in the chair, Rick Barker, is a trade unionist, and the Associate Minister is a clerk.

**Dr Richard Worth**: I raise a point of order, Madam Chairperson. It is clearly inappropriate for the Minister of Justice to stand in the middle of the Chamber and converse with members during Mr Finlayson’s speech.

**Hon Mark Burton**: Of course, it would be a matter of decorum. I would not want to offend the dignity of the Chamber. I happened to be conversing with a member when Mr Finlayson got up and attempted humour, but I do apologise for any offence.
Progress reported.
Report adopted.

The House adjourned at 9.56 p.m.