



Fifty-fourth Parliament

Parliamentary Debates
(HANSARD)

CORRECTED DAILY

(subject to minor change before inclusion in Bound Volume)

Tuesday, 12 August 2025
(for inclusion in Volume 786)

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TUESDAY, 12 AUGUST 2025

The Speaker took the Chair at 2 p.m.

KARAKIA/PRAYERS

BARBARA KURIGER (Deputy Speaker): Almighty God, we give thanks for the blessings which have been bestowed on us. Laying aside all personal interests, we acknowledge the King, and pray for guidance in our deliberations, that we may conduct the affairs of this House with wisdom, justice, mercy, and humility for the welfare and peace of New Zealand. Amen.

PETITIONS

SPEAKER: Two petitions have been delivered to the Clerk for presentation.

CLERK:

- Petition of Bianka Atlas requesting that the House pass legislation prohibiting the import and sale of foie gras
- petition of Bob Robertson requesting that the House require licensed premises to display drink prices, serving sizes, and alcohol content.

SPEAKER: Those petitions stand referred to the Petitions Committee.

POINTS OF ORDER**Matter of Privilege—Update on Speaker’s Response**

DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori): Point of order. Mr Speaker, I’d like to lodge a complaint seeking referral of a matter to the Privileges Committee on 3 June. Could you update the House on when you expect to respond to that lodged complaint?

SPEAKER: In due course.

PAPERS, SELECT COMMITTEE REPORTS, AND INTRODUCTION OF BILLS

SPEAKER: Thirteen papers have been delivered to the Clerk.

CLERK:

- Government response to petition of Malkiat Singh
- Report of Representation Commission 2025 on the New Zealand electorate boundary review
- Health New Zealand, New Zealand Health Plan 2024-2027
- Statements of intent of 2025-2029 for the:
 - Electoral Commission
 - Criminal Cases Review Commission
- Statements of corporate intent for 2025-2028 for:
 - Landcorp Farming
 - Airways Corporation
- Statements of corporate expectations for 2025/2026 for:
 - Crown Regional Holdings Limited
 - Electoral Commission
 - Independent Police Conduct Authority
 - Privacy Commissioner
 - Law Commission
 - Criminal Cases Review Commission.

SPEAKER: Those papers are published under the authority of the House. Seven select committee reports have been delivered for presentation.

CLERK:

- Report of the Environment Committee on the petition of Kevin Moran
- Reports of the Petitions Committee on the:
 - Petition of Bronda Smith
 - Petition of Laura Ancell, and the
 - Petition of Tanya Dunstan.
- Reports of the Transport and Infrastructure Committee on the:
 - Public Works (Critical Infrastructure) Amendment Bill
 - Review briefing on the 2023/24 annual review of Genesis Energy Limited
 - Review briefing on the 2023/24 annual review of Mercury NZ Limited.

SPEAKER: The bill is set down for second reading and the review briefings are set down for consideration.

URGENT DEBATES

Government To Consider Recognition of Palestinian State

SPEAKER: Members, I've received a letter from the Hon Peeni Henare seeking to debate, under Standing Order 399, the Government's announcement that it will consider recognising a State of Palestine. This is a particular case of recent occurrence for which there is ministerial responsibility. Not every Government announcement warrants an urgent debate, particularly where the decision may be some time away. However, this matter is of sufficient importance to warrant the immediate attention of the House. Following oral questions, I will call on the Hon Peeni Henare to move that the House take note of a matter of urgent public importance.

URGENT DEBATES DECLINED

Federal Bureau of Investigation—Opening of Office in New Zealand

SPEAKER: I've also received a letter from Teanau Tuiono seeking to debate, under Standing Order 399, the opening of an FBI office in New Zealand. This is also a particular case of recent occurrence for which there is ministerial responsibility. There can only be one urgent debate on any sitting day. Standing Order 401 requires me to give priority to the matter that, in my opinion, is the most urgent and important, and I have done so. That does not prevent the member from submitting an application on another day.

ORAL QUESTIONS

QUESTIONS TO MINISTERS

Question No. 1—Finance

1. CAMERON BREWER (National—Upper Harbour) to the Minister of Finance: What recent reports has she seen on the economy?

Rt Hon Chris Hipkins: Audition No. 1.

Hon CHRIS BISHOP (Acting Minister of Finance): Are you not letting Kieran have a question today?

SPEAKER: No, no, hang on—hang on. Don't start out that way. We'll start again, all nice and calm.

Hon CHRIS BISHOP: On behalf of the Minister of Finance, last week Treasury released its long-term insights briefing, which highlights the dangers of excessive Government spending. The report explores the role of fiscal policy in economic shocks and crises, including the way Government finances were used during and after COVID-

19. The COVID-19 response cost New Zealanders \$66 billion, or 20.4 percent of GDP. By way of comparison, this is twice the cost of the Canterbury earthquakes as a proportion of GDP, which cost around \$23 billion.

Cameron Brewer: How did the COVID-19 response impact Crown debt?

Hon CHRIS BISHOP: On behalf of the Minister of Finance, non-urgent COVID spending, including spending on measures that were not tied to COVID, was a key driver of structural deficits in the years after 2021. COVID-19 spending sent net core Crown debt on an aggressive upwards path. From financial year 2015 to 2019, net core Crown debt was relatively flat, but from 2019 to 2023, net core Crown debt increased by 169 percent, to over \$155 billion. Treasury notes in the long-term fiscal insights report that “As the economy recovered in the second half of 2020 and into 2021, [it] advised shifting towards more targeted support and recommended against further stimulus from Budget 2022 onwards.” However, only 30 percent of funding allocated to the COVID-19 response was spent in the 2019-20 year; in fact, 36 percent—roughly, a third—occurred after June 2021, including when inflation hit 7.3 percent.

Cameron Brewer: Supplementary. How did—

SPEAKER: This will be a concise question with a concise answer.

Cameron Brewer: How did New Zealand’s fiscal response to COVID-19 compare with those of other developed countries?

Hon CHRIS BISHOP: Well, on behalf of the Minister of Finance, the Treasury report finds that the overall scale of our discretionary fiscal response was one of the largest amongst advanced economies. The report does not suggest that spending when crises or shocks occur is bad; it does, however, make the point that we should interrogate the scale and the quality of the spending. There were numerous programmes and initiatives not tied to the shock that had a lagged impact on the economy and proved difficult to unwind later—for example, increases to benefits, the Jobs for Nature programme, and so-called shovel-ready projects, some of which are only starting now. It’s a very, very diplomatic way of saying that we are still paying the price for a big-spending approach that diverted wildly from a pandemic response.

Cameron Brewer: What are the key insights and lessons from the report?

Hon CHRIS BISHOP: On behalf of the Minister of Finance, the lesson from the mishandling of the COVID response is that while there are times when Governments have to increase spending in response to major events—

Hon Kieran McAnulty: Point of order, Mr Speaker. Thank you, sir. We have not raised a point of order up to now because everything has been absolutely compliant with what’s required in Speakers’ rulings and the Standing Orders, but as soon as a Minister is, basically, asked to provide his opinion on what the lessons are, we’re straying into the exact territory which you have warned the Government not to do, and the Minister’s description of the COVID response in that answer is in breach of what you’ve guided him not to do.

SPEAKER: Well, can I just say that I didn’t quite hear that part because there was somebody waving their arms up in the broadcasting box and I thought there was some sort of a thing going on that we should be aware of, but apparently not. Minister, you’ve just heard the concerns. They are concerns that I’ve outlined before. Please keep your answer within the bounds of that previous ruling.

Hon CHRIS BISHOP: On behalf of the Minister of Finance, the lesson I take from the COVID response is that there are times when Governments have to increase spending in response to major events, but it is really important that the fiscal guardrails are restored as soon as possible. It’s easy to turn the money tap on but harder to turn it off. It is imperative, I believe, that we return to surplus and get debt down as soon as possible after

an event, because the reality is that New Zealanders will face other emergencies, and we need to start saving for them.

Hon David Seymour: In what ways and how do New Zealanders pay for a fiscal blowout of the type that he's described?

Hon CHRIS BISHOP: Well, I'd refer the member to the Pre-election Economic and Fiscal Update (PREFU) from 2023, issued just before the change of Government in 2023, which indicated increased debt, increased unemployment coming into the future, inflation, and a very difficult economic environment that would persist for the next few years. That is precisely what has transpired. Fortunately—

Hon Carmel Sepuloni: The Minister needs to take some responsibility—still playing the blame game.

Hon CHRIS BISHOP: It's literally your own report—the fiscal settings left by that member. It's her own Pre-election Economic and Fiscal Update, for which she now seems to bear no responsibility for, whatsoever. Actually, unemployment is now lower than was forecast in the PREFU in December 2023.

Question No. 2—Prime Minister

2. Rt Hon CHRIS HIPKINS (Leader of the Opposition) to the Prime Minister: Does he stand by all his Government's statements and actions?

Rt Hon CHRISTOPHER LUXON (Prime Minister): Yes.

Rt Hon Chris Hipkins: Supplementary question—

SPEAKER: I've got to ask this question again: how do we carry on from this point, where a questioner says, "Do you stand by all the Government's statements and actions?", and the answer is "Yes."? What more can there be?

Rt Hon Chris Hipkins: I was asking a supplementary.

SPEAKER: Yeah, I know. But what supplementaries can you have to that?

Rt Hon Chris Hipkins: Well, if you hold your breath, you'll find out!

SPEAKER: Well, give it a go, but we've got four primary questions today that ask the same thing.

Rt Hon Chris Hipkins: Why does he stand by Nicola Willis' statement that people who have lost their jobs "shouldn't take it personally"?

SPEAKER: That was very skilful—well done.

Rt Hon CHRISTOPHER LUXON: As that member knows, if you looked at the finance Minister's comments in full, the reality is that the previous Government spent \$66 billion and made the cost of living crisis worse for low and middle income working New Zealanders. That is the legacy of the Government that he led, and that's the context of the comment that she made.

Rt Hon Chris Hipkins: So why doesn't he think people who have lost their jobs should take it personally?

Rt Hon CHRISTOPHER LUXON: I think people having lost their jobs is an incredibly sad thing. The reason it's happened is because of his administration, because he actually didn't run the economy well, and when you don't run the economy well, you end up causing pain and suffering for low and middle income New Zealanders; and that's exactly what he did.

Rt Hon Chris Hipkins: Does he accept that for people losing their jobs it's one of the most life-changing things that can happen to them, and that his Minister of Finance accusing those concerned about job losses of "glass half-empty [thinking]" just rubs salt into the wound?

Rt Hon CHRISTOPHER LUXON: I fully agree: losing a job causes a lot of distraught-ness for lots of people who lose their jobs. It's incredibly sad, it's a terrible tragedy, and I wish that that member would take some responsibility for causing it.

Rt Hon Chris Hipkins: Does he still believe the economy is “turning the corner”, when every day, 76 New Zealanders lose their jobs and 340 Kiwis give up and leave the country because his Government is making things worse, not better?

Rt Hon CHRISTOPHER LUXON: Well, I’ll just say to the member that the context for the situation that we’re managing with the economy is that it is tough times for New Zealand—it’s been a very difficult time. We’ve had the biggest recession we’ve had since the early 1990s. We’ve had a post-COVID hangover, as you’ve just heard from the Treasury report of last week, that his Government made worse, driving up inflation and interest rates, putting the economy into recession, and people now losing their jobs. You’ve seen good growth at the back end of last year, you’ve seen good growth at the beginning of this year, and since April, there has been a loss of confidence and sentiment around the world and in New Zealand as a function of the tariff announcements. This is a Government that is doing everything it can to drive economic growth, and we’ll continue to do so.

Rt Hon Chris Hipkins: Supplementary question—

SPEAKER: Just before the member starts: rare and reasonable.

Rt Hon Chris Hipkins: Does he stand by his decision to pause, delay, or cancel construction projects—decisions that have actively made things worse and put 18,000 construction workers out of work since he became Prime Minister?

Rt Hon CHRISTOPHER LUXON: Well, I’d just say to the member, who I think we should start calling “The Sixty-six Billion Dollar Man”—because when I grew up as a kid, there was a show called *The Six Million Dollar Man*, and this member is the “Sixty-six Billion Dollar Man”; it’s the way to think about it. But we have got \$206 billion worth of infrastructure pipeline. This is a Government that has announced \$6 billion worth of infrastructure projects, with people on the end of the shovels before Christmas. If the member cared deeply about construction jobs, why doesn’t he reverse his decision on fast track?

Rt Hon Chris Hipkins: If things are so much better under his Government, why were there seven times as many State houses under construction in 2023 compared to today; and six out of 10 construction firms who were previously building State houses have now exited the market?

Rt Hon CHRISTOPHER LUXON: Well, I’ll say to the member that we have gone through a period of time—caused by his previous Government—that has actually put the New Zealand economy into recession. His actions drove up interest rates and caused huge devastation on the construction sector. They can’t borrow money when interest rates are high for development and new projects. But this is a Government committed to doing more building of classrooms across the schools. This is a Government committed to doing more roads of national significance. If the member really cared about it, get in behind, support fast track and Resource Management Act reform.

Rt Hon Chris Hipkins: Has he found a single family who has received the full \$250—

SPEAKER: Sorry. Someone was speaking then, while the question was being asked. That person may well want to put their head down, but—

Hon Judith Collins: I’m very sorry, Mr Speaker.

SPEAKER: I beg your pardon; I haven’t asked you to be—

Hon Judith Collins: I apologise. I was talking to my colleague, and I’m very sorry.

SPEAKER: Right. Well, then your apology is sort of accepted, but don’t make a habit of it. When everyone is quiet, the Rt Hon Chris Hipkins.

Rt Hon Chris Hipkins: Has he found a single family that has received the full \$250 extra a fortnight that he promised them during the election campaign?

Rt Hon CHRISTOPHER LUXON: I’ve spoken to many families up and down this country who so greatly appreciate the tax relief that this Government provided. Not an

ideological concept—lifting tax thresholds—but, again, he failed to support it. I’ve also spoken to many families who are very grateful for our FamilyBoost, helping offset expensive early childcare costs. Again, a simple process—encourage everybody to get on myIR and get it done.

Rt Hon Chris Hipkins: Point of order, Mr Speaker. It was a relatively straightforward question as to whether he’s been able to identify a single family that’s received the \$250 a fortnight that he promised them. I think anybody listening objectively to that would have no idea what his answer to it was.

SPEAKER: I certainly don’t, because there was a lot of noise coming from my left that prevented me from hearing it, so I can’t make a judgment on it. But you have, I think, made your point. Do you have another supplementary?

Rt Hon Chris Hipkins: No, that’s it.

Question No. 3—Prime Minister

3. CHLÖE SWARBRICK (Co-Leader—Green) to the Prime Minister: E tautoko ana ia i ngā kōrero me ngā mahi katoa a tōna Kāwanatanga?

[Does he stand by all of his Government’s statements and actions?]

Rt Hon CHRISTOPHER LUXON (Prime Minister): Yes.

Chlöe Swarbrick: Does he agree with the Minister of Foreign Affairs that “There are a broad range of strongly held views within our Government”, and, if so, who in the Government is opposing recognising Palestinian statehood?

Rt Hon CHRISTOPHER LUXON: There are a broad range and strongly held views across the whole of our society and across the whole of New Zealand, and, as you would expect, across this Chamber there will be a variance of views as well.

Chlöe Swarbrick: What is the harm, if any, of recognising Palestinian statehood?

Rt Hon CHRISTOPHER LUXON: Well, it’s been a longstanding position of successive New Zealand Governments since 1947 to recognise the creation of a State for Israel and a State of Palestine where two peoples can live together in peace and security. That has been a longstanding position of the New Zealand Governments of different political parties. The issue is that we need to, as we’ve said, as you’ve heard the Foreign Minister say, and it’s been a longstanding position—it’s a matter of when, not if. But the immediate challenge for the situation in the Middle East is, of course, Hamas must release hostages. As a terrorist organisation, they must release those hostages. Secondly, Israel must allow unfettered humanitarian access into what is an absolute catastrophe, and there must be a ceasefire and diplomacy and dialogue.

Chlöe Swarbrick: Is the Prime Minister aware that Israeli hostages have been offered back multiple times and Israel currently holds approximately 10,000 Palestinian prisoners?

Rt Hon CHRISTOPHER LUXON: Sorry, I’m not going to respond to that question. That’s not what I’ve been briefed on.

Chlöe Swarbrick: Point of order, Mr Speaker. *[Interruption]*

SPEAKER: A point of order is heard in silence.

Chlöe Swarbrick: I’m just seeking your guidance when the Prime Minister refuses to answer a question which seeks to tease out the logic that he is using with regard to Government decision making.

SPEAKER: No, I don’t think that’s reasonable. The Prime Minister said he wasn’t prepared to answer it because it wasn’t within the scope of the briefing that he’s received.

Chlöe Swarbrick: Is the Prime Minister aware, then, of our obligations under the genocide convention, and, if so, what are they?

Rt Hon CHRISTOPHER LUXON: Yes, and what I’d say to the member is I would be very careful throwing terms like “genocide” around. It’s very important that the right

bodies, that we support under the international rules-based system—the International Court of Justice and the International Criminal Court are those closest and are the appropriate bodies which we fully support to make those determinations.

Chlöe Swarbrick: Is the Prime Minister finally willing to say that Israel's slaughter and starvation of Palestinians in Gaza is a genocide, and, if not, what does he know that Holocaust and genocide scholars don't?

Hon David Seymour: Point of order. Standing Orders—I think it's about 390—are very clear that a questioner must not make arguments or argumentations in asking a question that are not necessary to make it intelligible. This questioner is making a series of assertions in order to convey information rather than seek it by asking a question. A question like that, according to Standing Orders, should be ruled out.

SPEAKER: Had the member not been so quick off his feet, it probably would have happened—and it is now happening. Have another go.

Chlöe Swarbrick: What does the Prime Minister know that Holocaust and genocide scholars apparently do not when they call what is currently occurring in Gaza a "genocide"?

Rt Hon CHRISTOPHER LUXON: Well, what I know is that there's a humanitarian catastrophe happening in the Middle East. What I know is that we want to see peace and stability and security reign in the Middle East, and, for that to happen, Hamas must release hostages immediately. What happened on 7 October from a terrorist organisation inflicting 1,200 deaths on innocent civilians was unacceptable. We are also saying, clearly—and we've done it through a number of calls with other countries as well—that we want Israel to give unfettered humanitarian access. We do not want more military action. We need to make sure that we actually see diplomacy and dialogue reign in the Middle East.

Hon David Seymour: Point of order. Mr Speaker, I draw your attention to the member who has just resumed her seat, which is adorned with a Palestinian scarf, and I invite you to consider what this House might look like if everybody who had an interest in a global conflict started adorning their seats with symbols of one side or the other of a conflict. I think that would bring the House into disrepute, and no member should be allowed to do such a thing, particularly when you yourself have forbidden members from wearing tiny pins on their lapels.

Chlöe Swarbrick: Simon Court's currently removing his.

SPEAKER: Sorry—excuse me. No, I think you make a very good point, actually. I think I've been willing to accept that if people were wearing something that did not particularly—oh, here we go. Good. OK, well, stay warm. We'll move on now.

Question No. 4—Education

4. CARL BATES (National—Whanganui) to the Minister of Education: What announcements has she made regarding NCEA?

Hon ERICA STANFORD (Minister of Education): Last week, I announced a proposal to replace NCEA with a new national secondary qualification. This includes: replacing NCEA level 1 with a foundational skills award; replacing NCEA 2 and 3 with the New Zealand Certificate of Education and the New Zealand Advanced Certificate of Education; requiring students to pass at least four subjects to attain each certificate; returning to clear marks out of 100, with grades like A, B, or C; being ambitious for our kids—unlike some members of this House—and the creation of new coherent subjects and standards, to support strong vocational education. New assessments will be based internationally benchmarked and consistent national curriculum. Until now, no Government has been bold enough to take decisive action, but we are—so our kids get the very best chance to succeed.

Carl Bates: Why is she proposing—

SPEAKER: No, just hang on. Just wait until the House has sort of settled itself. All right.

Carl Bates: Thank you, Mr Speaker. Why is she proposing these changes?

Hon ERICA STANFORD: The warning lights have been flashing for some time. There are clear issues with the design and implementation of NCEA, which is overly flexible, difficult for parents and employers to understand, and the lack of consistency leaves too much to chance. For example, last year in new level 1 mathematics, only 11 percent of students were assessed against all four standards—the whole curriculum. More than 250,000 exam papers were left blank, students are more than twice as likely to get an Excellence grade if it's marked internally rather than externally, and 60 percent of teachers don't believe that the new NCEA is a reliable measure of student knowledge and skill. Doing nothing in the face of all this is not an option. We have to strengthen the system, and our proposals are designed to do just that.

Carl Bates: What will these proposed changes mean for parents?

Hon ERICA STANFORD: My message to parents is this: like you, we are ambitious for your children; they deserve a world-leading education system, and we are delivering that. Our proposals mean that the very best parts of NCEA will stay—things like a combination of internal and external exams, flexibility to do both vocational and general subjects, and special assessment conditions for those students with additional needs—while other aspects will be improved and delivered on: assessment against an internationally benchmarked curriculum, clear grades out of 100, and stronger attainment requirements like passing at least four subjects to gain a qualification. We want there to be more coherence, more consistency, and more clarity of what students know and can do.

Carl Bates: What feedback has she received from parents?

Hon ERICA STANFORD: Well, it has been overwhelmingly positive. One parent reached out to say, "Great job on the new education policy. I've got one kid about to enter NCEA, and I'm very glad my youngest will miss it and enter in through the new way. Keep up the great work." Another parent reached out to say she was delighted to see the proposal. But my favourite comment was one simply saying: "Woo hoo! Fantastic policy. Woo hoo! Let's go." This Government is ambitious about the future success of our young people, and I look forward to working across the House to ensure that we secure enduring success of this proposal.

Question No. 5—Economic Growth

5. Hon GINNY ANDERSEN (Labour) to the Minister for Economic Growth: Does she agree with the Minister of Finance, who said about the additional 16,000 people unemployed that they "shouldn't take it personally"; if not, why not?

Hon CHRIS BISHOP (Acting Minister for Economic Growth): I agree with the full quote made by the Minister of Finance, which was that "it is an incredibly tough experience. They shouldn't take it personally, because what they are often the victims of is an economy that was mismanaged, where inflation and interest rates were out of control, and where many businesses have retrenched." It is absolutely the case that the economy was mismanaged by the previous Government, with inflation and interest rates out of control, and we are still recovering from that.

Hon Ginny Andersen: How is it not—

SPEAKER: Just wait. Everyone needs to calm down a bit. When questions are being asked, they're asked in silence, and nothing that you'd be saying to anybody else in the House matters.

Hon Ginny Andersen: How is it not personal that 16,000 people have lost their jobs under National?

Hon CHRIS BISHOP: I would just direct the member to the full quote in the context in which I gave on the primary answer. She should've listened.

Hon Ginny Andersen: If he truly cares about people's lives and livelihoods, why does he dismiss the thousands of people who have lost their jobs and can't pay their bills, as if their daily struggle doesn't matter?

Hon CHRIS BISHOP: Well, the good news is that the Budget forecasts a 240,000 increase in jobs over the next four years as growth starts returning to the economy, after years of mismanagement under the previous Government. At the end of the day, the Government's job is to implement good public policy and good fiscal policy and allow growth in the economy to return, generating jobs and higher living standards for New Zealanders. That's what the Budget forecasts will happen over the next four years, and we look forward to that continuing.

Hon Ginny Andersen: Does he stand by his statement that "Some New Zealanders have got themselves into the habit of what I call glass half empty economics", and, if so, does he think that those people who lost their jobs should just cheer up?

Hon CHRIS BISHOP: Yes, I do stand by that statement, and, no, I was referring to most members of the Opposition, including the shadow Minister of Finance, who said in a podcast a couple of days ago, "We don't have to provide the solutions to issues," and "It's not my job to find the solutions." I do stand by those statements as well.

Rt Hon Chris Hipkins: Point of order. Mr Speaker. I wonder whether you could clarify for us what the ministerial responsibility in the last part of that answer was?

SPEAKER: Well, if you go back to the supplementary that was asked, it was asked "what do they mean?" and "what did they say?" and "does it just mean cheer up?". The answer that was given, very clearly, stated why the statement was made in the first place. I don't think that's unreasonable.

Rt Hon Chris Hipkins: Further point of order, Mr Speaker. How on earth is a statement by Barbara Edmonds, the finance spokesperson for the Labour Party, a matter of ministerial responsibility?

SPEAKER: Well, the question was: "Do they stick by the comment that those who are pessimistic are glass half empty?", and then it went on to ask if, in fact, it was the 16,000 people who have lost their jobs who should just cheer up. That was clarified, very clearly, by the Minister. I think you've got to look to the supplementaries to work out how the answers might go.

Rt Hon Winston Peters: Minister, on the basis that all politics is local, has he got any examples of employers abusing their staff?

SPEAKER: Well, how does that relate to the primary?

Rt Hon Winston Peters: The Minister can answer the question about its relativity. It's very obvious. We're talking about people over there who are claiming that employers are not looking after their workers—or, in this case, blaming the Government. I'm just making the connection of a local example.

SPEAKER: I think that's probably just where we might leave that.

Hon Ginny Andersen: Does he know what the unemployment rate would be if thousands of New Zealanders had stayed here and not left the country in search of jobs and higher wages?

Hon Carmel Sepuloni: It's not funny.

Hon CHRIS BISHOP: No, it's not. Your mismanagement of the economy was not funny. It definitely was not funny, my friend.

Hon Carmel Sepuloni: Why were you laughing?

Hon CHRIS BISHOP: I'm laughing because I know what the unemployment rate would have been if that member's party had been re-elected. The Pre-election Economic and Fiscal Update said one thing, but New Zealanders know that if Grant Robertson had been allowed to recklessly spend his way through another three years, unemployment would be even higher than it is today, debt would be even higher, and we'd be approaching 50 percent. If people think things are bad now, God only knows what it would have been under Grant Robertson's profligate reign of fiscal terror.

SPEAKER: The House will calm itself.

Hon Ginny Andersen: Can he see that telling people who lost their jobs not to "take it personally" and who are "glass half empty" that it's just another kick in the guts for Kiwis whose lives are worse and not better under National?

Hon CHRIS BISHOP: The member needs to cheer up. The Budget shows, over the next four years, over 200,000 new jobs will be created. There are billions of dollars of infrastructure investment coming down the pipe, including \$6 billion between now and Christmas. Fast-track projects are being consented. In fact, there are due to be, between now and Christmas, over 10 fast-track projects—[*Interruption*]

SPEAKER: Sorry, that's just outrageous. Another one of those outbursts, and it's good afternoon to you.

Hon CHRIS BISHOP: —potentially receiving consent. School property projects and a range of health projects are under way. No one is pretending that life in New Zealand is perfect, and no one is pretending that everything is rosy. But we are making progress. The key lesson is this: you've got to stick to good public policy and good fiscal policy and stick to the economic plan. At least this Government has one. In the words of the shadow Minister of Finance—or at least the current one in the Labour Party—they don't have any policy.

Question No. 6—Building and Construction

6. Dr VANESSA WEENINK (National—Banks Peninsula) to the Minister for Building and Construction: What reports has he seen on the building and construction sector?

Hon CHRIS PENK (Minister for Building and Construction): This week, Kennards Hire released its 2025 Construction Confidence Check survey and found that an overwhelming 93 percent of construction business leaders are confident in the industry's growth and performance over the next five years. Better still, more than half—52 percent, in fact—are "very confident" that we will see strong growth in New Zealand's building industry. This Government is backing the building industry, and it's great to see that—after reports that the industry activity had levelled out—the vast majority of business leaders believe that we are now moving forward.

Dr Vanessa Weenink: What other findings did the survey make?

Hon CHRIS PENK: The survey also highlights factors driving such surge in optimism among our building industry leaders. Around half—47 percent—point to increased Government investment in infrastructure as a reason to feel that the future is brighter. They are also celebrating increased foreign investment and growth in regional infrastructure projects. These are all priorities for the Government, so it is that, for example, we are reforming the Overseas Investment Act to bring wealth into New Zealand, we are investing into our regions, and we've committed to \$6 billion worth of infrastructure projects before Christmas.

Dr Vanessa Weenink: What common challenges face the industry, according to the survey?

Hon CHRIS PENK: The survey highlights a couple of major challenges. One is a lack of quality and availability of building materials, and outdated equipment. This is

exactly why the Government has introduced Investment Boost—this helps tradies and other businesses to invest in the technology and tools that they need to grow by immediately allowing them to deduct 20 percent of the cost from the income tax due that year. We've also changed the law to remove unjustifiable barriers, making it easier for Kiwis to access high-quality building products, increasing availability and innovation, boosting competition, and driving down prices.

Dr Vanessa Weenink: What other recent data on the construction sector has the Minister seen?

Hon CHRIS PENK: Stats NZ data shows that for the year ending June 2025, nearly 34,000 new dwellings were consented. While the rise of 1 percent may seem small to some, it does mark the end of a downturn period that started several years ago. It represents hope, despite the hope on the benches opposite that the reverse were true. It's hope for the sector, hope for our housing supply, and commentators say that this data signals activity is stabilising and recovery is on the way.

Arena Williams: Was the report of the senior construction professional with 20 years' experience wrong when he said last month that what makes this construction downturn different is the absence of large-scale public investment because the Government has "just pulled the [plug] on everything"?

Hon CHRIS PENK: That view isn't representative of the sector; but, more importantly, isn't representative of the facts. For example, as I've stated previously—and not just two minutes ago—the Government has \$6 billion worth of infrastructure projects that are lined up to commence before Christmas, and plenty more beyond that, as my colleague and friend the Hon Chris Bishop, and indeed the Prime Minister, have already outlined today.

Question No. 7—Health

7. Hon PEENI HENARE (Labour) to the Minister of Health: Does he agree with Hon Dr Shane Reti when he said, "I want to see IMPBs (iwi-Māori partnership boards) powered up to support the health outcomes for your whānau and your communities"; if so, what does that look like?

Hon SIMEON BROWN (Minister of Health): I agree with the Hon Dr Shane Reti, who was very clear that iwi-Māori partnership boards, IMPBs, should be providing advice on the health needs of Māori across the country and that they should not be commissioning agencies. That's why we're strengthening the Hauora Māori Advisory Committee and clarifying the role of iwi-Māori partnership boards. Local IMPBs will continue to engage with local Māori communities about their health needs, aspirations, and health outcomes and will provide that advice directly to the Hauora Māori Advisory Committee. That advice will then support decisions made by the Minister and the Health New Zealand Board. This is about putting patients back at the centre and ensuring the voices of Māori communities are clearly heard where they can make the most difference.

Hon Kieran McNulty: Point of order. That was a question on notice, and whilst the second part was addressed, the first part certainly was not. It was a direct question asking if the Minister agreed with Dr Shane Reti and a direct quote. His response was that he agreed with two other things that Shane Reti had said. He did not address the question as to that direct quote.

SPEAKER: Well, perhaps, given that Ministers answer where they think it's in the public interest, that might have been what drove his answer, but I'll ask the Minister to say something again.

Hon SIMEON BROWN: As I said in the answer, the IMPBs—as the Hon Dr Shane Reti said—should be providing advice on the health needs of Māori communities but they should not be commissioning agencies, and we expect Health New Zealand to continue

to work alongside IMPBs as part of the legislative changes, but I and the previous Minister have been very clear that IMPBs are not to be commissioning agencies.

Hon Kieran McAnulty: Point of order. When a question is on notice and it is direct, as this one is, there is an expectation, as outlined in *Speakers' Rulings*, that a Minister addresses that. Now, it is a straightforward question whether they agree or not, and if he doesn't agree, he should explain why, as the question requests.

SPEAKER: Yeah, but I'm not sure, in the answer, that he said he doesn't agree. I've listened very carefully twice, and what he said is that both he and Dr Reti agree about what they should be doing. Now, if you want to have an argument about the term "powered up", that's a different argument, but I don't think it negates the answer that's been given. You can have another supplementary.

Hon Peeni Henare: Can the Minister explain to the iwi-Māori partnership boards why he has made such a decision regarding the minimisation of their role after they have expressed extreme concern with the proposals led by this Minister?

Hon SIMEON BROWN: The Government has been very clear that, as part of the legislative changes that are being made, we want to streamline the advice that the IMPBs are providing, we want to clarify their roles—that they are not to be commissioning services; that is the role of Health New Zealand—and we want to strengthen the role that the Hauora Māori Advisory Committee does play to provide advice both to the Minister and to the Health New Zealand Board.

Hon Peeni Henare: Does he agree with Hingatu Thompson from Te Taura Ora o Waiariki iwi-Māori partnership board, who said, "There's no way New Zealand is going to achieve improvement to Māori health without having a plan", and, if so, will his plan include meaningful engagement with Māori on the matter?

Hon SIMEON BROWN: Our plan is to make sure that we are actually delivering better outcomes for all New Zealanders, including Māori, and I would just point out one of the facts that the Opposition doesn't like to talk about, and that is the immunisation rate for two-year-olds, which fell from 89 percent of Māori in 2017 when they came to office to 64.8 percent when they left. That is, ultimately, what drives better outcomes for Māori: actually getting better outcomes.

Hon Peeni Henare: Does he agree with the Ministry of Health website, which states, "As a department of the public service, the Ministry of Health - Manatū Hauora has a responsibility to contribute to the Crown meeting its obligations under Te Tiriti o Waitangi.", and, if so, how does minimising iwi-Māori partnership boards deliver on this commitment?

Hon SIMEON BROWN: Of course the Government, through its agencies, does have a role to ensure that it is delivering on Treaty settlements and making sure that it is doing that through relationships. However, we have been very clear that Health New Zealand, as a delivery agency, must be focused on delivering better services for all New Zealanders, including Māori.

Hon Peeni Henare: Are the Hon Dr Shane Reti and Sir Mason Durie ONZ both wrong in their support for iwi-Māori partnership boards, and, if so, what makes the Minister so sure that he knows more about Māori health than the Māori health experts themselves?

Hon SIMEON BROWN: If the member was to read the bill before Parliament, the bill continues to have a role for iwi-Māori partnership boards. However, we want to make sure we are streamlining that function and focusing it on delivery for services—something the previous Government forgot about, as evidenced by the appalling immunisation rate for two-year-old Māoris. *[Interruption]*

SPEAKER: Question number—hang on, sorry. Do we, symbolically, have to ask someone to take an early shower, as it were?

Question No. 8—Rail

8. JENNY MARCROFT (NZ First) to the Minister for Rail: What recent statements has he made regarding rail?

Rt Hon WINSTON PETERS (Minister for Rail): Yesterday, we launched the 2025 rail safety week alongside rail workers—

Rt Hon Chris Hipkins: Did you wear a hi-vis for that?

Rt Hon WINSTON PETERS: Unlike you, I didn't have to; people recognised me without having to wear fancy dress. As I was saying, before I was so rudely interrupted—unionists, transport leaders, and the Matamata-Piako mayor Adrienne Wilcock, whose community suffered a rail track death just months ago. The campaign message for 2025 is “Stay off. Stay safe. Tracks are for trains”. This serious message follows six deaths on the rail corridor this year alone. Trains weigh thousands of tonnes and can take a kilometre to come to a stop, so we are asking every member of this House to help get the message out.

Jenny Marcroft: What next steps has the Minister recently outlined for the Marsden Point rail link?

Rt Hon WINSTON PETERS: Last Tuesday, we announced that KiwiRail will make its Marsden Point rail link detailed designs available to builders and investors to assess and consider putting forward proposals. KiwiRail will have more to say about this process shortly. The new rail spur land is fully purchased, designated in the fast-track consents legislation, and covered under our coalition agreement. We have also outlined how Marsden Point can be the first energy export and special economic zone to create wealth right here in New Zealand, specialist jobs through a drydock, fuel security for our economy, and strong export connections.

Jenny Marcroft: Has the Minister attended any high-visibility events recently?

Rt Hon WINSTON PETERS: Last Friday, we joined the City Rail Link test train. Aucklanders have wanted this project since the 1920s and have been paying since we signed the main works contract back in 2019. In 2019, we backed a \$250 million allocation so that the new stations would be longer. If we had not done that, they would have reached full capacity within a decade. Next year, we look forward to the public and members of the Opposition after the election riding this train to their jobs in central Auckland.

Jenny Marcroft: How is the rail ferry replacement programme tracking?

Rt Hon WINSTON PETERS: More good news: extremely well. The Government's company Ferry Holdings Limited is still in the market engaging with commercial shipyards, and everything is tracking to time. We will purchase two new ferries to serve our passengers, roads, and rail, and deliver the no-nonsense infrastructure solution that was supposed to happen in 2020, when I last had that job. We look forward to detailing this programme once the commercial contracts are entered later this year. Those sitting across this Chamber will see that, with a bit of management, firm cost control, pragmatism, and common sense, good things can still happen.

Question No. 9—Building and Construction

9. RIMA NAKHLE (National—Takanini) to the Minister for Building and Construction: What announcements has the Government made about building and construction?

Hon CHRIS PENK (Minister for Building and Construction): Thank you very much, Mr Speaker, for this further opportunity to enlighten the Opposition. Last week, I—

SPEAKER: Stop there—stop there. For some reason, there's talk right across the House before the Minister even began to make a comment. There was also one question that the person suggesting it knows is inappropriate under Standing Orders.

Rt Hon Chris Hipkins: We've already heard this one.

SPEAKER: Well, I haven't.

Hon CHRIS PENK: It's all good, Mr Speaker. Further good news: last week, I was pleased to announce, alongside Deputy Prime Minister and regulations Minister David Seymour, that by the end of this year it will be easier for Kiwis to put a garden shed, sleepout, or garage on their property. We are changing the rules so that small buildings under 10 square meters will no longer need to be set back from the boundary, and the set-back for single-storey buildings between 10 and 30 square meters will be reduced to just 1 metre.

Rima Nakhle: Why did the Government make this change?

Hon CHRIS PENK: Previously, garden sheds and other single-storey detached buildings had to be set back from the boundary or residential buildings by at least their own height. Anything closer meant that the homeowner had to get a building consent. While well intentioned, these rules created a ridiculous situation, forcing Kiwis to see garden sheds awkwardly in the middle of their lawns, wrestle with unnecessary paperwork, or—as has often, too, happened—break the law.

Rima Nakhle: What feedback has the Government received on these changes?

Hon CHRIS PENK: Well, apart from at question time today across the House, the feedback has been overwhelmingly positive. Everyday Kiwis and industry leaders alike have welcomed it. We know that in today's housing market, land sizes are typically smaller and building costs remain high. People want to use their property wisely, without unnecessary hassle. The New Zealand Property Investors Federation said, "This change will make it easier to add an extra bedroom, a new garage to keep cars safe, or a shed for tenants to store bikes, tools and other items. It will add value to an investment property and amenity for renters. It's a win-win."

Rima Nakhle: What does this change tell Kiwis about the Government's approach to building and construction?

Hon CHRIS PENK: This is a perfect example of how the Government is scrapping burdensome regulations, big and small—and small—to make building in New Zealand easier and more affordable. We're relentlessly focused on building productivity, whether that means making it simpler to build sheds, sleepouts, grannies—granny flats and garages; we're not building any grannies—speeding up consenting and inspections, allowing trusted building professionals to sign off their own work, increasing competition to drive down building product prices, and investing in public infrastructure.

Hon David Seymour: What does the Minister say to Alex and Christa Clarke of Onehunga, who reported the issue to the Ministry for Regulation's Red Tape Tipline and had the problem solved by him in a matter of months?

Hon CHRIS PENK: Well, I would say to that patriotic Kiwi couple, who just want to be able to use the land that they own in an efficient way—for example, to store their kids' equipment—that I'm grateful for their intervention; I'm grateful for me getting in touch with the Government; I'm grateful for them utilising the Red Tape Tipline, which is how the proposal came about; and I'm also grateful to the Hon David Seymour for partnering as part of the Government's overall push to reduce unnecessary regulation and get a good, common-sense result for these Kiwi families.

Question No. 10—Commerce and Consumer Affairs (Grocery Sector)

10. ARENA WILLIAMS (Labour—Manurewa) to the Acting Minister of Commerce and Consumer Affairs (Grocery Sector): Has the Government's focus

changed since the Prime Minister said in December 2023 that it would have a “laser focus on bringing down the cost of living”; if not, is she confident that she has the Prime Minister’s backing to bring down the cost of groceries?

Hon CHRIS BISHOP (Minister responsible for RMA Reform) on behalf of the **Acting Minister of Commerce and Consumer Affairs (Grocery Sector)**: No, and yes.

Arena Williams: When she said, “Prices coming down is exactly what we want to see”, has she done anything that has reduced prices?

Hon CHRIS BISHOP: On behalf of the Acting Minister of Commerce and Consumer Affairs, the Minister has an extensive work programme under way—some of which has been made public; some of which has not been—and she is also aware of the hard work of her colleague the Minister responsible for RMA Reform and her colleague the Minister of Agriculture stripping red tape out of our growers and our farmers to make it easier for them to operate.

Arena Williams: Why did it take the Government until 30 March 2025—a full 16 months since the election—to make a request for information (RFI) about changes in the supermarket sector?

Hon CHRIS BISHOP: On behalf of the Acting Minister of Commerce and Consumer Affairs, the Government has had a busy work programme since the election, including in the groceries sector and the groceries portfolio, for want of a better phrase. The RFI has gone out, and the member will soon be interested in seeing the responses.

Arena Williams: So, what, if anything, has happened in the 135 days since the Government made a request for information to the supermarkets?

Hon CHRIS BISHOP: Well, more has happened under this Government in the last 18 months than happened over six years compared to the previous Government. Unlike the previous Government, this Government is taking the issue of groceries competition seriously, and the member will have to wait and see where things get to. But, ultimately, like her, the Government wants to see greater competition in the supermarket sector.

Arena Williams: Will the Minister listen to Mike Hosking, who said that Nicola Willis’ supermarket announcement was “yet another diatribe about what needs to be done, what could be done and what might be done”, “a speech of hopeless contradictions”, and “for a Government with an image of more talk than action, she didn’t do anything to help that reputation.”?

Hon CHRIS BISHOP: On behalf of the Acting Minister of Commerce and Consumer Affairs, I think the member might be confusing those comments from Mike Hosking allegedly about Nicola Willis with comments actually about the leader of the Labour Party.

Arena Williams: Why won’t the Minister take responsibility for the well-documented rise in grocery prices since her Government came into power and admit that she’s making life worse for Kiwis struggling with the cost of living?

Hon CHRIS BISHOP: On behalf of the Acting Minister of Commerce and Consumer Affairs, the Government does not set the price of groceries, as the member, I think, knows, or perhaps not. The Government takes the issue of groceries competition seriously, and we will advance substantive, proper solutions, unlike the stupid policy of taking GST off fruit and vegetables.

Question No. 11—Prime Minister

11. DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori) to the **Prime Minister**: Does he stand by all his Government’s statements and actions?

Rt Hon CHRISTOPHER LUXON (Prime Minister): Yes.

Debbie Ngarewa-Packer: Why is the Prime Minister allowing the Government to delay recognition of the State of Palestine until September?

Rt Hon CHRISTOPHER LUXON: Well, it's a Government that wants to weigh up its position over the next month. We acknowledge that some of our close partners have changed their position; others have not. We will work our way through the process, as we outlined yesterday.

Debbie Ngarewa-Packer: What criteria does the Prime Minister believe Palestinians have not met that is preventing his Government from immediately recognising their humanity and statehood today?

Rt Hon CHRISTOPHER LUXON: Well, as I explained earlier, it's been a longstanding, bipartisan position that New Zealand supports a two-State solution. It goes right back to 1947 and the partition. We want to see a State of Israel and a State of Palestine living peacefully, side by side. But we are going to review and weigh up our position, as we articulated, and it's an important issue, it's a complex issue, and we'll work through it sensibly and seriously.

Debbie Ngarewa-Packer: How does the Prime Minister justify the targeted killings of journalists in Gaza, including Anas Jamal al-Sharif and the entire Al Jazeera journalist team based there?

Rt Hon CHRISTOPHER LUXON: Well, there is—

SPEAKER: The Prime Minister doesn't have responsibility for that, and I think the question could be asked—

Debbie Ngarewa-Packer: My question was "How does the Prime Minister justify". Do you want me to change that—or that's ruled out?

SPEAKER: Yeah, but the Prime Minister is not required to justify anything other than Government activity.

Debbie Ngarewa-Packer: To apply the Prime Minister's logic, does the Israel Defense Force's campaign against Palestinians undermine Israel's claim of statehood?

Hon David Seymour: Point of order, Mr Speaker. I know that that member is slow on the rules, but she cannot make an assertion that the Prime Minister has such language.

SPEAKER: Look, that is right. This is a very sensitive subject. It's a matter that New Zealand has at afar, I'd say, and the Government positioning of it is something that you can question. But you can't assert something and then ask a question about the assertion. So have another crack.

Debbie Ngarewa-Packer: Does the Prime Minister believe the killing of journalists in Gaza, including Anas Jamal al-Sharif and the entire Al Jazeera journalist team based there, is justifiable?

Rt Hon CHRISTOPHER LUXON: I have no responsibility for the actions of Israel or any other country; I am responsible, as Prime Minister of New Zealand, for New Zealand.

Debbie Ngarewa-Packer: What will be left to protect in a month's time—

Hon Members: Oh!

Debbie Ngarewa-Packer: —if the Prime Minister waits until September to act, with the Israel Government approving further escalation—

SPEAKER: No, just start the question again. It may be a question that some on the backbench to my right are not happy with, but they will listen to it.

Debbie Ngarewa-Packer: What will be left to protect in a month's time if the Prime Minister waits until September to act, with the Israel Government approving further escalation in Gaza, including measures that will deepen the starvation and killing of Palestinians?

Rt Hon CHRISTOPHER LUXON: I would just say to the member that there are strongly held views on all sides of this debate across the whole of New Zealand, and, in fact, all around the world. What this Government has been consistent in doing since this conflict started is actually calling for the immediate release of hostages from Hamas. I'm

sure that member would agree with that—that that is the appropriate action. What this Government has been calling for is for Israel to give unfettered humanitarian access to protect civilians and to honour its obligations under international law, and what this Government has consistently called for is a ceasefire. That is the way in which we get ourselves to a pathway on the two-State solution.

Debbie Ngarewa-Packer: Point of order, Mr Speaker. My question was “What will be left to protect”.

SPEAKER: But that is not a question that the Prime Minister of New Zealand can possibly answer, and it’s certainly not a question that is within his ministerial responsibilities—his prime ministerial responsibilities.

Rawiri Waititi: Our position is.

SPEAKER: And the member next to you can assert that all he likes; that is simply not the case.

Hon David Seymour: Has the New Zealand Government, which the New Zealand Prime Minister is responsible for, made contributions of humanitarian aid to this crisis in Gaza, and, if so, how much money?

Rt Hon CHRISTOPHER LUXON: We have supported humanitarian assistance to the tune of \$37 million, but one of the major challenges right now is that it’s very difficult to get aid into Gaza because of the actions of Israel. That is why our Government has joined with many others, and foreign Ministers all around the world, in calling for Israel to release and enable unfettered humanitarian access.

Question No. 12—Prime Minister

12. Hon MARAMA DAVIDSON (Co-Leader—Green) to the Prime Minister: E tautoko ana ia i ngā kōrero me ngā mahi katoa a tōna Kāwanatanga?

[Does he stand by all of his Government’s statements and actions?]

Rt Hon CHRISTOPHER LUXON (Prime Minister): Yes.

Hon Marama Davidson: Why does he think worker-led collectives are describing his Government as the most anti-worker Government in decades?

Rt Hon CHRISTOPHER LUXON: You’d have to ask them, but what I can tell you is we’re on the side of low and middle income working New Zealanders because we believe they deserve tax relief—first time in 14 years. We’re backing fast track to create more jobs and opportunity to get things built in this country. We’re the ones that have lowered inflation. We’re the ones that are lowering our interest rates. We’re the one that’s getting the economy growing again. We are doing everything we can to get this country put on a pathway to economic growth, and I think it’s got a very exciting future.

Hon Marama Davidson: Why was his employment relations legislation designed with big businesses like Uber in mind, instead of their workers, who are predominantly vulnerable, low-paid migrant workers?

Rt Hon CHRISTOPHER LUXON: I reject the assertions and characterisation in that question.

Hon Marama Davidson: How does he reconcile his focus on growing wages with his Government’s decisions to offer real-term cuts for minimum-wage workers and cancel fair pay agreements and pay equity claims for low-paid wāhine workers?

Rt Hon CHRISTOPHER LUXON: I’d just say to the member that I would encourage her to look at the records. Since this Government has been formed, we have had wages growing faster than inflation. Compare that to the previous Labour-Greens Government, where we had 13 quarters where inflation was well ahead of wage growth. Wages being higher than inflation is how Kiwis get ahead, and that’s what we’re supporting.

Hon Marama Davidson: Does he accept that collective bargaining is the main way workers' wages increase, and, if so, why is he pushing through a bill that will undermine the collective bargaining power of hundreds of thousands of workers in Aotearoa?

Rt Hon CHRISTOPHER LUXON: There are ways in which employees reach employment arrangements with their employers, and that can be an independent contracting arrangement or it can be collective bargaining. We support lots of options.

Hon Marama Davidson: Why did he choose to cut thousands of jobs? *[Interruption]*

SPEAKER: No, sorry, there's been far too much cross-bench chatter. We've got an important debate coming up that I know that both the offenders there will want to speak in, so just for the next five minutes, calm it. That question is not in order. If you want to try another one, that will—otherwise, we'll just finish for the day.

Hon Marama Davidson: Is he a Prime Minister for the regular working people like teachers, nurses, and taxi drivers, or for big business?

Rt Hon CHRISTOPHER LUXON: Absolutely, and that's why we care about low and middle income workers, in this Government. We are the parties of workers, the people that the Labour and Green parties forsake, because they didn't run the economy. They ran up huge amounts of debt, they ran up inflation, and they ran up interest rates, and who suffered the most? Low and middle income working New Zealanders. Adding \$88 billion worth of new taxes and \$44 billion worth of new debt—with Chlöe Swarbrick as a Minister of Finance—I just suggest is not the way forward.

SPEAKER: That concludes oral questions. We'll take 30 seconds for people to very swiftly leave the House if they've got other business.

URGENT DEBATES

Government Consideration of Recognition of State of Palestine

Hon PEENI HENARE (Labour): Thank you, Mr Speaker. I move, *That the House take note of a matter of urgent public importance.*

Not a day goes by when members of this House and the New Zealand public don't see pictures, images, and videos of a humanitarian crisis not seen for generations. Men, women, children, babies, media, and health workers are dying. Men, women, children, and babies are suffering—are starving. Over 60,000 people have been killed in Gaza since the war began. We condemn the Hamas attacks on 7 October 2023, but we cannot deny what is unfolding before our very eyes.

We have heard today an aid blockade has caused widespread hunger and desperation. The Prime Minister, in his contribution in the House today, has said that is the biggest barrier to getting aid to where it is needed the most. Other countries are finding a way. We know that other countries are parachuting aid into the places where it is needed the most. We know they are coming together and using their collective voice to make sure that the people in Gaza who are suffering get what they need.

New Zealand has long held its head high as an international citizen. When asked to show leadership on important matters, our country has put its hand up in the past. On many occasions, we have put our hand up, despite it being very unpopular with others, and we have stood strong on our principles and our values. The Labour Party has consistently called for an immediate ceasefire, an end to the suffering in Gaza, and recognition of the State of Palestine. The war in Gaza has killed so many and created the humanitarian crisis which greets us every morning when we open our eyes. Recognition, we believe, is a necessary step towards ending the cycle of violence we are witnessing. We are being told many things by this Government, and the thing that disappoints us the most is that today we heard that we will wait till September while the Cabinet and the leadership of this country deliberate on an outcome, or a matter, that is of huge importance

to Palestine and the people who are suffering—September. That is a number of weeks away.

We asked the question of the Government: how many more people will suffer and how many more people will die because of the Government dragging its heels on such an important matter? We are being left behind. New Zealand is being left behind on the international stage. Many people we call close partners, the people we call close allies, and others are leading the charge of the recognition of Palestine as a State. They are leading the charge on making sure that aid gets to where it needs to get to the most—to the people who are suffering in Gaza. We are dragging the chain in the efforts of the International Court of Justice, as they are overwhelmed by the case work in front of them, and we have not heard much from this Government in support of the work that they do.

We heard today that some \$36 million of aid has been contributed to this humanitarian crisis—\$36 million. I put to the members of this House that that is nowhere near enough. We have debated in this House on many topics and on matters that relate to New Zealanders. We've talked about the financial assistance that they need. I implore this Government to consider, once again, their contributions to the aid that is very much needed in Gaza today. We've been told by this Government that it is a case of if and not when. While it's clear that, once again, Gaza, the people of Palestine, and the people of the world have to wait till September to when this Government will come together to consider the response to this matter, I can say that on this side of the House, when Labour was in power—for the urgent matters that faced not only this country but the world—we came together quickly, with urgency, to make sure that we led the response from our country on this matter. We stand proudly by that record.

What we're seeing from this Government is inactivity, and, sadly, they are walking blissfully into the sunset of ignorance. I don't say that lightly. I say that we can no longer do that. When the world needed leadership, once again our country stood up. We think it is time for action. Labour are making it very clear to this Government our demands here today. We demand that this Government shows the strong leadership that our country deserves. We demand recognition of statehood for Palestine, and this demands that Government meet urgently on this matter and not wait for September. We believe that is one of the steps in making sure that we can de-escalate this humanitarian crisis that unfolds before our very eyes.

Labour demands more targeted aid to feed and support the people in Gaza. Other countries have bypassed Israel's system and blockade. They have made sure aid has got to where it is needed the most, and we demand this of this Government. We demand continued support of the important work of the International Court of Justice. We should be doing everything we can to support that important work, to make sure that not only can we sort this matter out in Gaza but also set a precedent for any State actor across the world that this kind of activity, and these sorts of actions, can no longer be tolerated into the future.

We are very disappointed with what's happening. We are sad with what we've seen in Gaza, but we are more disappointed in what seems to be the lack of activity by this Government on the matter. This has been a matter that has been put as questions in the House since it began. It has been a matter that has been debated in this House time and time again. Yet we heard, once again, from the Prime Minister today that they will be meeting in September to consider this matter urgently. We demand that the Prime Minister shows the leadership our country deserves and calls an urgent Cabinet to make sure that this matter can be decided upon, and deliberated, at the next convenient time, which we encourage to be this week.

We no longer sit on our hands in this part of the world. We no longer sit back and wait for others to act and sit idle on the sidelines. We've made our position clear. Once again,

we condemn the actions made by Hamas on that terrible day in October 2023, but since then, we can no longer—as we come to the anniversary of that particular attack that we condemn—sit on our hands and watch this humanitarian crisis grow deeper and deeper and deeper by the day. My encouragement to the Government is not only to heed the words of the Labour Party on this matter but of New Zealanders on this matter. Communities across New Zealand and, indeed, the world are standing up. They're saying that this can no longer be tolerated, and we believe that New Zealand should, once again, take its place as a global citizen and show leadership on this matter.

I want to just once again reiterate the stance of Labour on this matter and the demands that we make of this Government. We ask that they show the leadership and courage our country deserves. Once again, we ask for the recognition of statehood for Palestine, we ask for more targeted aid to those who are suffering in this humanitarian crisis, and we ask for the continued support of the important work of the International Court of Justice. Then, after all that is done, we should ask ourselves: what more can we do?

As we look towards not only the humanitarian crisis—we know the economic crisis that awaits us once we are able to deal with this humanitarian crisis before us. So, we ask this Government to ask itself: what more can we do? I said earlier that, sadly, this country—under the leadership of this Government—is walking blissfully into the sunset of denial. We can no longer do that. We must stand strong on the principles and values of our great country, show leadership on the international stage, and be the global citizen we have been in the past where we have shown the world just how great we are despite our small numbers, how great we are despite our isolation, and how we can do so much more to support the world in its time of need. We call for action, and the Labour Party will demand it from this Government today and until the decisions are made that we expect to be made.

Rt Hon WINSTON PETERS (Minister of Foreign Affairs): As the Good Book says, by their deeds you'll know them. If you look at yesterday's Order Paper for this House's business and today's Order Paper for this House's business, there is no primary question on the question of Palestine from the Opposition—not one. In all those opportunities, for two days, not one question—not one primary question.

Chlöe Swarbrick: You're dancing on the head of a pin.

Rt Hon WINSTON PETERS: No, I'm not dancing on a pinhead. I've giving you the facts: not one primary question in two days. Yesterday, we took an oral item to Cabinet to set up the process for making a decision on this matter. As we outlined in our press release yesterday—and here it is—this is not straightforward or a clear-cut issue. Some of our partners are in favour of recognition; others are not. We have talked to countless Islamic countries and the Palestinian Authority—all those people that these people over here have never even known or even talked to—and they understand our position. Our focus over the next month is on gathering information and talking to partners to inform Cabinet's ultimate decision, so that we can make the best possible decision, in keeping with New Zealand's interests, values, and principles.

Hon Damien O'Connor: Bloody gutless.

Rt Hon WINSTON PETERS: We are not going to listen to scaremongers—

SPEAKER: No—sorry, I do just need to interrupt the member. I've had enough of that, so you can stand up, withdraw, and apologise, or leave the House—one of the two.

Hon Damien O'Connor: I'll leave the House.

SPEAKER: Good.

Hon Damien O'Connor withdrew from the Chamber.

Rt Hon WINSTON PETERS: We have talked to all those Islamic countries, whether it be Indonesia, whether it be Turkey, whether it be Saudi Arabia, whether it be the

Emirates, or whether it be Egypt. That's the difference. We know this is a complex issue, with strong opinions on both sides. They, of course, are demanding that Hamas lay down its arms and leave the country, but I don't hear that from over here. Strong opinions there are on both sides. That is why we are approaching this issue carefully, judiciously, and calmly. We'll be attending the United Nations General Assembly meeting in New York next month, when this issue is on the debating paper, and we'll be set to speak to it.

Can I just say this: between now and then, we'll be weighing this decision carefully rather than rushing to judgment. For the Labour Party's benefit, they had 15 years to recognise Palestine statehood. I heard Helen Clark this morning. Well, she was the Prime Minister from 1999 to 2008. Did she do that then? No. Then, from 2017 to 2023, they had a second chance—and Mr Hipkins was there as well—to do that then. Did they do it in those six years? No. So, please, answer this question—please, answer this question—why on earth now do they think they have the answers when they didn't have them then? All we're asking—and when we're saying it's a matter of when, not if—is to know what we're going to recognise. Surely that's a responsibility we all have? We're weighing up this decision carefully rather than rushing to judgment, and that, sir, is the position of this Government. Thank you.

SPEAKER: Can I just indicate that the timing mechanism appears to be a little bit off, so I'll do my best to make sure that everyone gets a fair go.

CHLÖE SWARBRICK (Co-Leader—Green): E te Māngai, tēnā koe. Tēnā koutou e te Whare. I guess, at this point in time, the question really has to be asked: what words are left? We have libraries and libraries and libraries worth of evidence and research and data that tells us that what is happening in Palestine—and has been happening for the last 76 years—is ethnic cleansing. It is apartheid. It is genocide. Then there are the live streams that are now being delivered to all of our cellphones 24/7 over the better part of the last two years. My question for this place is: what the hell is the point of our jobs? Because, so far, all I have heard from contributions is the blame game. New Zealanders—the world—deserve so much better than that.

We hear from members of the Government and from the Prime Minister, in response to our questions today, that this is all just a matter of strongly held views, apparently on both sides. But genocide is a fact, not a feeling. Omer Bartov, a professor of Holocaust and Genocide Studies at Brown University, says, “My inescapable conclusion has become that Israel is committing genocide against the Palestinian people. Having grown up in a Zionist home, lived the first half of my life in Israel, served in the I.D.F. as a soldier and officer and spent most of my career researching and writing on war crimes and the Holocaust, this was a painful conclusion to reach, and one that I resisted as long as I could. But I have been teaching classes on genocide for a quarter of a century. I can recognize one when I see one.”

We asked the Prime Minister today what the harm could possibly be of recognising, in the most basic sense, Palestinian statehood, and, frankly, he could not answer the question. Instead, in the face of half a million people being consciously and intentionally starved to death, after being mercilessly carpet bombed and sniped as they line up for food aid, the Prime Minister decided to appeal, once again, to Hamas. In the face of innocent people being slaughtered, he appealed to “But what about the terrorist organisation?”.

To use that rationale, and to use that logic and response, this Government is willing, so far, to seemingly only recognise one of the two States in the two-State solution that is supposedly arguing for. Yet it is not willing to apply the same rationale with regards to terroristic violence, the likes of the genocidal campaign which Israel and the Israel Defense Forces is currently raining down on the Palestinian people. How is that not the basis for the same questions to be asked about the statehood of Israel?

Then there are just the bold-faced facts: we are a laggard, we are an outlier, and it is not only appalling in the face of this genocide and of the merciless slaughter of these innocent people, after having been made refugees in their own land, but we are one of the very few countries in the world who, so far, refuse to acknowledge the absolute bare minimum. One hundred and forty-six UN-member States currently recognise Palestinian statehood—that is three-quarters of the United Nations membership—and so far, over the last few weeks, we have seen that the United Kingdom, Canada, France, and Australia have all moved to commit their intent. But so far, all our Government can seem to do is commit to a process. It utterly beggars belief.

Human rights should not be conditional. We don't get human rights because somebody else decides that we are worthy, but we get them because we are human. The best way to lose your own human rights is to care about them only when it impacts and affects you. But we have so much further to go than merely recognising the statehood of Palestine, as we should have done 76 years ago. We can and we must uphold the genocide convention, which means doing everything that we can to prevent a genocide before it occurs. So I will reiterate my call for the Government to pick up our Unlawful Occupation of Palestine Sanctions Bill and to sanction Israel for its war crimes. If we find six of 68 Government MPs with a spine, we can stand on the right side of history—

SPEAKER: That is completely unacceptable to make that statement. Withdraw it and apologise.

CHLÖE SWARBRICK: No.

SPEAKER: Then leave the House for the rest of the week.

Chlöe Swarbrick withdrew from the Chamber.

SIMON COURT (ACT): Thank you, Mr Speaker. New Zealanders are compassionate people. It is excruciating to watch the suffering of Palestinians and, of course, those Israelis who were murdered and abused at the hands of Hamas on 7 October 2023; it's excruciating to watch Palestinians being used as human shields by the terrorists who control Gaza; and it's excruciating to watch Hamas propaganda being bandied around this House by those who should know better when that organisation is feeding its fighters while Palestinian civilians in Gaza go hungry. I hope Kiwis—in fact, I trust Kiwis—can distinguish between the hallucinating outrage of that member Chlöe Swarbrick when it comes to the situation in Gaza.

I want to acknowledge that New Zealand, ultimately, knows that Israel has real responsibilities to the civilians in Gaza, but I also want New Zealanders listening to know—

Celia Wade-Brown: Point of order.

SPEAKER: Point of order—

SIMON COURT: —that there is no evidence and New Zealand does not agree—

SPEAKER: Hang on, we've got a point of order just called.

Celia Wade-Brown: I think that member's comments were offensive, and he should apologise and withdraw.

SPEAKER: I was contemplating the remark that was made and I think it can be considered offensive. The member should withdraw that comment.

SIMON COURT: Just to clarify, which comment was that?

SPEAKER: It was when you gave a description of the commentary from a previous speaker.

SIMON COURT: Was that the comment about when I—

SPEAKER: Well, if you're going to argue with me—you either withdraw and apologise or you will terminate and leave as well.

SIMON COURT: Well, in that case, I withdraw and apologise. I'll continue: we must consider, then, what can New Zealand do to help civilians in Gaza? Well, the Prime Minister stated today—and thank you, the Hon Peeni Henare, for acknowledging New Zealand has donated roughly \$37 million in aid that Israel and the United States as well as the United Nations are helping get to civilians in Gaza. That is important. But then we come to the question in this debate: should New Zealand recognise a State of Palestine, which may include Gaza and areas of the West Bank of the River Jordan, a place where millions of Palestinians live?

Well, before I address that, I just wanted to put on the record that Israel withdrew entirely its military forces and its control of the Gaza Strip in 2007 and left it to the Palestinian administration to rule. All Israelis were removed. Their homes, their businesses, even their graves and the bodies of their dead ancestors were removed. What happened next? Hamas took over and they turned it into a terrorist State. Therefore, what should New Zealanders and our Government be thinking about as we consider the question posed by the Hon Peeni Henare?

Well, security must come before politics. There cannot be progress towards recognising a Palestinian State until all Israeli hostages are returned and Hamas is dismantled. That is the position our foreign Minister has again reiterated today. Both States or entities must recognise and uphold the civil liberties of their own people as set out in the Universal Declaration of Human Rights. Recognition matters, because any deal that includes clear recognition of a Palestinian State must also include recognition by the Arab States that support the creation of the State of Palestine, of Israel as the Jewish State and home of the Jewish people, and an end to claims against its very existence.

Demilitarisation is also non-negotiable. A future Palestinian entity must be demilitarised, and Israel must retain the ability to prevent future attacks. Even the Arab States that support Palestinian statehood agree with this point. We must end the dependency that the Palestinian people have had on this UNRWA—the United Nations Relief and Works Agency. Refugee aid should be delivered through credible agencies, not ones accused of and where there is evidence of them enabling terrorism. Both parties in the region, Israel as a Jewish State, and a future Palestinian State, must commit to a process of truth and reconciliation that must be the basis of preventing future conflict.

Those are all the matters that New Zealanders and the New Zealand Government should be taking into account when thinking about should New Zealand act now or soon or ever to recognise a Palestinian State. Mr Speaker, thank you.

DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori): Thank you. I stand to speak to this kaupapa before us, which is, in fact, a moral imperative for us in Aotearoa. What we have done as a nation is proudly stood against humanitarian issues, such as anti-apartheid with South Africa. Interestingly enough, South Africa is also supporting the recognition of Palestine as a State and, actually, the whole issue that's going on in Gaza. We were also anti-nuclear and anti - nuclear testing in the Pacific. What we are as a nation, now, is failing. We are failing in our role as humanitarians, we are failing in our role as guardians for this nation, and we are watching a Government that has decided to take a side on genocide.

It is absolutely despicable to be in a nation where we have to sit in this House and listen to people justify why we should wait another month to recognise a State that is barely standing. What will be left—what will be left? Rubble? Martyred spirits? What is it that you want to have left in a month's time? What is it that you want our mokopuna, our children, all our kura kaupapa, and all our communities who know nothing about the history of Palestine and who know nothing about how Israel and the settlers have arrived there to be able to see next? What you're making up is excuses of how you justify, and how a Government justifies, why we have decided to be wahangū, to be silent, while

innocent civilians are perishing, while they are starving, while they have been deliberately targeted, and while they have been sniped as they wait for food to come through. Hordes of aid are waiting to come through, and they are being denied deliberately—deliberately starved.

This is absolutely the worst thing that we are going to have to live with in our lifetimes, and I am never going to be standing here and agreeing with what this Government is saying is OK. We support what Chlöe and what Te Pāti Kākāriki are saying, we support a sanctions bill, and we must do more than just recognise Palestine. We must get in there and help out, in our capacity and in every way and form, to make sure these sanctions happen. We have to recognise the State of Palestine now. We need to stand in solidarity with the other 140-odd nations who have recognised it. We should be ending Israel's illegal occupation now.

This is like someone coming to Parihaka and saying, after they've raped and murdered our three-year old children and our women, "It's OK. We're going to come and help you now."—after the fact. We do not need a light situation—sorry, Peeni, you should have been talking about sanctions. We need to expel the Israel ambassador now, and every other country that is aiding and abetting Israel now. There's nothing else that should be top of mind for every other leader politically in this world but ending this. We have absolutely no right to be in any diplomatic relationship. There is no two-State nation. We are way past that. One State has decided—in fact, this State has decided—that it's OK to give justice to the powerful. But, by goodness, if you're oppressed, your justice does not matter.

There is no equality in any of the thinking here, politically. I don't want to hear about 7 October—when, by the way, Labour was in Government at the time. You have not done enough, you settler parties. You have not done enough, because you recognise, in this domination, the same things that got you here. We are a nation that was formed off the misery and the pain and the violence of colonisation. But what are we doing? We have memory loss. We have memory loss of how bad it is, and nothing—no race, no religion, no diplomatic scenario—can ever sit there and justify looking your children in the face and saying, in your role and in your sphere of influence, you denied the inability to end and stop the violent killing and slaughtering of innocent civilians. Nothing justifies it in this world. Nothing.

You have failed a whole nation of people, and I can't imagine how they're there. We're just a small nation. Anything we do is not going to have much of a punch, but it's actually about doing what's morally right and what's historically morally right. When you're all sitting here doing the Treaty settlements and saying to everybody, "I'm apologetic.", actually, you're just perpetuating the same thing on another nation and another race. This is ethnic cleansing. This is genocide and apartheid, and I have never been more ashamed to be in the House than I am today.

VANUSHI WALTERS (Labour): In the face of what is one of the worst humanitarian crises that we have seen, it is jarring—absolutely jarring—to see that we have a Government in place who are not standing up for our values, a Government in place who are, essentially, looking sideways at other nation States to determine what our foreign policy should be. We have a Prime Minister who has, for the most part, been silent on this humanitarian crisis. We have a Prime Minister who has not taken the action that he should have, a Prime Minister who is making things worse, because he is, in effect, standing between New Zealanders and the true expression of our values.

It's jarring because for the longest time—whether we've had a Government that has been Labour-led or a Government that has been National-led—we have always put our values first on the international stage, and we are simply no longer doing that. Make no mistake: when the storm finally subsides, this Government will wake up on the wrong

side of history. They will wake up, and they will realise that they should have recognised Palestine a long time ago, in the name of peace and in the name of justice. They will wake up and realise that they should have stood up for the rule of law by joining South Africa's case at the International Court of Justice. They will wake up and realise that they should have facilitated the reunification of Palestinians with their family members here, as we did in relation to Ukraine. They will wake up and realise that they truly should have championed our independent foreign policy, not waited until the very last possible moment to make the morally correct decision. But they have not done that.

It is not just the moral thing to do; it is the legally appropriate thing to do. I have been quite puzzled by the approach the Government have taken. If you look at when a nation State can and should be recognised, historically we are leaning on treaties that come out of the 1930s, including the Montevideo Convention, and there are many nation States who have already recognised Palestine on the basis of those traditional criteria. However, there is a growing body of thought that says there are new evolving norms and customary international law which we must bear in mind when deciding to recognise a nation State, and that includes the idea of transitional recognition—when you look to an evolving State and you recognise it as part of its journey to becoming a nation State. This is not new to New Zealand; we have done this before. In fact, we have done it in relation to Israel, in 1949, when its borders weren't certain. We did it in relation to Bosnia, in 1992; Kosovo, in 2008. In fact, in Bosnia, in 1992, in April when we recognised, its capital was under siege by other military, and yet we recognised those States. In terms of Iraq, under US rule, it was also recognised that there was a transitional State in place, too. It is something we have done before; it is something other countries are doing as well.

The next big question is: what will happen next month? Listening to the comments from Government members, it's clear that conditionalities will be placed on any position that they take—and that is the wrong position to have. Not only will we find ourselves out of step with the two-thirds of countries in the United Nations who have recognised Palestine; we will find ourselves out of steps with the UK, Canada, and Australia, who, I suspect, will have more accommodating provisions than we do. We will all be watching very closely what the final position is that this Government comes out with. There is more other than the position that this Government must do: visas, sanctions, joining the South African case, and ensuring that we have no procurement of goods from Israel.

Finally, to the State of Israel: aid is not and should not be conditional on military aims. Starvation is not a bargaining chip. This abhorrent behaviour must stop.

RICARDO MENÉNDEZ MARCH (Musterer—Green): Point of order. Thank you, Mr Speaker. I just had to go back to the video record to make sure that I have the correct words from the Speaker who was in your Chair earlier. Can I just check with you, relating to Standing Order 90, because Chlöe Swarbrick was told that she was to leave the House for the remainder of the week. Standing Order 90 makes it pretty clear that the provisions are only there for a day. So can I please have your confirmation as to whether this is a departure from the Standing Orders?

ASSISTANT SPEAKER (Greg O'Connor): I'll take some advice on that. Thank you for bringing that to the attention of the House. The Clerk will take some advice on that. But, at this stage, the Speaker's ruling will stand until you hear otherwise.

Hon Dr DUNCAN WEBB (Labour—Christchurch Central): Thank you, Mr Speaker. When is the time for the recognition of Palestine as a State? That time is now. It's not in four weeks or eight weeks. It's not when Cabinet convenes yet another meeting. It is time to give Palestine a seat at the table of the community of nations.

This has been done many times before we saw established borders and established institutions. In fact, in 1948, when this country recognised Israel, it didn't have established borders. It is really important to recognise why Palestine, in becoming a

member of the community of nations—why that is a path to peace. It means that they can stand alongside their peers and join in United Nations and other treaties. They can participate in international tribunals, not as a secondary observer but as an equal participant. It means that they can send diplomats—not some second-tier mission, but an ambassador—to speak and advocate on their behalf with other nations and in international forums. It means that we can recognise what we know, and that is that Israel is an illegal-occupying power in a foreign State. It advances peace by recognising the equality of the Palestinian people with the people of Israel—that they both have an equal right to peace, an equal right to self-determination, and an equal right to access international tribunals. It makes it clear that Jewish and Israeli settlements on Palestinian land are illegal and that they are an annexation of the territory of a foreign State. It creates a legitimacy.

Now, I've heard a member from the Opposition talk about the preconditions to statehood, essentially saying we must have a State before we can have a State. But to build the apparatus of a State, we need to recognise the legitimacy of that. To build a court system, to build a system of government, a democracy, to build the services that are not under the thrall of the Israelis but stand independent and sovereign—to do that, it needs to be recognised that Palestine is a State, and it has the legitimacy for that project. It means that Palestine won't be dependent on Israel for its every need—for power, for food, for water. It means that we won't have to ask Israel before we can drive a truck into Palestine or a ship into a harbour full of aid and relief. It means that the Palestinian people can control their own borders for the inflow and outflow of people, for the trade that is the lifeline of a nation that Israel has suffocated for generations.

Here we are with this opportunity ahead of us, and our Government does nothing. The National Party won't even speak to this debate. They're silent in the face of this need. Yes, we have sent some aid, but we need to do much more. We need to provide real and meaningful aid and support. We need to provide visas for people who need to flee that conflict and need to come here. We need to impose sanctions for the horrors, for the international crimes that Israel is committing in Gaza and elsewhere. We cannot sit silent.

Yes, October 2023 was horrific. Yes, the hostages should be released, but we cannot hold the Palestinian people themselves hostage while the world waits. The time is now.

ASSISTANT SPEAKER (Greg O'Connor): The time for this debate has expired.

REGULATORY SYSTEMS (INTERNAL AFFAIRS) AMENDMENT BILL

First Reading

Debate resumed from 31 July.

LEMAUGA LYDIA SOSENE (Labour—Māngere): Thank you, Mr Speaker; thank you for the opportunity. I rise to take a call on this bill, the Regulatory Systems (Internal Affairs) Amendment Bill. Whilst this bill did raise some early questions for Labour, it was important to understand the specificity of its intent and purpose. Labour understands that it's an omnibus bill, that the 23 Acts, the provisions of the changes, what they are trying to achieve—the changes are necessary.

The changes are minor because there have been gaps in the original draft and it is inconsistent in original legislation. What we have done is really carefully review the new provisions and understanding from officials the overall intent as to why their changes are necessary. The provisions are there to update, as outlined, and they are carefully needed to be understood—how this bill will improve the lives of New Zealanders.

In my contribution that is short, I wanted to comment on two of the provisions in the Gambling Act because, currently, there is legislation—separate legislation—that achieves another purpose, and it is now at the select committee phase: the Online Casino Gambling Bill, because New Zealand is the last OECD country without a regulated market for online

gambling. So that's got its own process. What I would point out is that gambling is a self-authorised choice—that sometimes those people choose to gamble because they have a little bit of money that they'd like to spend on thinking or believing that they would have funds that can be increased where they spend their money, and that's no problem. But as soon as you start to impose your advertising methods on young people under the age of 18 years, this bill has the provision to protect our young people from being unable to purchase or to be enticed to spend money on a gambling product. That is a good thing.

Further provisions of the principal Act, respectively: “The amendment moves the regulation-making power for prescribing the use of pre-commitment, player tracking, or other harm-minimisation devices, technology, or systems in or associated with gambling equipment from section 314 into section 313. The regulation-making power is also expanded to pertain to gambling equipment as defined in section 4 of the principal Act, as opposed to only gaming machines.” I'm highlighting that, for some New Zealanders who think that gaming machines could be the same as gambling equipment, there is a notable difference, as gambling equipment is a much wider and more sophisticated operation—which, the definition says, is anything kept or furnished or provided for a specific purpose.

The offshore online gambling industry continues to look for new overseas markets or new punters to attract them by offering new products on updated marketing methods, and utilising gambling equipment is one of those things designed to specifically target new gamblers. They're always looking for new ways. It is critical for our New Zealand gambling legislation that is being designed to be kept up with the advanced technology, and specifically these amendments look to those to tackle that and protect New Zealanders as New Zealand Parliament works towards stronger regulation to combat the new online regulated market platform. It is important, overall, to reduce the harm of the online gambling world.

Labour supports this bill. Thank you.

ASSISTANT SPEAKER (Greg O'Connor): Just before we take the next speaker, the Speaker will resume the Chair.

Debate interrupted.

SPEAKER'S RULINGS

Withdrawal of Member—Duration of Suspension

SPEAKER: Thank you. I'm resuming the Chair to respond to a point of order that was raised earlier by Ricardo Menéndez March related to the decision I made earlier in the day to ask Chlöe Swarbrick to leave the House. The comment that I made was that it could be for the rest of the week. That was because, while it is true the member can only be removed from the House for the sitting day, the requirement for an apology does not lapse. So if the member comes back in tomorrow and, at the start of proceedings after the prayer, takes a point of order and withdraws and apologises for the offensive remark, then that will be fine. If she doesn't, then she'll be leaving the House again.

I'm not going to sit in this Chair and tolerate a member standing on her feet or his feet or their feet and saying that other members in the House are spineless. That is completely unacceptable. I made it very clear at the start of the specific debate that I expected it to be conducted in a manner that was respectful of the various views that are held across the House. So I've come back in here to make it absolutely clear that there is still an expectation that there will be a withdrawal and apology; and until there is one, then the status quo will continue.

REGULATORY SYSTEMS (INTERNAL AFFAIRS) AMENDMENT BILL**First Reading**

Debate resumed.

Dr VANESSA WEENINK (National—Banks Peninsula): Thank you, Mr Speaker. I rise to speak in support of the Regulatory Systems (Internal Affairs) Amendment Bill, and I commend it to the House.

CAMILLA BELICH (Labour): Thank you, Mr Speaker. It's a pleasure to take a call on the Regulatory Systems (Internal Affairs) Amendment Bill. As other speakers have noted, this is a regulatory bill, and so the purpose of this bill is really to make what would be seen as minor amendments to make the efficiency of existing regulations and laws more effective within the House. You've heard some extensive analysis of that by two of my colleagues—one in our previous sitting day, the Hon Barbara Edmonds, when she looked at this particular bill, and also my colleague Lemauga Lydia Sosene, who is our spokesperson on internal affairs, who made some other remarks on this bill.

I suppose, in short, this bill is one that you would expect to be non-controversial, and that was our expectation, too, in looking at the drafts of this bill. There have been some changes made to it to remove some areas that we consider to be somewhat more controversial. However, there is still a select committee process to go through on this, and while this bill is a regulatory systems bill, it does cover a number of matters that appear, on the face of it, to be substantive. So, on the Governance and Administration Committee, I look forward to going through with officials, and hopefully with the Minister, some of the details in relation to this bill to see what the intent is and where the particular impetus for these regulatory changes has come from. I think most New Zealanders, in reading this bill—and I accept that there may not be that many of them at this stage—would find that many of the changes in this bill would affect things that they interact with in their daily lives. For example, there are substantive changes around passports, around Births, Deaths and Marriages—there are also substantive changes in relation to something that Internal Affairs has been doing recently: the sale of public records. So that is of public interest, I think, and I look forward to receiving some submissions on that. There's also, as my colleague Barbara Edmonds noted, relatively substantive changes in relation to the way that Fire and Emergency New Zealand works.

We are happy to support this through to select committee, but, really, I suppose, our message would be that we would like to hear from the Minister and from officials why these are simply operational and efficiency changes that should be included within a regulatory systems bill, and, if not, why this instrument is being used for somewhat substantive changes. That's not to say that many of the things in here are not things that we would generally be supportive of, but I think it is important to make sure that when we do have bills which are meant to, on the face of them, make small changes, we actually assess that that's what's happening. I'm sure the select committee will do that.

I do encourage members of the public to have a read of this bill, especially if that's something that you have a particular interest in, just making sure that a lot of these changes are consistent with what you would be expecting. My first read of it is that there are a few things in there that I do have questions about, but I do have faith in the select committee process going through those, but we would be very much aided especially if people would submit to this bill. It's not often we get that many submissions on a regulatory systems bill, but I think, in this particular example, I would encourage people to look at it and to make submissions, just to make sure that we have got the balance right there.

I won't use all of my time, but just to say that we're happy to vote this bill through, but I look forward to taking a microscope to it and actually making sure that all the changes that are in there are of the nature that we would expect in a regulatory systems bill and also achieving the objectives that we would expect them to as well. So thanks very much to the Minister for working with parties around the House on this bill, and we look forward to seeing if further improvements can be made at select committee.

Debate interrupted.

POINTS OF ORDER

Withdrawal of Member—Duration of Suspension

RICARDO MENÉNDEZ MARCH (Musterer—Green): Point of order, Thank you very much. I'm just raising this at the earliest available opportunity, having sought to not interrupt someone else's speech. I'm just seeking your clarity on the ruling that was made and on whether that is applied to just Chlöe Swarbrick, or members as well who left the Chamber after being required to apologise. I'm seeking clarification on the consistency of who this ruling is being applied to. I'm further seeking clarification, as well, as to whether this is specifically to the language of "growing a spine". I wanted to note there have been several instances of that language, including in 2022 and in 2023, by the Hon Judith Collins and the Hon Paul Goldsmith. I'm just wanting to seek clarification as to, again, whether this is just in relation to one member who didn't apologise and it's applied to others, or whether it's specifically about the use of the language, which has occurred before.

ASSISTANT SPEAKER (Greg O'Connor): I can assure you it's in relation to the member. I don't know if you've had relayed to you what the Speaker's ruling was. It was that, because she hadn't apologised, the requirement that she only be stood down for the day was overridden by the need for her to apologise for that. It's up to her, tomorrow afternoon when the House resumes, at the first opportunity, to make that apology.

RICARDO MENÉNDEZ MARCH (Musterer—Green): Speaking to the point of order, what I was seeking clarification about was that that wasn't the only instance in which someone was asked to apologise and didn't and left the Chamber. So far, I have only heard the ruling applied to one specific member. That's why I'm asking as to whether this is a new, for example, ruling in which any member that leaves the Chamber without apologising just has to basically apologise the next day, as is being required of Chlöe Swarbrick, or whether that's also going to be required of other members who have left the Chamber without apologising after being asked to do so.

ASSISTANT SPEAKER (Greg O'Connor): Well, at this stage, the determination is in relation to Ms Swarbrick. The Speakers will always have discretion to apply the rulings to fit the circumstances which they are confronted with, and that's the circumstance now. At this stage, there is always the opportunity to create or to rewrite the Standing Orders and the Speakers' rulings, but, at this stage, I can't make a decision on that. At this stage, the rulings that have been presented by the Speaker are in relation to Ms Swarbrick.

REGULATORY SYSTEMS (INTERNAL AFFAIRS) AMENDMENT BILL

First Reading

Debate resumed.

TIM COSTLEY (National—Ōtaki): Relatively straightforward rats and mice bill, for the most part, amending 23 Acts—small changes, from the age that you can buy a Lotto ticket through to creating more opportunity for people to stand for local authorities, modernising rules that date back some almost 45 years. Yep, I acknowledge there's

always an opportunity to improve things at select committee, and happy to look at that. Meantime, I commend the bill to the House.

Motion agreed to.

Bill read a first time.

ASSISTANT SPEAKER (Greg O'Connor): The question is, *That the Regulatory Systems (Internal Affairs) Amendment Bill be considered by the Governance and Administration Committee.*

Motion agreed to.

Bill referred to the Governance and Administration Committee.

ANTISOCIAL ROAD USE LEGISLATION AMENDMENT BILL

First Reading

Hon CHRIS BISHOP (Minister of Transport): I present a legislative statement on the Antisocial Road Use Legislation Amendment Bill.

ASSISTANT SPEAKER (Greg O'Connor): That legislative statement is published under the authority of the House and can be found on the Parliament website.

Hon CHRIS BISHOP: I move, *That the Antisocial Road Use Legislation Amendment Bill be now read a first time.* I nominate the Justice Committee to consider the bill and, at the appropriate time, I intend to move that the bill be reported to the House by the end of December 2025 and that the Justice Committee have authority to meet at any time while the House is sitting, except during oral questions, on any evening after the House is convened and on a Friday in a week in which there has been a sitting of the House and outside the Wellington area, despite Standing Orders 193, 195, and 196.

This bill amends the Land Transport Act 1998, the Sentencing Act 2002, the Policing Act 2008, and Schedule 1 Land Transport (Offences and Penalties) Regulations 1999, to target and deter antisocial behaviour on our roads. The type of behaviour I'm talking about is fleeing police, illegal street racing, burnouts, disorderly dirt bike gatherings, intimidating vehicle convoys, and siren battles. These behaviours are not only disruptive but they can be incredibly dangerous for participants and bystanders.

Members of the House, I think, will be familiar with recent events reported in the media that show just how dangerous these behaviours can be. Just last month, in Levin—normally a very law-abiding and God-fearing place, according to my good friend and colleague Mr Costley, who I thought behind me—he was here. I'm not going to say he's left, but he was here. Just last month in Levin, an antisocial road-user gathering resulted in seven injuries, including to two police officers. These types of events, sadly, are becoming more common—

Dr Lawrence Xu-Nan: Fast and furious.

Hon CHRIS BISHOP: —and increasingly sophisticated. Well, the member says, “Fast and furious.” I mean, *Fast & Furious* a fun movie, but, actually, too many people—and I think that actually proves the point—are trying to replicate the fast and the furious out there on streets that are not made for *Fast & Furious* - type behaviour. So it's an interesting little insight already from the Greens. They're obviously going to oppose this bill and they'll have to account for New Zealanders as to why they are in favour of people doing *Fast & Furious* - style burnouts and siren battles and illegal street racing, not on the side of law-abiding New Zealanders who actually just want to go about their daily business and might have to be subject to that kind of stupid behaviour.

From mid-2019 to mid-2024, the Police emergency communications centre received—this is an astonishing number—65,738 calls about illegal street racing; 65,000. Now, a

call is a call; it's not an indication of offence or illegality, but that's an astonishing number of calls in a five-year period. That's a 34 percent increase, and there has been a 34 percent increase in the number of people charged with unauthorised street racing since 2019.

Some of the behaviours I've talked about already constitute criminal conduct, but the problem is our current suite of offences and penalties are clearly not enough to deter those people. Our view is police need the right tools, especially at large events where they may be dealing with hundreds of people and hundreds of vehicles, and they need to enforce the law effectively. This bill strengthens existing offences, introduces some new ones, and gives police and the courts greater powers to respond to antisocial road use. The goal of the bill is simple: to deter dangerous behaviour; make our roads safer.

The legislative statement sets out the key policy changes, and I do want to highlight them for the House. I also want to acknowledge the good work of my colleagues, Mark Mitchell, Minister of Police, and Paul Goldsmith, Minister of Justice, who I've been working with on this bill to get it to this stage. The heart of the bill is a presumptive sentence of vehicle forfeiture or forfeiture and destruction when offenders commit certain antisocial road use offences. Right now, the law usually only allows this after someone's been caught three times in four years for behaviours like street racing, burnouts, or fleeing police; it's basically a three-strikes regime. This legislation changes that. In most cases, courts will be required to order the vehicle be forfeited or destroyed after just one offence. This sends a really powerful message: if you use your car to intimidate and endanger others, you risk losing it.

Dana Kirkpatrick: Don't be a dick.

Hon CHRIS BISHOP: By taking vehicles that are used for dangerous activities off the road, it will protect the safety and wellbeing of New Zealanders. Yeah, and as my colleague the member for the East Coast, says, "Don't be a dick."—it pretty much sums it up. Don't be a dick with your car, and, if you do, expect the law will come after you. New Zealanders are sick and tired of idiotic street racers putting themselves ahead of other law-abiding New Zealanders and the safety and neighbourliness of our communities.

There are safeguards to help ensure consistency with the New Zealand Bill of Rights Act 1990. For the presumptive sentence to apply, offenders must own or have an interest in the vehicle used in the offence or be the registered person. This ensures that vehicle owners are not punished for others' poor behaviour, particularly when their vehicle has been stolen. We have also provided some discretion for the courts not to order vehicle forfeiture if they consider it to be manifestly unjust or cause undue hardship, or if the vehicle was stolen at the time an offence was committed.

There are also new or strengthened antisocial road use offences. The presumptive sentence will not only apply to street racing, burnout activity, and fleeing police, but also to a new offence for participating in an intimidating convoy. People can be charged with the intimidating convoy offence if they participate in antisocial road use behaviour or otherwise drive recklessly or dangerously as part of a group of two or more vehicles, with the intent to intimidate or frighten road users. Police report these events are not frequent, but they do have serious consequences. For example, you may recall the violent assault of a motorist on the Waikato Expressway. Three members of the Tribesmen were arrested and charged with wounding with intent to cause grievous bodily harm. This new offence sends a clear message: the Government has no tolerance for dangerous and intimidating drivers, and those drivers will face serious consequences.

The bill also establishes a presumptive sentence for the offence where registered owners of vehicles withhold information from police that could help identify a driver that flees police. We're broadening the existing offence so it applies to the full spectrum of antisocial road use offences, not only fleeing drivers. We expect that, in effect, the

strengthened offence will disincentivise owners from lending their vehicle when they suspect it could be used for antisocial road use activities.

I also want to draw the House's attention to a further amendment that will raise the infringement penalty for creating excessive vehicle noise, which is currently just 50 bucks, to \$300, and the court fine from \$1,000 to \$3,000. This is not just harmless fun. Loud vehicle noise is a nuisance, and there are people around this country who are fed up with sleepless nights, feeling unsafe.

Dr Lawrence Xu-Nan: And it shouldn't be criminal law. It's public law for a reason.

Hon CHRIS BISHOP: What's that?

Dr Lawrence Xu-Nan: It's public law for a reason.

Tamatha Paul: It shouldn't be in criminal law.

Hon CHRIS BISHOP: Oh, it shouldn't be criminal law? OK, well, you're entitled to that view, and I look forward to you explaining that view. I think members of the public will be intrigued to learn that the Greens don't think that excessive noise in a public place should be subject to the criminal law. There are plenty of people, as I've just said, round the country who are kept up all night by stupid boy racers engaging in siren battles in residential neighbourhoods; who have done a hard day at work and have come home and want to have a quiet beer on the deck and then go to bed at a reasonable hour and do not wish to be staying up till 3 a.m. in the morning listening to sirens going back and forwards by gangs of street racers engaging in what they consider to be fun behaviour. That's fine. People are entitled to their fun, apart from when that "fun" impacts on the quiet, peace, and enjoyment of other people in residential neighbourhoods. So we make no apologies for cracking down on this behaviour, and the Greens can explain to the New Zealand public why they're OK with that kind of behaviour, if they would like. I'm looking forward to having that debate.

The number of people charged with having noisy equipment in a vehicle has increased from 38 in 2013 to 59 in 2023. We think the limits and the penalties need to be higher. People need to think twice before—

Tamatha Paul: What a nanny State.

Hon CHRIS BISHOP: Nanny State—goodness gracious me—nanny State. OK, good luck with that one. You don't even believe in the police, so I'm not even sure how you'd—the enforcement of this law would be difficult in a Green Party world, and they don't even believe in the police.

One of the things the Minister of Police has said to me is that one of the biggest challenges is dealing with events where multiple vehicles are involved in antisocial behaviour, and people will have seen these events with hundreds of people watching. They need the right powers to manage these situations safely and effectively. So the bill introduces new powers for police to temporarily close roads or public spaces to vehicles when these events happen or when there's good reason to believe one is about to happen.

The bill establishes a \$1,000 infringement fine for failing to leave when directed by the police. Court-ordered fines can be up to \$3,000. Fines apply whether you're a participant or a bystander. It's about giving the police practical tools to intervene and disperse gatherings before they escalate. These are targeted, proportionate, and focused on a very specific type of behaviour.

We are not targeting legal road events or responsible car enthusiasts. I acknowledge and respect the rich car culture that exists across New Zealand, but what this legislation does is target the small number of idiots who've treated our roads like a playground for disruptive, dangerous, and intimidating behaviour. I commend this bill to the House.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Mr Speaker. The Labour Party will be supporting this bill through to select committee, and that's because it is a bill that does seek to address what is a real issue in communities all around New

Zealand. But, at the same time, we do have a responsibility to ensure that the legislation is fair, that it's effective, and that it's proportionate as well.

I am surprised to hear from the Minister, who is the transport Minister, that this is going to the Justice Committee. I think most members of the Transport and Infrastructure Committee here assumed, because he is the transport Minister, that it was going to that particular committee, but we'll get to that particular point in a moment. I'm also concerned, though, that what appears to be a shortened report-back period for what are some pretty serious considerations that the select committee will need to turn its mind to around impinging on the rights and responsibilities of others as well.

Communities all around New Zealand are increasingly affected by a number of issues but, in particular, around illegal street racing, dirt bike gatherings, and what could be perceived as intimidation in the form of vehicle convoys. Quite simply, "boy racers" and what is illegal street racing cannot simply hold communities to ransom. I know that the Minister has referred to and referenced Horowhenua, and I know Mayor Bernie Wanden down there has been very vocal about the real disruption and concern that that has meant for his local community. Talking with the police in that community as well, what is clear is that they do need some tools in the toolkit to be able to deliver exactly that.

This is a bill that will seek to deliver some tools, but whether they're able to be deployed effectively or not will be one of the issues that the select committee will need to turn its mind to. Just one example is the power that would be given to police to basically clear and temporarily close a public space. Now, everyone in this country has an ability to use public spaces, and so the limitation that the police would be imposing has a very clear impact on the ability of an individual to gather in a particular space. One of the issues I think that will be very important is where that threshold lies—what evidence the police need to have before they exercise that judgment and basically enact that piece of legislation.

I do hope that the Attorney-General—who actually seems to be adopting a fairly consistent approach to legislation, identifying what some of the issues are—does turn her mind to some of those aspects so that would inform the conversations that the select committee will have.

One of the aspects of this particular bill will also require those who own a registered vehicle to assist the police in identifying drivers who might be involved in what are perceived as antisocial offences. Now, there needs to be some very tight framework around which that would be actually initiated to ensure that it was fair and reasonable in terms of the expectations that would be placed on someone. We all have circumstances and situations where a registered owner of a motor vehicle perhaps is asked to provide the identity of someone and they're not able to. Now, there are other offences in legislation that provide a statutory defence or a statutory "out" for registered owners in that circumstance. Getting some consistency I think would be very, very important there.

Some of the aspects that this bill will need to tease out are, for example, the potential disproportionate impacts on Māori, Pacific, and low-income communities. I mean, this is something that the Transport and Infrastructure Committee turned its mind to when it came to drug driving instances—how we could consider what that might look like for Māori and Pacific communities and others as well. There is some consistency there, but I do hope that the select committee will turn its mind to it.

This is a bill that, as I say, the Labour Party will be supporting through to select committee. There are a number of issues that do need to be ironed out as part of that process, but, fundamentally, what we want is to ensure that the police have the right tools, that they're able to deploy them where they're able to, and also that the community is protected from this ongoing sense of nonsense and antisocialness that does pervade some aspects of the community. So, on this basis, we commend the bill to the House.

TAMATHA PAUL (Green—Wellington Central): Kia ora, Mr Speaker. I want to begin by acknowledging that it is really important for people to drive responsibly, and that cars, when they are being controlled by people who have negative and bad intentions, can be deadly, and that cars can be used as weapons. I won't be the only one in this room that has seen videos on social media of people using cars as weapons on the streets, as well. So I can understand that it is reasonable for the public to want to see action on making sure that dangerous and reckless driving is under control.

But there was actually something that the Minister said in his speech introducing this bill, which was, "the problem is our current suite of offences and penalties are clearly not enough to deter those people." We oppose this bill on the basis that we don't believe that this bill will increase people's knowledge or adherence to these new laws, because it relies on the assumption that people understand that these things are against the law or what penalties they carry. It's the myth of deterrence; it's existed for a long time, and we think that it's not the basis of good lawmaking.

Obviously, antisocial driving does impact road safety. It's a tricky one, because there isn't a heap of data on how often this happens in relation to the way it is defined in this bill, and there is no clear evidence that these laws are in fact needed. Police already have the power to impound vehicles, to fine people for excessive noise, and to close roads. They already have those powers. They exist. These crimes are already outlined within our law. The problem that the Minister himself identified is that people aren't aware of them and people aren't adhering to them. We're quick to rush to a criminal response to behaviour that fairly and reasonably makes people feel unsafe. However, we're not sure that this is the best way to go about achieving roads and streets that are safe for everybody, at all times of the day.

One of the challenges, too, that this bill identifies is that some of the tools that exist can't be quickly or effectively accessed, and that's an issue that this bill actually does nothing to fix. Instead, it reaches for heavy-handed measures that limit judicial discretion, which we have consistently been opposed to across criminal bills. It expands police powers to close public areas and to potentially breach human rights, around the rights of association, freedom of assembly, and other rights under the New Zealand Bill of Rights Act—and that is a bottom line for us when it comes to laws and bills that affect people.

But, most importantly, who does this bill affect? There was a really awesome article that I found from Joel McManus when he was writing for Stuff, and it was called "The faces of fatal police chases", which showed that teenagers make up half of all victims of fatal police pursuits in New Zealand. That is a consequence of adopting an approach like this to curbing this behaviour; it is one that escalates situations rather than de-escalates situations, and the consequences of it is that rangatahi are harmed and also lose their lives. I mean, we have all seen the stories of 12-year-olds, 13-year-olds, 15-year-olds who are killed in pursuit by police. That is a fact; that is not an opinion.

The people who will be impacted by this bill—make no mistakes—are young Māori men. In 2023, Māori made up around half of those charged with fleeing police. It's not about the behaviour; it's about systemic bias, and the fact that the Understanding Police Delivery report identified that when there is too much discretion—our police and their behaviour and their discharging of that discretion—it disproportionately negatively impacts Māori. That is the systemic bias and systemic racism that exists in our police force, that both the Minister and the Police Commissioner refuse to acknowledge its existence, despite the fact that it is grounded in facts and evidence. We are concerned that this bill will escalate heightened and dangerous situations rather than achieving what New Zealanders deserve, which is safe streets and to be free to navigate your cities and towns without fear of dangerous and reckless driving.

CAMERON LUXTON (ACT): Thank you, Mr Speaker. I rise on behalf of the ACT Party to speak in support of the Antisocial Road Use Legislation Amendment Bill. I'd first like to make the observation that it's quite interesting to see the Green Party voting against a bill that'll crush more internal combustion cars. It's quite a bit of a surprise there.

This bill addresses the issues with unsafe and, basically, disruptive and not really good, neighbourly actions by people on our roads, but it goes beyond that. At night, we have the noise. If you go out into the country, you see blackened intersections, and sometimes you see the aftermath of a car in a ditch. You hear the sirens following those loud cars around town. That's the kind of antisocial, disruptive behaviour that this bill is seeking to target. These actions put the community not just in a situation where their wellbeing is being impacted but also it risks their safety.

I have heard too many times from people talking about police chases from one side of an opinion, saying they should happen more and some saying they should happen less. Really, they should not be needing to happen. There should be a consequence for fleeing drivers. There should be a state of affairs in New Zealand where police can follow those drivers and bring it to an end, and not abandon pursuit to later find a car on its roof with a 14-year-old inside. That is not what we need to be doing in New Zealand.

This bill goes about standardising some of the impoundment fees to make sure that cars are taken off people who have proven they are unable to drive them. Yes, people who are being pulled over should know the rules, in reply to the previous speaker Tamatha Paul's speech. If you're going to be on the road, you must have a licence; you must demonstrate you know what the rules are. This is not about education; this is about punishing antisocial behaviour, just going about and disturbing the communities. These are sensible steps.

I'd like to acknowledge that this bill is bringing in some more enforcement powers, and some members of our community might feel uncomfortable with that. Well, we are going to the select committee. The Minister has given some assurances on this bill and said that some of the measures guard our property rights and civil liberties, but members of the public might want to talk about the effectiveness of this law at select committee, and whether it's proportionate and whether it's fair. I would think that anybody with an experience that they'd like to share should be coming to the select committee and helping us shape this law so that law-abiding people can have their rights protected.

People who are going about making New Zealand a less attractive place to let your family out on the street at night should be held to account. I endorse this bill.

ANDY FOSTER (NZ First): I rise on behalf of New Zealand First to support the bill, which is all about keeping law-abiding New Zealanders safe. It's also about being clear that there are some antisocial behaviours—and this is the title that's about antisocial behaviour—that are wrong, and when behaviours are wrong, there have got to be some consequences. This Government has been saying that we want to see consequences for a range of behaviours, and you might think about this bill but also, say, for example, Kāinga Ora tenants who are terrorising their neighbours. There has to be a consequence from that to look after the law-abiding neighbours, and we, as a Government, are on the side of the people who are law-abiding, not on the side of the people who are causing problems, who are behaving in an antisocial way, and who are breaking the law.

It was interesting to listen to the Green Party's opposition to this bill—very sad. They seem to be allying themselves with the people who misbehave rather than the people who just want to get on and live their lives in peace and security.

Look, let's be clear: we don't want antisocial behaviour. Society works best where everybody behaves and where everybody obeys that second commandment, which is to do unto others as you would have them do unto you. If people look after each other,

people respect each other, we are a much better society, but when people step out of line, when people behave in a way which is calculatedly antisocial, and when they break the law, there have to be consequences, and this is what this bill is about.

It creates some new offences, particularly that one of a taking part in a “frightening or intimidating convoy”. You can imagine there being 100 cars or 200 cars, a lot of noise, a lot of people—that is going to be quite intimidating and quite scary for any community that it goes through. It gives the police some more tools to be able to deal with these situations. It means that there is a much easier path. The onus is on the owner of a car to have to identify to the police who is driving the car if it is not them, and that helps the police in getting on with their job.

Also, we heard some concerns from the Greens about this temporarily closing areas from the public, and, generally speaking, that’s not something you would want to do. But I want you to consider the example of the situation which occurred in Levin less than two months ago, where the article here talks about saying there were “Twelve further arrests”—this was TVNZ—which “have been made following a boy racer event in Levin on King’s Birthday Weekend that injured police ... members of the public and damaged police vehicles. It brings the total number of arrests to 22 from the May 30 event, where an estimated crowd of 1,000”—1,000 people—“gathered in the town—performing skids, burnouts, and other driving offences while spectators threw fireworks.”

Now, that is not socially acceptable behaviour. That is what this bill is about. We’re trying to make sure we can get on top of and deal with that so that we look after communities like the community of Levin, and I am looking forward to the submission which I’m sure will be made on this on behalf of the Horowhenua District Council to say, “Good stuff. We want this bill passed.”

New Zealand First believes in those basic conservative values: law and order, community safety, community standards, and respect for our fellow people. I commend this bill to the House.

DAN BIDOIS (National—Northcote): It’s a pleasure to rise and take a call on this bill. This is a law and order Government, and our goal is to make our streets and our communities safer. That is why we have this law, the “boy racer legislation”, looking at cracking down on boy racers. Boy racers are not a new phenomenon; they have been around for many decades. In fact, I remember, growing up in working-class East Auckland, being able to actually see for myself these events—not actually driving them, but I’ve known a few boy racers, and I’ve seen how unsafe these events are up close. Can I tell you, these events are dangerous, but they are also a nuisance to the public of New Zealand. That’s why we’ve got this bill to crack down on those activities. This is a good bill. Simply put, our message to those who engage in this is: don’t be a dick. As my colleague Dana Kirkpatrick said, don’t be a dick, drive lawfully, respect each other, respect the roads. I commend this bill to the House.

Hon GINNY ANDERSEN (Labour): Thank you very much, Mr Speaker. Look, Labour will be supporting this bill, and I look forward to it coming to the Justice Committee. That was a bit of a surprise; I thought it would go to transport. But the Justice Committee will look forward to hearing the submissions from many New Zealanders who all want our streets to be safer, who all want to be able to sleep through the night without someone doing a doughnut at the end of your road in those same areas. We know that there are hot spots across New Zealand that, because of the way that the road is laid out, lend themselves to street racing or boy racer gatherings, and those areas are the ones that suffer the most. I know where they are in the Hutt Valley, and the residents around those areas are consistently wanting more to be done in this space.

We look forward to seeing if this bill works any better than the last one National did, which was back in about 2009 or 2010, and back then that was the legislation that got

Minister Judith Collins her name “Crusher Collins”. I think the mark or the challenge for this bill is can it beat that previous bill, and it won’t be hard because I think there were two cars crushed under that previous legislation. There were a number of reasons why the promise of crushing cars was not delivered, and some of those were around the ownership of the vehicle and who the vehicle was registered to. It was also around having clauses in there such as hardship, which meant that in court the result was that the car was not confiscated or crushed as promised at the time. We’ll be looking closely at the details of this legislation to understand whether or not it will meet the same pitfalls as the previous attempt to get on top of illegal street racing.

The interesting point when speaking to police officers who are involved in this space is that they will always say it’s great to have more tools in the kit, but the most effective way of getting on top of illegal street racing is being able to have the front-line resource to consistently police those hotspots, to be able to have the personnel to go into those areas at those times and consistently enforce the law. Police will tell you there are many ways you can use the law right now to do that effectively, but the main reason that that’s not occurring in parts of New Zealand is because there is an incredible strain on the front line to respond to crime.

When you see our police around the country being asked to go to Northland—90 police officers being put up into Northland to get on top of what is a methamphetamine crime wave happening in those areas—it is a real concern that there is insufficient front-line capacity to be able to implement the existing legislation we have around illegal street racing. That is why this Government’s promise for 500 additional police officers has not yet been met, and that failure to deliver on 500 will make this legislation even more difficult to be able to have the results so desired.

November is rolling around very quickly. That is the date that National promised they would have 500 additional police officers. I think we have about 13 to track. It goes up and down depending on attrition. But the key way of getting on top of illegal street racing is having regular, consistent application of the law and having police officers able to do that. When we see it at select committee, we will be asking those questions to make sure—it’s well and good to be expanding the tool kit, but if you do not have the workforce in place to be able to implement the law and be able to enforce the law, then you’re wasting your time.

So this sounds good. We’re encouraged that it might be better than the last one they tried under Judith Collins. We look forward to hearing submitters from right across New Zealand as to how this law can work effectively to keep our streets safe and also make sure that those communities that get kept up at night, have children awake at night, and have unsafe streets—that we can actually get a piece of legislation that is going to work.

Dr CARLOS CHEUNG (National—Mt Roskill): New Zealanders are proud of what Liam Lawson is achieving on the world stage in Formula One—a young Kiwi representing us with skills, discipline, and professionalism. We celebrate his success and the example he sets. But, back home, we are sick of boy racers and illegal dirt bike riders, who are doing the opposite: putting life at risk, damaging public properties, and terrorising communities.

In Mt Roskill, I’ve received complaints from constituents about illegal dirt bike riders, and I’ve seen them myself: dangerous riding through streets, across Keith Hay Park, and even over the cricket pitch. These actions are a serious danger to our public safety.

This bill gives police the power to shut down the illegal convoys, close roads, issue fines, and introduce a presumptive court order sentence of vehicle forfeiture and destruction.

If you choose to abuse the road, you may lose your vehicle. Let's support those who race with respect, not those who endanger our communities. I commend this bill to the House.

Dr TRACEY McLELLAN (Labour): Thank you, Mr Speaker. The Antisocial Road Use Legislation Amendment Bill—we will be supporting it, as has previously been noted. I just want to acknowledge it from a local perspective as well, because the communities in Banks Peninsula electorate have had enough of dangerous, selfish, and, quite frankly, idiotic behaviour on the roads in that particular area. I sympathise with them, particularly the people around Governors Bay, for example, who—it's a very popular circuit for antisocial road use, and it's quite distressing to be inside your house and wondering if the noise of those cars is going to come crashing through. People should be able to feel safe on their properties, in their own homes, whether they're walking on their streets or driving on their roads, without the fear of being targeted by antisocial drivers. Boy racers, fleeing drivers, intimidating convoys—all of these things—are not harmless fun; they're incredibly serious. It's reckless. It is, in fact, antisocial, and it puts people at risk, and it puts lives at risk.

As has been stated, we will be supporting this bill. We think it's a step forward. It's not a perfect bill. There's plenty of things for the Justice Committee to take into account when it is their turn to look at it. But, here and now, today, we do support the bill. I do want to say that with one big caveat, because passing laws is, obviously, only half the job. If we want these powers to work and if we want the tools proposed in this bill to be effective, then we have to make sure that the police are actually there to enforce them. That's where I have some serious concerns, because while this Government is turning up the penalties, as it is with this bill, it's also turning down local policing resources—in particular, in areas that are affected by antisocial drivers, like Lyttelton and the Whakaraupō area. Right now, there is a proposal to cut police officers in Lyttelton, leaving just one single point of contact for that whole area. This isn't an abstract policy change. From August last year to August this year, there were 125 victimisation incidents in Lyttelton alone: break-ins, graffiti, vehicle thefts—dozens more across both Diamond Harbour and Governors Bay. When I've spoken to people about this issue, locals said that when they call for help, they deserve to know that someone is close by and can respond quickly, noting, of course, that those police officers that are currently based in Lyttelton are first responders.

Local policing matters, and, as my colleague Hon Ginny Andersen has just said, the proof of this bill will be in the pudding, as so far as the resourcing that's available to actually make it work. It's about relationships with local policing, and when you remove that—when you remove those relationships because you've cut local policing—you lose a critical line in the defence of local policy.

So, yes, Labour will support the bill. We think that it certainly seeks to address something that is a real problem, and it gives police the tools that we assume that they will need. There will be some interesting conversations to be had at the select committee process. But I do want to reiterate that you can't just pass a bill, take the proverbial photo op, and then strip out the very officers who are supposed to be the ones to enforce it. Certainly, in Banks Peninsula, people don't just want stronger laws, and they don't just want extra tools; they also want to know that those laws are enforced, and that means a strong local police presence and a Government that's actually willing to back it with not just words but with resources.

Quite frankly, if this Government was, in fact, serious about protecting communities from antisocial drivers, Christopher Luxon would be focusing on delivering those 500 new police officers that he's promised and has so far failed to deliver.

RIMA NAKHLE (National—Takanini): Thank you, Madam Speaker. I'm just going to cut to the chase here. It really is a pleasure to rise and speak on this bill. For many years, with my doorknocking around South Auckland, East Auckland, and Takanini, so many people and so many of our gentlemen have said, "So what are you going to do about these boy racers?", and to them, I say that the National-led Government is cracking down on this reckless, dangerous, antisocial behaviour. I commend this bill to the House.

A party vote was called for on the question, *That the Antisocial Road Use Legislation Amendment Bill be now read a first time.*

Ayes 102

New Zealand National 49; New Zealand Labour 34; ACT New Zealand 11;
New Zealand First 8.

Noes 20

Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Motion agreed to.

Bill read a first time.

Bill referred to the Justice Committee.

ASSISTANT SPEAKER (Maureen Pugh): I declare the House in committee for consideration of the Resource Management (Consenting and Other System Changes) Amendment Bill and the Local Government (Water Services) Bill.

HOUSE IN COMMITTEE

CHAIRPERSON (Teanau Tuiono): Members, the House is in committee on the Resource Management (Consenting and Other System Changes) Amendment Bill and the Local Government (Water Services) Bill.

**RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM
CHANGES) AMENDMENT BILL**

In Committee

Part 1 Amendments to principal Act (except schedules)

CHAIRPERSON (Teanau Tuiono): Members, we come first to the Resource Management (Consenting and Other System Changes) Amendment Bill. Members, we come now to Part 1. This is the debate on clauses 4 to 69, "Amendments to principal Act (except schedules)". The question is that Part 1 stand part. The Hon Dr Rachel Brooking.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you. I'm not a doctor, but—

CHAIRPERSON (Teanau Tuiono): Oh, the Hon Rachel Brooking.

Hon RACHEL BROOKING: And I probably never will be, but thank you. It requires far too much patience.

Now, what I'd like to comment on, first, is that this morning, a very large Amendment Paper went up on the legislation website, and that is Amendment Paper 347. It's a Government Amendment Paper in the name of the Minister responsible for RMA Reform, and it goes through the whole bill as if the select committee's version was the clean bill, and then it's tracked in some changes on to the select committee's version. I think that's what's happening, and it would be good for the Minister to comment on that, as well, for clarification.

Then, of course, there are many amendments. The Green Party, in particular, have got a big stash of amendments that were made on the bill as reported back from the select committee. I've got a couple, one on the Government amendment and one on the bill as reported back from the select committee. Because we've only got that just today, I'm working off two different documents—one is the bill as reported back, and one is the Minister's main Amendment Paper—so there might be a bit of paper shuffling as we go through. I note as well that the Minister has, at this stage—when I last checked—one amendment on his amendment, and that relates to clause 15, which amends section 70, and which is a controversial part of the bill.

I also want to note before asking specific questions that the amendments in the Minister's Amendment Paper that we've seen just today are substantial. They are substantive and, whilst some of them have been signalled by policy statements, we of course don't know what we're going to see until we see the bill. These changes have not been through any public process, so I take that to mean that the Minister will go through them in a considered way and answer questions so that they are on *Hansard*. But this is a terrible way to make laws. It's very frustrating when you have been through a select committee process and have asked about the wording of different phrases and made amendments in the select committee process, to see that all upended on the day of the committee stage of the bill.

Now, I will acknowledge that the Minister has worked on a couple of the issues that are in the Amendment Paper and has been telling people about the work that he's been doing on that—in particular with regard to the changes to the Auckland intensification provisions; they changed in the select committee report-back and now they've been further changed in the Amendment Paper. But other things are certainly not matters that have arisen, and one of those includes now, in his Amendment Paper, thermal electricity—so coal and gas—and the faster ways that you have to get consent through this bill. When the bill that was introduced, and in everything I've heard about the bill, the Minister has always focused on how this is going to help renewable generation. We are all for helping renewable generation, but that is not coal.

I'll start with those comments, and I think—and I haven't yet talked to my Green colleagues—that we will likely want to work through the bill clause by clause, referring both to the bill as reported back from the select committee, and then the Minister's amendments where they're relevant, and it is helpful that they've been track-changed in that way.

Also, I would like to confirm that we're discussing Part 1 of the bill, and so all of the schedules—and that relates to the substantive revisions to the planned changes for Auckland, Christchurch, and also now Wellington—are in Part 2 of the debate. They are linked to Part 1 provisions, but we'll spend more time on those in Part 2.

Coming then to the definitions section, in clause 4, there is this change in “specified energy activity”. Now, the Minister has included this: “(ca) the establishment, operation, maintenance, or upgrade of thermal electricity generation facilities:”. So a couple of questions—

CHAIRPERSON (Teanau Tuiono): Your time has expired. Do you want to take another call?

Hon RACHEL BROOKING: Thank you—sorry. Just a couple of questions on this point. One is: how does he justify that, given everything that was said about the bill being to promote renewable energy? Then: has he considered amending that so that it just refers to firming and peaking rather than run-of-the-mill electricity generation from burning coal? That is my first question, and, along with if he could confirm how his Amendment Paper works—if I've got that right—that would be helpful.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I thank the member for her questions. She is right that the Amendment Paper that the Government has tabled has not gone through select committee process; however, in mitigation, most of the changes in the Amendment Paper have been publicly announced—in some cases, a couple of months, if not earlier, than today, so members have had a good opportunity to kick those issues around. As the member herself adverts to through her remarks, we've been engaged in this backwards and forwards between the Government and the Auckland Council in relation to—

Hon Rachel Brooking: Can you speak into the mic more?

Hon CHRIS BISHOP: Oh, sorry, you can't hear?

Hon Rachel Brooking: No. Can you put it up a bit higher?

Hon CHRIS BISHOP: I'll speak louder. Sorry, my apologies—as the member may know, I'm somewhat under the weather, but such is the importance of this bill, here I am, ploughing through.

As the member knows, the Government's been engaged in a bit of a bit of backward and forward with Auckland Council in relation to Plan Change 78, and the way the timing worked, decisions around that were made after the bill was in the process of being reported back. I think we've reached a good accommodation around the ability to withdraw Plan Change 78, with a requirement for the council to notify new plan change by October with capacity equivalent to that which was unlocked by Plan Change 78, and there's ancillary changes around the City Rail Link stations. We can kick that around if members would like.

In relation to the issue that the member raises around clause 4 and around specified energy generation, the Government's taken the view that it's an inclusive regime in the sense that we want renewables to be quicker, but we also want all forms of electricity generation to be quicker—and so, ultimately, the market will build what the market builds. So we're not closing off renewables. In fact, I want to see more renewables. In fact, one of the key purposes of this bill and in the complimentary changes we're making to national direction around renewable electricity generation—national policy statement—is to see more renewables brought on stream quicker. But it is also an axiomatic truth that we need good firming and peaking capacity and, indeed, thermal generation, because as the old saying goes, when the wind doesn't blow and the light levels are low and the sun don't shine, the one thing the New Zealand electricity system absolutely needs is thermal electricity generation. That's not necessarily something that everyone likes, but I'll tell you what we also don't like, and that's the lights going off. That would be the single surefire way to bring this New Zealand economy to its knees. So the bill as proposed now through this Amendment Paper will include thermal as part of that more streamlined, quicker process. I think that's a sensible change. You know, members are entitled to disagree, obviously, but we think that's a sensible change to make.

LAN PHAM (Green): Thank you, Mr Chair. I want to share my colleague's absolute frustration and disappointment about these last-minute amendments, particularly as a member of the Environment Committee. A great many of the changes that are in these amendments were discussed at select committee, and I'd really love to hear from the Minister about what role he sees select committees actually playing—just broadly—in the development of legislation, and particularly quite substantial legislation like this. It's a genuine question, because what we're seeing, and what it appears to be, is a real concentration of executive decision-making which is coming through at the last minute and applies in many places throughout these amendments that have been put in place.

We know that this process has been rushed. We know that officials have been under a lot of pressure and that the consultation that went into this is minor—if not completely

lacking, in some instances—particularly when it comes to these Amendment Papers. So I'd really like to hear from the Minister, particularly with this bill, where it sits in terms of being an interim, essentially, holding pattern till we get, or the Government gets, to their substantive resource management changes later in the year or the term or whenever that may be. Why has the Minister made these such short-notice changes, and how does he see the role of select committees, particularly when, presumably, we will be going into that more substantive phase with the next bill? I'd really like to hear that.

The other aspect I'd like to touch on initially is just to do with, on page 7, the commencement clause—this is page 7 of the bill, clause 2—and I really agree with my colleagues, as well, that this does warrant a—

CHAIRPERSON (Teanau Tuiono): Just to note that the Commencement clause is a separate debate. This is the debate on—

LAN PHAM: Oh, that's coming at the end—apologies.

CHAIRPERSON (Teanau Tuiono): Yeah. This is clauses 4 to 69, except the schedules.

LAN PHAM: Thank you, Mr Chair. I forget that aspect. Thank you.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Thank you to the member Lan Pham for her question. I mean, the obvious point is I've got a deep respect for the select committee process, as a person who sat on the select committee for nine years in Opposition and in Government. Select committees play an important role, and I thank the Environment Committee for their consideration of the bill. There are a number of suggested amendments to the bill that have been adopted by the House already, through the second reading process. The bill has been improved by the select committee consideration of it. Submissions were heard through the process, and a series of changes were made through the process.

The member herself sat on the select committee, so she'll be aware of the changes made there, but—as I've indicated in my remarks to the Hon Rachel Brooking—for a variety of reasons, the Government wants to make further changes to the bill. The Gordon Wilson Flats amendment, for example, is an example on the Amendment Paper where the Government has indicated they wish to make further changes. In fact, the member's colleague in her own party has an amendment in her own name to make further amendments à la the Gordon Wilson amendment to other areas of Wellington or to other heritage buildings in Wellington that she wants to be delisted and to not be subject to the structures of the heritage provisions of the Resource Management Act. The member's own party colleague is advancing a similar amendment, which also hasn't been through the select committee process. So what's good for the goose, as they say, is, of course, good for the gander.

There are important amendments that we wish to make through the committee of the whole House stage which are contained in the Amendment Paper, and we've worked hard as we've made decisions to announce those decisions as we've gone along. In relation to the Auckland Plan Change 78 process, those decisions were decided and then announced some weeks ago. Likewise, the decisions around the planned stop powers that we wish to insert into the bill—those were made and announced weeks ago. Likewise, the power for the Minister to intervene in council plans and modify or delete particular provisions in some circumstances—again, those were announced some weeks ago. We stand by those decisions, and they lie on the floor of the House for debate.

Hon RACHEL BROOKING (Labour—Dunedin): Does the Minister understand that making an announcement as a Minister is different from having people look at the words on a page? That's my first question.

The second one is going back to this point of his changes on clause 4 and thermal electricity. In the Minister's response, he spoke of firming and peaking, so why then does

this clause not specify firming and peaking rather than just run-of-the-mill burning of coal for electricity? That's the second question.

Then the third question, going still on clause 4, the definition sections: there is an amendment to delete—and it's in the name of Scott Willis; he might want to speak to this as well—in “long-lived infrastructure” the “(a) pipelines that distribute or transmit natural or manufactured gas:”; has there been any consideration of that, given, as I was mentioning before, the way that this bill was promulgated was that it was to do better for renewable energy and that is not renewable energy?

SCOTT WILLIS (Green): Yes, thank you to my colleague Rachel Brooking. I certainly would like to look at clause 4, the new definition of “long-lived infrastructure”, and I also want to reflect on the Minister responsible for RMA Reform's statement earlier that we will have a National Policy Statement for Renewable Electricity Generation. We've had that claim made since this Government came into office. In fact, the National Policy Statement for Renewable Electricity Generation was to be delivered in June last year; it still hasn't been delivered. We have had the claim that we will have a national energy strategy delivered—that was to be delivered in December last year; it still hasn't been delivered.

What we have here is claims that this Government wants to support new renewables but evidence that they'll do anything but. That's problematic. It's problematic because we, effectively, lose trust and faith that this Government will do what it says it's going to do, because it acts to the contrary of those statements. It hasn't delivered on any of the things that are going to speed up renewable generation, it has stopped efforts to reduce energy demand, and that has caused price rises for our most vulnerable. It's caused people in energy hardship to suffer even more.

When we see here, in clause 4, the new definition of “long-lived infrastructure”, the proposal that we've put forward is that we delete “natural or”—page 8, line 21. The reason we do this is because we all know—and the Government, again, says it's going to meet climate targets and yet insists on putting fossil fuels back into our system. You either mean something or you don't, and that's the problem here. If you are saying you're going to meet climate targets, you take the fossil fuels out of the system; you don't put them back in.

What we've got here is the Government saying it wants to ensure that there is natural gas. What this simple amendment proposes is that we take natural gas out—and we all know what natural gas is: it's fossil gas. The simple thing this Government can do—and I hope the Minister will take this on board; I would like the Minister to respond, please—is delete “natural or” from clause 4, the new definition of “long-lived infrastructure”. It's a very simple amendment, and the reason why that is so important is that it will show that the Government will actually act on what it says it aims to do—very, very simple.

If the Minister could respond to that, and we'll see where we get to in the next stage, but we've got plenty more questions, because, unfortunately, from what we've seen and what's been delivered, this isn't about what we're told it is about. It is also about enabling more fossil fuel infrastructure, and that is something that we don't need and that we need to move away from at pace. What we would like to see is the changes needed to make sure that we get the fossils out of our system and we enable our electricity to be generated from renewable sources and to be stored as well so that we can manage both baseload, firming, and peaking—oh, sorry, that's three things. But if the Minister could respond, I'd appreciate that. Thank you.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Well, as the member Scott Willis himself notes, we have a largely renewable system. On any given year, it's between 80 percent and 87 percent, and sometimes even close to 90 percent renewable, depending on the time of day and the particular time of the year, and that's a

wonderful thing. It's something that all New Zealanders should celebrate. But we should also be very conscious of the fact that we have an energy shortage in this country. This is probably not the right time or place to get into the whys and wherefores of the oil and gas ban from 2018, but I will just say that's one of the most destructive public policy decisions that any Government has made in 50 years in New Zealand history, and we are now bearing the brunt of that today.

We're all in favour of new renewable electricity generation on this side of the House, and the bill will make a series of changes in order to support that—for example, there's a maximum one-year time frame to consent applications for specified energy, including renewables. Members on the opposite side have said that they don't think that should apply to thermal generation. They're entitled to that view, but my view would be the opposite. It's an inclusive regime. It's not exclusive to thermal; it includes all forms of electricity generation, reflecting the fact that we have an energy shortage and we need all types of renewables. There's a default lapse period for applicants for renewable energy consents that goes from five to 10 years. It means that people have more time to use the consents. There's a 35-year consent duration for time-limited consents for renewable energy and longer-lived infrastructure, and I think those are all changes that will make it easier to consent renewables.

The member asked about the National Policy Statement for Renewable Electricity Generation. That is under consultation right now. Back in May, I think it was, the Government published a draft strengthened national policy statement (NPS) on renewables, alongside a new National Policy Statement for Infrastructure, which we've never had before as part of the national direction suite of instruments sitting under the Resource Management Act (RMA). We've never had one. Industry has been calling for one for 10 years, and so this Government is delivering one.

We're also delivering a much more strengthened NPS on renewables. The current one—as the member knows—I think, dates from 2011. It's a pretty airy-fairy sort of two and a half or three pages, pie-in-the-sky, “Kumbaya”, and mush document. It has not provided decision makers under the RMA with the clear direction that needs to be sent through the RMA system that renewable electricity generation is a national priority. It needs to be easier to consent a wind farm. It needs to be easier to consent a solar farm. It needs to be easier to consent geothermal electricity generation, and, of course, the great thing about geothermal is it's baseload power—it goes straight into the grid. It goes like the clappers, and there's a bit of—

Grant McCallum: Yeah, it doesn't stop.

Hon CHRIS BISHOP: Well, that's what “goes like the clappers” means—yes, thank you for that.

Grant McCallum: Common language.

Hon CHRIS BISHOP: Right, OK. It does have fossil fuel emissions, actually. People sometimes forget that about geothermal, but it does. But it's a great technology, and I'm pretty optimistic, frankly, about the deep geothermal, which we're also investigating—

Grant McCallum: They've developed a carbon-neutral geothermal.

Hon CHRIS BISHOP: Well, if you want to take a call, Mr McCallum, feel free. So I'm pretty bullish on the deep geothermal prospects that are coming.

I understand where the member is coming from, but we're not proposing to adopt his amendments to delete thermal generation from the definition of “long-lived infrastructure”. We are advancing the renewables policy statement. My aim is to have that promulgated into law by the end of the year, alongside the other national direction changes we're making. By the way, it's the biggest change to national direction in the RMA's history, and the intention is that the changes we're making through that suite of

changes will carry through into the new resource management system, which, of course, is subject to a separate process.

LAN PHAM (Green): Thank you, Mr Chair. Just picking up on that same vein in the definition of “long-lived infrastructure”. It was one of the more entertaining parts of the select committee process, where literally every business or company thought they should all be considered long-lived infrastructure and their infrastructure should be long-lived infrastructure. But there is one aspect that I would like to propose that I would really like the Minister to consider that actually has some merit. I’m speaking to this particularly as someone who was sitting on the Finance and Expenditure Committee with the Local Government (Water Services) Bill, through that select committee process—and the, hopefully, complete turnaround we’re going to see in terms of investment in stormwater, waste water, and drinking water, and anything to do with water infrastructure.

My amendment, which is Amendment Paper 296, would be a change to the definition clause about long-lived infrastructure. It would really just be about inserting a new line, a new paragraph (db), about “infrastructure providing water supply, stormwater and wastewater distribution”. This stuff genuinely should be considered long-lived infrastructure, and we would really like to be setting up this framework that actually enables the investment that we so badly need in all of these areas through the newly established water service entities and whatnot—whatever form they’re going to take. We think that this is the one genuine amendment that could actually allow those to have more certainty and actually be taken to account in that way, so I’d really appreciate the Minister’s thoughts on that. Thank you.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): The member makes a really good point. I’m advised that it was—the definition of “long-lived infrastructure”, including waste water and stormwater, which I think the member is rightly saying should probably be included, was excluded from the scope of this bill as it potentially conflicts with the Local Government (Water Services) Bill, which has been subject to a separate process as we go through.

However, that said, with the new resource management legislation we’ve got coming towards the back end of this year, we have an opportunity to examine that question again, particularly in the context of the water services bill, which is actually up for committee stage after this. So I hear where the member’s coming from on that one.

ANDY FOSTER (NZ First): Mr Chair, thank you very much. I’m the chair of the Transport and Infrastructure Committee, and one of the things which we’re doing at the moment is we are conducting an inquiry into the ports and maritime sector. We really welcome the change which has been made through this bill in terms of extending our ports’ expiry date in terms of their coastal occupation permits from 2026 to 2046—in other words, given them an extra 20 years. It just strikes me as completely nuts that we are in the situation where a whole lot of infrastructure which has its feet in the water or relates to water has to get re-consented at astronomical cost and delivers absolutely nothing to our country. If we want to look at a place where we want to reduce regulation, that is a place we could save—it wouldn’t be tens of millions; it wouldn’t be hundreds of millions; it would be billions of dollars for this economy.

What we’ve got in front of us says that the right to occupy the coastal area will be extended by 20 years, but the bit that it doesn’t tackle, which is an essential part of the business of operating a port, is the right to dredge. Essentially, it’s like saying you’ve got a house, but if you can’t build the driveway to get to the house, it’s a bit problematic, or you can’t build the infrastructure, the energy, the plumbing, or whatever it is to get to the house, it’s a bit problematic. I know that in talking to, and I’ve met with virtually every—in fact, I think I have met with every port now in the country over the last number of months, and this is an issue which is raised by—[Interruption] You’re laughing.

Hon Chris Bishop: I'd just say what a fun job.

ANDY FOSTER: It's great. They're great people. What's great is that they are carrying, I think, 97 percent of our exports by volume and something close to 90 percent of our exports in terms of value. If they have a problem, "New Zealand Inc." has a problem, because we can't get the products we need in and we can't get the products we need to sell out. If we want to double our export revenue, we need to make sure the ports are functioning well. The issue there is the ability to be able to dredge, and all ports tell me they've got a dredge which basically goes around the country and dredges one port after another port after another port—it's a busy dredge. If they can't do the maintenance dredging—and for some of them, they do it several times a year to get rid of the little bits of silt etc. which have moved around. If they can't do that, they can't get the ships of sufficient draught in, and they need to be able to do that. They have also what's called capital dredging, which is basically making sure they've got the channel of the depth that they need to get those big ships in.

I understand it's not in this bill, but I'm really seeking some surety—not just for me but also for the ports, because I know they're very interested in this—that the Government is on to this and will deal with this in due course, whether through this bill or through upcoming legislation.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Thank you, Mr Chair. Can I just start by saying thank you to the hard-working chair of the Transport and Infrastructure Committee. I mean that genuinely. Too few people in this country pay attention to ports, so I mean that very genuinely. If we're serious about doubling exports and economic growth in this country, getting our ports operating efficiently and effectively is fundamental. Too few pay attention to our ports, and that's why it's so important that the port at Tauranga can get its expansion over the line. For example, 60 percent of our exports, by value, go out of the Port of Tauranga. That's why it's so important that the fast track of the Port of Auckland is going through its process. It's so critical that we optimise the supply chain, because we are a maritime nation, and 97 percent of our exports go out through ports. They are fundamental, so I'm really looking forward to the work of the committee in relation to that inquiry. It's a very important piece of work.

The member, in his question, I think, raises kind of a fundamental issue that the Government's had to grapple with as we do this. The origin of this bill is that it's deliberately meant to be a bit of a half-way house on the pathway to wider resource management (RM) reform. It would be tempting to try to do everything, all in this bill, but then it would have quickly become bigger than Ben-Hur, and, frankly, we wouldn't be debating it now; we'd be debating it in March of next year, or even later. As the member knows, or members know, we've been on a bit of a pathway, and we've divided up resource management reform into manageable chunks. This is the second amendment bill to the existing Resource Management Act. Various, the amendments have been described as quick wins, targeted amendments, in order to unclog the system a bit. We did look at the issue that the member raises, so the bill makes some amendments to coastal permits—it extends their duration, as the member knows. The issue of dredging is more complicated—technically, and environmentally as well—and so the decision was made to leave that until RM3, as we've been calling it, which is phase 3 of resource management reform, which is the new legislation which is coming before the House later in the year.

Right the way through, we did have to make these kind of line-ball calls, where it was tempting to chuck everything in, as much as possible—chuck it into the hopper and get it into the House and get it into law—but we've tried to do it in a sophisticated way, where stuff that's relatively easy, straightforward, targeted, and able to be digested can go into

the system quite quickly and have immediate legal effect—that’s in this bill and the bill that’s previously been passed into law. Then things that are more complicated or interact with other parts of the system—waste water and stormwater is actually an example raised by Lan Pham previously. Some of those issues, we just had to deal with them in a separate policy process. We are aware of the issue, and we will deal with that through resource management phase 3.

I suppose my overall point to the House would be you can’t do everything all at the same time. Successive Governments have tried to do that, and they’ve failed, so we’re just trying to do things in manageable chunks, and everything is building towards the Big Kahuna, which is resource management phase 3. We’re working our way through that as well, and we’ll have more to say in due course.

Hon JULIE ANNE GENTER (Green—Rongotai): Tēnā koe, Mr Chair. Thanks very much to the Minister for all of his input so far. I want to speak to an Amendment Paper (AP) that I’ve put forward. This is still related to the issue of long-lived infrastructure, but it’s specifically about clause 69, where there’s a new regulation power being given to the Minister to be able to prescribe infrastructure as “long-lived infrastructure”.

CHAIRPERSON (Teana Tuiono): What number? Have you got the number of the Amendment Paper?

Hon JULIE ANNE GENTER: That’s clause 69, on page 47, so it’s in Part 1.

I guess our concern—and this was raised by some submitters—is, what is the purpose for giving this broad-sweeping regulation-making power to the Minister, given that the definition of “long-lived infrastructure” is in the bill? It’s like we’ve got the definition in the bill, but now we’re also giving a power to the Minister, after the bill’s gone through the House, to define other things as “long-lived infrastructure”. They have to meet certain criteria, in subclause (2FA)—so that’s clause 69(2FA). You know, it “(a) has an expected lifespan of 50 years; and (b) is suitable for a consent duration of 35 years; and (c) benefits the public.” But I think “benefits the public” is very, very broad, and, as much as we’d like to have absolute confidence in the Government of the day, the reality is in New Zealand’s system, power is very concentrated in the executive. When we give these broad regulation-making powers to Ministers, there’s less opportunity for public input to these things. We have a select committee process, we have input from across the House, we have input from submitters, but when we give a regulation-making power to the Minister, then it’s just up to one Minister, who gets it through Cabinet and then that defines “long-lived infrastructure”.

I guess my question is, is this really necessary? Haven’t we considered what the definition of “long-lived infrastructure” is in the bill? What does the Minister see as the need for this new regulation and this new power? Would the Minister consider my AP 297, which simply removes that broad power? We want to be sure that whatever is being proposed to be long-lived infrastructure is open to scrutiny and input from iwi, mana whenua, environmental groups, the Law Society, and others.

You know, during the submissions we did hear from the New Zealand Law Society, from the Public Health Association of New Zealand. Even though the New Zealand Planning Institute was generally supportive of a 35-year-duration policy, they also were concerned about the implications for Māori rights and interests, and the ability to redress significant environmental effects—and that’s particularly with respect to hydroelectricity and geothermal consent renewals. Of course we want to have renewable electricity, but also there are types of renewable electricity that are low cost and low environmental impact, and then there’s others which are even lower cost, like hydro, but have significant environmental impacts.

Overall, the Greens have expressed our concern already with fossil-fuel infrastructure being prescribed as long-lived—or that thermal generation and other fossil-fuel infrastructure could be prescribed as long-lived, at a later date, under this regulation-making power. I hope the Minister will consider our AP and whether this is really necessary.

TAMATHA PAUL (Green—Wellington Central): Kia ora, Mr Chair. I have a question that is in regards to clause 6, section 25A amended, which, basically, removes general references to national policy statement—oh, sorry. That section gives far more power to the Minister in terms of giving him the ability to intervene across multiple national policy statements. When the bill first came to the House in its first reading, we understood that the power to intervene was specifically in relation to the National Policy Statement on Urban Development (NPSUD), particularly the housing and business development capacity assessments required under the NPSUD.

We have got an Amendment Paper—it's actually under Julie Anne's name—which is number 298, which, basically, asks for more specificity within the bill to say that the Minister can use his powers to intervene in national compliance with the urban development national policy statement, as opposed to the power to intervene in any policy statement—for example, the National Policy Statement for Freshwater, or National Policy Statement for Indigenous Biodiversity, or any of the other national planning instruments that exist.

The question to that is: what is the policy justification for extending those ministerial powers to apply across national direction? I know that you are the “Minister for Everything”, but in the case that you might not be, what is the justification for allowing such widespread powers of intervention across the various directions? The reason we ask that is because, firstly, there might be examples where local authorities might want to be more ambitious than the Government. How does that align with those interventions? But we are mostly just trying to understand how those powers, especially in areas like freshwater management or indigenous biodiversity, are relevant to what the Minister hopes to achieve through these resource management reforms.

I guess the other question we have in terms of the general strategic direction behind these amendments to the Act is: how has the Minister considered his intervention with local authorities? Like, obviously, sometimes it's good to have that independence. In Wellington City Council, obviously, we tried to go above and beyond the medium density residential standards rules and above and beyond national direction as it was being set when the NPSUD came into effect in 2020, and that was there as well. So sometimes the national intervention might not achieve meeting national objectives when local authorities are exceeding those expectations.

But also, yeah, we just want to understand where and how that decision was made to broaden those powers. Obviously, with the Minister's general approach to planning, we are supportive of some aspects of that in terms of we want more housing—we want it to be allowed, we want a permissive consenting and planning environment, because we need more houses. But we just wonder why that aspect of the law was changed to make that widespread, and maybe how the Minister will consider local objectives as well when it comes to the freshwater and biodiversity space in terms of coming over the top there and bringing territorial authorities into line with national direction. What is the rationale for that, and can he break that down a little bit further as to why that change took place?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I'll deal with Julie Anne Genter's points around clause 69. It's really a catch-all power, which is there in case the Government decides to classify something as long-lived infrastructure, which is not there now. It really just gives a greater flexibility into the system, and so I don't think anything much turns on that.

In relation to Ms Paul's point, I think she was talking about clause 6 on Amendment Paper 347 in the Government's name, which amends section 25A. One of the things that I think people sometimes misunderstand about the Resource Management Act (RMA) is that it actually gives the Government quite extensive intervention powers in local authorities already. This amended section strengthens that up and makes it clear that if a national policy statement requires a local authority to prepare a document and the authority hasn't done that, the Minister can direct the authority to do that or amend the document to meet the requirements of a national policy statement.

The member talked about the National Policy Statement on Urban Development, which is an important piece of national direction, which some councils have been good at complying with. Others have been somewhat more recalcitrant, shall we say. But we're getting there. I think those intervention powers are important, but there are fetters built into the section itself, so the Minister can't do that unless there's been an investigation under section 24A(c) of the RMA and the Minister has made recommendations to the local authority. It's not a free-for-all power for the Minister. There's a process that the Minister has to go through, and there are existing powers in the RMA for the Ministers to step in in relation to the local authority powers right now, both for Minister Simmonds as Minister for the Environment or me, where it relates to my delegations as Minister responsible for RMA Reform.

Reasonable people can disagree about the appropriate level of power. For one, I take the view that if central government is going to lay out a series of national direction and national policy statements that we expect local authorities to comply with, then there has to be an appropriate level of step-in powers to make sure that those laws are complied with. The member herself raises the example of where the Government has been prepared to step in in relation to housing, which I think the member would view in a positive way, and I welcome that.

At the end of the day, planning is always a balance between local and central, and, respectfully, people who say that planning should be this entirely localised thing don't really understand the impact that local planning decisions have on the regional and national economy that we all have to live in. For example, successive council planning decisions over many years have given us the housing crisis that is now a national crisis that has fiscal implications of enormous significance for the Government. It's \$5 billion a year in housing subsidies—\$5 billion. That's the equivalent of four Transmission Gully motorways per year on housing subsidies. It's an extraordinarily staggering sum of money that's built up, not entirely because of local councils, but, for the most part, by a sclerotic and labyrinthine planning system that has made it too hard to build houses in this country.

The system has allowed this spaghetti junction of planning rules at a local level that has just made it way too hard to build, and we all bear the consequence of that in central government, so I reject the idea that central government shouldn't have a legitimate interest in what local councils do. What they do matters fiscally, economically, morally, socially, and intergenerationally. There are any number of justifications you can point to for why central government should have an interest in local plans. Now, you've got to get the balance right, and reasonable people can disagree about what the balance should be, but the system should always allow for central government to have intervention powers into local plans.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Mr Chair. I'm still on clause 4, and, noting that the Minister has spoken at some length about the importance of renewable energy and planning for infrastructure and getting rid of planning red tape so we can do better with our housing, I of course want to note that that is why Labour did its legislation to repeal the Resource Management Act and do the Spatial Planning Act and the Natural and Built Environment Act, and work on an infrastructure chapter as part

of that. So when the Minister says nothing has happened, it was happening. But that is also why we've been supporting this bill in the first reading and second reading. It is because we do agree with that general direction.

Also noting the importance of ports, I agree with the Minister on that point. I'm also thankful that he noted that dredging has significant environmental effects that are difficult to manage, unlike an existing piece of infrastructure that's already there.

But my question now is on the new definition of "specified energy activity" in the amendment to section 2(1) in clause 4. It's defined as meaning "(a) the establishment, operation, maintenance, or upgrade of an activity that produces energy from solar, wind, geothermal, hydro, or biomass sources:". It's just a very specific question on this—and it doesn't include any form of gas, unless it's one from biomass. But my question is: does it include waste to energy? Is he expecting that waste to energy would be included in paragraph (a) or not?

TAMATHA PAUL (Green—Wellington Central): Just a quick contribution in regards to, again, clause 6, "Section 25A amended". I understand all the answers that the Minister responsible for RMA Reform gave in relation to national direction and pulling local authorities into line, and I just kind of wanted to make my question a bit more clear. In the first reading of this bill, the national policy statement (NPS) references in the bill only referred to the urban development NPS. What has happened since then is that that has been amended to include all the national policy directions, including freshwater management, indigenous biodiversity, etc. My question is: why are we expanding into those areas as well?

So, yeah, I take your arguments and your statements on housing—that makes complete sense. But why, then, are we expanding into the other areas, and what support does that give you in achieving the Government's national objectives around resource management?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Thank you, Mr Chair. Just in relation to Rachel Brooking's point, I'm advised that waste to energy is included as a specified energy activity only if it's biomass to waste, if that makes sense—so "maybe" is the short answer.

In relation to Ms Paul's point around why we've expanded it, well, it's because the Government came to the view that if it was good enough for the National Policy Statement on Urban Development (NPSUD), it should be good enough for the other suite of national directions that there are—for example, the national policy statement on renewables, which may require councils to do particular things, or it may not. It will depend. There's no point, probably, in going through the gamut of the NPSs that are out there, but I think it provides the power for Governments to have step-in powers in relation to all of the various NPSs that there are. Fresh water is one of them; National Policy Statement for Indigenous Biodiversity. There is a range of NPSs that the member will be aware of, not just the NPSUD.

RACHEL BOYACK (Labour—Nelson): Thank you, Mr Chair. I've got a quick question, just covering off going clause by clause through the bill, as reported back from the committee, but also the Minister's Amendment Paper that he has tabled in the House. I just want to focus specifically on clause 5, which is the definition of rules that control fishing. I note that in the committee's report back and the Amendment Paper, the new clause 2B that's being inserted appears to be identical, so I did just want a point of clarification that, for those of us who are new to reading through this Amendment Paper that's only just recently been tabled, there isn't anything different between what is in the report back from the committee and what the Minister has tabled today—just if there are any differences, it would be helpful to know what those were. That's just a practical consideration.

My question is specifically around the amendment to clause 5 to exclude aquaculture activities. The rationale given for that in the select committee report is that aquaculture is already clearly regulated under the Resource Management Act (RMA). I did just want to ask the Minister whether the regulations under the RMA in relation to aquaculture are comparable to those that will be inserted in this new rule around wild-capture fisheries, and just to get some assurance that there is comparability between the two parts of the fishery sector—aquaculture and wild-capture fisheries.

So just two short questions for the Minister: one specifically around policy, but earlier, just a practical consideration around the Minister also including the changes in the select committee report in his Amendment Paper and just for us to be able to note when we should be looking for any changes in the Minister's Amendment Paper, when compared to what was in the report from the select committee. Thank you.

LAN PHAM (Green): Thank you, Mr Chair. I want to continue on my colleague's topic of fisheries, particularly when it comes to clause 8 of the bill. This is page 11 around "Section 32 amended (Requirements for preparing and publishing evaluation reports)". Now, as part of the select committee process, we had, as you can imagine, a lot of submissions around the fisheries aspects. I know that the officials' view—and I'm sure the Government's view—is that the bill actually clarifies the relationship between the Resource Management Act (RMA) and the Fisheries Act. But there were many differing views, particularly a lot of concern from environmental groups, from individuals and local communities. Iwi Māori in particular were, as a majority, opposed to this proposal in its full. One of the strongest concerns that we heard from local government was around this power that the director-general might have in that it would risk weakening local democracy. But my amendment, which I've got here, really proposes to delete clause 8 as a part of this package, because clause 8 relates to these new requirements that councils would have to conduct in terms of actually doing these fishing impact assessments if they're actually proposing a new rule in a planning document that controls fishing in the coastal marine area.

Now, we see this as, essentially, a really pointless change. Councils already have this very clear responsibility to protect indigenous biodiversity. They are empowered, actually, as long as the Government doesn't take away those powers, which they are in terms of ministerial overreach later in the bill. But with the status quo, they not only have this responsibility but they can put rules in place when it comes to sustainable management of these fisheries when it comes to marine biodiversity as per the purpose of the RMA.

This proposed amendment, which seeks to change the section 32 assessment, we think really strays into the purpose of the Fisheries Act and, actually, creates this imbalance and a really skewed focus on fishing rather than explicitly regional council's responsibilities for indigenous biodiversity when it comes to the marine environment. I'd love to hear the Minister's thoughts about the justification for this particular clause, because my reading of it—particularly, some submitters brought this up—is that it simply duplicates existing work and creates more complexity in an area where this bill purports to actually be simplifying things. I'd love to hear from the Minister how this change or proposed change to the section 32 reports and assessments that councils need to carry out if they're putting a rule in place to actually protect indigenous biodiversity—what is the justification for this change and how is it that it is actually, genuinely clarifying things rather than making them more complex? Thank you.

SCOTT WILLIS (Green): Thank you, Mr Chair. My query, really, is in relation to Amendment Paper 300, clause 11, "Section 37 amended", and thinking about wood energy and wood processing. But one question first off the bat is: it mentions here that the bill proposes that wood processing and specified energy activities—I think I've heard

that this relates to biomass, biomass burning. I'm not exactly sure if that's the only thing that that refers to, so I'd appreciate confirmation that that is what "specified energy activities" refers to, if the Minister would like to respond to that. If that is the case, then I'm interested in why it says "specified energy activities" and not "biomass"? That would be a helpful start.

Further to the Minister's insistence earlier that the reason why we are lagging in energy security and renewables—the Minister mentioned the oil and gas ban, and was quick to blame previous Governments, when this Government has failed to deliver a national policy statement for renewable electricity generation; it has failed to deliver a national energy strategy; it did throw out the Spatial Planning Act; it did throw out the Natural and Built Environment Act; and, clearly, this Government carries the blame for high electricity prices, and for the failure—the failure—to build the renewable electricity generation we need.

Coming back to this bill for wood processing, in particular, and those "specified energy activities" that we hope to get an answer on, this says that the consent authorities must not extend the time period when processing and deciding on an application for when resource consent can happen. The problem with this, or the risk here, is that it will allow consent authorities to—well, essentially, what we're looking at are processes and activities that may have significant adverse effects on the environment. This is particularly true for wood processing. Wood processing can use chemicals, and that's discharged into waterways, and we need very careful consideration of the impact on those waterways from such industrial processes. I'm sure the Minister from Southland has noticed the degraded state of the waterways. I'm sure the Minister is aware of what happens to polluted waterways, where we see die-off. So, as a consequence, we must have the time to evaluate the environmental impacts of any release into the environment from processes. What we've got here is, unfortunately, a shortening of that process.

My amendment is to ensure it says, "In clause 11, replace new section 37(1B)"—that's on page 13, lines 26 to 28—"with: (1B) Except as provided for in subsection (1C), a consent authority must not extend, under subsection (1)(a), the time period for processing and deciding an application for a resource consent for a wood processing activity or specified energy activity (see section 88BA). (1C) A consent authority may extend the time period for processing and deciding an application for a resource consent for a wood processing activity or specified energy activity where the authority has reasonable grounds to believe the activity may have a significant adverse effect on the environment."

To recap: I would like confirmation, firstly, about what "specified energy activities" means—very, very clearly, clarity on that, please. If it does mean "biomass", as we've been told, why is it not specified as "biomass"? Secondly, why we can't accept an extension, or perhaps we can, and whether the Minister will consider and accept an extension to the time period?

Hon PENNY SIMMONDS (Minister for the Environment): Thank you, Mr Chair. Just answering some of the questions in the order they've come in from the member Rachel Boyack. Just confirming that the rules that control fishing—your question was is there any difference in clause 5, new section 2B versions tabled today? No, there is no difference.

With regard to Lan Pham's wanting to delete clause 8, no, we do not support that. The purpose of this clause is, as we have stated, to clarify and to support balanced section 32 assessments that cover both benefits and risks. This clause doesn't enable councils to make fisheries management decisions. That is done under the Fisheries Act and therefore it doesn't stray into the Fisheries Act purposes.

With regard to the member Scott Willis' assertion that the high electricity prices are entirely the fault of this Government, I reject that comment, and particularly reject it given

the work that we have done already around fast track and the numbers of renewable applications that are going through the fast-track process. In making that assertion, then the member is wanting to lengthen the process of consideration of energy supply in terms of the wood processing. So does he want it both ways is my concern.

TANGI UTIKERE (Labour—Palmerston North): Kia orana, Mr Chair. Look, this is my first contribution at this committee stage, and I want to have a look at clause 14A. This is in the Minister's own Amendment Paper. It is a new clause that seeks to insert a new section after section 58J—that being 58JA.

Sir, this is a very significant change to this bill—a very significant change. Whilst I acknowledge that the Minister has previously noted that—and, actually, it was very interesting listening to his very early comment that these changes have been publicly announced. He talked about them being “kicked around”—however, the member may wish to choose that. But the sad reality for the Minister and the Government is that usually when those issues are being kicked around, such as this one, the public have an opportunity to be able to feed into that process and have an opportunity to share what their views on this change is. It's very disappointing that this is the approach that the Minister has chosen to take, particularly at a time where a select committee has actually spent a lot of time looking at this. If the Minister was upfront and serious about this change and what it would mean for communities, why did the Minister not actually put this through the select committee process?

Noting that significant change, the essence of it is that this basically puts a permanent pause—well, actually it's a stop—to particular courses of actions that councils may be undertaking in terms of plan changes that might be on the go. So my question to the Minister in the chair is: despite the fact that the Minister has chosen not to put this through the select committee process, what specific engagement has the Minister or indeed the Government had with local councils anywhere in the country around what this particular change would mean for them, whether it's being promoted by a range of councils or not? I do hope the Minister in the chair does take this question on board, because we are talking about a fundamental change, Minister, to the way in which councils would go about the plan-change process. I use the word plan change in a very broad and wide sense.

I've got some other questions in that particular frame, but I'm happy to pause for a response.

Hon PENNY SIMMONDS (Minister for the Environment): Thank you, and I thank the member Tangi Utikere for his question around this. Look, a number of councils obviously are very concerned that they do not want to be making changes and undertaking consultation and spending money on changes that may well not be aligned with where the Government is going with the resource management (RM) process. This is just a very pragmatic step to ensure that councils do not waste time, money, and resources when everyone is very focused on councils and their rate increases, and ensuring that they don't make changes that may mean they are not aligned with the work that the Government is continuing with in the RM space. So it's very much just a pragmatic, practical solution. Of course, the member will note that there is an ability for exemptions and that there are a number of automatic exemptions, so important work that does align with Government policies can continue, but wanting to ensure that the councils are not moving in a direction that is not aligned with the Government.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Mr Chair, and I thank the Minister in the chair, Penny Simmonds. She has mentioned rates increases, and of course her Government and Christopher Luxon promised to make things better when it came to rates increases, and they have simply done nothing but make it worse. On the issue of councils being concerned—well, the Government being concerned as well—that they shouldn't be making changes, I think the Minister said, around consultation, my

question to the Minister is—basically, that is removing that element of choice from councils, who will be attuned to the current Resource Management Act framework, whatever that might look like, and in terms of signalling what the Government's intentions might be, but they can hit pause if they choose to. So my follow-up question to the Minister around that is why she believes a fairly heavy-handed approach to this is what is required.

I'm pleased that the Minister has talked about exemptions, because I do want to come to that, but before I do, I want to look at the new inserted section as proposed by the Minister's Amendment Paper, which is 58JA, in particular subparagraph (a), inserted by new clause 14A. This is about the certain obligations or the specific requirements that, basically, councils would be forced to cease or stop until 31 December 2027. Because this has only landed specifically on the committee's Table today, which is rather unfortunate, I've had to go and have a look around what those specific obligations are that are outlined in the Minister's Amendment Paper.

It does relate to those that are described specifically and only in section 58I(2), which by my read is the requirement for a local authority to actually amend a document as a result of a particular decision that's been taken, then subsection (4), which is around the use of a process and, I guess, the notification process that would follow as a result of that. Then we have the penultimate, which is subsection (7), which relates to a notification period of around one year, and then the final one, which is (8), and that's any other actions that are, basically, directed by a national planning standard.

When one looks at what else is contained in 58I as a section—the reason I'm asking this, Minister, is because the Minister's amendment is very specific in that it only relates to four subsections within this, but why is it that some of the other obligations that exist within 58I have not been incorporated or included into this? Is it that, actually, they are superficial in that sense and they don't actually have any kind of justified sort of reason to include them?

I do look at, for example, 58I(9), which talks about obligations under any other Acts as they relate to statements or plans. So why is that not being removed? Is it because they're actually tangential to each other or they can't stand in isolation? I'd be interested in that particular response.

CHAIRPERSON (Teana Tuiono): Members, the time has come for me to leave the Chair for the dinner break. The House will resume at 7.30.

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

CHAIRPERSON (Maureen Pugh): Good evening, members. When we rose for the dinner break, we were considering Part 1 of the Resource Management (Consenting and Other System Changes) Amendment Bill. Tamatha Paul.

LAN PHAM (Green): Close, Madam Chair.

CHAIRPERSON (Maureen Pugh): Oh, sorry. Lan Pham.

LAN PHAM: Thank you. You honour me. Thank you.

I would like to pick up on clause 8, "Section 32 amended (Requirements for preparing and publishing evaluation reports)". We heard from the Minister, different to this Minister—but connected, I'm sure—that these changes were very well considered to put a clear line between the difference between council responsibilities to protect marine biodiversity and indigenous biodiversity under the Resource Management Act and those under the Fisheries Act.

Now, what I'd really like some clarity on from the Minister is that there's a number of requirements that the councils must actually do as part of this assessment. There's a new subsection in here—and this is, sorry, on page 12—subsection (2B), in clause 8, and this is the subsection which talks about the requirement for these assessments to examine the

matters above in (2A)(a) and (b), and it says that it “applies to the extent that information relating to those matters is reasonably available.”

My concern with this is that the assessment criteria that it’s setting out is quite detailed. There are some basic things around “(i) the location of rules within the region;”—so where do they actually apply—“(ii) the extent to which the rules will exclude fishing; and (iii) the extent to which fishing could be carried out in other areas; ... (iv) the extent to which the rules will increase the cost of fishing;”, and any other impacts or controls on fishing in the region, and then the overall impact that those proposed controls would have on fishing.

Now, having had a bit to do with councils and local government generally, it’s not typical that councils actually hold much of this information at all. So what I’m really interested in hearing from the Minister is: what does this actually look like in practice? What if councils don’t have that information? Are they working really clearly with, for example, the Ministry for Primary Industries, with fisheries officers, and with someone or some agency who may actually hold that data and information? If they don’t have it, are they basically forced to be making these decisions in an absence of evidence and, actually, documented impact when this proposed amendment is directly saying that they need to go to that detail to be able to assess the actual impact on communities and the economic impact of fishers in the region? I’m really keen to hear from the Minister specifically about those criteria and how councils would put it in place in practice, because it’s really unclear to me. Thank you.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. Just a very quick call from me, related to that last call. It would be useful for the Minister to comment on the Mōtītī decision and that relationship, generally, between the Fisheries Act and the Resource Management Act, where those boundaries are, and why he thinks this is landing in the right spot. Thank you.

STEVE ABEL (Green): Thank you, Madam Chair. I’m on page 13, and clause 12, “Section 38 amended (Authorisation and responsibilities of enforcement officers)”. The effect of that clause is to allow the Ministry for Primary Industries (MPI) to be responsible for enforcement under the Resource Management Act (RMA). The original wording was “of the new Ministry”, meaning the Ministry for the Environment (MFE). My question for the Minister is, firstly: why only the Ministry for Primary Industries? My colleague Lan Pham has an amendment which amends clause 12 so that it provides for the Ministry for the Environment MFE to also be authorised as an enforcement officer. Given that it’s the Resource Management Act, and normally it is enforced by the Ministry for the Environment, I wonder whether it wouldn’t be preferable to have the capability of both the MPI and MFE officials to be authorised to enforce under the RMA. It seems to make sense, and I wonder if the Minister could respond to that.

I’ve got a second question regarding the same clause. In subclause (2), it repeals section 38(3) and (4). This clause allows the Minister of Conservation to authorise officers of the Department of Conservation or of local authorities to exercise and carry out the functions and powers of an enforcement officer under this Act in relation to compliance. Now, we have, also from the very excellent and capable Lan Pham, another amendment which would give the Minister of Conservation the ability to authorise officers of the Department of Conservation or of a local authority to carry out the functions of an enforcement officer—that’s Amendment Paper 302, and the preceding one I spoke of was Amendment Paper 301. So, also, again, Minister, I wonder if you can respond to whether you don’t agree that it would be advantageous for the Minister to have the power to give those enforcement rights to officers of the Department of Conservation. Thank you.

Hon PRIYANCA RADHAKRISHNAN (Labour): Thank you, Madam Chair. I'd like to raise some of the issues around clause 15—so the Minister's Amendment Paper that replaces clause 15, "Section 70 amended (Rules about discharges)". This was something that the select committee, of course, considered. The Labour Party had a differing view as a result of the consideration of the select committee when it came to this bit. That was because the bill as introduced would amend section 70 to allow regional councils to have permitted activity rules for a discharge that could ultimately result in—it says here—"significant adverse effects to aquatic life", but, basically, what it does is make polluted rivers worse. Our position was very clear at the time that we did not think that that should be the case, that should be allowed; that, basically, even the status quo would not be good enough, and that we had a duty to improve fresh water.

So we opposed that particular bit of the bill, and now I see that the amendment to the amendment—and I have to also at this point just echo some of the points made by Rachel Brooking right at the start of this around the process here. I mean, the fact that we have an explanatory note that says, "This Amendment Paper amends Amendment Paper No 347, which amends the Resource Management (Consenting and Other System Changes) Amendment Bill [which] amends the Resource Management Act" is, in itself, quite the mouthful, and the fact that this has come to us so late and is significant—so not only did we disagree with the initial position that the bill took but this amendment makes it even worse.

I don't understand the rationale here, and I would really appreciate the Minister clarifying his position on, firstly, I guess, the initial bit that the select committee considered, which was bad enough, because we do believe that our polluted rivers should be improved to the point that they are swimmable. This takes us even further backwards, and here it says—and I initially wasn't sure if I was actually reading this correctly. But it says, "This Amendment Paper replaces new section 70(3) with a new provision. The main difference is that the replacement provision also enables the inclusion of a rule that allows as a permitted activity a discharge of contaminants that may allow the following effects in the receiving waters: any conspicuous change in the colour or visual clarity; the rendering of fresh water unsuitable for consumption by farm animals.", and, somehow, this amendment is allowing that to be permitted activity.

I would really like the Minister to clarify—

Mark Cameron: And live in the real world.

Hon Priyanca Radhakrishnan: —what the rationale or what the thinking—

Hon Rachel Brooking: Oh, in the real world, apparently.

Hon PRIYANCA RADHAKRISHNAN: In the real world, it's OK for Governments not to take action to make rivers swimmable but to take us backwards to the point that the water can't even be drunk by farm animals. That's not the real world that I want to be living in. It's not the real world that a number of environmental NGOs or people across Aotearoa New Zealand want to be living in.

If this Government thinks that they can take us so—I don't even know how to phrase it. It is so backwards that we go well against the trajectory of travel that so many of us want to be taking—

Mark Cameron: Improving over time.

Hon PRIYANCA RADHAKRISHNAN: —in this House, then that, I have to say, is a very sad day for that member across the House, who is yelling that some of them live in the real world.

So that's really the point that I wanted to make. I want some clarity around how this is feasible.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Thank you, Madam Chair. A variety of issues raised by members. Lan Pham asked about clause 8 in

the bill. I think the key point is that the Ministry for Primary Industries (MPI) already works with councils in relation to the Fisheries Act. Issues that are being canvassed in relation to Rachel Brooking's question around the overlap between the Resource Management Act and the Fisheries Act, that is partly what this bill is attempting to deal with, particularly the Mōtītī decision. It constrains and clarifies the effect of that decision—it doesn't abolish it; it just clarifies exactly what the role of councils are in relation to the Fisheries Act. Steve Abel asked about why the Ministry for the Environment is not involved, and the reason for that is that MPI is the relevant administering authority for the Fisheries Act.

Priyanca Radhakrishnan asked about section 70 discharge rules, in clause 15. The short point is this: Waikato Regional Council advised us a few days ago that if the Government did not propose their changes in the Amendment Paper to the Amendment Paper—and she seems to think there was something particularly exciting about an Amendment Paper to an Amendment Paper; welcome to Parliament—Waikato Regional Council would be in the position of having to consent over 2,500 farms that currently do not need a consent. They would then have to go through a process of consenting farms for doing things that are currently permitted activities. The Government is not going to put itself in a position where 2,500 farms require resource consent for something that they do not require resource consent for right now. That is the short point. We are not prepared to do that.

Members opposite are entitled to do that, and they can campaign at the next election on that. We are not prepared to do that. We're a party, and a Government, of rural New Zealand, and we will always support our farmers.

LAN PHAM (Green): Thank you, Madam Chair. I wanted to pick up the same on clause 15, and thank you to the Minister for that explanation about—was it Waikato Regional Council, did you say? I'm really interested to see or get more information about that. I'm sure they have, you know, said that that's very urgent.

During the select committee process, we had a number of submissions—particularly from the likes of Federated Farmers; we had Beef + Lamb saying the same thing; we had DairyNZ saying the same thing—about not only wanting significant adverse pollution going into our waterways to be enabled as a permitted activity, but they wanted it to go further when it came to basically pollution to the extent that the water is discoloured and also to the effect that stock water would no longer be fit for stock to drink. Now, that was a really low point personally for me in hearing these submissions, particularly when a lot of these agricultural lobby groups are actually some of farmers' only voices, and yet they're really scraping the bottom of the barrel when it comes to actually asking for freshwater protection removals of this magnitude.

But we did consider that, and we had advice on that from officials. I want to point it out, because I was genuinely surprised to see this Amendment Paper today. Officials talked about how they simply do not—and this is quoting from the departmental report, page 54, when it summarised how those groups were wanting further changes to section 70. It's addressing that the proposal should be expanded beyond adverse effects on aquatic life. Essentially, it's saying, and this is a quote, from point 313, "We do not have the evidence to determine the level of consent burden from those section 70 matters beyond aquatic life. There may be an issue with the wider section 70 matters, but without evidence we do not recommend this change at this time. If there is a substantive issue, we recommend this be considered in the wider RMA reform programme."

What I'm really interested to hear from the Minister is why, given that advice, even if there is an issue for which there was no current evidence, was it not simply put into the mix of the consideration of the whole package in the next resource management bill that's coming? It's just being put in place in this shotgun way where no one's had an ability to actually have their say on it, and it's actually dismantling some very longstanding,

significant freshwater protections that have been in place since the Resource Management Act's inception. So I'm very keen to hear that.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Happy to address that. The short point is that it was true, during the select committee process, that there was a paucity of evidence around this. That was probably true during the process. In the last couple of weeks, it has become clear, through correspondence from the Waikato Regional Council but also other councils that have raised similar concerns, that if a change was not made, over 2,500 farms would require consent that do not currently require a consent. The Government is not willing to put itself in a situation where our hard-working farmers, who have worked hard enough over the last few years, particularly in the Waikato, are required to go and get a consent for things that they currently do not need a consent for. We just are not prepared to put ourselves in that situation. That was the clear advice and evidence from the Waikato Regional Council, who, by the way, are the relevant authority when it comes to these matters. So that is the evidence.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. Just on this point that the Minister has raised about having a request from Waikato Regional Council where he tells us that he's following their advice on this change, has he looked at, or asked them about, whether or not the environment and the quality of that water has been changing and if the use, say, from the aquifers in that area has changed, and if there is in fact a reason for the water body to now be in a degraded state whereby without his amendment a resource consent would be required?

Further to that, is there ever a situation in his mind, with his rationale, where people should be required to apply for a resource consent where they are using a common resource and polluting it? Where is that threshold in his mind, and what advice has he sought on the environmental status of those waterways?

Moving on, and I'm jumping ahead quite a bit here. Other people might have things to say as well. But also in this area of Part 1, we have been talking about fisheries. We have rules at clause 26, "New section 86H, "Rules that control fishing do not apply to Māori customary non-commercial fishing rights in specified legislation". I won't read out what this new section is about, but my question here—I thank the Minister for half answering my question about Mōtītī—is: what is the relationship of councils being involved and protecting their marine environment and that localism aspect of it?

He's mentioned before that he's listening to what regional councils can and cannot do, so where does he see the role for a regional council who knows their coastal environment making fishing rules as opposed to the Ministry for Primary Industries making fishing rules? If he could comment on that localism aspect, that would be helpful. Thank you.

HŪHANA LYNDON (Green): Aroha mai, Minister, I just wanted to take us back further, to talk further around clause 15, which amends section 70. We're talking about fresh water and, in particular, the amendment proposed by my colleague Lan Pham, which is set out on Amendment Paper 304. I'm drawing the attention of the Minister—we're talking about Waikato and wanting to remind the Whare about Te Ture Whaimana. Te Ture Whaimana o Te Awa o Waikato is that agreement between the Crown and Waikato iwi in terms of the protection and the restoration of Waikato Awa, which is really clear in terms of that restoration and protection of river health and the wellbeing of Waikato Awa, but further, that Waikato River should not be degraded any further or be expected to absorb any further degradation as a result of human activities, and that the water quality of the Waikato River is at the forefront of our thinking in terms of swimmability and the ability for whānau to take food across the entire length of Waikato River.

I'm just wanting to understand from the Minister, if he could explain, how clause 15, which amends section 70—and thinking about Te Ture Whaimana, in particular—has that restoration and protection focus in the legislation and how this applies.

Hon DAMIEN O'CONNOR (Labour): Thank you, Madam Chair. I have not been on the Environment Committee, but I've just come down into the Chamber and picked up the Amendment Paper that, I understand, the Minister has tabled today. I'm reading through this and I actually can't believe what I'm reading, and the so-called representatives of farmers, over the other side there, saying they're upholding the rights of farmers.

I just want to read this out, because I want the farmers around the country to know what is being changed here, and the Minister can perhaps explain why, because the vast majority of farmers over many—over decades, in fact, have been working really hard with effluent management systems from their farming operations to virtually eliminate contamination of waterways, and most of them have done an extraordinary job.

Amendment Paper 348, as tabled, states in its explanatory note “This Amendment Paper replaces new section 70(3) with a new provision. The main difference is that the replacement provision also enables the inclusion of a rule that allows as a permitted activity a discharge of contaminants that may allow the following effects in the receiving waters:”. It will allow for “any conspicuous change in the colour or visual clarity:”. So it's going to discolour the water. The second is: “the rendering of fresh water unsuitable for consumption by farm animals.”

Ryan Hamilton: Your colleague just read that out—the same thing; asked and answered.

Hon DAMIEN O'CONNOR: Well, that's right, and I'm doing this as a farmer because I think most farmers around the country would be horrified to think that legislation is being changed to allow, I would suggest, a small minority of farmers to do this, when, in fact, they have been proud of actually spending millions and millions of dollars to not allow this to happen.

So maybe the Minister can explain. I'm just astounded that this late amendment would be tabled to allow that to happen.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Just for clarity: the change does not allow councils to use permitted activities that would render fresh water unsuitable for stock drinking water or a change in visual colour or clarity if these effects are not already present. Councils cannot permit activities that would render water unfit for stock drinking if the water is currently drinkable, for example. What the changes allow is that where water is currently unfit for consumption by farm animals, councils can use permitted activity rules instead of requiring resource consents. They can only do so if they are confident that in no more than 10 years there will be an improvement in the water towards the water being fit for consumption by farm animals. The improvement-over-time approach allows farming and land use to continue, rather than forcing agricultural activity to stop. Our view is that this is a more sustainable approach for the rural economy and the environment.

CHAIRPERSON (Maureen Pugh): Can I just, before I take the next call, note that we're looking for new material. I think this one has been explained quite in depth.

Hon Damien O'Connor: Just in response to the Minister, because I appreciate the discussion—

CHAIRPERSON (Maureen Pugh): I'll call the Hon Damien O'Connor.

Hon DAMIEN O'CONNOR (Labour): Thank you very much, Madam Chair. Look, I appreciate the Minister's explanation. That is, so a consent would merely put in place—I'm guessing—some provisions that ensure that if that is the status quo, actually, it will get better. Now, just an assumption that within 10 years it's going to happen is not. If there was a consent required, which is my understanding, that would be a normal process, given that this situation should be illegal and in most places it is. If it is the status quo,

then the requirement to get a consent would then clearly specify what has to be done by the farmer to improve that situation.

Just letting it drift for 10 years—it possibly might see nine years of inactivity, or no further action or improvement, and then a rush at the finish. That’s simply not the way that we should approach the environment, and it’s not the brand image that we sell offshore. I think anyone looking to sell quality, high-value products from New Zealand to the rest of the world would be quite horrified at what is happening here. It’s not saying that it should shut down. It’s simply saying a consent should be required, and the consent may specify actions that should be taken—not to shut it down but to ensure that that contamination reduces fairly quickly, because most farmers around the country have had to do this already.

CATHERINE WEDD (National—Tukituki): I move, *That debate on this question now close.*

CHAIRPERSON (Maureen Pugh): If we’re going to keep repeating ourselves, then I will take a closure motion.

STEVE ABEL (Green): Thank you, Madam Chair. I have a very specific question on the same clause, but it is a specifically different question, because how does this amendment apply to water bodies that are drinking-water sources? We know that the obligation of our water management systems is to protect sources of drinking water—which are rivers, lakes, and aquifers—from pollution and contamination. It’s a very pertinent question, obviously, because people are right now threatened in terms of their drinking-water supplies from contaminated drinking water—the obvious one, increasing significantly, being nitrate across those areas of high dairy intensity.

So my question, Minister, is how does this amendment at clause 15 apply to water bodies that are known drinking-water sources—source water?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I’m advised, in relation to that question from Mr Abel, that human drinking water is protected by the drinking-water standards for New Zealand regulations under the Water Services Act, which will remain in force and, in fact, will be improved thorough the Local Water Done Well programme.

Steve Abel: So it won’t apply to them?

Hon CHRIS BISHOP: No, it won’t apply. It’s separate.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. I’m going to jump ahead quite a bit, but I note that my colleagues in the Greens have got a number of amendments in between. But if we go to clause 23A, we see new subpart 5B—and I’m looking here at the Minister’s Amendment Paper 347. This inserts new subpart 5B, which is “Planning processes stopped until 31 December 2027”. This is, well, I might call it Draconian, but it’s a major step, and I know the Minister will say that this is to do with the fact that he repealed the Natural and Built Environment Act and the Spatial Planning Act and intends to bring some new resource management laws into Parliament at some stage—I’m looking at page 18 of Amendment Paper 347—so that is why we have to wait until 31 December 2027.

But this has got very real effects for a lot of councils, so I think it’s important that we spend some time on it. I know I won’t be the only person who wants to spend some time asking questions around this new subpart 5B, noting, of course, that we only received this major amendment this morning, so this has not been through select committee.

What it seems to be about is that this Act, when it’s an Act, will stop councils from doing any new or progressing with any plan changes. It specifies when things have to be withdrawn and how that happens. However, there are some discretions that the Minister has in deciding whether or not there should be an exemption. I think this is an important point to note. There are automatic exemptions, and there’s also an ability for councils to

apply for an exemption. Then, if they do apply for an exemption, there are criteria for the Minister's consideration. That's on pages 20, 21, and 22.

A couple of questions here. One is back on page 19 of the bill, where clause 23A inserts new section 80Q, "When proposed planning instruments must be withdrawn". This is the wording—and I'd like the Minister to comment on this, please, because it is quite confusing. It says, "(1) A local authority must withdraw a proposed planning instrument as soon as possible after this subpart commences, but not later than 90 working days after the commencement of this subpart, unless—" and then there are a number of exemptions. So if the Minister could clarify what he thinks that clause means, that would be useful.

Also, what I'm more interested in is what analysis has been undertaken of the number of councils and the number of plans that this clause will apply to. Does the Minister know how many plans will be affected? Has there been an analysis of the amount of work that councils have undertaken to get the plans to that stage? What is the nuisance that he's trying to remedy by stopping the plans until the end of December 2027? The Minister has already said, "Well, there's always different balances to be had in planning legislation and the relationship between the local and the national." But has there been some analysis that has determined that all these plans that are going to be stopped or potential plans that are going to be stopped will somehow be inconsistent with his future legislation, yet consistent with this legislation? What are the types of differences, then, that have led to that analysis?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): The member makes not an unreasonable point. In answer to her questions—how many and what analysis has been done—officials have undertaken some analysis. We don't have perfect visibility, as the member will remember from her own time as Minister for the Environment, or Associate Minister. We don't have perfect visibility in central government land about everything that happens in local government land. We have some visibility over it. There are some plan changes that are yet to start that won't be able to. There are some at a starting point or that at least have progressed to some extent, but we don't have perfect visibility over it.

I think it would be a mistake to get worked up about that, to be honest, because at a certain level, with Parliament about to replace the Resource Management Act, at some point you have to say, "Well, the old stops and the new starts", and, you know, reasonable people can debate where and when that is. But there has to be a turning off at some point and a turning on at a new point.

Hon Rachel Brooking: But people see the legislation and pass it. It's a mystery at the moment.

Hon CHRIS BISHOP: Well, yeah, that's true, except this is a vehicle in order to do that now, to provide legal clarity. Actually, I've been getting messages and a bit of a call from councils for legal clarity, and so we're trying to provide that.

I think it's all sort of all relatively laid out through sections 80P, 80Q, 80QA, 80R, 80S, 80T, etc., inserted by clause 23A. The general rule is planning instruments have to stop unless there's an exemption, which can be automatic or there's an exemption through me as the Minister. We've worked pretty hard to get that right. So, for example, if there's planning processes required to give effect to Treaty of Waitangi settlements, that's all good. There's a variety of other applications for exemption through section 80U where, you know, the applicant has to provide sufficient information, provide a copy of what the plan is. They have to identify the parts of the instrument for which the exemption is applied for. I can request further information. There's a criteria that the Minister has to consider.

I think it's all pretty clear and laid out. Now, look, reasonable people can disagree about whether or not the balance is right, but the Government's view is that, frankly, we

don't want councils undertaking long and expensive plan changes over the next two years in advance of the new resource management system coming on stream, because those plan changes will have to change. I mean, to give a sort of obvious notable example, we've signalled pretty clearly that the new planning system will require the use of standardised zones. Now, actually, there's quite a lot of support in the Parliament for greater standardisation at a planning and a zoning level. I think both Labour and the Greens have indicated some support for that concept of the new planning system. Well, we've currently got 1,175 different bespoke zones in the country. You know, Christchurch has got 240-something different zones.

Dr Vanessa Weenink: 325.

Hon CHRIS BISHOP: How many?

Dr Vanessa Weenink: It's in the 300s.

Hon CHRIS BISHOP: Oh, it's in the 300s—OK. Well, you'd know more than I would, as the member for Banks Peninsula.

But anyway, the short point is not about Christchurch. The point is we've got too many different zones for a country of our size. It's way too complicated. The new planning system is going to result in fewer zones and it's going to be easier for councils to use them. But the last thing we want is councils creating even more of a complicated planning environment between now and the new system, so we're just going to say no.

Now, there'll be some things that have to continue. There's some things which it makes sense to continue, and the law provides a pathway through for that. But the general starting point is "No, you've got to stop; get ready for the new system. Stop focusing on the old system." Now, you know, reasonable people could disagree about at what point that should be, but I think we've worked pretty hard to try and get the balance about right.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Madam Chair, and I thank the Minister for his responses there. This section that relates to clause 23A is of interest to me, as Labour's local government spokesperson. The Minister does talk about sections 80T and 80U and the like, but I want to ask a question about section 80V, inserted by clause 23A, and that's about the criteria that the Minister would, basically, have to consider for determining whether an exemption should be granted or not, and that's a particular section that hasn't been touched on yet.

Before I do that, I'm still a little bit perplexed as to how the Minister arrived at the automatic nature of exemptions—what is the driving force around that? Is it around economic growth and no further consideration as to anything else? Perhaps that's something that might slightly exercise his mind.

However, on section 80V, this is where the Minister would be required to turn their mind to whether or not an exemption would be granted under section 80U, which—OK—outlines the process that a local authority would need to go through to, effectively, lodge one. My question, Minister, is that the nature of the criteria there does seem to be somewhat broad—I mean the final one, section 80V(2)(h), is effectively a catch-all. Basically, it's anything that the Minister considers appropriate.

The other that I want to touch on is section 80V(2)(d), which relates to an exemption that would, effectively, better enable climate change to be managed. Now, what would that look like in terms of a qualitative approach to that, because there's nothing here that actually guides the Minister's approach around this? Yes, it's set criteria, but the wording is very, very vague for something that's being landed late in the piece.

The other one is, for example, in paragraph (g), where this relates to a recommendation from the Environment Court and whether a response to a recommendation would be enabled. Well, a response could be anything from something minor to something a little bit more fulsome.

My question to the Minister, really, is: what is going to guide the exercise of the consideration of those criteria, or is it simply that it's actually fully in the ambit of the Minister to determine what they'd consider as appropriate for each of those? There's no sort of suggestion that there'd be any underlying—not that there could possibly be; well, I don't think there could be some secondary legislation around that. This is a primary legislation aspect, but what would, effectively, be driving the Minister's consideration in a range of those various options?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Madam Chair, thank you. Good questions. In relation to the automatic exemptions, we thought pretty carefully about the automatic ones, and subsection (2) in section 80T lays them out, and I think this is difficult for people who disagree with them, to be honest. The streamlined planning processes are largely an effect of the housing plan changes. The other ones relate to natural hazards—planning instruments, for example, which I think everyone's in favour that we do a better job on. Section 80T(2)(h) relates to Treaty of Waitangi settlements. So I think those all make pretty straightforward sense.

In relation to section 80V, the member's points, he asks what will guide the Minister in terms of decisions. Well, the law will be the primary, and, in fact, the only starting point, because we're a Government that believes in the rule of law. So, ultimately, the Minister will have to be guided by the law that's laid out in section 80V.

He asks about climate change to be managed. Well, one example of that is plan changes that give effect to areas that have been identified as flood risk, for example, as a result of climate change, where you may wish to put in place prohibitions against building. I'm just thinking out loud, but that's an example of where you would want a plan change to potentially go ahead, not at all fettering my discretion if I am indeed the Minister who ends up applying that section.

You're right, paragraph (h) in section 80V(2) is a catch-all, which is that there will always be a range of circumstances that the law can't envisage, so paragraph (h) is there as a bit of a catch-all just in case it's required. It's a relatively exhaustive list at 80V(2)(a) through (g). Again, I think reasonable people can disagree, but I think we've got the balance about right. But, yeah, fair question.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. There are some more questions on this subpart from me. When a local authority or council might apply for an exemption—they can do that—I'm wondering whether he is expecting it to be just in a letter form. What is the expectation there? I note that they must provide with its application—rather than applying in writing; application sounds more formal—a copy of the proposed planning document. My question here is: what if a council is considering doing a plan change that they haven't yet drafted up—and they won't draft up if the Minister's going to say no; they'll wait till 31 December 2027, over a year after whenever our next election is. So how much work do they put into it?

I was talking with some people from Otago, unsurprisingly, the other day, and the air plan is, I'm told, very out of date. At the moment, it's a permitted activity to burn the plastic wrap that hay bales come in. That is something that probably should not be a permitted activity. There are other aspects of that air plan that are quite out of date. Can they write to the Minister and say, "Our air plan is quite out of date, and we'd like to change it to address these issues, A, B, and C." or do they have to actually draft the entire instrument before they can apply to the Minister? The consequence of this could be that a lot of matters that need small changes could be delayed unnecessarily for some time. That's one question.

Then going over to proposed new section 80V, set out on the Minister's Amendment Paper 347, and the criteria that the Minister's just discussed—I note that he said that paragraph (h) was a catch-all. Does he think, then, that (h) will be able to be applied to

housing and infrastructure? Some of the lawyers that I've been talking today are worried that this criteria will slow down housing and infrastructure plan changes, because they're not included there. Then a further question to that is: has he considered the impacts on improving human health that could relate back to my air plan issue or, in fact, benefiting the environment in any way? I appreciate the climate change issues being included in that criteria, but was there consideration of those other issues?

Then going back to this catch-all in (h), how does it relate to Part 2 of the Act? Does the Minister assume that if he's considering for any other reason that it will have to be consistent with the purpose of the Act in sustainable management, or does he think it doesn't have to be? Would it be useful to refer specifically to Part 2 in that catch-all, and is that something that he has considered or would consider, or would like me to write an amendment on?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Well, in relation to the member's questions—there's quite a range there. Councils can apply via letter if they would like, or there will be a variety of ways. The normal way of correspondence in this country is still letters—albeit PDFs—but letters work; that's all good.

The member asks, essentially, a series of hypotheticals about what councils may or may not be doing at a time. I'm not going to entertain hypotheticals. If the amendment meets with the approval of the committee, then people will be able to follow the law and take legal advice as well. Given I may end up being a decision maker on that, I don't necessarily want to get in the way of hypotheticals relating to it.

The member asked about housing and infrastructure. There are actually automatic exemptions for some of the housing stuff already. For example, intensified streamline planning processes, which are essentially housing processes, are automatically exempt, and likewise draft planning instruments that implement the requirements of a national policy statement—for example, the National Policy Statement for Urban Development, etc. There are potentially also catch-alls, but the catch-all that the member talks about, which is paragraph (h), could potentially cover that off. It's not the intention to stymie housing and infrastructure plan changes that are sensible between now and the new system starting.

RACHEL BOYACK (Labour—Nelson): Thank you, Madam Chair. I want to come to some parts of the bill that have not been discussed, I believe, tonight, and I will probably have some follow-up questions for the Minister responsible for RMA Reform on what I believe might be one of his favourite topics, and that is the Gordon Wilson apartments. So let's dig in, team.

I just want to start by looking at clause 20, which amends section 80C of the Resource Management Act (RMA), and I'm just looking at the Minister's Amendment Paper 347 and looking on page—I'll help with the page number, if helpful—23. My question is, because this is obviously the first time we've seen this particular part of the legislation, and just to put on record, I don't think there's anyone in this House that wants to see these apartments live another day, so, you know, I am appreciative—a “speak up now or forever hold your peace” kind of moment.

The question I've got is: why is it that we actually need a specific section in the Act rather than actually amending the RMA so that that can then be applied for this particular circumstance? The reason I ask that is there will probably be other examples around the country that would fit this description. Why is it that we need a separate provision specifically for the Gordon Wilson Flats rather than actually amending the legislation so that that can be applied for the Gordon Wilson Flats and other heritage-listed buildings that meet the same set of criteria?

I do have some more questions that will probably need to come under Part 2 because they're around the schedule and amend other instruments related to Wellington City

Council. I wouldn't mind some clarification from the Chair that I can raise those under later parts rather than now, so some advice on that would be helpful.

But my first question to the Minister is: why do we need an entire new section put in here rather than actually amending the RMA to a point where we will be able to achieve that and then also apply it to other scenarios that are very, very similar, because they will happen again?

CHAIRPERSON (Maureen Pugh): Just to clarify for the member, you're very welcome to ask questions about Part 2 in Part 2.

LAN PHAM (Green): Thank you, Madam Chair. Again, I am on a clause that has not yet been discussed, and I want to use this as an example, because it's a little clause on page 13. It is clause 13, "Section 43A amended (Contents of national environmental standards)". It appears, at face value, to not have any significant implications, but if you actually read the Resource Management Act (RMA) and the implications for it, you can understand that it's very significant, because this is a clause in the bill that makes a change to the national environmental standards in relation to aquaculture. The clause "may ... state that an application by a consent holder to change or cancel [consent] conditions must be treated as ... a controlled or restricted discretionary activity", it sets out that the councils would need to "state the matters over which control is reserved or discretion is restricted."

Now, our amendment is actually just to delete this clause. That's because the implications of this clause are that these controlled activities can then not be declined, meaning that even if there was an application to change or cancel those consent conditions, they must be granted. This would be the case even if the condition was actually important to control these things that we and our communities all care about—things like adverse effects on the environment, and things like adverse effects on our communities, on people, or even other consent holders who have rights under their own existing consents.

We don't believe that this clause will ensure that the effects of aquaculture are actually managed in an effective way, and we would like the consideration that it's deleted. This is particularly in the context of this further dismantling of environmental protections that we've seen from this Government, particularly when it comes to this blanket extension that all marine consent holders were given out to 2050. This is another aspect of that where, again, any protections or standards that are in place are being weakened. I would really like to hear the Minister's comments as to why he thinks changes of this magnitude are, again, justified in this way when he's looking at the RMA system? This has not only significant impacts but could actually cause confusion and complexity in the interim towards this new bill. Why is it in here? We're proposing that it's deleted. I'd love to hear if the Minister would consider that.

Dr VANESSA WEENINK (National—Banks Peninsula): I move, *That debate on this question now close.*

CHAIRPERSON (Maureen Pugh): I have to say we are getting close, and we're starting to go backwards in the bill. So, please, keep the material new in areas that we haven't yet covered.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. Noting that I've jumped ahead again, so people might want to jump back to areas that have not been touched at all, and noting there are a lot of Amendment Papers on this bill, as well.

I want to talk about new section 106A and the changes to that—and these are changes that were made at the select committee. That is in clause 37, but actually, before I get to clause 37, I just note in the Minister's Amendment Paper, it goes from clause 33 to clause 36; there is no 34 or 35, and that is because those bits were deleted by the select

committee. I'm wondering if that's meaningful in any way in terms of the Minister's amendment, and if the numbers need to change, but that is not my substantive point. My substantive point is about new section 106A. This is when a council—a territorial authority—can refuse land-use consent in certain circumstances. It's a really important section in the Resource Management Act, because it's about hazards and where there are hazards as a reason for saying no to somebody wanting to put something in a place that's not suitable. The intent of the changes, as the bill was introduced—as I understood it—was to strengthen those natural hazard provisions, and that is something that I commend, and we need more of that.

However, after the discussion and submissions on this point, there's been an addition at new section 106A, subsection (4), that this provision to stop people putting things in hazard areas doesn't apply if it's the “(a) construction, upgrade, maintenance, or operation of infrastructure; or (b) primary production activities, as described in the national planning standards.” I would like the Minister to explain why he thinks this exception is needed, particularly for infrastructure. I can understand if you have a couple of sheep in an area that might be a hazard-prone area, that might be an exemption—but then you wouldn't be needing a land-use consent in the first place; land-use consents are needed for when you're building stuff, generally. In that circumstance, you might not even need a land-use consent—although sometimes you might, so I might be answering on behalf of the Minister on primary production. If primary production includes things like sheds, why would we have sheds in hazard areas?

More importantly, I can see there's some arguments for primary production. I can't see the arguments for building new infrastructure. Maybe maintaining old infrastructure—but then, again, you probably wouldn't need the trigger of a land-use consent. Why would you exempt the construction of infrastructure from this provision that is trying to stop us from building things in hazard zones? It does seem that this addition that was added at the select committee seems to go against the whole point of the other amendments, to section 106A—which, I think, were good amendments—to try and make it easier for councils to be able to say no to activities that are going to be in hazard areas where there's a significant risk from natural hazards.

SCOTT WILLIS (Green): Thank you, Madam Chair. It's nice to be able to take a call after the dinner break, when everyone's feeling all cheery, having had a good meal and something to drink, as I'm sure members opposite have, with the Movember visit.

My question relates to clause 29, inserting new section 88BA. I particularly want to relate it to Amendment Paper 307. There are several questions—well, a couple of questions, actually. One of them is—and I've asked this question previously, without an answer. I think where it says, “specified energy activity”, it actually relates to the burning of biomass. To make it really clear, section 88BA says: “Certain consents must be processed and decided no later than 1 year after lodgement (1) The time period in which a consent authority must process and decide an application for a resource consent for a specified energy activity or wood processing activity (the time period) is 1 year after the date the application is lodged.” The first question is: could the Minister clarify exactly what is meant by “specified energy activity”? That's the first question. The second question—

Ryan Hamilton: Read the glossary.

SCOTT WILLIS: I realise that there's helpful input coming from other members, but the Minister might just like to clarify that shortly.

The other question I've got, really, is around this concern that we have that when we have wood processing activities, there may be issues with chemical residues or toxic discharge into waterways that will require greater consideration. We hear from this Government that evidence-based policy is really important—we don't see it, but we hear

it. In this case, it would be helpful if we understood that the Government wanted to take care before allowing activities that put our environment at further risk, further polluting our environment. In that case, we suggest that we need greater flexibility prior to consenting, prior to ensuring that there is a simple one-year cut-off date.

We believe that the time-period extensions should be granted if further information is required to support that decision making, particularly when it relates to the environmental effects such as chemical discharge, toxic discharge—that's not always clear or obvious in the applications. If the Minister would like to consider the amendment that we've put forward, set out on Amendment Paper 307—which is: "After clause 29, new section 88BA(2) (page 22 after line 31), insert (2A) Despite subsection (1), a consent authority may extend the time period if it has requested further information from the applicant under section 92(1) or commissioned a report under section 92(2). (2B) An extension under subsection (2A) must not be for longer than is necessary for the information requested or commissioned to be available.", and: "In clause 29, new section 88BA(5), after 'If the time period is extended' (page 23, line 25), insert '(other than an extension under subsection (2A))'."—that would be helpful. Thank you.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I feel like it's *Back to the Future*. We've dealt with this issue three hours ago, which is the definition of "specified energy infrastructure". We've dealt with this. In answer to the member's question about what the definition of it is, it's in the bill. Read it. It's in the bill. We're not proposing to adopt the member's amendment.

To deal with the other issues that have been raised just in the last few minutes, in relation to Rachel Boyack's amendment around Gordon Wilson Flats, I acknowledge it's an unusual use of Parliament's power to delist and make permitted activity the demolition or something. It's an extreme circumstance.

Grant McCallum: Overdue.

Hon CHRIS BISHOP: Overdue. That's a good point. Some people feel quite strongly about this eyesore on the Wellington vista. It is an unusual use of Parliament's time and energy, but I think it's worth doing. It's been widely welcomed by Wellingtonians. We're not proposing to use the same process for other heritage-based or alleged heritage entities.

Rachel Boyack: Not the one out the back of Parliament?

Hon CHRIS BISHOP: Well, it's tempting, but no. But help is on the way, because the member also asked why we don't just make it easier to delist things, and the good news is the bill does that. It sets up a streamlined planning process in order to delist heritage buildings. The bill does that, and I fully anticipate that there is a variety of heritage buildings that will potentially apply for that. In fact, the Wellington City Council, as I understand it, is already creating a list, including the gas tank—the alleged gas tank—that's protected out in Island Bay. You never know—you may well see an application from the Parliamentary Service for the press gallery annex, which is also, allegedly, heritage listed. You never know—Mr Speaker may well write me a letter. Let's wait and see.

In relation to Lan Pham's question about the national environmental standards, I'm advised that the policy makes it easy to change or cancel conditions on marine farm consents, helping marine farmers innovate while consents are active. The bill enables the national environmental standards to contain rules that specify where an application for a change or cancellation of consent conditions for agricultural activities must be considered as a controlled or restricted discretionary activity. These provisions cannot be used to fundamentally alter or expand the original consent activity and cannot result in materially different adverse effects compared to the original activity. For example, the provisions could not be used to increase the number of salmon that could be farmed under a consent.

In relation to Rachel Brooking's question about amended section 106, it's a legitimate point about why there's an exemption for land-use consents in relation to construction, upgrade, maintenance, and operation of infrastructure. It's about the balance. Infrastructure is of critical importance as well, and there will be circumstances in which that is appropriate.

GRANT McCALLUM (National—Northland): I move, *That debate on this question now close.*

CHAIRPERSON (Maureen Pugh): We are getting very close, and I do note that the record that I have in front of me shows that there is now quite a bit of repetition appearing. So if we're not going to get any new material, I will take a closure motion.

Hon RACHEL BROOKING (Labour—Dunedin): All new material, I can assure you. There's quite a lot more in this Amendment Paper to go, let alone the bill as reported back from the Environment Committee.

My first question is, looking at Amendment Paper 347, about a change to clause 41, "Section 123 amended (Duration of consent)". Now it includes different replacing and inserting, and now it includes a reference to section 125 of the Resource Management Act (RMA). I'm just wondering why it is that section 125 has been included in there, what the rationale is for that change between the Amendment Paper and the bill as reported back.

Now I'm going on to clause 44A, "New sections 127A to 127C inserted", and this is all about that great region—the best place in the country of course is Otago. Members might recall that about a year or so ago, in the committee stage of a bill, without notice, the Government did an amendment and stopped the Otago Regional Council from notifying their land and water plan. Now I guess they don't need to feel left out, because everyone else is going to be stopped as well until the end of December 2027, but now there's all these specific provisions regarding the issuing of new water permits in Otago. My first question on this point is: if that Otago land and water plan that was going to be notified had been notified, would these changes in this legislation now have been needed?

A more specific question is that there are limits on how long the water permits can be for. There's a six-year limit, but there is an exception for that, and that includes hydro power. I'm wondering if there also needs to be an exception for drinking water, or if the other provisions in the RMA are already sufficient for drinking water. Then, again, another question about the sort of advice that this Government may have sought or not sought on the implications of having the six-year limit on these water plans and what sort of water takes will be affected by it.

If he could also comment on new section 127C, "Extension of certain existing water permits under Regional Plan: Water for Otago", and it has to do with an expiry date. It says, "5 years", but then, if the permit was granted on or after 18 March 2020 and for a duration of no more than six years and the permit is valid on the commencement date, why do we have this new section 127C when we already have 127B? If the Minister could explain the relationship between those two provisions and what existing permits might be picked up by one and not the other, and is it just that some are existing and some are new, and, again, what the analysis has been of the water permits that might be in the pipeline, so to speak, to be new ones, with the six-year limit, and what is the extension of them.

If he could explain that and, also, my earlier point of, if he hadn't stopped the notification of the land and water plan, would these provisions have been needed. What is the problem here that is trying to be fixed?

STEVE ABEL (Green): Thank you, Madam Chair, I very much appreciate the call. I'm going to zero in on a very specific thing, to be clear that this is not repetition. It is about clause 37. My colleague Rachel Brooking asked a question on this that has not been

answered. The question specifically related to the definition of natural hazards in that clause. Just to clarify, it's a clause that gives the right of councils to put conditions where there are significant risks from natural hazards, but it gives a carve-out which means that councils are not allowed to put conditions on activities defined as primary production activities in the national planning standards, and those are—because this is the question that my colleague asked. Primary production activities could include any aquaculture, mining, agriculture, pastoral, quarrying of forestry, any processing or ancillary activities of those activities, and any land, buildings, or infrastructure used for the production of commodities from those activities.

So an explicit definition: my uncle, who is an orchardist and had a processing barn for dealing with his citrus fruit and his feijoas, might have wanted to put that in a flood plain. This carve-out would prohibit the council from refusing a consent for that. So ancillary buildings to do with the processing of primary production—that's but one example. I just would love if the Minister could clarify why it would be beneficial, given that we know farmers are on the front line of the impacts of extreme weather events, and putting buildings in high-hazard areas seems senseless. If a council has an ability to dissuade a farmer from doing that through not giving consent, that surely is a better outcome.

There's a specific amendment that relates to this, Madam Chair—I'll be done before two minutes is up. It is Amendment Paper 317, and it would amend clause 37 by replacing subsection (4) of section 106A—that carve-out which gives a special exemption to primary production. It's not that the councils can't consent those activities; it's just that they should have the option of not consenting them if they're going to cause a natural hazard.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. A number of new questions, and I'm going to go through both the Amendment Paper and the bill as reported back from the select committee.

The first questions relate to Amendment Paper 347 and new “Amendments to Part 7A of principal Act”. Clause 46A includes new Subpart 1AB, “Restrictions on section 128 reviews of conditions of extended coastal permits”, and I think this is related to the provisions directly above it as well, at clause 45, which inserts new section 128(4). It would be useful if the Minister could comment on how these changes, which relate to “Restrictions on section 128 reviews of conditions of extended coastal permits”, relate to the legislation that went through the House last year regarding marine farms and their 20-year extensions. If this is following that logic, or if it's to be for different types of coastal activities, that would be useful to know—and how reviews are being undertaken, remembering, of course, that in that marine farm legislation, if a regional council chose to undertake a review, and they only had a two-year period to do it, the council had to pay for the review itself and not the applicant. Is this in any way similar to that, remembering, of course, that we've only seen this amendment today? That's one of my questions.

Then, if we move back to the bill as it was reported back from the select committee, I had a question—that's now moved. I'm interested that the Government members opposite keep jumping up and trying to close this debate when we've only seen this Amendment Paper today, and it's 80 pages. They want to just close the debate rather than ask the Minister very reasonable questions about what this review is going to mean. I have, in fact, lost my place on the bill as reported back from the select committee, so I will go to the next issue on Amendment Paper 347. This is an amendment to clause 50.

I'm jumping around, noting that my colleagues, I'm sure, will have questions on the bits in between. Clause 50 amends section 168A, and that's the “Notice of requirement by territorial authority”. Part of this bill is to make it simpler for designations to occur—to put it very simply. That is an issue that we've been supporting. However, the

Amendment Paper is removing, at clause 50(1), new section 168A(3)(c): “if the requiring authority has an interest in the land sufficient for undertaking the work, and the work is likely to result in any significant adverse effect on the environment, any possible alternative locations or methods for undertaking the activity;”. That has been struck out, as has the further consideration at what was subclause 50(2).

The question is: why has that change been made to this designation process, where it’s the requirement—you know, requiring authorities. The need to look at alternative locations was only when there was going to be a significant adverse effect, not when there was just an adverse effect; you didn’t need to look at alternatives. Now, even if there is a significant adverse effect, the requiring authority no longer appears to need to look for any alternative locations.

This is something that often happens with road building, and I’m presuming that this could mean that there would be a relationship, then, with the taking of land for the designation. If you can explain where it is that those changes come from, and what it is that it’s supposed to do, and if it relates to the other legislation that is going through select committees at the moment about the Public Works Act.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I’ll deal with a few of these questions, which I think are relatively easily dealt with. The member Rachel Brooking asked about whether something would be required if something hadn’t happened. Well, I don’t know. The point is it did happen. It’s sort of difficult to answer that in a way that makes logical sense. Something did happen, so we are now dealing with what is before the House right now.

Hon Rachel Brooking: This is a regional council. The Otago water plan.

Hon CHRIS BISHOP: Correct. The answer is I don’t know, because it did happen. It’s sort of irrelevant.

Hon Rachel Brooking: It’s totally relevant, because we’re taking—

Hon CHRIS BISHOP: Well, it’s sort of irrelevant what may or may not have happened, because it did happen. It’s an interesting thought experiment, but Parliament doesn’t usually indulge itself in those things.

Steve Abel asks about the exemption for primary production. The short point is that there’s a whole variety of stuff that happens in primary production which isn’t affected by natural hazards. It’s not a threat to life. It just goes on, and so I don’t think that we should be particularly concerned about that.

Rachel Brooking asks about the two different types of things in the proposed new section at 127B and 127C. The short answer there is that one is for new takes and one is for existing takes. She also asks around coastal permits, which is in section 128. Yes, it is a follow-on from the changes made last year, but it’s a relatively discrete set of changes, and I think it makes logical sense.

RYAN HAMILTON (National—Hamilton East): I move, *That debate on this question now close.*

A party vote was called for on the question, *That debate on this question now close.*

Ayes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Motion agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Minister's amendments to Amendment Paper 347 relating to Part 1, set out on Amendment Paper 348, be agreed to.

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

Ayes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Amendments to the amendments agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Minister's tabled amendments to Amendment Paper 347, amending clause 23B be agreed to.

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

Ayes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Amendments to the amendments agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Hon Rachel Brooking's tabled amendment to Amendment Paper 347, deleting paragraph (ca) in the definition of "specified energy activity" in new section 2(1) be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment to the amendments not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Minister's amendments to Part 1, set out on Amendment Paper 347, as amended, be agreed to.

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

Ayes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Amendments, as amended, agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Scott Willis' amendment set out on Amendment Paper 295 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 296 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Hon Julie Anne Genter's amendments set out on Amendment Paper 297 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendments not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Hon Julie Anne Genter's amendments set out on Amendment Paper 298 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendments not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 299 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 300 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 301 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 302 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 303 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): Lan Pham's amendment set out on Amendment Paper 304 is ruled out of order as being inconsistent with a previous decision of the committee.

The question is that Lan Pham's amendment to Part 1 set out on Amendment Paper 305 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Tamatha Paul's amendment set out on Amendment Paper 334 be agreed to.

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

Ayes 20

Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 102

New Zealand National 49; New Zealand Labour 34; ACT New Zealand 11;
New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Tamatha Paul's amendment set out on Amendment Paper 335 be agreed to.

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

Ayes 20

Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 102

New Zealand National 49; New Zealand Labour 34; ACT New Zealand 11;
New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Tamatha Paul's amendment set out on Amendment Paper 336 be agreed to.

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

Ayes 20

Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 102

New Zealand National 49; New Zealand Labour 34; ACT New Zealand 11; New
Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 306 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendments set out on Amendment Paper 307 be agreed to. The Noes have it.

Amendments not agreed to.

Scott Willis: The Ayes have it—party vote.

Hon Chris Bishop: No, you can't do that. You didn't even say "Yea" or "Nay".

Scott Willis: I did, but it was a bit quiet.

CHAIRPERSON (Barbara Kuriger): No, I didn't actually hear anyone vote before this side said "No". I'm going to make a call on that one and say the Noes have it. [Interruption] And I'll run the committee, Mr Minister. Thank you.

Hon KIERAN McANULTY (Labour): Point of order, Madam Chair. I mean, we can only go by what we hear, but I heard a "No", and I heard two calls for a party vote. I'm sitting pretty much parallel to you.

CHAIRPERSON (Barbara Kuriger): I didn't hear the vote. I heard the party vote called afterwards, but I did not hear. It was very silent over here in that initial stage. I can only go by what I hear, as well, Mr McAnulty, so I'm going to leave that call where it is, because the vote didn't come forth from the beginning on that side. A party vote was called for, but the vote wasn't originally cast.

The question is that Hūhana Lyndon's amendment set out on Amendment Paper 308 be agreed to. All those in favour say Aye.

Hon Members: Aye!

CHAIRPERSON (Barbara Kuriger): To the contrary, No.

Hon Members: No!

CHAIRPERSON (Barbara Kuriger): The Noes have it.

Scott Willis: The Ayes have it—party vote.

CHAIRPERSON (Barbara Kuriger): A party vote has been called for, please, Clerk. Now, that was very clear. Thank you.

A party vote was called for on the question, *That the amendment set out on Amendment Paper 308 be agreed to.*

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 309 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Scott Willis' amendment set out on Amendment Paper 310 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 311 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 312 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 313 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Francisco Hernandez's amendment set out on Amendment Paper 314 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 315 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Francisco Hernandez's amendment set out on Amendment Paper 316 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Hon Rachel Brooking's tabled amendment to clause 37, deleting new section 106A(4) be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Steve Abel's amendment set out on Amendment Paper 317 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 318 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Scott Willis' amendment set out on Amendment Paper 319 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Hūhana Lyndon's amendment set out on Amendment Paper 320 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Scott Willis' amendment to Part 1 set out on Amendment Paper 321 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Scott Willis' amendment set out on Amendment Paper 322 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Hūhana Lyndon's amendment set out on Amendment Paper 323 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Hūhana Lyndon's amendment set out on Amendment Paper 324 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Steve Abel's amendment set out on Amendment Paper 325 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Steve Abel's amendments set out on Amendment Paper 326 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendments not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Steve Abel's amendment set out on Amendment Paper 327 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendments set out on Amendment Paper 328 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendments not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's amendment set out on Amendment Paper 329 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham’s amendment set out on Amendment Paper 330 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham’s amendment set out on Amendment Paper 331 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Francisco Hernandez’s amendment set out on Amendment Paper 332 be agreed to.

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

Ayes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Noes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Amendment not agreed to.

A party vote was called for on the question, *That Part 1 as amended be agreed to.*

Ayes 68

New Zealand National 49; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 5.

Part 1 as amended agreed to.

Part 2 Amendments to schedules of principal Act and amendments to other enactments

CHAIRPERSON (Barbara Kuriger): Members, we now come to Part 2. Part 2 is the debate on clauses 70 to 81: amendments to the schedules of the principal Act and amendments to other enactments, and Schedules 1 and 2. The question is that Part 2 stand part.

ARENA WILLIAMS (Labour—Manurewa): Point of order. Thank you, Madam Chair. Speaking to Speakers’ rulings 68/3 and 68/5, Madam Chair, this is not a question of whether you are the sole judge of whether a committee stage should accept a closure motion—of course we are not arguing with that. The problem is that in that very longstanding ruling—it is one of the longest-standing rulings in this House, that dates back to 1930—it’s still expressed in that reading that it shouldn’t be used too harshly. We

find ourselves in the situation now where it has been used to limit the contributions of two front-bench Labour members on farm plans and regulation, which is new material that hasn't been dealt with.

I have two points of order on this. The first is this: I seek leave for the Hon Rachel Brooking to give a 10-minute call and a five-minute Q and A on farm plans and regulation.

CHAIRPERSON (Barbara Kuriger): Leave is sought for that purpose. Is there any objection? Yes, there is.

ARENA WILLIAMS: Point of order.

CHAIRPERSON (Barbara Kuriger): Second point of order.

ARENA WILLIAMS: Thank you, Madam Chair. In the case that it's not the will of the governing parties to allow the spokesperson to make a call on what is new material and has not been dealt with, we find ourselves in some trouble, because anyone following along in this committee stage will know how important those farm plans and regulation changes are, but they haven't had the opportunity to follow questions that haven't been raised by the spokespeople. I'm asking you to remedy that situation by allowing the Hon Rachel Brooking to make a call, as it relates to Part 2, on those two things. You may hear some material, Madam Chair, which does not directly relate to Part 2 but is related to the farm plan.

CHAIRPERSON (Barbara Kuriger): OK, so on this point of order, we are up to Part 2, and I will allow any questions that relate to Part 2, but I won't allow anything added into Part 2 that's not in Part 2. In relation to the closure, I had been watching for some time, and I did hear a number of warnings from the previous Chairperson about things becoming repetitive. If something hasn't been brought up at that point in time, if it's becoming repetitive—and we have a discussion as we change over—and the call was made, and if something hasn't been brought up at that point, and repetition is going on, then I stand by my ruling. The question is that Part 2 stand part.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. I would like to jump ahead given that previous ruling and that I didn't get to some very important parts in Part 1, being farm plans and the new totally Draconian regulation-making power that the Minister will now have, that we haven't discussed.

Hon Simeon Brown: Cheer up.

Hon RACHEL BROOKING: Oh! And members opposite just tell me to cheer up. No, I will not cheer up by this terrible lawmaking process that we see over and over again by this Government, where they introduce huge amendments that do not go to select committee and that arrive on the legislation website on the day that we are debating them. This is a terrible thing. I want to talk about Schedule 1, and this is about the Auckland—
[Interruption]

CHAIRPERSON (Barbara Kuriger): I'm trying to hear the member, please. Schedule 1—I didn't hear what the member said after that.

Hon RACHEL BROOKING: I'm interested in—it's Schedule 1 of this amendment, new Schedule 3C inserted, and it's the process for Auckland Council to withdraw Plan Change 78 and do a new one. I'm sure other members will have many questions about the ins and outs of how this will work, but what I want to focus on is qualifying matters.

Why I want to do that is because I sat on the Environment Committee in the last Parliament, where we had bipartisan support for the MDRS, the medium density residential standards. The National Party then campaigned on getting rid of that, and we've had a process whereby the bill as introduced was going to make it optional for councils to do the MDRS, and then, as reported back, no longer made it optional—well, it provides a way for Auckland and Christchurch to do intensification in a different way. I'm sure our Labour spokesperson will want to speak on that point and that we are not

opposing these particular changes, and that we do note that the Minister has talked about these for some time. I note that he's also talked to the Auckland Council about it.

The part I'm interested in is these qualifying matters. When we did the legislation last term for the MDRS, there was a lot of discussion on the qualifying matters. We see here at clause 4, in Part 1 of new Schedule 3C, the requirements for Auckland Unitary Plan if Plan Change 78 is withdrawn. At clause 4(2), it says it requires this density—that I'm sure other people will talk about, including the 15 storeys at locations around some train stations—but then it says, at subclause (2), “or policy 3 if authorised to do so by clause 8.”, and clause 8 is the qualifying matters.

Jumping to clause 8, why I'm interested in this is that this amendment is saying you have to build—if you're going to get rid of your planning instrument that's been implementing the MDRS, that's OK, so long as you do this intensification. When you are doing that intensification, there are some qualifying matters, and those qualifying matters in clause 8(1)(a) refer back to sections 77I(a) to (i) of the Resource Management Act. Very quickly, those qualifying matters relate to section 6 matters: matters of national significance, things that are in national policy statements, things like the Waikato River Authority, the Hauraki Gulf, nationally significant infrastructure, open-space designations, special iwi provisions, and providing for business land. These are the things that are already in the Act that relate to the MDRS.

Then we can look at clause 8(1)(b) of new Schedule 3C, which is “any other matter ... but only if subclause (4) is satisfied.” Then we look to subclause (4), and that requires that any specific characteristic must be specified and then it also must be justified and it must include a site-specific analysis. My question goes to character areas. These are an issue that is often a political hot topic in Auckland. Would a character area be able to be a qualifying matter if it is not a site-specific analysis, noting that in clause 5 it talks about identifying by location, for example, by mapping—that's at clause 5(a). Would that mapping be enough to be over a whole number of streets, say, to say that it was a character area, or would something that's a character area—so, importantly, not a section 6 matter that comes under section 77I(a). Would a general area be able to be mapped and be a qualifying area, or does it have to be a site-specific area if it's not one of 77I(a) to (i), if you're following that? Thank you.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): It's a complicated issue, and the member did quite a good traverse through a complicated area of law. The short point is this: special character in and of itself is not a qualifying matter. Despite what many people think, it's not a catch-all qualifying matter. It comes about through the “any other matter”, as the member raises, and that does require a site-specific adjudication. There hasn't been any change to the existing medium density residential standards (MDRS) provisions in this bill. Reasonable people can have a disagreement about whether or not that's the right approach, but we've not opened up that debate for this bill.

What the bill does is let Auckland Council withdraw its plan change. It says that if they do do that, they have to provide as much capacity as exists under the existing Plan Change 78, so there's no loss of qualifying matters. It doubles down on the idea around density around train stations—Morningside, Mount Albert, Maungawhau, Kingsland—and says you've got to go above and beyond even what the legal requirements are now. There's been a bit of commentary about whether or not that avoids the need to upzone around train stations generally. It doesn't, because that's an existing National Policy Statement on Urban Development requirement that just says that around City Rail Link stations in particular, given there's such significant capacity being built into the Auckland railway network that—you know, we think it makes sense to allow for a lot of capacity,

particularly around stations like Kingsland, for example. It doesn't alter the qualifying matters and the approach to them as per the existing law.

We will be in the slightly unusual situation where Auckland and Canterbury will be exempt from the MDRS provisions. There's lots of complicated reasons as to how we've got ourselves into this situation. There's probably not a lot of point traversing how we got there. The point is that I think this is actually a good solution for Auckland, and that's why the Government's negotiated and worked quite hard with His Worship Wayne Brown in order to get to this position. It's met with the approval of the Auckland Council, and, in fact, they have already started work on the replacement plan change in advance of this bill passing so that they can move quickly by October, November to notify a new plan change.

TAMATHA PAUL (Green—Wellington Central): Thanks, Madam Chair. I have some specific questions about proposed sections 82 through to 86, which are around the Wellington City proposed plan.

CHAIRPERSON (Barbara Kuriger): Can you just refer me to it, because we are on clauses 70 to 81—oh, thank you. The Clerk's just clarified with me the new provisions being added, so that's OK. Carry on.

TAMATHA PAUL: Thank you, Madam Chair. So, obviously, these amendments are specifically related to the Gordon Wilson Flats, which was kind of an area of interrogation that was initiated in the previous part but spelt out in more specificity in this part. Obviously, these are a very specific set of amendments for a very specific building, so I wanted to ask the Minister what his rationale was in only prioritising the Gordon Wilson apartments as opposed to other opportunities in Wellington City that meet the same threshold that Gordon Wilson meets.

For example, my amendment, which was Amendment Paper 336, I believe, addressed the army general headquarters building on Taranaki Street in Wellington City, which meets similar thresholds to Gordon Wilson. It was deemed earthquake prone more than a decade ago. It is owned by a public entity, the Ministry of Defence; in this case, it's Victoria University for Gordon Wilson. There is no sign of movement on the general HQ building at all, and it could be used for affordable student accommodation in the same way that Gordon Wilson apartments could be used. I wanted to understand what makes Gordon Wilson exceptional in comparison to other related buildings in Wellington City, which I know the Minister will be keen to answer.

I have a couple more questions to ask. Could the Minister dive into why Auckland and Canterbury are exempt from the medium density residential standards? I would be really keen to know, because that kind of goes against the Minister's direction around having a consistent national direction and trying to steer territorial authorities towards being more permissive of more housing, which, you know, we support as well. I'm not arguing with that, but I just want to understand the rationale, because the answer that the Minister just gave previously assumed that we all understand why there is that different approach, but I don't. If he could go into that, that would be helpful.

The other question I had is just on those sections. Obviously, there are very specific amendments to the Wellington City proposed plan and also the Water for Otago regional plan, and I just want to understand why the Minister chose to single those two projects out and what makes them more significant. But I'm mostly interested in the Gordon Wilson apartments, and if the Minister says that the reason is because he had evidence for Gordon Wilson apartments as opposed to army HQ, what evidence was that? My understanding was that the Minister had evidence as to why the Gordon Wilson apartments should be preserved, not demolished—which I'm not advocating for. But what level of evidence would you need to do a similar thing to buildings in similar situations across Wellington and, indeed, the country?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Reasonable questions. In relation to the Gordon Wilson Flats, there's a couple of things. I mean, firstly, the landowner wrote and asked for this. Victoria University of Wellington is the landowner; they want this desperately. In fact, they've indicated that if we get them delisted and make demolition a permitted activity, they'll move very quickly to put in place new, warm student accommodation for Wellington, which is a great thing. We can get the hideous eyesore that is the Gordon Wilson Flats off the vista of the Wellington skyline as soon as possible. I think most Wellingtonians will welcome that.

That, actually, is the second factor, which is that there's extremely strong community support—not from everybody in Wellington. The heritage lobby has come out in force, freely willing to spend money that is not theirs on a building that they claim can be renovated and retrofitted at vast expense—not expense that they're willing to shell out for. It's all free money in their world. There's plenty of architects and members of the holier-than-thou brigade who wish to preserve the Gordon Wilson Flats—not willing to spend any of their own money doing it and put their money where their mouth is and say that these things can be done economically or in a sensible way. So not overwhelmingly supported, but that's Wellington for you. But there is strong community support and a landowner that wishes us to do this and, also, a scenario in which there have been repeated attempts, including by the council, to do this. I think that does create the Gordon Wilson Flats as a kind of *sui generis*—in and of themselves, their own thing, basically, is the easiest way to explain it—and I haven't yet found an example of other buildings that are owned by someone that wishes to have them delisted, has repeatedly tried to have them delisted and failed for a variety of complicated legal reasons, and that enjoys overwhelming community support.

Now, I know the member's got a particular suggestion around some building that she wishes to delist or make easier to delist. If these Amendment Papers and the bill pass, there will be a process that will be available to the council in order to delist buildings in Wellington. In fact, the Wellington City Council, to my understanding, is already working on quite a long list of things that they wish to immediately refer into the streamlined planning process for delisting that will eventually come to the Government. They're moving really quickly. In fact, they want this bill passed quite quickly so that they can move on those. If the member's got buildings in Wellington that she thinks should be delisted, I'd encourage her to talk to her council; I reckon she might know a few people on the council who might be able to help her with that.

In relation to Auckland and Christchurch and the medium density residential standards (MDRS), I mean, these are good issues. The short story of a long story is that Auckland has not advanced its plan changes relevant to the National Policy Statement on Urban Development and the MDRS for some good reasons. The floods in Auckland—the Anniversary Day floods—those are the good reasons. The bad reasons are they just have not got around to it quickly enough, and that has been frustrating. Canterbury is the same, where they sought repeated extensions. In fact, the last Government had to send an observer in to ask them what they were doing and why they were taking so long. They have been slow, and I've publicly said that, so I'm not saying anything to the House that I haven't said publicly.

We've basically come up with two separate solutions. In relation to Auckland, I've already canvassed it: they can withdraw Plan Change 78, but they've got to replace the plan with a new one that enables just as much capacity as Plan Change 78 does, which is important. They've got more flexibility around not having to use the MDRS anymore, but they do have to do density around train stations, and they'll have more flexibility around how they create that capacity. That'll ultimately be a decision for the council and for local communities in Auckland, and I think that's important. In relation to Christchurch, we

said to them, “You’ve got to go for 30 years of housing growth with a 20 percent margin.” To make sure that we do that, the Government—I, as Minister responsible for RMA Reform, will be the judge of whether or not they have met that housing capacity or not.

My understanding is the council’s going through a process around that now in advance of the bill passing. It may be that there are pockets of medium-density zoning in Christchurch—that they may choose to do greater capacity around public transport nodes, for example. They’ll just work their way through that. They’ve already actually done half of the plan change required. That was the thing that happened a couple of months ago. They sent a whole bunch of decisions up to me, and I had to make decisions per the existing law around those. It’s a little bit of a horses-for-courses approach in relation to Auckland and Christchurch, representing change in policy, the function of time, and councils, frankly, not getting on with the job and doing what Parliament asked them to do all the way back in 2022.

We, essentially, came to the pragmatic view that councils that had already done the MDRS—like Lower Hutt and Upper Hutt did it two years ago; it’s now the law of the land in those councils. People have made decisions based around it. We could require councils to go back through a complicated ratification process, but then what they’d have to do, if they did decide to change their approach, is start a whole new plan change process, and that would fly in the face of what we’ve just voted on in Part 1, which is the plan to stop proposals. We don’t want councils to go through the time and expense of having to do complicated plan changes, because there’s a whole new Resource Management Act regime coming in a couple of years’ time or so. That would fly in the face of what we’ve already just agreed on, which I think reasonable people can have a disagreement about, but I think most people would accept is a pretty reasonable approach. That kind of explains a little bit of the history.

HELEN WHITE (Labour—Mt Albert): Thank you, Madam Chair. The Minister will know that my area in Mount Albert is one of the most affected by these particular changes. I actually live in one of the areas which will be a walkable catchment near Morningside and, while I can see the ease with which a street like Morningside Drive will take to higher density, there are areas of the electorate that are particularly concerned and asking questions.

I’d like to ask some of those questions. One of those is the area of Baldwin Avenue, which is a very different station. It’s surrounded by bungalows—it’s quite a different area. There’s no industrial area as there is on Morningside Drive. It’s not on a ridge. It’s quite difficult to imagine high buildings, and those buildings under this plan change are going to be 10-plus storeys, not 10 storeys, but actually that’s the sort of minimum of that code, as I understand it.

These are questions that have come mainly from that area. I would actually ask the Minister the first question, which is: would he visit the area? Something that I’ve been asked by the residents of it: will he see the impact on that area? It has a railway line going through it and a small station, but in order to build that station to the capacity for an area redeveloped in the way that this plan change loosens up things, you’d actually have to pull a lot of houses down around the station. It’s not as easy of a plan.

One of the issues, with regard to those railway links, is the first question that I’ve got, which is: is there a plan around those stations and, particularly, going across them for cars in a way that is safer? Is there a kind of coordination that’s been discussed with the council and is the part of the criteria that talks about community facilities what is meant by that? Do they have to have community facilities like Auckland Transport rail link?

What are we going to do with regards to schooling when we have so many more houses in the area if we go up in the way possible is one of the questions that’s definitely top of mind for people in Mount Albert, because our schools are at capacity. We have 3,500-

plus students at Mount Albert Grammar School. How are we supposed to cope, and is there any commitment to greater resourcing from central government into schooling?

One of the questions that I've got is about flooding—something the Minister's just raised. Those are the areas that in the floods in Auckland—in the Anniversary Day floods, the area of Sandringham flooded in pockets. Has there been an account taken of the flooding zones in those areas? They seem to be just a circle around the particular stations in a walkable area, but some of those areas flooded quite badly, and my understanding was that was—if I pop down, can I pop up again? I can see that the Minister would quite like to answer this.

CHAIRPERSON (Barbara Kuriger): No, probably not within time, so perhaps we'll give the Minister—

HELEN WHITE: Yes, thank you. I'd love to take another call. I've got a whole lot more questions from the residents.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I feel like we'll still be going tomorrow afternoon, so we can come back to this. I mean, the member makes good points. In relation to the flood issue, that's partly why we're doing this bill, to be honest: to allow Auckland Council to withdraw Plan Change 78 so they can downzone particular areas, because the current law only lets them upzone; it doesn't let them downzone. That's partly why we're doing it. Ultimately, flood mapping, and exactly where you can and can't build, that's a function for the council, and they've got quite extensive work under way around that as a result of the floods a couple of years ago. That's partly why we're doing this bill, so I agree with you that that's important.

In terms of heights and density around stations, it enables it; it doesn't make it mandatory. It's not mandatory to go and build a 20-storey apartment block by a train station; it enables it. It's not mandatory. The point I always make to people is that you will see that Auckland and other cities will change over time. This is about helping to enable that change rather than locking the city into a museum, basically, which is unable to change because of planning rules. You're not going to see Baldwin Avenue station and you're not going to see a 20-storey apartment block going up tomorrow; you're unlikely to see it in two years' time. But, sure, in five to 10 years' time, you may well see new apartment buildings going up around Mount Albert, around Baldwin Avenue, and that's exactly what we want. That's partly what the Government's trying to create with this change.

That's all about making Auckland a much more livable place to live, enabling housing choice and opportunity for people, particularly younger Aucklanders who currently are locked out of the housing market because housing is so expensive in Auckland. I think most Aucklanders, when I talk to them, say, "You know, let's get on with building housing near train stations, particularly near the City Rail Link stations. We're spending so much money from central government and from an Auckland Council point of view, and investing in this game-changing new transformational piece of infrastructure for our biggest city, so let's make it worth it." It's sort of hard to disagree with that, because that's precisely why we invested in the City Rail Link. It's not just a transport project; it's actually an urban development project first and foremost, and it's an important project. Anyway, I look forward to further conversations tomorrow afternoon.

CHAIRPERSON (Barbara Kuriger): Members, the time has come for me to report progress.

Progress to be reported.

House resumed.

REPORT OF COMMITTEE OF THE WHOLE HOUSE

CHAIRPERSON (Barbara Kuriger): The committee has considered the Resource Management (Consenting and Other System Changes) Amendment Bill and reports that it has made progress on the bill. The committee has also further considered the Local Government (Water Services) Bill and reports that it has made no progress on the bill. I move, *That the report be adopted.*

Motion agreed to.

Report adopted.

ASSISTANT SPEAKER (Maureen Pugh): The House stands adjourned until 2 p.m. tomorrow.

The House adjourned at 10.02 p.m.

