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WEDNESDAY, 13 AUGUST 2025

The Speaker took the Chair at 2 p.m.

KARAKIA/PRAYERS

TEANAU TUIONO (Assistant Speaker): E te Atua kaha rawa, ka tuku whakamoemiti atu mātou, mō ngā karakia kua waihotia mai ki runga i a mātou. Ka waiho i ō mātou pānga whaiaro katoa ki te taha. Ka mihi mātou ki te Kīngi, me te inoi atu mō te ārahitanga i roto i ō mātou whakaaroarohanga, kia mōhio ai, kia whakaiti ai tā mātou whakahaere i ngā take o te Whare nei, mō te oranga, te maungārongo, me te aroha o Aotearoa. Āmene.

[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 and humility for the welfare, peace and compassion of New Zealand. Amen.]

NAMING AND SUSPENSION OF MEMBER

SPEAKER: I invite Chlöe Swarbrick to withdraw and apologise for an offensive comment made in the House yesterday.

CHLÖE SWARBRICK (Co-Leader—Green): I won't be doing that, Mr Speaker.

SPEAKER: Then the member will leave the House.

Rt Hon Chris Hipkins: Point of order, Mr Speaker.

SPEAKER: No, the member will leave the House. Sorry, there's not a point of order at this point. Is the member refusing to leave the House? I therefore name Chlöe Swarbrick.

A party vote was called for on the question, *That Chlöe Swarbrick be named.*

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.

SPEAKER: The member will leave the House.

Chlöe Swarbrick withdrew from the Chamber.

Rt Hon CHRIS HIPKINS (Leader of the Opposition): Point of order, Mr Speaker. I have two points of order, but I think perhaps the first is the one that most urgently needs to be addressed, which is as to what the House has just voted on. The Standing Orders are actually quite specific about a motion to suspend a member and the words that you need to use, as Speaker, in order to do so. You haven't, I believe, followed the requirements of the Standing Orders, so I wonder whether you could indicate to us what the motion that the House just voted on actually was, because if it was the one that you spoke, it doesn't have the effect that you think it does.

SPEAKER: Well, in that case, I'll put it again that Chlöe Swarbrick be suspended from the service of the House.

A party vote was called for on the question, *That Chlöe Swarbrick be suspended from the service of the House.*

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.

SPEAKER: My apologies to the House for getting that wrong in the pedantics of the words that were required. It's not a usual thing for a matter like this to happen.

Rt Hon CHRIS HIPKINS (Leader of the Opposition): Point of order, Mr Speaker. I've been in the House quite a long time, and there have been plenty of instances where members have been ejected from the Chamber for the rest of the day for doing exactly what Chlöe Swarbrick did. There is not a single instance where a member has been asked to withdraw and apologise the following sitting day and then named for not doing that. There has only been one instance that I can recall where a member was subsequently asked to withdraw a comment, and that was the Rt Hon John Key when he said that members of the Opposition supported rapists and murderers. At the time, he received a standing ovation from the National Party. That was a very controversial matter, and it was at least a week later that the Speaker asked him to withdraw and apologise in order to restore order in the House, which had been lost.

I think the naming of a member for something they had done the day before is not something that has ever happened in the House before. I wonder whether you can reflect on what precedent or Standing Order you're relying on in asking Chlöe Swarbrick to apologise for something the day before, because I did check the *Speakers' Rulings*, and Jonathan Hunt back in 2001 specifically ruled that where a member refused to apologise and was ordered to leave the Chamber by the Speaker, the matter is at an end at that point. So that has been the established practice of the House since 2001, and I wonder if you could indicate why that has changed.

SPEAKER: Because the Standing Orders Committee met in July of 2017 and brought down a new Speaker's ruling, Speaker's ruling 23/1. I refer the member to that.

RICARDO MENÉNDEZ MARCH (Musterer—Green): Point of order, Mr Speaker. Thank you so much. In relation to Speaker's ruling 23/1, which is what the Rt Hon Chris Hipkins was speaking about, there's a line that says, "Where an incident may have a continued impact on the House's ability to deal with its business, the Speaker can address the matter." Is it your view that this meets that threshold?

SPEAKER: If that's how the member wants to take it, but if you think about the comment that was made, 68 members of this House were accused of being spineless. There has never been a time when personal insults like that delivered inside a speech were accepted by this House, and I'm not about to start accepting it.

Rt Hon WINSTON PETERS (Leader—NZ First): Mr Speaker, I've been in this House when a Prime Minister accused the Opposition of "getting some guts"—it was a serious accusation; nothing happened—and then, worse, I've heard the "c" word being accepted as language that can be used in this House. My personal view is that I don't agree with a thing that Chlöe Swarbrick said at all, but this is a robust House where people have a right to express their views as passionately as they may, within certain rules, and I do not think that eviction was warranted. That's my position.

Hon Members: Point of order.

SPEAKER: Well, let me just respond to that before I take the multitude of points of order that people want to raise. The first is that there are considerable efforts being made

at the moment across the Parliamentary Service to deal with what might be described as cyberbullying, and, essentially, what it comes down to is a question of: what standard does the House want to set for itself? I've decided that there are two things that can be looked at. One is that if there are interjections across the House and they are reactionary—and there was one of those yesterday—then that is not as egregious as someone taking their speaking time to include a gratuitous insult inside a speech. That is, in my opinion, from this point on—while I'm in the Chair—unacceptable.

I take the point the member makes about the House being a robust place—it most certainly is. But if members are going to be disrespectful of one another in such a demonstrable way, then how on earth can we be upset about members of the public taking a similar approach to dealing with MPs?

Hon KIERAN McANULTY (Labour): Point of order, Mr Speaker. Thank you very much, sir. Specifically, around how this House approaches this matter in future, we recognise that Speakers have the ability themselves to set new rulings, and, in doing so, they often refer to Standing Orders, which dictate the rules in which you, as Speaker, operate. Now, there is only one Standing Order that deals with this disorderly conduct—Standing Order 90—and in that Standing Order, it makes very clear that you, as Speaker, have the ability to withdraw a member from the House for up to one day.

Now, yesterday, you suspended a member for the rest of the sitting week. It was then clarified that if the member did not apologise, they would be suspended again. We've gone from a situation where Standing Order 90 was not followed by you and then we've moved on to a situation where you have proposed to the House that a member be named. Now, the difference is that a member being withdrawn is highly disorderly and being named is grossly disorderly, and I can't see how a member could be deemed to have gone from being highly disorderly to grossly disorderly by complying with a rule that you set that was not consistent with the Standing Orders.

SPEAKER: Well, I don't agree with you that it wasn't consistent with the Standing Orders. The bit that was inconsistent was what I actually said, which was to leave the House for the week. What I left out is—I probably should have said “could be”, but I accept that there were no bounds for that. But the fact that someone is asked to leave the House for a comment that has caused offence, and they do so for that day, does not mean that the offence has gone away. That can be a new thing written into the Speakers' rulings, if that's what it takes. But, in the end, my job is to make sure that this House is a House of Representatives but that it deals respectfully with each other, and there is a huge difference between the sort of commentary that you get by way of interjection—which should be rare and has become far too frequent—and a comment that is inside a speech delivered deliberately to the House.

Ricardo Menéndez March: Point of order.

SPEAKER: Well, I'll hear his commentary to that point.

Hon KIERAN McANULTY (Labour): In regard to your reference to Speaker's ruling 23/1, it does indeed give you, as Speaker, the ability to approach a matter retrospectively, but what you've just indicated now is that Speaker's ruling 21/1 is no longer in place. What the Rt Hon Chris Hipkins outlined, quite clearly—and this is the only Speaker's ruling in reference to a situation like this—was that once a member left the Chamber, “the matter is at an end”. Now, in that instance that it's referring to, it was around Phillida Bunkle, and it was almost exactly the situation that played out yesterday. Now, can you be very clear for the House that your ruling now is in direct contrast to this, and that Speaker's ruling 21/1, despite being in the Speakers' rulings, is no longer relevant?

SPEAKER: Well, it's interesting. You may point out a contradiction inside the Speakers' rulings. Speaker's ruling 23/1 was brought down by the Standing Orders

Committee, so it was clearly considered, and if there had been a contradiction, I'm sure they would have recognised it at the time.

RICARDO MENÉNDEZ MARCH (Musterer—Green): Thank you so much, Mr Speaker. Having just heard the conversation, particularly the Rt Hon Winston Peters' comments, where he was commenting that that does not meet the threshold, I do want to ask whether there is a procedural way in which, potentially, that vote could be recast, seeing as we have just heard a Government party disagree with the way that things occurred?

SPEAKER: I'm not aware of one.

Hon Kieran McAnulty: You've already put it twice.

SPEAKER: No, I didn't put it twice. Your letter made it very clear that it hadn't been put.

Rt Hon CHRIS HIPKINS (Leader of the Opposition): Point of order, Mr Speaker. I was on the Standing Orders Committee when the ruling that you've just relied on was made. I supported that ruling being made, and I actually do support the underlying, I guess, tone of the ruling that you're trying to make today around the need to increase the tone of some of the language in the House and the broader effect that has on the public tone of debate around politics. My concern here is that we seem to have gone from one extreme to another very quickly, only involving one member and not all members. There's some very inflammatory language that's used around the House quite a lot, and one member seems to have been singled out for that.

The ruling that you mentioned was made in reference to the Rt Hon John Key's very inflammatory comments during that speech. He was not asked to withdraw and apologise for that at the time, nor was he asked to leave the Chamber; in fact, he got a standing ovation from the then Government members of the House. What then happened was that almost all Opposition members left the House because the Speaker refused to intervene, and it was on that basis that the Speaker subsequently came back to the House and asked him to withdraw and apologise some time later. The disorder in the House was the justification for doing so, in the sense that the Speaker was trying to restore order in the House.

The ruling that you just mentioned that the Standing Orders Committee made specifically states that the threshold should be very, very high for that type of action. There was no disorder in the House once Chlöe Swarbrick had left yesterday, nor was there any today. The very high threshold that was envisaged by the Standing Orders Committee at the time certainly does not appear to have been met in this instance.

SPEAKER: Well, that's something that I have to make a judgment on. Can I just say that the special debate was allowed yesterday because this is an important matter—no question about that. It's also a matter that there was very little division across the House about the need for something to be done—no question about that. The question arose about what should be done and how should it be done.

For people who have a view that this is a massive problem for the world to deal with and that we should be part of it, but who don't necessarily agree with the steps that were being proposed by others in the House, it becomes, I think, unacceptable, when people who have participated in a debate with predominantly the same opinion held on all sides of the House, when there is then some insult offered to part of the House because they are not prepared to follow a particular course of action. That, I think, in the context of that debate, was completely unacceptable, and—I've got to be quite straight up with you—I personally found it deeply offensive.

Hon WILLIE JACKSON (Labour): Speaking to the point of order, Mr Speaker. With respect, I think that this is outrageous. I ask you, with respect, to reconsider this, given that you have kicked me out twice for calling another member a liar, and then I've

been out of the House for less than 30 minutes and you gave a direction that I could come back into the House.

We need some clarity on this. This is incredibly unfair that I can call another member a liar, rightfully get kicked out of the House, and asked to come back into the House within half an hour, with no apology required. So—

Hon Chris Bishop: You apologised.

Hon WILLIE JACKSON: I did not apologise. I did not apologise and I would never apologise—

SPEAKER: We're not having—

Hon WILLIE JACKSON: —thank you very much, and I'll be happy to repeat what I said again, if you like, Mr Bishop.

SPEAKER: Just a minute.

Hon WILLIE JACKSON: But I'd ask you to consider this, Mr Speaker—

Hon Member: He's joking about it now.

Hon WILLIE JACKSON: No, it's not a laughing matter.

SPEAKER: No, well, don't exacerbate the crime in hindsight, is all I would say, and there is a point where things change.

Hon David Seymour: Point of order.

SPEAKER: I'm speaking.

Hon David Seymour: Oh yeah, yeah—I'll wait.

SPEAKER: Well, sit down. There's a point where things change, and I've reached the conclusion that we had so many threats and other stuff being directed at members of Parliament that if we don't change behaviour in here, nothing will change outside. So that is part of my rationale as well, and I made that very clear to the Business Committee yesterday.

Hon DAVID SEYMOUR (Deputy Prime Minister): Mr Speaker, I hesitate to prolong this, but I think it's important that when you ruled that the member should leave for the week, she said, "Gladly." She herself has accepted it, and you can't have the theatrics of doing that and then complain about the ruling.

SPEAKER: OK—very good.

Ricardo Menéndez March: New point of order.

SPEAKER: No. Look, we are going to close this down. I'll hear one more point of order—Debbie Ngarewa-Packer.

DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori): Point of order, Mr Speaker. I understand the need for you to make a ruling on what you find offensive. As the Hon Winston Peters has alluded to, there were many of us that were offended by the "cunt" word, but what I do want to be able to assure is that "spineless" is a word and it looks like the ruling is political suppression. We do need to make sure that what the member was doing was speaking out about human rights, and we do not want to be a House that's making decisions that are suppressing an opinion on the rights of Palestinians. That's what the debate was about—

SPEAKER: Sorry, that's not a point in this discussion. There is no question—no question—in the heads of almost everybody in this House that there is a tragedy of humanity taking place in Gaza at the present time, and, in my opinion, most of the House would agree with that. But then to take it further and say that unless there is agreement over a member's bill, then members are acting in a spineless fashion, that's not acceptable. I won't accept it. The last one, Ricardo Menéndez March.

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

RICARDO MENÉNDEZ MARCH (Musterer—Green): This is an entirely new point of order. I would like to seek clarity over a letter that we sent on 3 April in relation to a potential breach of privilege amounting to a contempt. This is in relationship to the Rt Hon Winston Peters saying—and I quote—“The number of frauds committed by the Green Party in the last election knows no bounds.” We haven’t had any resolution or communication in relationship to the outcome of this, and I raise this because I have concerns over the speed with which rulings like this one are made and the harsh consequences that come with it, over, for example, quite serious and, in my view, obvious breaches of the rules in the House that can be left unresolved for months.

SPEAKER: Those are two very different matters: one was here in the House; the other was retrospectively referring to a matter in the House. Also, I will take particular responsibility for ensuring that that matter has had the due action and it has been conveyed to you. I think I have actually done something with it. It may not have made its way to you—my apologies for that.

Dr LAWRENCE XU-NAN (Green): Point of order.

SPEAKER: A new point of order?

Dr LAWRENCE XU-NAN: A new point of order—thank you, Mr Speaker. I want to seek clarification from you regarding the decision you just made. When you are—

SPEAKER: Well, that’s not a new point of order.

Dr LAWRENCE XU-NAN: No, no—the point of order is around the interaction between Standing Orders 92, 94, and 90. The suspension of a member is under Standing Order 92—

SPEAKER: No, sorry, the member will resume his seat. The matter is dealt with.

**PETITIONS, PAPERS, SELECT COMMITTEE REPORTS, AND
INTRODUCTION OF BILLS**

SPEAKER: We have petitions.

CLERK: Petition of Sher Singh requesting that the House urge the Government to lower English language requirements for transport sector workers seeking permanent residence.

SPEAKER: That petition stands referred to the Petitions Committee. A paper has been delivered for presentation.

CLERK: Annual report of the Local Government Commission for the year ended 30 July 2025.

SPEAKER: That paper is published under the authority of the House. Three select committee reports have been delivered for presentation.

CLERK:

- Report of the Environment Committee on the Climate Change Response (Emissions Trading Scheme—Forestry Conversion) Amendment Bill
- report of the Finance and Expenditure Committee on the Controller and Auditor-General annual plan 2025-26
- report of the Social Services and Community Committee on the petition of The Criminological Society of the University of Otago.

SPEAKER: The bill is set down for second reading. The Controller and Auditor-General’s annual report is set down for consideration. The Clerk has been informed of the introduction of a bill.

CLERK: Carter Trust Amendment Bill, introduction.

SPEAKER: That bill is set down first reading.

URGENT DEBATES DECLINED**Federal Bureau of Investigation—Opening of Office in New Zealand**

SPEAKER: I've received a letter from Teanau Tuiono seeking to debate, under Standing Order 399, the opening of an FBI office in New Zealand. This is a particular case of recent occurrence for which there is ministerial responsibility. However, this is an ongoing matter. There are select committee opportunities and, consequently, House opportunities to scrutinise this matter. I also note, following question time today, there will be a general debate. The application is declined.

POINTS OF ORDER**Oral Questions—Use of “Aotearoa”**

Rt Hon WINSTON PETERS (Leader—NZ First): Point of order, Mr Speaker. Every day we come into this House, we pick up this Order Paper with this name and countless questions referring to a country called “New Zealand”. I want to know why question No. 1 has got a country imputably called “Aotearoa”, and who gave anybody the mandate to change this country's name?

SPEAKER: Well, we've been through this quite a bit. The reality is that Māori is an official language of New Zealand. If that is a name that Māori choose to use to identify the nation, then that is an acceptable thing. It has been for a very long time, and I know that there are moves in other directions to change the way in which things are done. The Standing Orders Committee would be the right place to bring up that matter.

Ricardo Menéndez March: Point of order.

Rt Hon Winston Peters: Point of order. I want to finish my—

SPEAKER: No, the first point of order is with Ricardo Menéndez March.

RICARDO MENÉNDEZ MARCH (Musterer—Green): Thank you, Mr Speaker. This is exactly the point that I was raising earlier. To me, I just want your clarity over how you wish to conduct constant challenges of rulings that you have explicitly made multiple times that have been explicitly challenged multiple times. I cannot see how this helps the decorum of the House. If any of us constantly challenges a ruling that you were making, we'd be getting kicked out. How can we have confidence that moving forward in relation to your comments around things like cyberbullying, this will be applied justly when you allow someone else to challenge you basically almost daily?

SPEAKER: Yes. The Rt Hon Winston Peters, though, is a very experienced member who is very careful about the way he puts—[*Interruption*] Sorry, is there something wrong, Mr Willis? No, don't speak—you haven't been called.

It was an observation. The way in which a matter might be brought up again does depend on the language that's used, and I'd ask you to look at *Hansard* to see how that was put together. The second point is that I have ruled on this twice, and, therefore, it should not be brought up again.

Rt Hon WINSTON PETERS (Leader—NZ First): Point of order, Mr Speaker. You say that this matter should be referred to the Standing Orders Committee. Well, surely it's a fair question to ask why, before any change was made, it was not first reported to the Standing Orders Committee to see what other people thought.

SPEAKER: Well, it may well have been. I can't recall the time when it was—

Rt Hon Winston Peters: No, it hasn't been.

SPEAKER: It may well have been.

Rt Hon Winston Peters: Well, Mr Speaker, we protest. This is just so much an abuse of this Parliament that you are going to say that you have decided that this country can change its name.

SPEAKER: No, I haven't—that's completely ridiculous.

Debbie Ngarewa-Packer: Point of order.

SPEAKER: No—no more points of order on this.

ORAL QUESTIONS

QUESTIONS TO MINISTERS

Question No. 1—Education

1. HANA-RAWHITI MAIPI-CLARKE (Te Pāti Māori—Hauraki-Waikato) to the **Minister of Education:** What Māori education providers has she consulted with, if any, regarding the impact her proposed education changes will have on all Māori learners across Aotearoa?

Hon ERICA STANFORD (Minister of Education): My proposed education changes include the introduction of Rangaranga Reo ā-Tā, a new structured programme to teach reading, writing, and speaking, including a suite of decodable books. For the first time ever, we've printed and made freely available the introduction of Hihira Weteoro, the first ever phonics check in te reo Māori, new pāngarau maths resources including professional learning and development teacher guides and practical resources, and the refresh of Te Marautanga o Aotearoa to be a knowledge rich year-by-year curriculum in te reo Māori. Across my education reform programme, I regularly engage with my Māori education advisory group and Māori education leaders regarding kaupapa Māori. The Ministry of Education engages with a range of experts in Rangaranga Reo ā-Tā, pāngarau, aromatawai, and curriculum development—all of this because I have high aspirations for the success of Māori learners in all parts of our education system.

Hana-Rawhiti Maipi-Clarke: Does she agree with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa that replacing NCEA level 1 with a Foundational Award in literacy and numeracy “narrows the purpose of learning and risks disengaging students who benefit from a broader kaupapa Māori programme.”?

Hon ERICA STANFORD: I don't, and I think the important thing to note is the Education Review Office report, which said that 60 percent of teachers did not see value in NCEA level 1, that 70 percent of employers did not value it, and that half of parents didn't understand it. Now, if that's the award we want to give to Māori learners to set them up for success, then that's not being aspirational enough. A Foundational Award in literacy and numeracy and a whole year of learning through a deep curriculum to make sure that they go into Year 12 ready for learning for that first important year of national qualifications is going to set them up for success.

Hana-Rawhiti Maipi-Clarke: Why has she decided to prioritise standardisation over cultural relevance when kura kaupapa providers have warned that this approach is not fit for purpose for kura kaupapa?

Hon ERICA STANFORD: Look, we have already started and are going to continue to work with Te Rūnanga Nui and Ngā Kura ā Iwi and the kura kaupapa leaders to make sure that they have their say in this process. We've already set up meetings, we've already had initial conversations, and I would also like to point out that there was a principal from Ngā Kura ā Iwi and a principal from Te Rūnanga Nui on the professional advisory group that was helping to set this up.

Hana-Rawhiti Maipi-Clarke: Supplementary? *[Interruption]*

SPEAKER: There will be silence while questions are being asked.

Hana-Rawhiti Maipi-Clarke: How will her decision to ban nearly all Māori words from junior teaching resources impact the Crown's responsibility to actively protect and promote te reo Māori?

Hon ERICA STANFORD: I take that responsibility very seriously, which is why we produced the first ever set of Rangaranga Reo ā-Tā, structured literacy books, in te reo Māori. No Government has ever done that before. Let me be clear: these are the very first books that are tools to teach children to learn English. The Māori words in them will remain. In the new books that will round out the series, a dozen or so that still need to be produced will still contain Māori words, and to say they're being banned is absolutely wrong.

Hana-Rawhiti Maipi-Clarke: Does the Minister support the establishment of a rigorous, culturally grounded assessment framework consistent with the proven strengths of kura kaupapa Māori?

Hon ERICA STANFORD: In answer to that question, we have just recently procured a new aromatawai, or assessment tool. Now, that assessment tool next year will be required twice yearly to measure progress, to measure progress from Year 3 all the way up. It will also be provided in te reo Māori as well, to measure progress of Māori students—not only in the mainstream but also in those Māori-medium classrooms—to make sure their learning is on track, to make sure their parents can see their progress, but, more importantly, for the Government and the Minister of Education to know where to put resource when those young people start to fall behind. We know that they are falling behind and if we do nothing, like the previous Government, then we end up with children who don't get qualifications.

Hana-Rawhiti Maipi-Clarke: Will she commit to extending the consultation time line, in line with calls from kura kaupapa providers, to ensure that ākonga Māori are not left behind by her education reforms?

Hon ERICA STANFORD: We have been in the washing machine of change at least for the last five years. We have got to make change. I've already committed, as has the ministry, to dealing with Ngā Kura Iwi and Te Rūnanga Nui in a special and different way, where we hold constant meetings and receive their feedback on a different path than the mainstream consultation progress. We will continue to work collaboratively with them, but we are not slowing down our reforms, because our young people deserve a qualification that sets them up for success, and NCEA does not do that. If the member would like a briefing, I'd be happy to offer that to her. *[Interruption]*

SPEAKER: Question No. 2, when the House is quiet.

Question No. 2—Finance

2. NANCY LU (National) to the Minister of Finance: What reports has she seen on New Zealand's fiscal policy and tax settings?

Hon CHRIS BISHOP (Acting Minister of Finance): I've been reading some more of Treasury's long-term insights briefing, which highlights the dangers of excessive Government spending. I have seen some commentary that this report is "Treasury spin", that other countries spent similar amounts responding to COVID, and that Treasury has mischaracterised some of the spending. Let's be clear: this is a 118-page serious report; it deals with evidence from the IMF and the OECD. Amongst advanced economies, in response to COVID, only the United States spent more as a percentage of GDP. The Treasury did not mischaracterise previous Government spending. Page 49 contains a list of how all the COVID funds were spent, where nearly half of the response was made up of "a wide range of initiatives with varied objectives", including tax changes, training schemes, Jobs for Nature, and alleged shovel-ready infrastructure.

Nancy Lu: What plans has she seen on getting the Government's books back in order?

Hon CHRIS BISHOP: Well, partly as a response to the issues outlined in the 2025 long-term insights briefing, this Government has to provide disciplined economic and fiscal management in order to get the Government's books back in order—ultimately,

less debt, restoring our fiscal buffers, and making sure we can incentivise investment and growth and get red tape out of the economy. Budget 2025 shows our fiscal deficits turn to surplus in 2028-2029.

Nancy Lu: Can she rule out a capital gains tax on the family home?

Hon CHRIS BISHOP: Well, on behalf of the Government, yes I can rule out a capital gains tax on the family home, and it would be good if all members of Parliament could provide that assurance.

Nancy Lu: What reports has she seen on the potential revenue generated from a capital gains tax?

Hon CHRIS BISHOP: Well, I have seen reports from some that a capital gains tax could bring in \$200 billion in just six years—\$33 billion per year. To quote Brad Olsen from Infometrics, this is “Absolutely daft”. I’ve also seen a report from the Tax Working Group—2019—which estimated that a capital gains tax would realise just \$400 million in its first year. But the salient point is this: a capital gains tax is a tax on savings and investment, and a capital-shallow—

Hon Carmel Sepuloni: Why are you still talking when you just said you ruled it out?

Hon CHRIS BISHOP: Well, I’m talking about it because you’re about to adopt it—

SPEAKER: No, no—no, you’re not to reply.

Hon CHRIS BISHOP: —as Opposition policy.

SPEAKER: Do not reply across the House; stick to your answer.

Hon CHRIS BISHOP: I’m talking about it, Mr Speaker, because the Opposition is about to adopt it as Opposition policy.

SPEAKER: No, no—that’s it. No, the member will resume his seat.

Question No. 3—Prime Minister

3. 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: Why does he stand by his Government’s decision to cut State house builds by 86 percent, given construction leaders have stated that house construction is an anchor for the sector, and is that why 755 construction firms have collapsed in just one year under his leadership?

Rt Hon CHRISTOPHER LUXON: Well, the reason that the construction industry is doing it incredibly tough isn’t because of Kāinga Ora; it’s because interest rates skyrocketed under the previous administration, as my colleague just alluded to. The previous Government spent \$66 billion, created high inflation, and, as a result, created high interest rates. The construction industry is required to go out and actually borrow money at higher interest rates. That makes it difficult to do projects, and that’s the reason the construction industry has been doing it tough. But, of course, we are building things and getting things done in this Government, and that will help construction.

Rt Hon Chris Hipkins: Does he accept that a lack of Government work has contributed to a 48 percent rise in construction firm liquidations and to 18,000 fewer jobs in construction today than when he became Prime Minister?

Rt Hon CHRISTOPHER LUXON: Well, I’m actually proud that we’ve got an infrastructure pipeline now of \$207 billion. I think we have \$125 billion of projects under construction. We have announced another \$6 billion of infrastructure projects to be built or commenced before Christmas. I’d just say the track record on this side of the House is we don’t have phantom projects like three waters at \$1.2 billion, we don’t have \$300 million Auckland light rail projects, and we don’t have harbour crossings that never come to fruition. [*Interruption*]

Rt Hon Chris Hipkins: Supplementary question.

SPEAKER: Just wait till the House and his own members calm themselves down.

Rt Hon Chris Hipkins: Will the \$6 billion of projects that he claims are going to be starting before Christmas result in Government spending on infrastructure in 2026 being more or less than it was in 2023?

Rt Hon CHRISTOPHER LUXON: Well, the way I can answer the member is by saying our pipeline has continued to strengthen through the course of this Government. We now have \$207 billion worth of infrastructure. I would highlight to the member that a number of those projects that we are getting going on before Christmas were actually either cancelled by the previous administration—I think about the projects that are happening at Auckland Middlemore Hospital: recladding projects announced in 2018. This is a Government that's going to get on and do it.

Rt Hon Chris Hipkins: Point of order, Mr Speaker. It was a relatively simple question as to whether in 2026 the Government's going to be spending more or less than it did in 2023. The Prime Minister didn't address that.

SPEAKER: The Prime Minister might like to add to his answer.

Rt Hon CHRISTOPHER LUXON: As I said to the member, the pipeline of infrastructure projects has been increasing under this Government. It's at \$207 billion. We've got \$125 billion under construction now, and you heard us announce that we want to get \$6 billion worth of infrastructure projects up and running before Christmas.

Hon David Seymour: Is the Government's goal to spend more money as an end in itself or to build the infrastructure New Zealanders need more efficiently by replicating, reducing costs where necessary, and getting the job done?

Rt Hon CHRISTOPHER LUXON: Well, I think that member raises a very good point, because the thing I would like to highlight to the House is that the Minister of Education has done an exceptionally good job. When we came to Government, only 20 percent of classrooms were standardised. They were running at a \$1.2 million cost per classroom. Today, this year, it's running at closer to 70 percent standardised and about \$620,000. Of course, that means we've had a 30 percent increase in classrooms going out into the education sector, with the same amount of money essentially being spent. This is a Government that understands management. It understands how to run an economy. It understands how to get things done. We don't just crash an economy, don't deliver, and then have no plan.

Rt Hon Chris Hipkins: So will the Government be spending more on infrastructure in 2026 or less than it did in 2023?

Rt Hon CHRISTOPHER LUXON: As I said in my earlier answer, I can encourage the member that we have strengthened our infrastructure pipeline to now sit at \$207 billion. We have \$125 billion under construction, \$6 billion before Christmas. I'd just say to that member, I'd really love his support in supporting the construction industry, because I think it would be very important for him to reverse his decision on fast track so that we can actually get more projects up and running and away like the \$200 million at the Auckland wharf. That's going to create more jobs and more opportunities for New Zealanders. So why don't you come on board and support us?

Rt Hon Chris Hipkins: Point of order, Mr Speaker. My question wasn't about the long-term infrastructure pipeline. It wasn't about the fast track. It was about whether or not this Government, based on the plans that it has announced, is going to be spending more or less in 2026 than it did in 2023. I've had two goes at asking the Prime Minister that question, and he hasn't answered on either occasion.

SPEAKER: Well, you're asking for a yes or no answer, which is not, in my opinion—and it's my opinion that really guides how we go from here for a yes or no question. But having asked a question that you've asked twice, you've reached your own conclusion. Do you have another supplementary?

Rt Hon Chris Hipkins: Will he admit that putting existing transport projects on hold straight after the election has had a chilling effect on the sector, increasing uncertainty and stopping work?

Rt Hon CHRISTOPHER LUXON: No. What I would say is that where the previous Government cancelled Ōtaki to Levin in 2018, reannounced it in 2020, and then did nothing, we're actually building it. Where you cancelled Melling in 2018 and reannounced it in 2020, we're now getting it going. When it was announced by the previous Government in 2018 that recladding Middlemore Hospital was very important, they did nothing for six years; we're doing it. When you spend \$1.2 billion looking at three waters and don't do anything, that's not good enough. We're getting things built.

Rt Hon Chris Hipkins: Is the former chief executive of construction firm Naylor Love wrong when he says that further stimulus is needed from the Government "otherwise, we're going to see ... continuing downturn in [the] construction industry, more people losing jobs, and more misery."?

Rt Hon CHRISTOPHER LUXON: Well, I'd just say to the member, again, that in my conversations with people in the construction sector, they're very conscious that poor economic management from the previous administration created high interest rates, and interest rates are critical for developments to happen. This is a Government that has got \$6 billion worth of infrastructure happening and commencing before Christmas. That's a good thing.

Hon Chris Bishop: Can the Prime Minister confirm that cancelling projects due to start in the 2030s may have resulted in a few people working on business cases losing their jobs but has not meant anyone who actually works with a spade and builds things will be out of work?

Rt Hon CHRISTOPHER LUXON: That is correct. But I'd also say to the member that the thing that will help the construction industry tremendously will be lower interest rates, and that's what this Government has delivered. We have not delivered 12 interest rate increases, as the previous administration had done. We have delivered interest rate cuts, and that will encourage our construction industry to be able to get going and to borrow money to get projects built.

Rt Hon Chris Hipkins: If he thinks that his FamilyBoost policy is such a "simple process", as he said yesterday, why can't he point towards a single family that's received the \$250 a fortnight that he promised them?

Rt Hon CHRISTOPHER LUXON: Well, I just want to thank the member for his question, because every time he draws attention to FamilyBoost, we appreciate it, because we want 22,000 more families to actually sign up for FamilyBoost. That's why we've expanded the thresholds; that's why we've expanded the contributions that are being made, and I encourage everyone to do it.

Hon Marama Davidson: Supplementary. [*Interruption*]

SPEAKER: When are we ready? The Hon Marama Davidson.

Hon Marama Davidson: Why should New Zealanders have faith in his "process" to decide on Palestinian statehood if he isn't being briefed on the thousands of Palestinian hostages being held by Israel or the multiple offers to return Israeli hostages for a lasting ceasefire?

Rt Hon CHRISTOPHER LUXON: Well, sorry, in answer to the second leg of the question, I'm not aware of that. We have been calling for Hamas to release hostages immediately. What happened on 7 October was abhorrent—1,200 innocent people killed and hostages still being held in very cruel conditions is unacceptable. We have consistently called for the release of those hostages. We've consistently called for humanitarian assistance—unfettered—to go from Israel into Gaza, and we consistently call for a ceasefire.

Hon Marama Davidson: Then has the Prime Minister even asked any questions of his officials about the thousands of Palestinian hostages held by Israel or the multiple offers to release Israeli hostages since he revealed yesterday, and today, that he hasn't been briefed on those issues?

Rt Hon CHRISTOPHER LUXON: I've been briefed on the situation in Israel and Gaza regularly and continue to be. It is an absolute human catastrophe, what we are seeing—everybody acknowledges that. We have actually foreshadowed to people over the course of this week that we are in the process of weighing up our position, and we will announce our Cabinet position on that in September.

Hon Marama Davidson: Is New Zealand's independent foreign policy on Gaza more aligned with the foreign policy agenda of the Trump administration or that of Australia, the UK, France, and Canada?

Rt Hon CHRISTOPHER LUXON: Well, this is a Government that has its own independent foreign policy. We work with like-minded countries, as we have done on this particular conflict over its duration, and will continue to do so. As you will have noticed, with respect to the topic of Palestinian recognition, countries have worked their way through their own positions, as you've seen recently with France, Britain, and, also, recently, Australia. Some of our partners have made that decision; others have not.

SPEAKER: There were members in the Government backbenches who were speaking during a question being asked—it's a very risky thing to do.

Hon Marama Davidson: Does he agree that Benjamin Netanyahu has "lost the plot", and, if so, when will he sanction Israel?

Rt Hon CHRISTOPHER LUXON: Well, again, those were comments that I made about my personal observations of Israel attacking Gaza City overnight, which was utterly, utterly unacceptable. It's what the global community has called for for a long time—New Zealand has called for for a long time, with its partners—to say, "Israel, you need to be listening to the global community", and that has not been happening. So I stand by those statements.

Question No. 4 to Prime Minister

Question not asked.

Question No. 5—Immigration

5. GRANT McCALLUM (National—Northland) to the Minister of Immigration: What recent announcements has she made about supporting businesses to access seasonal workers?

Hon ERICA STANFORD (Minister of Immigration): I recently announced that the Government is introducing two new seasonal visa pathways to help businesses access the surge support they need during peak times. The Peak Seasonal Visa is up to a seven-month visa for short-term seasonal roles such as wool handling and meat processing. The Global Workforce Seasonal Visa is a multiple-entry, three-year visa for highly skilled workers in roles such as winemaking, snow instruction, and sheep scanning. The success of our seasonal industries is crucial for growing the economy, which is why we are backing industry.

Grant McCallum: How will these visas help to grow the economy?

Hon ERICA STANFORD: Well, businesses with seasonal peaks need certainty they'll be able to access the workers they need during critical times to get products to export and meet the demand for roles such as snow instructors and adventure tourism guides. While employing New Zealanders is always our top priority, these visas will help our industries fill roles that are currently difficult to staff locally, as well as make it easier for employers to retain highly skilled, specialist workers across multiple seasons. For the

Peak Seasonal Visa, businesses will still have to advertise their jobs locally and engage with Ministry of Social Development to ensure New Zealand workers have first opportunity.

Grant McCallum: What feedback has she received from the primary industry on this announcement?

Hon ERICA STANFORD: Federated Farmers have welcomed the changes, saying that these visas will make a huge difference to the agricultural sector. Immigration spokesperson Karl Dean said, “It’s awesome, because it’s the training and getting people used to your processes, your health and safety, the farms you deal with, is what does cost a business.”, and Meat Industry Association chief executive Sirma Karapeeva said, “Improving the ability to employ migrant workers on a seasonal visa means meat processors can ensure shifts run at maximum capacity on a regular basis. This results in more sustainable employment and income for New Zealanders employed by the sector.”

Grant McCallum: What feedback has she received from the tourism industry on this announcement?

Hon ERICA STANFORD: Lake Wānaka Tourism and Destination Queenstown chief executive Mat Woods said that the new visa is great news for Wānaka and Queenstown tourism operators. It will help create more consistency and less disruption across the tourism sector, ensuring visitors can enjoy world-class experiences across all four seasons. Cardrona and Treble Cone chief mountain officer Laura Hedley said that the visa will provide greater confidence for the Aotearoa ski industry and many of its key staff. This new visa pathway gives both them and us more certainty, and we welcome the change.

Rt Hon Winston Peters: Does the Minister agree that the reason why the seasonal workers scheme has lasted was because it was a brilliant piece of economic logic started in 2007?

Hon ERICA STANFORD: I agree with Mr Peters.

SPEAKER: That was an advertorial for New Zealand First.

Question No. 6—Energy

6. Hon Dr MEGAN WOODS (Labour—Wigram) to the Minister for Energy: Does he agree with the chief executive officer of Consumer NZ and the managing director of Simplicity, in the *Protecting industry, jobs and household budgets as the gas runs out* report, that accelerating heat pump adoption will reduce reliance on gas, protect jobs, improve public health, and lower energy costs for New Zealand families and businesses?

Hon SIMON WATTS (Minister for Energy): Yes, I agree that accelerating the uptake of efficient heating is vital for Kiwi families. That’s why I was pleased to announce the expansion of the Warmer Kiwi Homes programme last week. This will make an additional 300,000 more households eligible for support, including for heat pump installations. That’s an additional 300,000 households who could potentially save up to \$340 a year. This expansion, along with the Government’s other work, will help more New Zealanders enjoy warmer, healthier homes and lower energy costs.

Hon Dr Megan Woods: Will he, then, reinstate the over \$100 million cut from the Warmer Kiwi Homes programme in Budget 2024 to convert households to heat pumps for room and hot water heating, given the report shows these measures could save households up to \$1.5 billion annually in energy bills?

Hon SIMON WATTS: Budget 2025 refocused the Energy Efficiency and Conservation Authority (EECA) budget to deliver value for money and align this with Government priorities of secure, affordable energy. We’ve brought it back to core priorities like insulation, efficient heating, and technology that reduces bills and strengthens energy security, and we’re getting better results for less money. The reality is

that this programme has been in place since 2009, and the Warmer Kiwi Homes programme has already had good progress with over half a million installations and heating retrofits across this country. We are now expanding the reach of this programme to provide more opportunities to more middle-income households so that they can benefit too. The Government is still committed to accessing hard-to-reach households.

Hon Dr Megan Woods: Has the Minister seen the advice, given with decisions in Budget 2024, that the changes he has made to the Warmer Kiwi Homes programme will result in less homes being retrofitted and/or households needing to contribute more to access support?

Hon SIMON WATTS: This Government is focused on tackling the cost of living and keeping electricity prices under control. The first thing that we did as a Government is undo those reckless policies from the last Government that pushed up prices and scared off investment. This sector is now delivering market-led solutions, including demand response deals and long-term supply agreements. We strongly support this approach because it delivers results and lowers prices for Kiwis.

Hon Dr Megan Woods: Point of order, Mr Speaker. I asked the Minister a very straight question about whether he'd seen a specific set of advice, accompanying Budget 2024 decision-making, that the choices the Government was making would result in fewer homes having access to insulation. The Minister did not address that in his answer.

SPEAKER: He surely covered it in earlier answers, but the Minister might want to say something further.

Hon SIMON WATTS: Well, if the member wants to know why New Zealand / Kiwi households are paying more for electricity and why New Zealand businesses are running out of gas, she doesn't need an oral question; she needs a mirror.

SPEAKER: No. No, no. The Minister will stand and withdraw that comment.

Hon SIMON WATTS: I withdraw and apologise.

Hon Dr Megan Woods: Point of order, Mr Speaker. I'm still none the wiser whether or not that Minister has seen that piece of advice.

SPEAKER: I know, but you can't appeal to me for that, surely, Doctor.

Hon Dr Megan Woods: Well, I am appealing to you, Mr Speaker.

SPEAKER: No, look, the Minister has answered your question twice. If you were talking about wanting him to respond to a Budget that's over 12 months old, where it's superseded by another Budget and then, as he has told the House this afternoon, an announcement made just a couple of days ago.

Hon Dr Megan Woods: How much new money since 2023 has gone into the Warmer Kiwi Homes programme, or is he just spreading an already reduced amount of money, allocated by Labour in 2023, even thinner?

Hon SIMON WATTS: I have already answered this question. As I have said, we have refocused EECA's priorities to deliver more value for money. We are ensuring that that programme delivers outcomes, and, as a result of those decisions, we have expanded the reach of that programme to more than 300,000 additional Kiwi households. This programme has been under way since 2009—half a million installations. We have predominantly dealt with the very difficult homes, and we are now expanding that to more middle-income households in this country, and that is a positive step.

Hon Dr Megan Woods: Will he reinstate the \$40 million cut from the commercial buildings initiative in the 2023 mini-Budget to partner with industry to replace fossil fuel boilers used for space and water heating with more energy-efficient technologies such as hot water heat pumps, given that the report shows policies such as this can lead to more security in our energy supply and prevent further job losses?

Hon SIMON WATTS: I thank the member for that patsy, and I will remind the member of the great policy that this Government announced at the Budget: Investment

Boost. Investment Boost allows a 20 percent upfront reduction in year one on heat pumps for commercial buildings. This Government is doing everything it can to increase the uptake of efficient options for businesses and households, and that is a great example of a policy that this Government has done. It's also a recommendation in the report that the member asked in her oral question.

Hon Dr Megan Woods: Isn't it the case that cuts in the energy portfolio from his Government are making things worse, costing jobs, and leaving New Zealand without a plan as the gas runs out?

Hon SIMON WATTS: I want to be very upfront with New Zealanders in regards to the challenges they face with energy. Energy prices in this country are higher than where they need to be. Gas is running out faster than what we expected. The result of those outcomes is because of decisions made by prior Governments, but this Government is not standing by and doing nothing. We are taking leadership. We have announced initiatives, including the \$200 million investment in order to increase oil and gas, which is critical to burn electricity, and we're delivering a variety of other mechanisms. The member needs to understand that.

Hon Shane Jones: Is it not the case—on the matter of industry, jobs, and household budgets, as the gas runs out—this is a situation worsened by the Labour Party imposing the oil and gas ban?

Hon SIMON WATTS: As I said, we need to be upfront with New Zealanders—

Hon Kieran McAnulty: Point of order. It's difficult to understand how—
[Interruption]

SPEAKER: Sorry, there are a number of conversations going on that need to stop while a point of order is being taken.

Hon Kieran McAnulty: It's difficult to understand, given your very clear direction to this House that questions between Government parties should not be used to make commentary on policies of other parties and previous Governments. Clearly, when a question includes both the name of a political party and a policy, it is intended to breach that ruling.

SPEAKER: No, I didn't take it that way. As the member will know, the Standing Orders and Speakers' rulings do allow Ministers to refer to circumstances that they are dealing with that may have resulted from the actions of a previous Government. That's been the case for a very long time, but I would advise the Minister to reply briefly and succinctly.

Hon Shane Jones: Speaking to the point of order—thank you, Mr Speaker—I would remind you that the former energy Minister invoked the name of the Labour Party and invited a Government Minister to respond to decisions made by so-said Labour Party. What's good for the goose is equally for the gander.

SPEAKER: Yes, it's a bit hard to work out who's who.

Hon SIMON WATTS: Thank you very much, Mr Speaker. The oil and gas ban sent a chilling effect to the market. It signalled real sovereign risk for the first time in decades. That risk has been priced in—[Interruption]

SPEAKER: Sorry, just calm it down. All the heckling across the House won't change the answers.

Hon Kieran McAnulty: Point of order. How can you expect there to be order in this House when you've allowed this question to go forward and, immediately, the Minister is providing his opinion and commentary on what he believes has happened, none of which is backed up by fact. And the exact thing—

SPEAKER: With all due respect, he spoke about sovereign risk, which is regularly reported to energy Ministers. Further, it was the questioner asking the question who asked

him to comment on former Labour policy. It's a highly political question; you're going to get these sorts of responses.

Hon Kieran McAnulty: Further to the point of order, this is a question from a Government party, and you will not find any of the commentary used by the Minister in any of the reports mentioned by the Hon Dr Megan Woods. That is an expression of this Minister's opinion and is the exact kind of thing I was trying to prevent with my first point of order.

SPEAKER: All answers, ultimately, are going to be expressions of opinion by a Minister. That's why they're Ministers. Try again, and try to keep it very factual.

Hon SIMON WATTS: Thank you. The oil and gas ban sent a chilling effect to the market. It signalled real sovereign risk—

Hon Dr Megan Woods: What did this report say?

SPEAKER: Start again. Leave the words "chilling effect" out. It won't interfere with your answer, but just give your answer.

Hon SIMON WATTS: It signalled real sovereign risk for the first time in decades. That risk has been priced in by the market and passed on to New Zealand consumers. The reversal of the ban gives industry the certainty to invest in the gas we need for dry years and industrial heat while new generation comes on line. This Government supports the transition to renewables, but we will not risk energy shortages and skyrocketing prices through reckless virtue-signalling policy.

Question No. 7—Children

7. LAURA McCLURE (ACT) to the Minister for Children: What recent announcements has she made about improving the experiences of Oranga Tamariki caregivers?

Hon KAREN CHHOUR (Minister for Children): I want to ensure all caregivers feel supported and valued so that they can provide the best possible care for the children and young people they've opened their homes to. Since becoming Minister, I've asked Oranga Tamariki to progress work on a caregiver work programme focused on upholding rights and responsibilities of caregivers. We have listened to the caregivers about what makes the biggest difference for them, through both annual satisfaction surveys and more targeted consultation with caregivers. This has led to a range of caregiver support changes in the way we strengthen and simplify practices and policies—all designed to improve the experience of caregivers. In Budget 2025, we committed \$16 million over four years to make care environments safer and to better support and train caregivers in the wider workforce.

Laura McClure: What other changes have been made to better support caregivers?

Hon KAREN CHHOUR: This year, we have established a caregiver panel which will collect ongoing feedback directly from caregivers, ensuring their voices and concerns are listened to and heard. This will enable continuous improvement as Oranga Tamariki makes sure they are offering practical support to caregivers to address any challenges that they might be facing. We have also completed a review of the higher foster care allowance, which provides additional financial support in certain circumstances. This has resulted in an updated policy and guidance that supports a caregiver's application and approval process so that we can ensure caregivers are receiving the support they are entitled to. Practice guidance for social workers has also been clarified to make sure the views of caregivers are sought when it comes to key decisions involving the children they care for.

Laura McClure: What training is available for caregivers?

Hon KAREN CHHOUR: Oranga Tamariki offers a range of training support to caregivers, either directly or through community providers. The resources provided to

people who are interested in becoming caregivers have also recently been updated. This helps people who are considering becoming a caregiver to understand what is involved, how the application and the approval process works, and the supports that will be available to them. For far too long, the system has been too difficult to navigate. In May 2025, Caring Families Aotearoa launched two new online learning sessions for caregivers. These self-directed learning courses focus on national care standards and dealing with adverse childhood experiences. I am advised that 277 individuals have completed the modules since it was launched. We have also increased the training for social workers so that they can make sure that they are practising in a way that makes the caregiver experience the best it can possibly be.

SPEAKER: Yeah, good. A succinct question and a succinct answer would be good.

Laura McClure: What is her message to people thinking of becoming caregivers?

Hon KAREN CHHOUR: I have huge respect for anyone who opens their home and their hearts to look after children and young people. I'm committed to ensuring that caregivers have the supports they need. If you are thinking of becoming a caregiver, or have been one in the past, I would encourage you to get in touch with Oranga Tamariki. There are opportunities out there right now for short-term or longer-term care and even respite care.

Mariameno Kapa-Kingi: Does she believe that the caregivers that they're seeking for Māori children are adequate enough to understand and be able to engage with Māori whānau in a Māori way?

Hon KAREN CHHOUR: We don't directly recruit caregivers specifically for Māori children; we recruit caregivers that are willing to open up their home and give a loving environment to children who need care.

Mariameno Kapa-Kingi: Does she, therefore, not recognise that Māoriness and cultural values are critical to Māori wellbeing and mokopuna Māori?

Hon KAREN CHHOUR: What I do agree to is that young people that come to the attention of Oranga Tamariki or into the care of Oranga Tamariki need a loving, supportive environment where they can thrive to be the best they can be, no matter who they are.

Mariameno Kapa-Kingi: Supplementary.

SPEAKER: No, the Māori Party's used up its allocation for today.

Question No. 8—Social Development and Employment

8. Hon WILLIE JACKSON (Labour) to the Minister for Social Development and Employment: Does she stand by her statement about unemployment that "I'm really confident our approach is working"; if so, why is unemployment worse than this time last year, with 16,000 more people unemployed?

Hon PENNY SIMMONDS (Associate Minister for Social Development and Employment) on behalf of the **Minister for Social Development and Employment:** Yes. Unemployment has been rising since 2021. We know unemployment is always one of the last things to come right after a recession, and, unfortunately, we have inherited from the previous Government a low-growth economy where unemployment was always forecast to increase to above 5 percent. That is why our Government is relentlessly focused on economic growth and getting people into work. When businesses have the confidence to invest and grow, it's good for jobs, it's good for growth, and it's good for the incomes of New Zealanders.

SPEAKER: Yep. Can I just, before the question is asked—short answers are good ones.

Hon Willie Jackson: Why is she the only one that thinks her policies are working, when 60 percent—60 percent—of people think the Government is failing and not doing enough to stimulate job growth—60 percent; Television NZ news?

Hon PENNY SIMMONDS: I'd like to give the member asking the question some hope, because hope is on its way. I want to inform the member that on the back of economic growth in agriculture, horticulture, and tourism, the South Island unemployment rate is 4.3 percent—Southland at 4.1, Otago at 3 percent, Tasman at 3.9 percent, and Canterbury at 5 percent. What that shows is that economic growth leads to employment.

Hon Willie Jackson: Is the Minister confident her policies are working for people living in Auckland, who have the worst regional unemployment statistics at 6.1 percent—higher than the national average of 5.1 percent?

Hon PENNY SIMMONDS: Exactly the message that we have been giving: that unemployment is incredibly tough on the individuals that are in that position. It is always the last thing to come right after a recession. That is why this Government is so focused on ensuring inflation is kept down, interest rates are kept down, and businesses are able to have the confidence to grow and employ people.

Hon Willie Jackson: Is she—[*Interruption*]

SPEAKER: Hang on a minute. Hang on. OK, now we're quiet.

Hon Willie Jackson: Is her approach working for the construction industry, which is missing both 18,000 workers and a concrete plan from this Government?

Hon PENNY SIMMONDS: Again, the message is quite clear: that economic growth is what will provide jobs. I want to just give a bit of an example that, again, will give some hope to the member. Recently, a roofing firm in Southland was growing their numbers of staff. They employed a lovely young Māori guy, 22, from Auckland, who was a qualified roofer with a young family to shift down where there is work. There is growth in parts of our economy, and from that growth is employment.

Hon Willie Jackson: How can anyone have confidence in her policies when the Minister herself said in February 2024 that her priority is supporting job seekers into work when jobseeker numbers are skyrocketing, homelessness is out of control, and unemployment continues to grow?

Hon PENNY SIMMONDS: I think they can be very confident that this Government is absolutely focused on keeping inflation low, keeping interest rates low, and ensuring that businesses have the confidence to invest. That is why we are seeing growth in industries like agriculture, horticulture, and tourism, which are bringing on more jobs. That is the focus we need to continue to ensure that growth continues to occur.

Hon Willie Jackson: When will the Minister finally admit that the Luxon-led Government has done nothing—nothing—to improve the material wellbeing of families struggling to make ends meet, and that they are, in fact, making things worse, not better?

SPEAKER: I'd have to ask whether there was a question in that or was it just a statement? The Minister may respond—

Hon Willie Jackson: Well, I thought it was a question, but I—

SPEAKER: No, no. That's all right. The Minister may respond.

Hon Willie Jackson: Do you want me to repeat it?

SPEAKER: No, no. Definitely not.

Hon PENNY SIMMONDS: We absolutely acknowledge that rising unemployment is tough on those that are impacted by it. However, the reality of the situation is that we have inherited a horrible human aftershock of poor economic management, so getting interest rates and inflation under control, and giving confidence to businesses—because it is businesses that employ people and industries that employ people.

Question No. 9—Prime Minister

9. 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: How many jobs were lost as a direct result of his Government's decisions?

Rt Hon CHRISTOPHER LUXON: Well, as the member will be aware, we have seen an increase in people on the jobseeker benefit. That's a function of a previous Government that increased spending by 84 percent, tripled the debt, drove up inflation and interest rates, and put the economy in recession. Sadly, when you're in a recession, with less demand for products and higher costs because of inflation and interest rates, people, sadly, lose their jobs. That is a very challenging situation for individuals, and it's something this Government's working incredibly hard at.

Hon Marama Davidson: Is it correct that 46 percent of workers, such as teachers, nurses, and firefighters, received a pay rise lower than inflation, and, if so, was that his Government's choice?

Rt Hon CHRISTOPHER LUXON: Well, I'm very, very proud of the fact that under this Government, we have had wages growing faster than inflation, unlike the previous Government, which had 12 or 13 quarters where inflation grew faster than wages. Ultimately, wages need to go ahead of inflation so that people can get ahead.

Hon Marama Davidson: When he said yesterday, "We are the parties of workers," did he refer to the women affected by the changes to pay equity claims?

Rt Hon CHRISTOPHER LUXON: Well, there is continued pay equity, as we've talked about many times in this House. This Government continues to support it. We've put money aside to support future claims, and any individual or any employee is free to make a claim.

Hon Marama Davidson: Does he support building an additional 35,000 State homes to tackle growing homelessness and create thousands of jobs, and, if not, why not?

Rt Hon CHRISTOPHER LUXON: Well, I'm very proud that Kāinga Ora has actually built 7,000 new homes under this Government. That is more than the 5,700 under the last term of the previous Government. Importantly, there will be about 2,000 extra homes each and every year being built. Most importantly, there's been probably close to 6,000 people taken off the State house social housing wait-list. There's been 2,100 kids put into warm, dry homes. You see rents falling, under \$5 a week versus \$180 a week. As that member knows, as the former Minister of homelessness—where homelessness went up 37 percent under her watch while the Government spent a billion dollars on emergency housing—those are difficult challenges.

Question No. 10—Conservation

10. CATHERINE WEDD (National—Tukituki) to the Minister of Conservation: What recent announcements has he made about the Conservation Act 1987?

Hon TAMA POTAKA (Minister of Conservation): On 2 August 2025, the Prime Minister and I announced changes to unlock growth on conservation lands. We're going to fix the Conservation Act to make it easier to conduct business and other activities on conservation lands, supporting activities like tourism, agriculture, and—one of my personal favourites—infrastructure, where that makes sense. In addition, we are giving the Department of Conservation more support by introducing the ability for the department to charge foreign visitors a fee to access high-volume sites. By charging foreign visitors to visit popular sites they currently enjoy for free, we can invest more in

one of the key reasons they come to this country: our iconic nature, biodiversity, and world-class visitor, or manuhiri, experiences.

Catherine Wedd: How will simplifying the Conservation Act lead to greater economic growth in our regions?

Hon Shane Jones: Jobs—jobs.

Hon TAMA POTAKA: Exactly—jobs. Thousands of businesses operate on conservation land, bringing in millions of dollars a year for local and regional economies, and, indeed, jobs. Changes announced will enable faster processing of permits and other concessions for businesses and community organisations, amongst others. They also simplify the rules for doing business and undertaking other activities on conservation land, giving people greater certainty to invest and recreate. We can balance thriving natural environments with responsible development without unreasonably compromising conservation values.

Catherine Wedd: How will charging international tourists lead to greater protection of our biodiversity and natural environment?

Hon TAMA POTAKA: International visitors, like many Kiwis, love nature. Sixty-five percent go walking or tramping, and 45 percent visit a national park while they're here in New Zealand. Access charging will allow us to provide world-class manuhiri experiences while protecting nature through reinvesting this revenue. The access charges will focus on popular tourism experiences, creating a more sustainable way to fund their upkeep and improvement by those who use them. Charging international visitors at four majestic sites is estimated to generate around \$60 million a year for conservation, to be ring-fenced for conservation work like upgrading bridges and tracks, pest and predator control, and habitat restoration.

Catherine Wedd: What are the next steps for implementing access charging?

Hon TAMA POTAKA: We are carefully planning the next steps, including suitable physical and digital infrastructure required to support execution. The Department of Conservation want to take targeted consultation with concessionaires, local communities, and iwi for feedback on implementation options. New charges are intended to be in place by summer 2027.

Question No. 11—Housing

11. Hon PEENI HENARE (Labour) to the Associate Minister of Housing: Does he agree with Hon Chris Bishop that homelessness has “potentially ticked up a little bit, up a little bit more in the last couple of years”?

Hon TAMA POTAKA (Associate Minister of Housing): Yes, in the context of the full quote, homelessness is a long-running issue for New Zealand. I have said in this House previously that homelessness has, unfortunately, been increasing in New Zealand for many years. No one here wants to see Kiwis living homeless and particularly without shelter, but homelessness is not just a housing issue; it is driven by a range of structural and systemic failures that may reflect—and do reflect—the broader economic environment. This Government takes homelessness seriously, particularly those living without shelter, and that's why we are fixing the fundamentals of our housing market and making sure we have the right houses in the right places with the right support for people in genuine need.

Hon Peeni Henare: Does he consider a 90 percent increase in homelessness in Tāmaki-makau-rau to be “a little bit”?

Hon TAMA POTAKA: There are a range of data reports and comments that have been made over many years by councils, by community housing providers, and, indeed, by members of the Opposition. We have taken action by directing officials to provide advice on short-term, targeted interventions to provide help and support to those living

without shelter. Officials and Ministers have liaised with numerous providers on these matters, and we await final advice.

Hon Peeni Henare: Does he agree with Auckland City Mission that his decision to refuse emergency housing to people suffering from pneumonia or undergoing dialysis has forced them to live on the streets and is putting pressure on already overrun hospital emergency departments?

Hon TAMA POTAKA: That is the first that I've heard of that particular quote, but what I have heard from the CEO of the community housing association of New Zealand, Paul Gilberd, is that the work we undertook with Priority One, in ensuring that over 3,000 children have come out of motels over the last 18 months, is an absolutely fantastic result, delivered in a timely manner, with absolute empathy for those young children, who were living in a social, moral, and financial catastrophe that remained when we came into this administration.

Hon PEENI HENARE: Why, if Chris Bishop has said he is open to making it less difficult for people to access emergency housing, is he not acting immediately to remove the barriers preventing people from getting a roof over their heads?

Hon TAMA POTAKA: There are a number of issues that are conflated in the member's question. We have taken action to direct officials and seek their advice over short-term interventions targeted to help particularly those living without shelter and rough sleeping. We've also undertaken a range of activities, both short-term and long-term, to make it easier for New Zealanders to build houses and to access affordable housing, whether or not that's the mahi of Minister Chris Penk around building and construction laws, the mahi of Minister Bishop around the Resource Management Act and a number of other matters, or, indeed, the mahi that Minister Luxon and others have undertaken for emergency housing. We are absolutely clear: we will not return to the utopic boondoggles of 100,000 KiwiBuild homes or the moral catastrophe that was emergency housing on a large scale that affected places like Ulster Street in Hamilton West.

Hon Peeni Henare: Why, when reports from his own officials suggest there are more homeless people than ever, is he constructing 86 percent fewer State homes in 2025 than there were being built in 2023?

Hon TAMA POTAKA: As the members of this House are very aware, this Government does not believe it is only the Government that can build homes for New Zealanders. There are a range of parties, whether or not that's community housing providers, Māori housing providers, or, indeed, a range of other potential housing providers—but particularly private developers—that can build supply into the demand that is currently happening here in New Zealand. What we do know, though, and what we are absolutely committing to, is ensuring that those with genuine need get the right places and the right houses with the right support to address their needs.

Hon Peeni Henare: Why, when Māori are disproportionately represented among the homeless, when whānau in Tāmaki-makau-rau are facing a 90 percent rise in homelessness, and when even those battling serious illness are being turned away from emergency housing, is his Government not only cutting the number of State homes being built but refusing to act on Chris Bishop's admission that you could make it easier for people to get a roof over their heads?

Hon TAMA POTAKA: As the member is aware, we are very committed to supporting Māori-led housing delivery across places as far, far away as Utakura in the Hokianga Harbour, where, I understand, the member has some whakapapa connections—or, indeed, Te Kao, where other members of this House have some whakapapa connections—and also futureproofing and cost-proofing the transitional housing costs that we inhaled from the previous administration that were not cost-proof. These are the

things that we do knowing that many, many Māori live in transitional housing that this Government has taken decisions on to ensure that those Māori in genuine need for housing support get it in a timely manner.

Question No. 12—Mental Health

12. GREG FLEMING (National—Maungakiekie) to the **Minister for Mental Health**: What recent reports has he seen on growth in the mental health workforce?

Hon MATT DOOCEY (Minister for Mental Health): This Government is focused on faster access to timely mental health and addiction support. Health New Zealand payroll data shows there has been an almost 10 percent growth in the number of front-line mental health and addiction workers since this Government was elected. When Kiwis, their loved ones, friends, or family members make the brave step of reaching out for help, this Government is committed to ensuring we have the right support in place.

Greg Fleming: Where has there been significant growth in the mental health workforce?

Hon MATT DOOCEY: As the Minister for Mental Health, one of my top priorities is to grow the mental health and addiction workforce. Health New Zealand data shows there's been a significant growth in front-line staff—registered mental health nurses, up by 21 percent; nursing support workers, up 20 percent; clinical psychologists and drug and alcohol workers, up 6 percent; psychiatry senior medical officers, up 9.5 percent. Workforce should never be a barrier to accessing timely mental health and addiction support, and this Government is working hard to make sure it isn't.

SPEAKER: Just before the member asks the question, there's a lot of a conversations going on in the House when there shouldn't be. Questions are asked in silence.

Greg Fleming: What has been the result of the significant growth in the mental health workforce?

Hon MATT DOOCEY: In my view, one of the biggest barriers to timely mental health and addiction support in New Zealand is too many workforce vacancies. Since coming into office, the mental health workforce vacancy rate is down, total number of front-line mental health staff are up, and resignation rates are lower. Behind every one of these new front-line workers are hundreds of Kiwis now getting the support they need.

Greg Fleming: What feedback has he received on the increased front-line workforce?

Hon MATT DOOCEY: We're starting to turn the corner on mental health. Our plan is delivering decreased wait times and an increased workforce. The New Zealand college of psychiatrists said last week New Zealand was turning a corner on workforce shortages. Dr Hiran Thabrew, the chair of the college, said, "the Government had demonstrated a genuine commitment to listening to those working at the coalface of the mental health system." The Auditor-General called for a specific mental health workforce plan in response to wait times and workforce shortages increasing under the previous Government. As a result, this is a priority of this Government, which we delivered in our first year: a dedicated mental health and addiction workforce plan that is delivering results.

Ingrid Leary: Is it his expectation that officials will include workforce gaps data in the refreshed mental health workforce plan due to be released soon, or will he once again let Lester Levy delete those numbers from the report before it's published?

SPEAKER: Look, I'm sorry—[*Interruption*] No, sit down. Have another go at asking the question. You can't make an accusation like that.

Ingrid Leary: Is it his expectation that officials will include workforce gaps data in the refreshed mental health workforce plan that he just mentioned, or will he allow those numbers to be missing from the report?

Hon MATT DOOCEY: I've never shied away from the workforce shortages being the biggest barrier to timely care in mental health. In fact, it was actually at my instruction that the workforce vacancy data was put into the mental health workforce plan in the first place.

GENERAL DEBATE

Hon DAVID SEYMOUR (Deputy Prime Minister): I move, *That the House take note of miscellaneous business.*

In challenging times—like a cold winter—you have a moment to reflect on the origins of our country and who we truly are. This country is a nation of migrants. If there's one thing that in all our differences we have in common, it is that each of us are either people or descendants of people who made brave sacrifices to be here on these islands. That simple fact about our origin story should tell us something about the New Zealand spirit. We're a nation of pioneers, and that should tell us about how we overcome our problems. It should not be a question of asking the Government to solve them. It should be a question of a people who do not accept things as they are but seek to change them through their actions. We have a Government that I'm proud to be part of that believes in and reinforces that spirit and, though its policies, is making it easier to build a home, a career, and a life on these islands. We're delivering a smaller, more efficient Government so that people can be enabled by quality services to actually build the life that they want.

If you think of those groups of farmers, think of the farmers—well, thank God for the farmers, the people who are holding the export receipts up and feeding eight times our population. This Government is partnering with farmers to get rid of significant natural areas, to give a Resource Management Act that allows people to use their own property, and introducing a sensible approach to emissions so the most efficient farmers in the world aren't driven out of business so those who emit more can take their place.

You think about the students and the teachers. This Government has a revolutionary idea: a knowledgeable adult with a rich curriculum standing at the front of one classroom of students teaching knowledge that will be tested by an exam with all the knowledge in it. It sounds revolutionary. Actually, it's obvious and necessary, and I'm proud to be in a Government with Erica Stanford, who is making it happen. But we're also giving the choice of charters. We're going through early childhood education and ripping off the barnacles of a calcified regulatory and funding system so that people in early childhood can get back to doing what the parents want them to do—help young New Zealanders reach their potential.

Well, what about landlords and tenants? This Government has taken away the crazy changes to mortgage interest deductibility so that landlords pay tax like everybody else. We've simplified the Residential Tenancies Act so landlords can take a chance on someone that they might not if it was impossible to get your property rights back. What has happened as a result? Well, actually, I forgot to mention even pets are getting a better run, with pet bonds under this Government, but rents are going down.

What about employers and employees? Brooke van Velden, our Minister for Workplace Relations and Safety, is making WorkSafe a friend and ally in being safe, not a punitive organisation that people fear will come round and cost them a packet. People are safer, but they're also going to get their holiday pay in a simple, timely, and fair way, without all the confusion. Pay equity will be focused on gender equity, and we're going to see a workplace where people have red tape cut across the board.

What about doctors, nurses, and patients? We've actually put in place some targets and said it doesn't matter if the cat is black or white or public or private, so long as the patient gets seen. We've had a record investment in medicines for New Zealanders. We're

turning around the culture of Pharmac and making sure that if a drug is available in two other developed countries, it should be available here within 30 days.

Then you get to builders and first-home buyers. Simon Court and Chris Bishop are the dream team when it comes to replacing the Resource Management Act so we can actually get things built in this beautiful country. Chris Penk is improving and developing the building material laws so that we can build at the same price as those in the rest of the world.

You'll notice that farmers and shoppers, students and teachers, landlords and tenants, employers and employees, doctors, nurses, and patients, builders and first-home buyers—these are not people who should be set against each other. In our pioneering spirit we also have a partnering spirit that together we can create the conditions where people just like our forebears who moved to these islands chose to do. People can make a difference in their own lives with a Government that makes laws that enables and empowers them instead of dividing and punishing them. That is how I look to our pioneering spirit and why I'm proud to be part of this Government that believes in it and enables it so we can all live better in New Zealand. Thank you, Mr Speaker.

Hon CHRIS BISHOP (Associate Minister of Finance): Last week, the Treasury issued a very important document relevant for the problems we are enduring as an economy and as a country today. It's a report into the long-term insights briefing, and, specifically, it's about the response to the COVID-19 pandemic. It is perhaps unsurprising that we've just learned this afternoon that Chris Hipkins and Ayesha Verrall and Grant Robertson and Jacinda Ardern are refusing to front up to the COVID-19 royal commission and answer public questions about the economic response to COVID. Why are they refusing to do that? Because they are ashamed of their record, and they know that, held up to the light, the decisions they made in 2020 and 2021 and 2022 have led us into the problems we are enduring today.

Barbara Edmonds says, "Oh, the Government was operating in difficult times." No one disputes that. But, actually, it was really clear from the second-half of 2020 and into 2021 that further stimulus of the New Zealand economy was not only not required; it was counter-productive. The Treasury makes the point: 36 percent of spending for the COVID response occurred after June 2021. Why is this date important? It's important because at that point GDP had already returned to its pre-pandemic levels and inflation was already outside the band and approaching 7.3 percent. Thirty-six percent of spending occurred after June 2021. From financial year 2015 to 2019, core Crown debt was actually flat—it actually went down a bit. But from 2019 to 2023, net core Crown debt increased by 169 percent to \$155 billion.

Hon David Seymour: What did we get for it?

Hon CHRIS BISHOP: David Seymour, the Deputy Prime Minister, says, "What do we have to show for that?" It's a very good question. Our health system is not 169 percent better off. Our education system is absolutely not 169 percent better off. Our economy is not 169 percent better off. That is the debt disaster this Government inherited. That is the inflation disaster this Government inherited. That is the cause of the recession this Government inherited.

Faced with an environment in which the Government and Governments all around the world were pulling back, the Labour Government did the opposite. They put the pedal to the metal on the spending accelerator. Budget 2022 was a nadir—\$6 billion dollars in the operating allowance of new spending, and, on top of that, the cost of living payment counted outside the allowances according to rules made up by Grant Robertson at the time. Remember the cost of living payment? That was the payment that went to French backpackers who hadn't worked in New Zealand for 10 years, dead people, investment bankers in London who lived here five years ago who happened to have an IRD account.

This was reckless, wanton spending. Labour were in Government at a time when they could use the excuse of COVID to follow every fiscal fantasy they'd ever wanted to indulge—hence why we ended up with the Jobs for Nature programme, hence why we ended up with welfare increases, hence why we ended up with alleged shovel-ready projects, some of which are still being built five years later.

Labour was in Government at a time when they had an excuse to point to massively increased spending. The problem is all New Zealanders have had to pay the price. We paid the price through higher debt that my kid and his kids will have to repay. We are paying the price through years of inflation and high interest rates to get inflation back within the band that has crunched the economy and put New Zealand into recession. It is this Government, as David Seymour says, that is making the tough choices after years of fiscal fantasies. The country can't afford Labour. We are taking the hard decisions to get this country back on track.

DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori): Tēnā koe e te Pika. At the end of June this year, we lost a valued member of our whānau—Takutai—and it was actually one of the worst experiences that I've ever had in my life. Not only did we lose her; the day after we buried her, we had to come back to Wellington, Rawiri, wind up her grieving team, close her Tāmaki Makaurau office, and deal with all the things that come with that of a leader who was so passionate about her region in Tāmaki Makaurau.

One of the things that we quickly had to do before we even had the chance to wipe off our tears is pivoting from the discussion of losing someone—so unexpected—and then moving into what a by-election would look like. That's not what my kōrero is about. Takutai was someone who, just as the previous speaker highlighted, stood up for what really mattered to people. She was always worried and concerned about those that Governments often leave behind and forget about.

One of the things that we remember well about Takutai is when she was with us during COVID. During COVID, we had to deal with many things, and I found myself almost nodding at some of the things that Chris Bishop said, because we dealt with a one-size-fits-all COVID response for Māori. Takutai was on the front line, as she was helping with welfare packs. Takutai was on the front line; she was sitting there and using her Whānau Ora kaupapa to go out and talk into the depths of those communities who had been forgotten during the public health response. She was there and learnt how to do the vaccine, and when the Government at the time ignored the advice of experts to come up with a Māori vaccine roll-out, she—with many of us others—stood out there and never forgot her community.

She was there when the lockdowns, the bubbles, confused and harmed whānau. She was there picking up rangatahi who were made homeless, who were forgotten about, because their families weren't safe. She advocated for Tāmaki Makaurau in a humble way and she contributed to those communities in a way that only a wahine who had struggled could understand. She was an unapologetic voice in Tāmaki Makaurau. She never once backed down, when even the pressure was on her, on the way that we did things—so tikanga-led, so staunch on manaaki-led, so staunch on what we think should be right.

She was so staunch on the fact that she belonged to a party that would sit there and put in a wealth tax. She was staunch to a party that, despite the Government at the time and today's Government, were opposed to seabed mining. She was staunch to making sure that when people were trying to legislate the likes of rongoā and kaupapa, we were fighting against it, because she believed in the weight of being unapologetically Māori. Those sorts of voices really matter in this place.

So, when we lost Takutai's voice as an unapologetic wahine Māori in this place, we lost more than a seat. I think one of the things for Takutai is that as a wahine, she truly took hits. She was a wahine that used and valued her culture. She wore moko kauae. She

would wear ridicule, but she would still wear it with pride for the world to see how proud she was of her culture. She was absolutely uncompromising in that humble little body of hers. She was from a whānau who knew the cycle of poverty. She knew the cycle in her whānau of having to break from having no reo intergenerationally to having the reo. She was a woman who was an independent māmā. She knew what it was like to struggle and bring up your children on your own, with multiple baby daddies. She took pride in what it was to be that māmā.

She believed in our movement because she wanted us to be transformational. Those are the kind of identities that this place misses and this place needs. I think when we talk about the lived experiences that we have, that often outweighs the political, ministerial, parliamentary experience. We need more people in here who have lived experience and who don't have to sit there and say, "I've been around for this long time; therefore, I am more important or I know more."

Takutai would want to see and make sure that we hold voices up like that in this place, and she would want to make sure that we never forget what she stood for. Time and time again, we see wāhine leaders like her, like Kiri, like Oriini, that are out there making sure they do their weight for te ao Māori. Kia ora rā.

Hon CARMEL SEPULONI (Deputy Leader—Labour): We got a clear illustration of the priorities that that side of the House have with regards to leading the country today. Just during this time that the House has been sitting over the course of the day, we had a senior member of the coalition wanting to take up the time of this House debating whether or not we should be using the term Aotearoa or only New Zealand. We have a Minister of Education who thinks she is a success because she finally got rid of this book for new entrant children that had six Māori words in it. That was going to be the demise of their literacy, and she is successful for doing that!

That Government is clearly—when we just look at those two particular issues—out of touch with what New Zealanders care about. Instead of coming to this House and speaking about jobs, health, homes, and the cost of living crisis that so many New Zealanders are faced with, we hear a debate about Aotearoa versus New Zealand. We hear a discussion about this book for new entrant children that has six Māori words in it that is so dangerous! They are out of touch with what New Zealanders are feeling and experiencing.

I wanted to discuss today in the House, and highlight, the important work of the people's select committee that has started this week. I want to acknowledge all of the members: Nanaia Mahuta, Lianne Dalziel, Steve Chadwick, Lyn Pillay, Sue Bradford, Ria Bond, Jo Hayes, Jackie Blue, Belinda Vernon, and Marilyn Waring. I want to acknowledge those women for their courage, for their principled stance, the way in which they are advocating for women, and sticking up for what is absolutely the right thing to do, and that is to fight back against the agenda of this Government and the moves that they have made against pay equity. It is embarrassing for the women on that side of the House that a former National MP whose term began in 1975—50 years ago—would be more progressive on pay equity and advocating for women than what they are.

New Zealand has a long-held reputation for being progressive for women, going back to New Zealand being the first country where women won the right to vote. Before this Government came in, we'd also reached that milestone of having 50 percent representation of women in this Parliament. Many of the female MPs on that side of the House stand up proudly at international events talking about these achievements. But what is the point when those very same women are not representing the women of New Zealand? What makes the pill even harder to swallow is that two of the key people involved with changing the pay equity landscape, taking away pay equity from women, are women. We have a Minister of Finance who is a woman. We have a Minister for

Workplace Relations and Safety who is a woman. Surely, they have to take some blame here.

In saying that, it is so important that we have male allies, and I'm disappointed that Luxon, Christopher Luxon, couldn't be that ally for women in New Zealand. At the point that Nicola Willis proposed scrapping pay equity as a way of saving her Budget, as a way of paying for tax cuts that were unaffordable, as a way of giving tax breaks to landlords and tobacco companies, he should have stood up and said that throwing women under the bus to save the Budget was not an option. But did he do that? Instead, this week what we saw was Christopher Luxon stating that he had no regrets and no intention of reversing the changes. As he said, "... the system had become too broad, too loose, and, frankly, unworkable." Now, the only thing that is too loose and, frankly, unworkable is Christopher Luxon's leadership and the coalition that he is failing to lead. My question to Christopher Luxon is: how does undermining pay equity and consequentially undercutting New Zealand women make life better for New Zealanders? How does it make it better?

Rima Nakhle: Six years, Carmel—six years!

Hon CARMEL SEPULONI: Well, the answer to that—to the member that is rattling on, on the other side—is that it doesn't. It makes life worse. Life has got worse under that Government. Life has got worse under Christopher Luxon.

Hon ERICA STANFORD (Minister of Education): We are a Government that is aspirational for our children. It's very rich for the member opposite to get up and say we're out of touch, because I'll tell you what's out of touch: in 2018, under that Government's watch, when they knew that 40 percent of kids were at curriculum for mathematics and 26 percent of Māori kids were at curriculum by the time they went to high school, what did they do? Absolutely nothing. That's out of touch. Sending those kids into high school to not get qualifications when they knew, in year 5, that they were failing and chose to do nothing—that's embarrassing. That's doing nothing.

We are not a Government that is going to sit by and watch those kinds of decline points on a graph and sit there and do absolutely nothing about it. When I came into office, the Ministry of Education's briefing to an incoming Minister, after six years of that Government, said that we are not providing excellent or equitable outcomes—after six years of that Government. We are not prepared to sit by and watch decline happen.

That's why we as a Government have come in and undertaken transformational change in the education sector. A brand-new, year-by-year, knowledge-rich, internationally benchmarked curriculum in English and maths that has been widely accepted and celebrated by primary and intermediate schoolteachers. We have a maths action plan—twenty thousand teachers have been trained in it. Thirty thousand maths books and textbooks have gone out to children. Structured literacy: we are the first country in the world to mandate it for every single child learning to read in this country—thirty thousand teachers have been trained. We have twice-yearly assessments that are coming in this year to make sure that we are measuring progress for our children and reporting it to parents, who want to know how their children are doing.

We are setting our youngest learners up for success so that by the time they go to high school, they can achieve a qualification that means something, and that's why we have now turned our eyes to a national qualification. Why did we have to do that? Well, again, there was an embarrassment. When I came into being a Minister, the previous Government had undertaken an NCEA change programme that was completely dysfunctional and a total and utter disaster. The Education Review Office report shows that 70 percent of teachers were not ready for it. The warning signs were flashing. The Minister of Education at the time was warned, "Do not do this. Pull up, pull up. You need to delay." Guess what they did? In the face of 70 percent of the teachers who were going

to implement this, they kept going. They kept going, despite the fact—now we know—that 60 percent of teachers for that new level 1 that they implemented do not think that the qualification is worthwhile. That level 1 qualification that they put in place, 70 percent of employers don't value it, 50 percent of parents don't understand it, and two out of five kids don't understand it.

Now, if Chris Hipkins can come along and say that he understood the problems and they were working on it, then why did he put in place a half-baked plan right before the election that 70 percent of teachers weren't ready for? That meant that the sector wasn't able to deliver the new level 1. Either he didn't understand the problem or he understood it but he didn't know what the solutions were. We are a Government that knows what the solutions are when it comes to NCEA.

We are making sure that there are not going to be three years of high-stakes exams—*[Interruption]* You should listen, because you might learn something! We won't have three years of high-stakes assessments, like most of the people we compare ourselves to. We're going to have a whole year in year 11, where right the way through the year—all four terms—students will be learning a knowledge-rich curriculum that goes all the way through the year, gearing them up for success in year 12, when they are proposed to be sitting the New Zealand Certificate of Education, and, in year 13, the Advanced Certificate of Education. The key difference is that they will learn the whole curriculum.

Here's one statistic I want to leave this House with before I finish: with the new level 1 that the previous Government put in place, only 11 percent of students were sitting all four maths standards—11 percent. How can you experience success at high school when you move from year to year, when only 11 percent of students are sitting the whole curriculum? What a failure. This new qualification will ensure that all children learn from a knowledge-rich curriculum throughout the whole year. We are keeping the best of NCEA. We are making sure there will be internal assessments and externals; amazing vocational pathways that will set children up for success in the trades. This is the cloak that we will be wrapping our kids in—education that will set them up for success. We are no longer going to sit by and do nothing. This is what transformational change looks like.

Hon PEENI HENARE (Labour): Thank you, Mr Speaker. Tāmaki-makau-rau is the beating heart of our nation's economy, but its pulse is strongest when its people are thriving, when every whānau has the tools and opportunities to succeed. Its pulse is always strongest when businesses feel supported, when they know that despite global headwinds, there is hope, there is aspiration. We know that when communities are equipped with the skills and the opportunities, they not only contribute to our city's growth but also strengthen the mana of their families for generations to come. It only takes one small decision in a family to lift it out of intergenerational poverty and give it the hope that it deserves for the future.

However, too many of our people, too many of our communities, still face barriers that stop them from reaching their full potential. We must remove those barriers and invest in pathways that lift them up. Too many of our businesses feel that they are battling headwinds alone. Too many of our communities are looking for leadership and for hope in places where, for far too long, hope does not exist. In acknowledging those barriers, we must come together, not in political rhetoric, but to look towards how we can grow our economy, where everybody succeeds and everybody does well.

Tāmaki-makau-rau's growth must be inclusive. The benefits of progress should be felt from Māngere to the leafy suburbs of the inner city, from the bustling of downtown to the calm country areas in the east and in the west. But we know that for far too many, this has escaped them. We know that some are doing better than others. Our future, however, lies in backing local leadership for community solutions—for those that understand the challenges and the aspirations, who are supported to deliver for those who mean the most

to them, whether it's their families, whether it's their community, whether it's their business or their colleagues. We know that when you back local leadership, success will come. The pulse we speak of will be stronger than ever, and the heartbeat will be a heartbeat that, of course, extends across the country, for Auckland truly is the heartbeat of this beautiful country of ours.

The city is diverse. We know what its strengths are. Its strengths are its diversity. We know that its strengths are also in its Māori community. We know that its strengths stem from every part of Tāmaki-makau-rau that has the opportunity to do well. We know, of course, when Māori do well, Tāmaki-makau-rau does well. For many Māori, though, in Tāmaki-makau-rau, this is not the case. We must make sure that the benefits that are extended to all in Tāmaki-makau-rau are inclusive for a stronger Tāmaki-makau-rau into the future.

We have choices to make, and political leaders across the House and, indeed, in local government have choices that they must make. Those choices are important. Those choices must be informed, and those choices must recognise that they must connect to the places where it needs it the most—and that's in our community and in our homes. We have a choice to let growth leave people behind or to ensure that every person, every family, and every community has the chance to stand tall and to live well.

The challenge for each and every one of us, from the halls of Parliament to the streets around the country: let's build a future for Tāmaki-makau-rau where opportunity is not determined by your postcode but by your potential. Let's build a future for Tāmaki-makau-rau where communities are brimming with hope and aspiration. Let's build a future for Tāmaki-makau-rau where businesses continue to thrive and show the opportunity for training and meaningful income into the future. We do have choices to make, and we want to make sure that the leadership of this country makes the choices that will continue to support our hopes and aspiration. For if Tāmaki-makau-rau thrives, so too does Aotearoa New Zealand. I encourage all of us to heed these words, to look towards our common good and not simply fight in the trenches.

Hon CHRIS PENK (Minister for Building and Construction): Thank you, Mr Speaker. This Government is making it easier and more affordable to build so that we can deliver the infrastructure this country desperately needs and to put a roof over the heads of every Kiwi family. Simply put, building in New Zealand takes far too long. The regulatory burden is too heavy, costs are too high, and productivity hasn't improved since the mid-1980s. We know that to grow the building sector, we must make the system more efficient, reduce costs, and give the private sector the certainty it needs. This is an exercise in improving productivity, improving cost of living outcomes, and promoting economic growth. It will also result in a better quality of life for Kiwis: warm, dry homes; classrooms for our kids; roads that move freight and get people home on time; hospitals to meet the needs of our population; and jobs, jobs, jobs—driven by \$6 billion worth of Government infrastructure projects with shovels in the ground before Christmas this year.

The changes that we have announced so far include: (1) removing barriers to overseas building products to boost competition and lower prices; (2) making it easier for Kiwis to build garages, sheds, and sleepouts—shedding red tape, if you will—and exempting granny flats up to 70 square metres from consenting rules; (3) allowing trusted building companies to build without a consent if they meet homeowner protection criteria and enabling plumbers and drainlayers to self-certify, as electricians and gasfitters already can; (4) extending deadlines for earthquake-prone building remediation to give owners certainty while the system is being reviewed; (5) changing installation rules to increase flexibility and cut building costs by up to \$15,000 per new home without reducing energy efficiency outcomes; (6) backing building consent authorities to boost competition, with the first private building consent authority now in operation; (7) providing certainty to

the construction sector by stopping the rolling maul of building code system changes and moving to a predictable three-year update cycle; (8) cutting delays by requiring 80 percent of building inspections to be completed within three working days.

Hon Member: There's more?

Hon CHRIS PENK: I'll pause for breath, Mr Speaker, and reassure my colleagues and friends there is more—much, much more. For example: (9) fast-tracking residential solar by halving consent processing times from 20 to 10 working days for buildings with solar panels.

Supporting trusted tradies—this is (10) for those following along—by strengthening registration and licensing to hold cowboys accountable; (11) reviewing fire safety rules so that we can better protect people and their properties; (12) increasing remote inspections, with improved guidance to reduce delays; (13) lucky for some, cutting the Ministry of Business, Innovation and Employment's building determination processing time by 80 percent; (14) exempting small building projects like home renovations from paying the building levy, increasing the threshold of payment up to \$65,000; (15) streamlining building consents by defining minor variations so that builders can make small changes like swapping comparable products or simple design changes without formal amendments; (16) boosting competition by allowing designers to specify alternative building products on a consent; (17) enabling customisation of multi-proof designs, which are pre-consented building consents, with a fast-track approval process; (18) highlighting delays by publishing quarterly building consent and inspection data; (19) cutting “dam” red tape, so that small-dam owners are freed from burdensome regulations; and (20) reducing compliance costs for councils by cutting the frequency of competence assessments for building control officers.

Sir, with one minute to go, I can reassure you and colleagues that there is more, much more that we are still yet to do. For example, this Government is committed also to improving consistency in the consenting system around the country, fairer liability settings, and practical reforms to the earthquake-prone building system rules so that we don't have buildings left derelict and abandoned. These are all big wins for New Zealand. They're not ideological; they're just plain common sense.

Mark Cameron: Common sense.

Hon CHRIS PENK: That's right—common sense, as my friend and colleague Mark Cameron points out. This Government is working hard to cut the red tape to let tradies get on with the job of building a better New Zealand, or, as we say on this side of the House, getting New Zealand back on track.

The Government projects are an important piece of the puzzle as well, and I do want to mention in particular the defence estate's procurement we're doing, and my colleague and friend the Minister of defence is pleased to support that. That work in the defence estate across the country, up and down this land, supporting our sailors, soldiers, and aviators, is benefiting from our increased investment. They deserve it. We need it for national security. We need it for economic security. We're helping them to build. We're helping us to build. We're getting New Zealand back on track.

Hon MARAMA DAVIDSON (Co-Leader—Green): In 2015, in France, millions and millions of people rallied—including world leaders, including Benjamin Netanyahu—against the, yes, deplorable killings of journalists and cartoonists working at Charlie Hebdo. Millions and millions rallied, standing up for freedom of speech. Since October 2023 in Gaza, between 192 and 270 journalists have been killed for trying to express what is happening in Gaza, 90 journalists have been imprisoned, 132 journalists have been injured for trying to relay an issue of global importance to all of us: the truth—for trying to express not just freedom of speech but the truth. In the context of Israel not permitting or allowing any journalists into the region, who covers up? What do those

actions spell, when a State won't allow any journalists to see what they are doing—the inhumanity and the atrocities that Israel is committing and has been committing for so long.

Right now, mokopuna in Gaza need all of us in this House to find a backbone. Mokopuna in Gaza need everyone in this House to find their courage to stand up and demand that our Government play its role in defending humanity. What kind of world are we bringing our mokopuna into if we don't use every mite of our decency and responsibility and do our jobs to call Israel's violence and genocide to account, like many the world over are already doing, including the traditional allies and countries that we are supposed to align with? Where are our backbones for standing up? I cannot desire a world for my own mokopuna where it is passable for a State to murder anyone else's mokopuna; that is offensive to my own mokopuna, to whānau everywhere.

So, no, we will not be apologising for the language that we use in this House to hold this Government to account. We are proud of standing up and using our voice and our platform.

People are exhausted. Every week around the world for at least the past two years, activists on the ground—that is where the backbone and leadership is. They are the millions around the world from all levels of communities who have been calling power to account. How can we let this pass, their murderous agenda? How can we let them just feel like they have a right to murder journalists for trying to express and share this truth? More journalists have been killed in the Gaza war than in the US Civil War, World Wars I and II, the Korean War, Vietnam War, the wars in the former Yugoslavia, and the post-9/11 war in Afghanistan combined. That is appalling, but that is exactly the indication of Israel wanting to keep a lid on their savage murder, on their genocide.

We will not apologise for asking for every MP to show some backbone, and we will continue to call for sanctions against a country who are destroying humanity for all of us, in every single country, in every single community across the entire planet, because of the pass that they are receiving. If we allow this to go unanswered for, we are endangering the humanity of the globe down to our very own communities, for every single one of us. I am proud of my colleague Chlöe Swarbrick for sticking to her truth, to our truth, to the truth of activists all around the world, for the truth of the genocide that is happening in Gaza.

Hon WILLOW-JEAN PRIME (Labour): Tēnā koe e te Māngai o te Whare. This Government is not focused on the things that matter most to New Zealanders. They have broken their promises. They are out of touch. New Zealanders tell us the most important things to them are jobs, health, homes, and real action on the cost of living, and we have seen none of that and no credible plan from this Government to address those things.

They would rather do things like cut books that have, apparently, too many Māori words in them for our tamariki. Six Māori words are too many words according to the Minister of Education and this Government. It was described as just one book, but we find out today, through documents, that actually it was many more books than that.

This Government is obsessed with attacking Māori and te reo Māori, right down to the books that all of our tamariki have access to. It might sound like just a small thing, just a few books, just a few Māori words, but this is on top of the pile-on that this Government has done on te reo Māori. They have insisted—insisted—that our Government departments be referred to by their English names—like, what's that about? This Minister cut \$30 million from Te Ahu o te Reo Māori, which was professional learning development for all teachers to increase their proficiency and expertise in te reo Māori to be able to use in their classrooms. Nope—\$30 million gone, to be put into maths books. Why does it have to be one or the other? This Government has also cut resource teachers

Māori and resource teachers literacy. This Government has also cut things like Te Aka Whai Ora, the Māori Health Authority. I could go on and on and on.

I want to say that this was described by those education experts, those in the sector, saying that this is an act of racism. Literacy experts say there is no problem with Māori words in books for learner readers.

Today, we find out that this was not the ministry suggesting that this should happen but, in fact, the Minister insisting that this should happen. It was the Minister who directed that these books containing these Māori words be cut. The words are marae, karanga, kai, karakia, wharenui, koro, and hongi—something Christopher Luxon either doesn't know how to do or didn't want to do with a visiting Prime Minister.

The author of the book says that when they designed this book, it was written because they were thinking about all of the children that we have got out there. Even though they are not learning in te reo Māori, they still have a really unique relationship with it, because this is Aotearoa: te reo Māori is one of our official languages.

The Better Start Literacy Approach founder, Gail Gillon, said, "There is absolutely no evidence to suggest children are finding this reader confusing. And in fact, our data would suggest otherwise." Māori Principals' Association described these changes as racist and white supremacist.

Also, the Minister has defended it and doubled down on it and rejected all of these claims.

I asked the Minister this question: where is the rest of the curriculum? Where is Te Mātaiaho, the framework that had been developed and agreed—and replaced with something knowledge rich, which nobody in the ministry can properly define, to provide a framework.

Who are the expert voices that this Minister is taking advice from? Her officials certainly were not recommending this happen, in terms of these books. We need to see the curriculum before we are asked to agree to the assessment framework. Kia ora, Mr Speaker.

RIMA NAKHLE (National—Takanini): Thank you, Mr Speaker. It's no secret what matters to my neighbours in Takanini: the cost of living, law and order, safety, education, health, and Mill Road. It's also no secret that I like to engage in doorknocking very often to make sure that I stay in touch with the mood of my neighbours in south and east Auckland.

When I doorknocked recently in an area that, to be honest, isn't always very forgiving to the National Party, I can hand on heart say that every person who gave me feedback did so with gratitude for the progress that our Government is making—particularly in law and order and in bringing down interest rates—and encouragement, saying, "Keep going." Almost every neighbour also referenced the mess that we inherited and told me that they understand it will take a long time to turn the ship of economic recovery around. One beautiful, older, and wiser lady took my arm and, honestly, said to me, "Please, please keep doing what you are all doing. Stick to your plan." Two people on the same day said to me, "Thank you for making us feel safe again."—optimum word "again".

Most Kiwis know it's tough. We know it's tough, and most Kiwis that I speak to in South and East Auckland know that our Government inherited a decimated economy and know that our Government is working tirelessly to heal it. Our people, like my neighbours in Takanini, are doing it more tough than they ever have because of the reckless, wasteful spending of the former Government, and yet there's not one tiny notion of remorse from Chris Hipkins and his friends across that side, even in the face of a Treasury report saying that only half of the whopping \$66 billion Chris Hipkins oversaw for COVID-19 was actually attributed directly to the pandemic. The other half? Kiwis can take a wild guess.

I don't know, those French backpackers—in heaven. There are a lot of people accumulating a lot of money because of what happened with the other half.

Our Government is not applying band-aids to the bleeding caused by Labour's wasteful spending but is actually trying to heal the wound from within, and this takes courage. This takes a spine to do. It takes a spine to adjust tax brackets so that the lowest-income earners can keep more of their wages. For the first time in 14 years, our Government had a spine to do this. It takes spine to really, truly put victims first.

Hon Members: Ha, ha!

RIMA NAKHLE: Well, the others are laughing—no remorse, no care, and no accountability to put victims first and to crack down on gangs, who plant and cultivate misery in our communities. It takes a spine to ban gang insignia in public so that my neighbours in Takanini can feel safer. It takes a spine to admit that our country is grappling with a real problem with youth offending, and our Government actually stood up and created a category called the young serious offender category.

It takes a spine to recognise that the education system is so broken that we've failed another generation of tamariki and rangatahi. It takes a spine to say, "Do you know what? We're turning things around." We're making game-changing changes in maths, in English, and in literacy. It takes a spine to be honest about NCEA and say how in many respects it wasn't preparing our youth for the future. It takes a spine to look at our health system and recognise that it had lost its rightful vision and that patients should come first.

It takes a spine for this Lebanese wahine to be civil in the face of political props that are brandished in my face every day, reminding me of the massacres that took place in Lebanon, where my whānau and my extended whānau were killed mercilessly. That's what it takes, and we have spine on this side of the House.

JAMIE ARBUCKLE (NZ First): The economic recovery of New Zealand is here and it's actually here on the doorsteps of the West Coast. The West Coast is where I visited in my last recess. I had the opportunity to go there with the Hon Mark Patterson about 10 months ago, and now I've returned and, gosh, that place is booming.

Hon Mark Patterson: Gold!

JAMIE ARBUCKLE: Yes. And I can tell this House, the coasters, they want mining. They want it and they want it now and they are into it. To see what is happening on the ground there on the West Coast is absolutely an eye opener.

I had the opportunity to go with Development West Coast and look at a number of different projects. It was the first time I got to go to Blackball. I've got to say, since the Hon Shane Jones has been there with his megaphone, it must be the new heart, it must be the new place of the New Zealand First Party, because the support there in Blackball is definitely there for the New Zealand First Party.

Hon Mark Patterson: It's not Labour any more.

JAMIE ARBUCKLE: It's not Labour—it's swung. I can tell you, they are coming there for us.

But Federation Mining, I went there and saw the Provincial Growth Fund—we had put money into Federation Mining to open up that mine. What is great to see is the success. They're talking about up to 20 years' worth of mining just in that one mine. They're talking about entry-level jobs of six figures—they're nearly \$100,000 jobs just for entry-level workers. The core samples—I got to see those—they are off the chart, the amount of gold, the reefs of gold that they've found in that mine.

The disappointing thing, and something I've already vowed to talk to the super fund about here, is the New Zealand Superannuation Fund—they need to get in on these opportunities of the mining on the West Coast. They can't be hesitant; they can't be listening to these no sayers. The opportunity is there for the super fund to come in behind some of these projects.

Also the Westland Mineral Sands—I went there with my environmental hat on, the portfolio I hold for the New Zealand First Party. They're talking about 50-plus years of sand mining. They're talking about titanium, they're talking about taking out the garnet, but it's environmentally friendly. The farmers want it. It recontours the land and it allows the land to be flat so new pasture can be grown. The farmers on the West Coast want to see this; the dairy farmers want to see it. The farmers are saying their paddocks, once the mining's gone through, are the best paddocks on their farm. It's great to see in the tourism industries around the West Coast, they've seen that waterways, for instance, they're actually linking up with these mining companies and making partnerships.

What a tragedy we're seeing on the Bathurst Stockton Mine, where you've got protesters there up in coal buckets.

Hon Mark Patterson: Disgraceful.

JAMIE ARBUCKLE: It's just disgraceful, outside the ANZ bank, stopping the consented mining operations. This nonsense needs to be stopped. The police need to go in with trespass notices and get rid of these people out of these places.

During the trip, I also got to see the development around housing in the Ball Developments that's happening on the outskirts of Greymouth. They're talking hundreds of new homes and new commercial activity happening there. We've had investment on the coast through New Zealand First in the port facilities with the slipways and new fishing jobs. Great to see the Westport Deep Sea Fishing School while I was there—seeing that vocational way of getting people into the fishing industry, more jobs. The mayors: Helen Lash, Tania Gibson, Jamie Cleine; the regional council: Peter Haddock—they are positive. They are talking up New Zealand First. Our policies on the ground, on the West Coast, are making a difference. The economic change on the coast, it is going to lead the recovery.

We are talking about a lot of debt that this past Government has wrapped up, but the West Coast are going to be the first ones that will come up and help pay some of that back. It is great to see it on the ground. The coast is alive with economic activity. New Zealand First policies are working on the ground, and I can't wait to see what that is going to deliver in the next couple of years. Thank you, Mr Speaker.

JOSEPH MOONEY (National—Southland): Thank you very much, Mr Speaker. It's a pleasure to rise as the member of Parliament for Southland to speak in this general debate. We have heard a lot of negative things over the last year or so, and there's a lot of social media that people watch, and things look tough. What we need to do is put this in frame.

In New Zealand, we have faced the deepest recession since 1991. It's the deepest recession for 34 years. The Treasury released a report last week saying the last Government spent too much, against official advice, harming the economy. There's no question that money needed to be spent during the pandemic, but they spent too much, against the official advice, harming the economy. This Government came into power, facing the deepest recession since 1991, and it's had that job to fix, which is a very difficult one.

But hope is coming. In the South Island, we are outperforming the North at the moment. I don't say this to say anything against the North. The North is a very important part of New Zealand. But hope—turn your eyes towards the South, and, in fact, turn your eyes to the bottom of the South, toward Otago, toward Southland. Our economy—the most recent Kiwibank regional data showed that we are growing very strongly. Why is that? It is the primary sector. We have got high prices for our primary products, for our farmers, for our agricultural sector; for milk; for dairy; for sheep and beef; for our viticulture, our ag, and horticulture sector.

Then, in the South Island, we have an incredibly strong conservation sector. This is important for two reasons. This is important for biodiversity, and this is important for the economy. A big reason why New Zealand does so well in the tourism market is because people want to come here because of our incredible region, but we need money to be able to take care of that. How do we do that? We get visitors coming to New Zealand to spend foreign exchange in New Zealand with our people. We have a conservation Minister who is working to move the concessions framework to make it easier to do that so we can spend more money on that incredibly important part of our community.

Not only that—in tourism, if you look at Queenstown Lakes District and Mackenzie Country and our neighbours in Wānaka, my neighbour Miles Anderson, our numbers are well ahead of pre-pandemic numbers. We have grown incredibly strongly. That is another great economic opportunity that's coming out of our region. A great indicator. With that does come some challenge. New infrastructure is needed to make it a great place for locals to live and for visitors to come to.

The first place in the South Island that has had a regional deal confirmed that is going to be negotiated with this Government is the Central Otago Lakes region. So it is a fantastic opportunity for our region so that we can address those challenges, we can get all the players in the room, we can get the central government and the local government working well together to address those issues—to address the transport, the health, the electrification, value capture that's going to really turn the dial, and some really creative solutions are on the table for that.

We also have some really exciting things happening. If you look at Great South, they have a regional opportunities snapshot of some of the things that are being proposed across Southland—agriculture, aquaculture, tourism, space opportunities. Not many people think of space opportunities when they think of the South, but, like our great space Minister, Judith Collins, knows, we have a very strong ground space presence in Southland. So there's incredible opportunities. There are inland ports which are being proposed to be built—significant money being expended because of the opportunities that are being seen there. There's incredible opportunity in agriculture. In energy, we have a lot of energy, but we have a lot of opportunity to create more energy. There's one of the biggest energy providers in the country. There's people looking at data centres, wind farms, and a whole lot more to add to our existing strengths in the aquaculture, tourism, horticulture, and much more.

I'll just touch on the Otago Central Lakes. The current population is 80,000; its visitor population can be the same on a busy day, so our peak day population is 170,000. This is a place that is growing up. It is becoming the newest potential city in New Zealand, with a projected population of over 300,000 by 2054. It's a place of huge opportunity. We're growing and we want to spread that through the country. Eyes to the South to look to the future.

The debate having concluded, the motion lapsed.

SITTINGS OF THE HOUSE

Hon CHRIS BISHOP (Leader of the House): I move, *That the sitting of the House be extended into tomorrow morning for consideration in committee of the Resource Management (Consenting and Other System Changes) Amendment Bill, the Local Government (Water Services) Bill, and the Hauraki Gulf / Tīkapa Moana Marine Protection Bill, the second reading of the Public Works (Critical Infrastructure) Amendment Bill, and the Customs (Levies and Other Matters) Amendment Bill, and the interrupted debate on the third reading of the Privacy Amendment Bill.*

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

Ayes 57

New Zealand National 49; New Zealand First 8.

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Motion agreed to.

HOUSE IN COMMITTEE

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

RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM CHANGES) AMENDMENT BILL

In Committee

Debate resumed from 12 August.

Part 2 Amendments to schedules of principal Act and amendments to other enactments (*continued*)

CHAIRPERSON (Teanau Tuiono): We come first to the Resource Management (Consenting and Other System Changes) Amendment Bill. When the committee was last considering the bill, we were on the debate on Part 2. This is the debate on clauses 70 to 81 and proposed new clauses 82 to 90—amendments to the schedules of the principal Act and amendments to other enactments—and Schedules 1 and 2. The question is again that Part 2 stand part.

Hon RACHEL BROOKING (Labour—Dunedin): I would like to start by going right to the back page of the amendment and then to the start of Part 2. This, at the back, is about transitional provisions for natural hazards and rules that control fishing. These are new sections 59 and 60 of new Part 8. What this is saying is that there will be immediate legal effect of natural hazard rules. This is a very good thing, because we have a problem in New Zealand where the rules for natural hazards are not strong enough and the council does not have enough ways to stop people from doing things in hazardous areas. We're very much in support of the immediate legal effect of natural hazard rules.

Then there are the rules that control fishing. We've talked a little bit about the relationship between the Fisheries Act and the Resource Management Act, and I'm not going to go into that now, except to ask the question that, given that in Part 1, in a part that we didn't actually get to cover or we covered in some part, the Minister now says no, or the Act will say no, to new plans. No new plans can happen unless there's an exemption. I realise that one of those exemptions relates to natural hazards, but I can't see anything on fisheries. I'm wondering why it is that we are even having transitional provisions about things to do with changes to fisheries rules when there cannot be any new plans until December 2027. I note that this block on new plans until December 2027 is something that was put in the amendment that was released yesterday, so this may not have been considered. I would like to know if there has been any analysis of whether it will be able for there to be rules that control fishing—whether there will be any plans that will be able to do this.

Also, on that natural hazards piece—acknowledging that there is an exemption for natural hazards, but often a plan change will combine a number of different factors—has

there been any analysis of whether or not there were plans in progress that did more than natural hazards that might now be stopped because of the block on plans to 2027? That's the question there.

It also relates back to clause 70 and the "Pre-notification requirement for proposed rule that controls fishing". If we have this block on plans, why do we need this now? Surely, with the change that we have where we can't have any plans until the end of 2027, that demolishes the whole need for any of these fisheries provisions, and they would be better put into what the Minister calls Resource Management Act stage 3, because there won't be an opportunity for those rules to progress, unless he makes a special exemption, before then. Thank you.

HELEN WHITE (Labour—Mt Albert): Thank you, Mr Chair. Last night, I put some questions to the Minister responsible for RMA Reform about my own area, because it is actually the most impacted by the schedule in the new amendment, which is about the building up of high-rise around the train stations in Mount Albert. I told him that I live in one of those areas; I'm absolutely directly impacted by that move. I have had many emails and consultations, in my role as the MP in that area, with people who are concerned, and I have had emails today from groups of people who are concerned because they can't actually ask questions in this process because it's all happening so fast. There are some of those concerns that I would accept might have been—they could actually have had their fears allayed if there was a process by which they had an opportunity to ask questions, but there simply hasn't been the time.

My first question is: why not? Why aren't we having a consultation process over this at all? I'm not into consultation for its own sake, but some of the questions that I've had have, quite frankly, been ones that have worried me in terms of people's understanding of what's happening. For example, one of the questions I got was: is the Government going to buy all of the land in the Baldwin area at that train station? The Minister might look at me and make that face, but that was a question I got, that there was a public works issue here. That's because the general public are not here all the time and they don't know what the nature of this enabling legislation is. I want to ask the question as a demonstration of what the issues actually are out there in terms of concern.

There's also a concern about—and I accept that the Minister talked last night about how long this would take, but that's a common question: how long will it be? There is also a concern that the areas that they're in might end up looking like Hong Kong. It's not going to happen and it's very unlikely to happen, but those are questions that constituents are asking in this area, because, in fact, they have lived there for a long time, and this will enable the building of 10-plus storeys. I just wanted to make sure that that was on the record.

I've got some specific questions about the impact of those buildings based on those conversations. One of those questions is about the issue of the building of level crossings, and that is because in the Auckland Transport plan there has been a plan to build over certain crossings, but that's actually out in another area, whereas here we have an intensification of housing around a corridor in the railway line. Surely, it makes sense that that would get the priority in terms of enabling those train stations. Have there been discussions about aligning the intensification with the upgrading of those rail lines?

Another question I've got is with regard to the quality of the builds and whether there are any controls. You can understand why people are worried about that. On Morningside Drive, we have several apartment blocks which are not 10 storeys but they are multi-storey. They are right next to the railway line and they have issues with fractures in some of those buildings because of the shaking of the railway track. What kind of intention is there in this legislation to make sure that the buildings that go up are quality buildings?

Another issue is height to boundary. Now, it may be that this is the enabling legislation and the Minister might just say, “Well, all that’s going to happen somewhere else.”, but height to boundary is a big deal. In the plan in the inner city, when we were looking at intensifying in the inner city, there were actually view shafts that are built into that intensification so that people get enough light and they get views, and it makes the whole thing much more of a quality build and we end up in a city that’s better. Is there that kind of intention here? If we’re going to enable the building, will there be height to boundary issues involved?

One issue that comes up frequently is: what’s the projected intensification here? How many houses—[*Time expired*]

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I thank the member Helen White for her questions, which I think I can deal with in order. She had lots of emails of concerns saying, “Why is this going so quickly?” Well, it’s actually not, to be honest. I mean, Auckland has been required to upzone since 2022, and here we are, in 2025, and there’s a variety of reasons for that, some of which I canvassed last night. The law allows them to upzone but doesn’t let them downzone. They need to do that as a response to the floods—that’s fair enough. But the council itself has taken too long, frankly, on some of these issues, so Parliament has acted, with the agreement of the council—so this is not some Parliament unilaterally acting.

Someone said the other day—well, it was an Auckland City councillor, actually. He said, “Oh, you’re bullying Auckland Council.”, and I said, “Well, it’s a bit of a strange situation when you put out a joint press release with the mayor about what Parliament’s doing.” It’s a slightly strange situation and a weird definition of “bullying” to me, but anyway.

I acknowledge the legitimate concerns that the member is raising, and there will be an opportunity. This is not Parliament micromanaging every single street next to Baldwin Street Station or Mount Albert Station; this is Parliament, essentially, making the council undergo a process around a replacement plan change.

We’re replacing plan change 78 with a new plan change which will be required to give effect to what is in this piece of legislation around the City Rail Link stations that are listed in the Act. But that’s not the end of the process. The council will be required to notify that by October, and notification sets off the plan change process. After that, it’ll be public discussions and there’ll be an independent hearings panel and there’ll be all sorts of opportunities for the public to engage, and I’d encourage her to encourage her constituents to do that.

The second question was: is the Government going to buy all the land? No, we’re not going to do that.

Thirdly: will it look like Hong Kong? No. Anyone who’s been to Hong Kong will, I think, find that that would be somewhat out of keeping with Auckland.

But will it mean more apartments by train stations, for which the Government is spending billions of dollars building train stations? Yes, it will mean more apartments by train stations, and I don’t know many Aucklanders who don’t think that one of the necessary responses to a \$5.5 billion, or probably closer to \$6 billion, metro underground rail in Auckland should be to go, “Do you know what? Here’s a great thing: let’s have single-storey family-zoned houses next to these hundreds-of-millions-of-dollars expensive railway stations.” That does not seem like a particularly rational outcome.

Hon Rachel Brooking: That’s not the question. Just engage.

Hon CHRIS BISHOP: What’s that?

Hon Rachel Brooking: Just engage with the actual questions. It wasn’t about single-zone houses.

CHAIRPERSON (Teana Tuiono): Yeah, let’s not have chat across the House.

Hon CHRIS BISHOP: Well, no, it's a legitimate point.

CHAIRPERSON (Teana Tuiono): Yeah, and I'll give them a call to make that.

Hon CHRIS BISHOP: Well, I'm answering the question. So it's not going to be Hong Kong, but we are going to see more apartments, OK? Actually, the Government wants that, and I reckon that, actually, the Labour Party wants it too, apparently—

Hon Rachel Brooking: Yes, we do.

Hon CHRIS BISHOP: Yeah, well, there you go. Rachel Brooking says that they do. I reckon that the Greens want it, I reckon the Government wants it, and I actually reckon most Aucklanders want it too.

Yep, there are some people who don't necessarily like the idea that cities change, but guess what? The world changes, society changes, and, actually, young Aucklanders deserve the opportunity to have housing choice. We need small apartments, we need big apartments, we need small terraced houses, we need medium terraced houses, we need big McMansions, we need smaller McMansions, we need—

Rima Nakhle: I choo-choo-choose Bish.

Hon CHRIS BISHOP: OK, yeah—maybe that, too. We need suburban greenfields houses, we need—the whole point is we need housing choice. All housing is good, and we need to stop turning up our noses and saying “Oh, we'd like this, but not that. That's OK, but not that, and I'm all good with that, but not that.”

Hon Rachel Brooking: You're being disingenuous.

Hon CHRIS BISHOP: No, no, I'm not. I'm answering the question. She asked me if it was going to be like Hong Kong, and the answer is that it's not.

Fourthly, she asked whether there has been an attempt to link intensification along railway lines, and the answer is yes. That is the purpose of this, which is we're building the City Rail Link, and our view is it makes sense to upzone around the City Rail Link stations in the same way it makes sense to upzone around the National Policy Statement on Urban Development provisions, which is the existing railway lines, as well.

Finally, she asked about build quality. That is not a matter dealt with under the Resource Management Act (RMA). It's not an effect, and it's not an externality dealt with under the RMA. Build quality is dealt with under the Building Act, which, fortunately, is not something that is dealt with under the RMA.

CHAIRPERSON (Teana Tuiono): I'll let Helen White finish her line of questioning.

HELEN WHITE (Labour—Mt Albert): Thank you, Minister, for answering the questions. I think it's really important that we treat people who are actually the ones who will pay the price—and they will be in these areas—with some respect. They're entitled to be concerned about what's going on and to have answers to those questions, and it doesn't mean that they don't, too, agree that our city needs to intensify along its rail lines. In fact, that is the frequent thing that people in my area tell me—that they do not want to be cast in that light, but they would like to know what's going on.

For example, last night I asked the Minister about schools in the area. It is absolutely important that we address the need for communities that are being intensified to have facilities that are actually going to meet the needs of the people who move in. Now, I told the Minister that in that area, Mount Albert Grammar School has 3,500 people in it. It is very important that we have a plan for schools, and it is perfectly OK for me to ask the Minister how this fits within the plan and what conversations he's had when he's put together this amendment about the need to support this with infrastructure like that.

Another thing that I am frequently asked about is green space, because things like the all-weather sports fields are incredibly important if you're intensifying and you want affordable housing not to be something that's second class. It should be first-rate. We

need all-weather sports fields in our area desperately because there just aren't enough. So those are two things that I want to highlight.

I also want to ask some very specific questions about the nature of the actual provision, so I'd like to turn to those now. I want to ask about—this is clause 4 of new Schedule 3C, which is to be inserted by Schedule 1 of the bill. It's on page 71, and it's a really sensible little thing. It crosses the bridge. It's specific about clause 4, but it's also something that I'm frequently asked, which is what's "walkable". These are enabling more intensification in a walkable area. From what I can see, if somebody has drawn a circle and it's like anything within a 10-minute walk zone, it's walkable, but am I right about that?

What is walkable, because I can see, in my own area, that St Lukes mall has got a huge amount of land in that area. Some of it falls in that circle and some of it doesn't, and yet that actually seems to be an area where the housing has been bought up by the mall. It isn't particularly character or anything, and it seems to be something where it's very connected with the shopping, as well as the train station, but it seems to be arbitrary as to where the line is.

Is there in the definition here a definition of what's walkable, or is it a matter of nuance? That's something that I'm often asked about. Is there any room for nuance on this plan? I take on board that the Minister gave me genuine answers last night about, for example, the advantages of this plan when it comes to areas that flood, because this will allow more nuance in terms of choosing areas so that they are not ones that are likely to lead to a risk of flood. I take it on board that they may be answers to these questions. I'm just trying to get them on the record so that my constituents know what they're in for, and that's what's important.

I also wanted to ask about the decision that we have in clause 4—and it's clause 4(1)(b)(i)(A) and (B) that I'm talking about. It's a decision on wording which says "(i) heights and densities commensurate with the greater of—(A) demand for housing and business use in those locations; or (B) the amount of housing and business use that is appropriate given the level of accessibility to commercial activity and community services in those locations;" and it goes on. What I would like to know is why is there a "greater of—" and then the "or" there, when it seems to me that the logical part of that is subsubparagraph (B). It's the amount of demand for housing and business use that is appropriate, given the level of accessibility.

Surely that's the test: can we do this, and will it work for our populations? But we have a "greater of" which—[*Time expired*]

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I can answer those three questions. They're legitimate questions, and I wasn't meaning to imply that the member's questions were bad or anything. I was genuinely trying to answer them.

In terms of schools, the short answer is yes. We will take account of school populations as they rise and fall, in the same way that the ministry does that right now. Is the ministry perfect at it? No. I think all members of Parliament would have examples in their own constituencies of schools in which the ministry resolutely insists that no new classrooms are required, only for a big batch of five-year-olds to turn up and start working their way through the system and the ministry finds that, actually, more classrooms are required. Equally, there are schools in which there's vast vacant classrooms that are empty, which is not a particularly rational use of land. The ministry's not perfect at it—and actually, that's partly why the Government's creating a new school property agency, to get better at that.

Hon Willow-Jean Prime: So you're going to sell the land?

Hon CHRIS BISHOP: No, I didn't say that. But there's other ways to make use of school land.

In terms of the second question she asked about the definition of “walkable”—it’s a good question. The answer is: it depends. The National Policy Statement on Urban Development does not define it but gives an example of 800 to 1,200 metres as to what “walkable” means. The honest answer is, it depends, right—on the topography of a particular area; on a particular community—what “walkable” means. The Wellington independent hearings panel went through a long and convoluted task in order to work out what “walkable” meant, and they decided that “walkable” in Wellington meant different things to what it meant in other cities, because here in Wellington, we have hills—

Hon Rachel Brooking: Like Dunedin.

Hon CHRIS BISHOP: Well, Dunedin’s got hills as well, but they don’t have housing density issues in Dunedin to quite the same extent.

Hon Rachel Brooking: We need them on Carroll Street.

Hon CHRIS BISHOP: Well, if only we did; that would be a great thing. But the short answer is: it depends. One of the issues the Government is looking at through phase three of Resource Management Act reform is to provide a bit more clarity about what “walkable” means. But there are pros and cons of doing that, because the more specific you get, the less accommodating of local circumstances you are, as well. So there are costs and benefits.

I am, however, also keen to avoid interminable debates about, you know, is a particular area 923 metres, as the crow flies, from a train station “walkable”; and is 1,010 metres “walkable”, because there happens to be something else on the way and you’ve got to go over a bridge, and—just ridiculous debates. So, anyway, there are pros and cons either side, but the short answer is that for this bill “walkable” is up to the council, and the point is they will take into account local circumstances, and I would expect that local councillors in Auckland Council and members of the local board would engage with local MPs, like the MP for Mt Albert, when it comes to these issues. The answer—

Rima Nakhle: Daniel Newman—great councillor.

Hon CHRIS BISHOP: Well, I mean, let’s not start listing councillors. We’ll be here all night. There’s lots of them.

In relation to her third question about “the greater of” in relation to “enable, within at least a walkable catchment ... (A) heights and densities commensurate with the greater of ... demand for housing and business use ... or (B) the amount of housing and business use that is appropriate given the level of accessibility”—I don’t see the issue here. The point is, we need the maximum amount of housing that we can get, and so you either go for “demand for housing and business use in those locations”, or “the amount of housing that’s appropriate given the level of accessibility to commercial activity and community services in those locations”. I think it’s relatively straightforward. Then it sets a bottom line of at least 10 storeys in relation to Baldwin and Mount Albert, and 15 storeys in relation to the other three stations. I think it’s all relatively straightforward.

HŪHANA LYNDON (Green): Kia ora. I want to take it back to the moana and look at Part 2, clause 70 amending Schedule 1, and the pre-notification requirement for rules regarding fishing, noting that the director-general must regard these matters and consult with Te Ohu Kai Moana on the proposed decision.

Now, I’m wanting to ask the Minister in terms of these proposed rules for regional coastal plans, knowing that within our own rohe, in Tai Tokerau, it provides provision for us as local iwi to have coastal management within our own tribal rohe—

CHAIRPERSON (Teana Tuiono): Have you got the page reference?

HŪHANA LYNDON: That is page 48. It’s just Part 2, clause 70, “Schedule 1 amended” to insert new section 4B, “Pre-notification requirement for proposed rule that controls fishing.” Kia ora. It’s relating to regional coastal planning. Within our rohe I understand that we as iwi have allowance of rights for coastal management within our

tribal rohe. Within that tribal rohe, that could have statutory acknowledgments, we could have Marine and Coastal Area (Takutai Moana) Act (MACA) claimants, hapū, iwi, and customary rights, as well as commercial. Within these proposed amendments, I note that the director-general is only required to have consulted with Te Ohu Kai Moana on their proposed decision for extension and around these proposed rules.

My question is: is this a narrowing of who the director-general needs to engage with in terms of iwi Māori and regional coastal planning? As tangata whenua, we have had provision for engagement and input. Te Ohu Kai Moana is a really important stakeholder in the commercial space as voice for iwi, but I do worry that within the proposed amendments it ignores statutory acknowledgments, which are upheld through Treaty settlements. For myself in Te Tai Tokerau, we can look at Te Rarawa, Ngāi Takoto, Te Aupōuri, Ngāti Manuhiri, Ngāti Pūkenga—a whole range that have statutory acknowledgments within their tribal rohes, but they're not provided for in this. Also, we have MACA claimants, takutai moana claimants, who are in the process—in hearings and also researching their claims to affirm their ongoing mana takutai moana. Then, of course, in the hau kāinga you have hapū and iwi who execute their rights and interests on the daily for customary purposes.

I want to understand from the Minister: are we just narrowing the Māori engagement for these purposes just to a commercial lens or are we going to be a bit more consistent? In other parts of the legislation, it's iwi authorities, it's MACA claimants, it's rohe moana, it's Mana Whakahono—a big list of Māori groups to engage with. But in this one, it's just Te Ohu Kai Moana, so it's quite peculiar, whereas we have a bigger list of Māori for the director-general to engage with.

Regional coastal plans are important for Māori. They are important for our entire community, and I'm reviewing just my own local regional coastal plan for Tai Tokerau tangata whenua, who are important, are upheld, and I just wonder about why we are only talking to Te Ohu Kai Moana for this purpose, for the director-general.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I'm advised that this doesn't constrain. This is a specific step that will occur after a council has already gone through a plan process in which it will be required to consult with relevant iwi as part of the process of developing that plan.

LAN PHAM (Green): Thank you, Mr Chair. It's great to be back on this bill, which has such significant implications. I want to really clearly point out where I'm at in the bill and how that actually differs from where my colleague was, because it is on the same clause, which is clause 70. My colleague Hūhana Lyndon was specifically talking about new section 4B(2)(b), and I have questions about the rest of it, which have not yet been touched on, so I'm really keen for some answers from the Minister.

This clause is really about addressing a lot of the marine biodiversity concerns that we heard a lot of at the select committee stage, not only from environmental groups but also from local government and a number of individuals. If a regional council does then intend to propose a regional coastal plan rule that controls fishing in the area, to what scope are those controls on fishing? Is this applying simply to commercial fishing? Is it recreational? Is it customary? Is it the whole entire lot? Now, why I'm interested in that is because, further, it talks about this concurrence rule where “the Director-General must have regard only to the matters described in section 32(2A).” Sorry, these are on page 12, so it refers back here.

Now, these are quite specific and directional in terms of where the extent of fishing can actually be carried out. It talks about “overall impacts” as well that need to be assessed and the director-general having to think about these things. What I'm interested in understanding is what actual tests apply here when the director-general is making these considerations. My understanding of the concurrence rule is that they must be satisfied

that the rule does not have undue effects on fishing. Now, what species, for example, and what scope of fishing and the species that are in the ecosystem that could be construed as fishable—what species does that include? When we talk about the impact on fishing, what kind of impact are we talking about? When you think of a blanket ban on fishing, then it's absolutely clear that there will be impacts there. But what is the scope and the percentage? Is it like a 1 percent reduction or a 5 percent reduction in terms of the impact on fishing? I'm really interested to hear from the Minister what this actually refers to in practice and what the assessment would be. Thank you.

Hon SIMON WATTS (Minister of Climate Change): Thanks very much to the member for those questions. Quite simply, clause 70 relates to all species and all aspects of fishing. So, hopefully, that gives the member some clarity. Obviously, the quicker we can progress this bill, the quicker we can get on to the Hauraki Gulf bill, which is obviously a really important bill that we want to be talking about, I'm sure, across this House.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Mr Chair. There are lots of bills to talk about and, of course, there's a whole other bill to get to before the Hauraki Gulf bill as well, and I hope the Minister will take these questions seriously. Now, noting, of course, that my last question has not been answered, and that was what was the point of having transitional provisions for making new rules if there are going to be no new plans—that was that question.

I'll go through Part 2, and I've got a number of questions. On page 69 of Amendment Paper 347, there are new clauses 87, 88, 89, and 90, which are about "Amendments to Regional Plan: Water for Otago". There is a requirement in new clause 90 that "Otago Regional Council must notify amendments", and my question here is very simple. We've covered in Part 2 the interesting situation that we're in, now that Otago Regional Council has to make rule changes because this Government stopped them from notifying their new plan last year. So my question here is simply: does he see the irony in now legislating for the Otago Regional Council to specifically notify amendments when just last year this House considered, in the committee of the whole House stage with a last-minute Amendment Paper, the stopping of that council from doing its job and notifying its plan? That's one new question.

Now, I'm flicking through the Auckland things, and I asked a question about that yesterday, but I would like now to go to the process for Christchurch City Council and its withdrawal of plan change 14. This starts at around page 76. My first question on Christchurch is related to the definitions in clause 10(7) in new Schedule 3C, in Schedule 1 of the bill, of "30 years of adjusted demand" and "feasible". I know that these are terms that have come around in various different urban intensification documents, but in making this policy decision to provide Christchurch City with this way to withdraw plan change 14, is the Minister aware of any advice on what the current supply situation is in Christchurch and what sort of gap there is between what currently exists and what would be 30 years of adjusted demand, and then what is feasible? So, just there, if he can comment on the advice that he's received, and if he wants to make any comment on what his expectations are for what will happen in Christchurch with the withdrawal of plan change 14.

Then, on page 79, there's a mention of section 77I, which I traversed yesterday in relation to Auckland Council. If plan change 14 is withdrawn and there is an alternative, then in clause 13(6) of new Schedule 3C, "Christchurch City Council may make the requirements in policy 3 less enabling of development than provided for by policy 3 if authorised to do so under section 77I.", and section 77I is the section, I believe, that goes through the different qualifying matters for intensification. We had a discussion yesterday, in relation to Auckland, of whether those qualifying matters had to be site-

specific. My question for Christchurch is the same, which is: does that application of the qualifying matters here have to be site-specific, or can it be broader? This is because of various different conversations about character areas. A qualifying matter is something that is in Part 2 of the Act, which includes historic/heritage, but not amenity values that don't make it into section 6 of the Resource Management Act, which is "Matters of national importance". Then, Mr Chair, I might leave it there, and I'll come back in a second.

Hon SIMON WATTS (Minister of Climate Change): Thank you very much to the member the Hon Rachel Brooking for those questions. In regards to the Otago Regional Council question of clause 90, there is an exemption process which Otago Regional Council could have used. In effect, that clause there is providing a short-term fix to allow them to move to a new system. I acknowledge that some of that is repetition from previous answers that the Minister responsible for RMA Reform has provided.

In regards to the transitional provisions for fish, again, that is providing provisions that may be used if the Minister chooses to do so in regards to plan stock. In summary, that aspect there is really ensuring that we've got clarity and confidence for fishery stakeholders.

RACHEL BOYACK (Labour—Nelson): Thank you, Mr Chair. Sorry, I know we can cause confusion for you all. I want to turn to a different part of Part 2, also clause 70, relating to the streamlined planning process as it relates to matters of heritage. Just starting at page 13 and, just to be clear, looking at the commentary from the Environment Committee, there are some notes there off the back of submissions that wanted some more direction and guidance around this part of the bill. I'm just talking to pages 53 and then jumping back to page 51. These parts amend Part 5 of Schedule 1 of the Resource Management Act (RMA). It specifically talks to, as I mentioned, the streamlined planning process as it relates to heritage.

If you look at page 53, replacement clause 84(3), "An SPP panel must have particular regard to the responsible Minister's statement of expectations included in the direction given under clause 78 and, if the direction is a kind described in clause 78(3B), the panel must also have particular regard to the criteria in that clause." Now, I'm just going to come to ask questions about the wording of "particular regard" and "criteria."

Then, if you look back at 51, you'll see (3B) noted there way down the page: "If the direction relates to the removal, or enabling the removal, of heritage protection from buildings". I'll skip through to paragraphs (a), (b), (c), (d)—it talks about: "the following criteria: (a) heritage significance: (b) physical condition, including degree of seismic risk: (c) current or proposed use of the building or structure and the economic viability of any proposed use: (d) whether the owner agrees to the removal of the heritage protection." I have some questions to the Minister responsible for RMA Reform, because this would sit under a direction that would be included in the Minister's statement of expectation, as it relates to the existing Part 5 of Schedule 1 of the RMA. I'm interested in whether the Minister has considered, firstly, what hierarchy could potentially be imposed on those four criteria as their hierarchy, in terms of the ones that are of most importance. That's my first question.

The second question that I've got is that if you look across page 53 again—sorry I was jumping back before between those two pages—where it says, "must also have particular regard to", is there a definition of "particular regard"? Like, what does that actually mean the Minister needs to consider in order to be able to include that within the letter of expectation and the direction?

Thirdly, will there be definitions provided anywhere for these four criteria? The reason I ask this question is that, for example, some of this could be subjective, potentially. I see the Minister nodding, so that's why I thought I was going to ask some questions, because

it could be useful to have some exchange here. I might just seek a further call just to round out my question, because I've only got a minute and a half to go. For example, looking at heritage significance, that could be quite subjective—what is the heritage significance? The “physical condition, including degree of seismic risk” is potentially less subjective, because you've got the New Building Standard, so that might be more easy to determine. And “(c) current or proposed use of the building or structure and the economic viability of any proposed use”, again, could have elements of being subjective if you get different economic analysis provided by different stakeholders around the use of a building; but also “(d) whether the owner agrees to the removal of the heritage protection.” What I guess would concern me is that if you had a building with a heritage protection that did have, say, high significance but was in very poor physical condition, and there wasn't an obvious use for the building, but the owner didn't want to do anything about it—now, that, I would suggest, could be unusual. Often, owners in this situation do want to do something about the building but can't. But what if the owner didn't? How would you weigh up the criteria and how they relate with each other? I'm quite keen to hear from the Minister about that.

The final question I have is around whether the Minister would actually consider putting any further instruments through regulation around those four criteria so that if—Mr Chair, I'll just seek a tiny piece of the next call just to finish off—whether the Minister would say, “Well, actually, these four criteria actually, perhaps, do need some further definition, do need some more information provided around the four criteria, how they will be considered by the Minister, whether there is a hierarchy of those four criteria in terms of their importance.” Also, what exactly does have “particular regard to” actually mean in the context of the Minister making the decision through a letter of expectation? Thank you.

Hon CHRIS BISHOP (Minister responsible for RMA Reform): Thank you, Mr Chair. Those are all legitimate, reasonable questions. In answer to them, no, there's no hierarchy of criteria in clause 78(3B) in Schedule 1. They are equal, for want of a better phrase. I'm not trying to trifle with the member, but “particular regard” just means regard that is particular. It's just a higher standard than having regard to something. It just means you have to have a particular, specific regard, so it's like a higher intensity of regard, shall we say. You know, at some level, words just mean what they are. “Particular regard” is used throughout the Resource Management Act (RMA) at various points; in fact, it's used throughout statute more at various points about, you know, what Ministers and decision makers have to do. So it's just a higher standard than “have regard to”.

The member's right about the criteria, that it's a mixture of subjective and objective—I mean, welcome to heritage law, welcome to heritage value judgments that people have. One person's great heritage building is another person's eyesore. That is part of the challenge with this vexed area of heritage. We're not intending to put in place any more instruments for regulation relating to this. This is what it is, for the moment. I will say, though, that we're having a good look at heritage generally, in the context of the replacement legislation to the RMA.

This clause came about, to be honest, largely because of the Gordon Wilson flats. Now, we've decided to deal with the Gordon Wilson flats, you know, in its own holus-bolus, slightly unusual, legislated demolition way. But leaving that aside, the genesis for this was actually the Gordon Wilsons. It's not just Gordon Wilson, but there's a range of other buildings—in Wellington but also other parts of the country—in which people are pretty fired up about the fact that, yep, they might be heritage-listed, but they're in bad conditions, they've often got seismic risk, and it's not economic to restore them. Everything's economic up to a point, but there is a limit, and members listening will be aware of quite a few buildings, actually, in small towns around New Zealand that have an

odd combination of heritage listing and seismic challenges that don't result in good optimal outcomes for small towns or indeed for anyone. That is why whether or not the owner agrees to the removal of the heritage protection is important.

Again, Gordon Wilson being a classic case study—you know, successive people have tried to remove the heritage protection of Gordon Wilson for ages. They've tried, for ages and ages, and the law has stopped them, because at the moment the current RMA, I would argue, prioritises heritage protection against the evolution of cities. Cities, in my view, shouldn't be museums; they need to evolve and adapt. It's not to say we shouldn't protect heritage; we should. There are special places that will always be sacred, that should always deserve the law's protection. But we do have to be a bit careful about that when it comes to private property—in fact, we have to be very careful about that when it comes to private property, and we also have to be really careful about that when the owner of a heritage building doesn't want it to be heritage-listed.

There are a few examples in Wellington—and again I'm thinking of case studies in Wellington—where the council's listed a private house that someone lives in. They've decided that it's an architecturally recognised house. Fair enough. Some people would disagree about that, but there's an argument for that. But the owner doesn't want it to be heritage-listed. They just want to live in their house. Actually, the council turning up and saying, “Oh, well, you should be really grateful that it's heritage-listed,” is, frankly, not of great comfort to the person who owns the house, who now can't do a whole bunch of things to the property that she owns. The council saying, “Oh, well, you should be really grateful that the Government's decided, in its munificence, that it's heritage-listed,” doesn't actually mean a lot. The reality is, heritage listings do have an economic impact on owners. They do, you know.

Suze Redmayne: Huge—you've got to paint them a certain colour, and—

Hon CHRIS BISHOP: Can be very big—can also accentuate property values. So that's the thing. The short answer is: it depends, like everything in life. This is not about throwing the baby out with the bathwater but about tilting things back towards making it easier to delist heritage buildings. As I say, the starting point was the Gordon Wilson flats, but there are other examples.

SCOTT WILLIS (Green): Thank you, Mr Chair. I have some questions on the “Amendments to Regional Plan: Water for Otago”. I appreciate my colleague the Hon Rachel Brooking, who touched on that earlier, because I would note that the late Amendment Paper is a substantive document and we weren't given adequate time last night to really interrogate it properly. I think Shay Schlaepfer of the Environmental Defence Society's described it as an egregious aggregation of power, which seems to me to be pretty accurate.

The questions I have are about Part 2 on page 69, which amends the Regional Plan: Water for Otago. The context is that as we heard on 22 October last year, the Government took the unprecedented act of giving a stiff middle finger to the Otago Regional Council by introducing and passing an amendment to the Resource Management Act amendment bill restricting all councils' ability to notify freshwater plans, which the Otago Regional Council was about to do the next day. That plan, prepared at the cost of something like \$18 million over years of working with mana whenua, academics, community, farmers, ecologists, environmentalists, was something that was about to be sorted, and the Government stepped in in an act of overreach and stopped it.

It must have been embarrassing, I think, for the Government to then realise that farmers' water consents would just run out because of that intervention. It must have been embarrassing, I'd imagine, for the Minister to be schooled on the effects of rushed legislation on rural communities and farmers. I'm interested in the types of discussions that were had to try and get a fix—this quick fix that we can see—because we can see the

mess that seems to have been created by the Government simply winging it. Then we've got a deal with this hasty legislation.

In Otago, the Manuherikia River, which rises in the far north of the Maniototo, joins the Clutha at Alexandra. One thing that members opposite might not know is that that river is in an exceptionally dry place. There's something like 400 millimetres of water that drops in that catchment annually. It's an exceptionally dry place. What happened in the 1970s with intensive irrigation and the impact of dairying was that we started taking more and more and more water out of that river. It's now a bit of a slimy dribble of a soup that runs down that river in summer. What we have is a community really concerned with what's going to happen now to that river as a result of this legislation. So what I also want to know from the Minister is this: will the amendment to prevent certain provisions of the Regional Plan: Water for Otago that relate to rural diffuse discharges from having legal effect help control limits on polluting practices or will it encourage further extraction and pollution to an already compromised—severely compromised—waterway that suffers from frequent algal blooms?

In the short-form supplementary departmental statement, it says, "Amending a regional plan through primary legislation may frustrate the process, whereby plan provisions have been developed through consultation with communities and other stakeholders through statutory processes." How does the Minister know that this amendment is not simply adding mess upon mess to his own creation—to the Government's own creation? This amendment—I can see the rationale—it's trying to fix up a problem that the Government created by acting with haste. I can see the fishhooks here for the Government, because it looks as though, in trying to do a fix, it is absolutely going to create more mess. Who is going to deal with it? Well, we will in 2026 when we take back Government and deliver something for our communities. I'd like to see why the Government was keen to do this.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Mr Chair. From the last Minister in the chair, the Hon Simon Watts, there was a holus-bolus dismissal of my question and a claim that there was repetition, and no—no—it was not repetition. I was asking specifically about the difference between the Christchurch provisions and the Auckland provisions, how the qualifying matters relate to the Christchurch provisions, and if it is the same as what the Minister said yesterday, despite the provisions all being written differently, then it has to be site-specific. That's an important question that should not be dismissed.

My next question is on who the Minister is. I just say this because, looking at page 76—and I know it's throughout the bill, as well—there's this ability for a variation of Auckland housing planning instruments and there are other variations of planning instruments allowed, and the Minister has to amend it. That's already a process that exists in clause 80 of Schedule 1. I'm just wondering—given the discourse that we had in the committee of the whole House last night, it did sound like it was going to be this Minister in the chair at the moment, the Minister responsible for RMA Reform, whose bill and Amendment Paper this is. If it would normally be the Minister for the Environment, then knowing what his view is on that would be useful.

Then another question is in relation to—over the page—Schedule 2. On page 80, in new Part 8, which is to be inserted in Schedule 12 by Schedule 2 of the bill, there's new clause 49A, "Application of section 70(3) (rules about discharges)", and this is to do with the transitional provisions. It says that it applies to any plan that is the subject of an appeal and any ongoing court proceedings. It'd be useful for the Minister to comment on how court proceedings will interact with his changes to section 70. I presume that what this means is that court proceedings under way will have to now look to section 70 as it will be amended by this bill.

Then the question that I would like to know is whether there are current court proceedings looking at section 30 that will be affected by this transitional provision. Finally, I'm just reminding the Minister about my initial question this afternoon, which was: why do we even need to have transitional provisions—particularly new provisions regarding fisheries—when no new plans are allowed to be made?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): I'll deal with a few of these issues. Scott Willis' points, I think, were well canvassed last night for at least 90 minutes, so I don't necessarily think there's much point in traversing those matters again. If the Government hadn't acted in relation to the section 70 matters, as I've said publicly and as I said in the House last night, we would have faced a situation where thousands of farmers would have been required to go and get a resource consent for things that they're currently allowed to do. The Government was not willing to let that situation continue.

Ms Brooking asked about the difference between Christchurch and Auckland. The salient point is we've got ourselves into this difficult situation where Christchurch is halfway through its plan change. They've done the National Policy Statement on Urban Development plan change provisions, and they now no longer have to do the medium density residential standards provisions. They've got to provide for 30 years of housing capacity plus a margin, and so they may choose to adopt some medium-density zones, or they may not. They'll have greater flexibility and choice around that, but in relation to the operative qualifying matters, they're the same.

Hon Rachel Brooking: Site specific.

Hon CHRIS BISHOP: Yeah, yeah, they're the same. It's just that Christchurch is halfway through, and they can't go back and reopen those decisions. The decisions that came to me for decisions as per the law as it currently exists, they can't go back and reopen—those are locked and loaded, regardless of how many people would like to unlock them.

In relation to the delegation about—I mean, the law will say the Minister for the Environment, as it does already. The Prime Minister has delegated various functions of the environment portfolio to me at the moment, and, you know, members will have different views about the appropriateness of that, although I'm enjoying it—so, you know, good on you.

In relation to court proceedings, the member raises an issue around that. The short point is yes, it will apply to existing court proceedings. That's the intent. I don't know, is the short answer off the top of my head. So I don't know.

The member asked about fisheries at well, which I didn't quite understand the point the member was making at the end about fisheries plan changes, but perhaps we can come back to that at another point.

Hon RACHEL BROOKING (Labour—Dunedin): I'll just quickly clarify that point. The bill as introduced had lots of provisions—and the provisions remain—that are trying to delineate when rules can be made about fishing and when they can't, and this transitional provision relates to that. But my point is: are those provisions still relevant, and should they still be in this bill, when, in his amendment that was introduced yesterday, councils are going to be barred from making plan changes until December 2027? So what is the point of all these provisions around fish when they're going to be paused until the end of 2027, and wouldn't it be better to bring it into his stage 3 amendments?

Hon CHRIS BISHOP (Minister responsible for RMA Reform): The short point is there still can be plan changes. There's a default that they stop, but there are exemptions. There's the ability to apply to the Minister, to me, for an exemption, so plan changes still can happen—in fact, it's almost certain that some will. Therefore, the transitional provisions around fisheries kick in at that point.

HELEN WHITE (Labour—Mt Albert): Thank you, Mr Chair. I want to ask about the provision that is on page 74 of Amendment Paper 347, which is relating to the Mount Albert area: “Qualifying matters for Auckland housing planning instrument”, clause 8 of Schedule 1 there. I’m looking at subclause (2)(a)(i). It talks about the area that’s subject to the qualifying matter, and I wanted to know what happens if the hazard may be in another area. We have areas where there is flooding risk, and if you build on them—I’ve actually been to sites where the water flows on to another area, so it doesn’t just affect that area. It’s a lesson learnt from building intensely that there are often other areas that are impacted because the water flows down. We have one issue with water. It’s designed so that we have taken advantage of the slope of the hill from Mount Eden, and the water is supposed to flow all the way down to Gribblehirst Park, and it’s supposed to pool there and then drain. But that hasn’t happened, because roads have been built where people haven’t taken that into account, and in the Auckland floods, we got issues with flooding in areas we didn’t expect.

What I want to know is: is this legislation robust enough that we can make a qualifying matter something where one area will be impacted by another area’s risk? What I’m concerned about with that wording is it seems to be it’s that specific area that is in mind. I can see that we’ve got clause 8(4)(a) as well, which talks about “in the area”, again: “the specific characteristic that makes the level of development specified [in the clause] inappropriate in the area;”. So what do we do about those areas? Do you think that we have covered it sufficiently in this legislation?

My next question is about differing heights, because one of the lessons that we’ve learnt in Auckland is we had one height that we made appropriate. You could go up to 10 storeys, I think—I’m talking here about the area above Hobson Street. If you look from Ponsonby into the city, what you see is one height all the way along, because that was the height that was specified for all the buildings, and they all went to the maximum. I asked the Minister in the chair before about whether there were height-to-boundary restrictions but also whether there was a capacity to build a plan for intensification in the areas here where there are actually view shafts. I’ve seen that work modelled in the city. When I look on page 75 of the bill, it’s subclause (5)(b) which says “specify the alternative heights or densities”. So I can see that you can, as the council, change the plan and you can specify the alternative heights and densities in the area. Is that going to protect us from this issue? Specifically, do you have to specify the height, or can you specify different heights, if you’re the council, in your alternative plan, saying, “We will want a range of heights in this area, we will want density in these ranges”—or do they have to specify that in a way that would be uniform?

I have another question, and I appreciate I’ve only got 34 seconds—I might just go over that a little bit for the third question, Chair, if possible; I’ll seek the call. It’s actually on page 76, and it is clause 9A, which is about variations of the housing plan. Now, I think that this is actually about plan variation in the future, so I’d like confirmation about that—that you can have a variation of your Auckland housing plan instrument when it happens. Is that—*[Bell rings]*

CHAIRPERSON (Greg O’Connor): Are you seeking another call?

HELEN WHITE: Sorry, Mr Chair.

CHAIRPERSON (Greg O’Connor): Helen White.

HELEN WHITE: Thank you. Is this supposed to allow for an event perhaps that happens? When we had the Auckland floods, it shocked the area how much damage was done and that climate change had happened and there were differences. We got really big slips on Mount Albert. Is it the kind of thing where, as circumstances change, we can vary the plan in this way? Is this what this clause is supposed to be about, or is it somewhere

else where there is the capacity to vary the plan if we've got it wrong, basically, and it turns out that we can't do what's in the original plan?

Thank you. I look forward to the answers to those questions. I'd be interested particularly in the height-to-boundary issue—I've asked about that before, but it relates to this. But I really would like to know: are there going to be height-to-boundary rules?

Hon SIMON WATTS (Minister of Climate Change): Yeah, thank you very much to the member Helen White for those questions. I mean, quite simply, it is within the discretion of the council to be able to make a determination in regards to the points that the member is referring to. The key aspect required under the legislation is that it needs to be substantiated, and so that does provide a degree of flexibility. But, again, as the member has highlighted—we're both from Auckland—there are differing aspects in terms of options depending on where you are in the city.

In regards to the question or the point around the variations clause which was there, again, that there provides flexibility to Auckland Council in particular to deal with what would be unforeseen circumstances, and so that's the purpose of that clause.

HŪHANA LYNDON (Green): Thank you, Mr Chair.

CHAIRPERSON (Greg O'Connor): I will indicate at this stage that we'll be looking for new material.

HŪHANA LYNDON: It's absolutely new material, Mr Chair.

CHAIRPERSON (Greg O'Connor): I look forward to it.

HŪHANA LYNDON: I'm going to be the Māori again. I'm going to ask some Māori questions. This is in relation to page 49, if I can invite the Minister to follow me to Part 2, clause 70, "Schedule 1 amended", new section 75A(2)(d). It's around the number of independent commissioners that an authority, through the streamlined planning process (SPP)—how they appoint the expertise relevant for the panel, noting that, within this clause, it speaks to "(d) the number of independent commissioners that the authority wants on the SPP panel and the expertise required of the panel; and (e) the implications of using the process that the local authority wishes to use for any relevant iwi participation legislation or Mana Whakahono a Rohe" for this.

Now, when I think about paragraph (e), and the local authority wishing to engage with relevant iwi participation legislation or Mana Whakahono ā Rohe, it reminds me of the previous page, on 48, where we are narrowing the relationship and the focus of what is tangata whenua engagement in the Resource Management Act (RMA). But also, if we give local authorities the option to "wish" to engage, they won't engage. That's what we have experienced as tangata whenua in Local Water Done Well: when you make it optional to engage with tangata whenua, local councils ignore hapū and iwi. This has another implication in this section, whereby we're saying if local authorities want to engage with the Māori, they can—and, by and large, they don't.

I want to thank National Iwi Chairs, Pou Taiao, who have pointed out in their submissions to the Government that they continue to fall well short of the established expectations of engagement with iwi and hapū as Te Tiriti partners on the development of policy. They said that clearly in their submission on this process, and on the opportunities that they've tried to engage with officials to input into policy development and ultimately walked away from the tēpu because it's so hard to engage.

Now, with this here, and considering the Māori that local authorities might "wish" to engage with, it's only those with participation legislation or a Mana Whakahono ā Rohe. That's not relevant in local hapū, iwi, and RMA processes, because it's not determined by a settlement legislation, a Mana Whakahono ā Rohe or a hapū-iwi environmental management plan; it's much broader than that in the kāinga. Iwi, hapū, marae, tangata whenua, Māori communities—we all input into these spaces. I'm keen to understand from the Minister around expectations of local authorities. By saying "wish", is that an

expectation, or is that an optional “maybe” to engage with the Māori in the rohe? Further, why, again, are we limiting the Māori in this legislation? And it’s inconsistent. In one part, we had Part 1. It was very much iwi authority, Mana Whakahono, Marine and Coastal Area (Takutai Moana) claimants—nearly every Māori listed, but there are a few missing, and I wanted to make amendments to say “all hapū-iwi” but got blocked. Now, in Part 2, you’re limiting, again, who the Māori is that local authorities might “wish” to engage with.

So the question is: is this intentional? Are we going to see some consistency in the way that Māori engagement is framed within the legislation? Are you even open to broadening that relationship with tangata whenua, and beyond a Mana Whakahono or an iwi participation legislation?

Hon SIMON WATTS (Minister of Climate Change): Yeah, I thank the member, Hūhana Lyndon, very much for that—well, I don’t know if it was a question; it was more just a statement of sort of opinion and views. I don’t agree with the premise of what was said there. There are so many good examples of longstanding and productive relationships between iwi Māori and local government across this country. Actually, in the main, those relationships are longstanding and are very effective. So the premise that that isn’t the case is simply not the reality. Can that be improved and can that be enhanced? Well, of course, and that’s like any relationship. But to say that this is optional is just not simply a statement of the reality that exists today.

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

HELEN WHITE (Labour—Mt Albert): Thank you. I’ve got a couple more questions. I’m not going to drag this out any more than is required by the people in my area, who are the most impacted people in Auckland. One of the questions I’m frequently asked is: why them? Why is it their stations that are being affected? I appreciate that the City Rail Link (CRL) brings people up to a certain point, but most of the stations that are in this line are not in the CRL; they are beyond it, and they have been focused on—and they are not being treated like that in Remuera. It’s a comment that is made fairly frequently, that those other areas, those other lines, are not being treated in this way.

I would like to know from the Minister: why are we doing it like this and is there a plan to provide further amenities to this area in a way that makes it much more viable? I understand that we haven’t got all the resources in the world. We don’t want sprawl—we want intensification where we can provide it with service—but is there a commitment from the Minister to make sure that this area gets the schooling that’s required, the green space that’s required, etc.? Now, I heard a waffly answer on that from the Minister before, and I appreciate that there shouldn’t be repetition, but a waffly answer is a waffly answer. Is there that kind of commitment to make sure that if we’re going to put affordable housing into our city, we back it up with a decent school; that we do not just say, “Oh, 3,500 will have to bid with everyone else.”

We know the population’s coming. How much planning is going on in the central government space to make sure that these areas are sufficiently backed up by proper amenities, that they are actually places that are really desirable to live—or are we actually just swapping out and putting all the pressure on one area, while the people of Remuera actually have a very different kind of experience and have the focus on schooling? That is a question I genuinely get asked.

Now, can I ask another question before I finish, which is actually about the issue over clause 4 in the schedule—this is page 71—and it’s the wording “demand for housing and business use in those locations”. I have said to the Minister: why have we got two things? I totally get that there is an issue over “housing and business use that is appropriate given the level of accessibility to commercial activity and community services”—that’s bang

on what I'm talking about. That's about backing it up. But what has been given here as an alternative—and you have to take the greater of, so you have to have higher densities and heights where there is a demand for housing and business use, but none of those amenities exist. That's what worries me about it.

I'm trying to be really clear: is that what I am reading? Am I reading that if you've got a demand for housing and business use but no amenities in the place, "Tough, we're going to build it anyway. You're required to do so because it's the 'greater of' "? What I'm worried about is that there's a perverse incentive here. If it's just (B), then yes, we're on board in that way, because then people will have to give the amenities, whereas if there isn't, they obviously just have to be left to sink. But what I'd also like to know about that sentence is—I actually don't know what you mean. Demand for housing and business use in a growing city—isn't that something that comes? Isn't it somewhere where we go, "Actually, there will be a demand. We are growing city. We're going to have a lot more people in Auckland."? I am all for it in terms of making sure that my kids can live down the road, but actually there is a future focus there, whereas this looks like it's past demand. It's what has been demanded and how will it be measured. Thank you very much.

Hon SIMON WATTS (Minister of Climate Change): Thanks for the question. The majority of that has been covered by the prior Minister, but the point that the member is noting in the context of whether it is always contingent in terms of new intensification being dependent upon the infrastructure being in play, well, the simple reality is that there's going to be instances where there's going to be a mismatch of that situation simply because of the fact of the timing and the other infrastructure requirements. But I think, in terms of the long-term plan around ensuring that we have the enablement of infrastructure in place to be able to support growth, that's very much the strategy of this Government, and that will be implemented by Auckland Council in this instance.

CATHERINE WEDD (National—Tukituki): 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Motion agreed to.

CHAIRPERSON (Greg O'Connor): The question is that the Minister's amendments to Part 2 set out on Amendment Paper 347 be agreed to.

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

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Amendments agreed to.

CHAIRPERSON (Greg O'Connor): The question is that Lan Pham's amendment to Part 2 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; 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 2 as amended stand part.*

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Part 2 as amended agreed to.

Schedule 1

CHAIRPERSON (Greg O'Connor): We come now to Schedule 1. The question is that the Minister's amendments to Schedule 1 set out on Amendment Paper 347 be agreed to.

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

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Amendments agreed to.

A party vote was called for on the question, *That Schedule 1 as amended be agreed to.*

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Schedule 1 as amended agreed to.

Schedule 2

CHAIRPERSON (Greg O'Connor): Members, we come to Schedule 2. The question is that the Minister's amendment to Amendment Paper 347 relating to Schedule 2, set out on Amendment Paper 348 be agreed to.

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

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Amendment to the amendment agreed to.

CHAIRPERSON (Greg O'Connor): Scott Willis' amendment to Schedule 2 set out on Amendment Paper 321 is ruled out of order as being inconsistent with a previous decision of the committee.

A party vote was called for on the question, *That Schedule 2 as amended be agreed to.*

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Schedule 2 as amended agreed to.

CHAIRPERSON (Greg O'Connor): The time has come for me to leave the Chair for the meal break. The House will resume at 7.30. Enjoy your meals.

Sitting suspended from 5.59 p.m. to 7.30 p.m.

Clauses 1 to 3

CHAIRPERSON (Maureen Pugh): Members, the committee is resumed on the Resource Management (Consenting and Other System Changes) Amendment Bill. When we were considering the bill before the dinner break, we had concluded the debate on Part 2. We now come to the final debate on clauses 1 to 3. This is the debate on title, commencement, and principal Act.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. The title of this bill is the Resource Management (Consenting and Other System Changes) Amendment Bill, and when this bill started its life, that was indeed what it was about. It was about consenting and other system changes.

A lot of what was in the bill had come from Labour's Natural and Built Environment Act. Of course this Government repealed it, but then they were bringing some of it back—some sensible things that we haven't actually talked about very much in this debate—so Labour has been supporting this bill.

I can say—and, hopefully, my colleagues on the Environment Committee will be able to agree with me—that I have spent a lot of time asking advisers and submitters questions about the wording of the bill, and whether different improvements could be made. But what has happened is that it has been derailed, and that is why I think the title needs to change—because of this derailment. That started with changes to farm plans and section 70. We've had some discussion on section 70 but nothing on farm plans, because Government members decided to shut down the debate on Part 1 before we got to farm plans.

There are some very real questions here about farm plans, because it appears now that the Minister can determine that an industry group can both certify and audit a farm plan, with no role for a regional council, but it doesn't seem like a system that is going to be robust or internationally recognised. Then, in the amendments tabled yesterday, the day when we started the committee stage on this bill, there was a huge change in terms of enabling the Minister to stop plans—and we had a brief talk about that yesterday—but also to intervene; this is in section 69A. It involves terrible overreach by central government into our local democracies, and there is, of course, some irony with the Minister in the chair in terms of what was said by the National Government—I mean, before they were a Government—by the National Opposition about bringing back localism. But this is doing exactly the opposite.

What it is doing is saying that everything has to be about short-term economic gains as well, not the improvement of the environment. So, given that, I have some suggested

name changes that relate to those important points that I was unable to make in the first part of this debate. One change would be the “Resource Management (Rushing in Changes in an Amendment Paper—Again) Amendment Bill”.

Hon James Meager: Aw, frivolous.

Hon RACHEL BROOKING: Oh, I hear that it is frivolous. But this is a frivolous and dangerous way to make laws, where we once again have important decisions coming to this House with no select committee process and we’re not even able to debate those provisions in the committee.

Another suggested title, which is a substantive one, again—I would argue that all of these are, of course—is the “Resource Management (Enabling Pollution—Again) Amendment Bill”. That is because we are seeing—and we saw this in the Resource Management (Freshwater and Other Matters) Bill—this Government just say yes to pollution. They say no to improving the environment, but they say yes to pollution, and that is not good for our country. That is not good for our economy in the long term and the medium term.

Another suggestion could be the “Resource Management (End of Localism) Amendment Bill”. Another one could be the “Resource Management (It Was Looking Promising But Then There Were Too Many Changes Relating to Section 70 Farm Plans, Fossil Fuels, and Interventions) Amendment Bill”.

Hon Member: No, that’s too long to be a doable.

Hon RACHEL BROOKING: I’m told that that’s too long, so maybe a shorter one that might appeal to the other side is the “Resource Management (Last Minute Overreach) Amendment Bill” or the “Resource Management (Forgot About the Environment and Bases Everything on a Short-term Growth Agenda and Nothing Else) Amendment Bill”.

Hon JAMES MEAGER (Minister for Hunting and Fishing): I move, *That debate on this question now close.*

CHAIRPERSON (Maureen Pugh): Oh, it’s a wee bit soon.

LAN PHAM (Green): Thank you, Madam Chair. I really appreciate this call, because it is a very serious bill with very serious implications. Thank you. I would like to touch on—[*Interruption*] Madam Chair, do I just continue?

CHAIRPERSON (Maureen Pugh): Yes, you do.

LAN PHAM: OK, thank you. I would like to touch on the commencement clause, and what I would like to go to with that one is clause 2 of the bill. This is particularly around the commencement of section 342A(4), as inserted by clause 66. Now, this is the one that is about, essentially, removing the ability for people to be insured when it comes to fines under the Resource Management Act (RMA)—essentially, environmental offending. We actually really support this clause and this being put in part of the bill, but I wanted to pick up on, particularly, some of the submissions that we heard during the select committee process. We heard lots of support from local government, generally, for the policy intent, particularly in that it would help achieve the deterrence when it comes to the intent of penalties by ensuring that offenders are truly held accountable for their obligations under the RMA. We absolutely agree with that.

There were some concerns, however, about the timing of this, and particularly when it comes to existing contracts. Now, what this clause does is it gives two years for those contracts, essentially, to be changed or to come into line with this new rule. But I wanted to touch on, particularly, a submission from Taituarā, which is the group of Local Government Professionals. They sought immediate commencement of the proposal as opposed to two years, because they felt that waiting that two years, essentially, encourages environmental offending, with costs falling on property owners, the Crown, and communities.

My recollection at the Environment Committee was that, you know, this two-year period was to allow that time for existing contracts and lawyers and whatnot to amend those contracts. But I am wondering whether there would be consideration that we actually change the scope of that timing—and I’ve got it in my Amendment Paper 294—so that we actually replace the two years in clause 2(5) with one year.

Now, what are the implications for a change like this? Would the Minister consider it, because it does seem like—although it’s a really positive step—potentially too long of a time frame to actually risk more environmental offending where people can just rely on their insurance to cover the bill. Unfortunately, we know that in some areas and sectors this has been quite standard practice. So, really interested in a response to that. Thank you.

Hon SIMON WATTS (Minister of Climate Change): Thank you very much, Madam Chair, for the opportunity to answer that question. In response to the question around the amendment, we won’t be accepting the amendment change to one year. The reality is that they can’t use that insurance in any event. The period of time being two years provides an adequate amount of time for that process, in effect, to play its way through. The proposal of one year would not provide sufficient time to do that.

SCOTT WILLIS (Green): Thank you, Madam Chair, and I appreciate this. I would like to talk about the title, because we have heard last night and this afternoon about the intent of this bill, and we have had some time to discuss it—not a great deal of time, but some time. We have proposed a number of amendments that we think would have made substantial improvements to the intent of this bill, which currently has the title of the Resource Management (Consenting and Other System Changes) Amendment Bill. Unfortunately, because those amendments weren’t adopted, I don’t think that title is particularly accurate.

We have heard of the concerns of freeing up the pollution—the provisions that will enable greater pollution in our waterways. We have heard that there will be an enabling of fossil fuel infrastructure. We have heard that this is an approach that has been taken because of a messy bit of work that was done in October last year. We have also heard from the Government that this is all about growth. I fully recognise that the Government seems to believe that the world is unlimited and we will never hit any limits and we can grow, grow, grow our way to anything.

In line with that, the proposal for the title that I think is more accurate is the “Resource Management (Growth, Growth, Growth of Pollution) Amendment Bill”. I think it’s relatively simple, but it fits with the chant that we hear from the Government on a regular basis, so it’s a bit of a nod to the Government’s frequently used term. If we think about how this will impact on our communities, we need to acknowledge that this is what it will do.

This is how our rural communities will pay for it: they’ll pay with greater nitrate pollution and they’ll pay with cancers, because that’s what’s already happening, and this bill will enable more of that. This will also mean that people who want to swim in our rivers will pay with algal blooms. It’s going to deliver all kinds of benefits—benefits, I guess, to the microbial community, but not to our rural communities. That’s something that I think we’d look for support on from across the Chamber for a more rational title for this bill.

That’s why, Madam Chair, I would appeal to you and to the members across the Chamber and to the Minister responsible for RMA Reform that this bill is most appropriately called the “Resource Management (Growth, Growth, Growth of Pollution) Amendment Bill”. It’s very simple and very straightforward—a bit like that Government over there—but we just want to make it something that they can understand and that

represents what's in it, because that's as basic as we can make it, but accurate at the same time. I thank you, Madam Chair, for your indulgence.

DAN BIDOIS (National—Northcote): 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Motion agreed to.

A party vote was called for on the question, *That clause 1 be agreed to.*

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Clause 1 agreed to.

CHAIRPERSON (Maureen Pugh): The question is that Lan Pham's amendment to clause 2 set out on Amendment Paper 294 be agreed to.

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

Ayes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; 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 clause 2 be agreed to.*

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Clause 2 agreed to.

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

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Clause 3 agreed to.

Bill to be reported with amendment.

LOCAL GOVERNMENT (WATER SERVICES) BILL**In Committee**

Debate resumed from 29 July.

Part 3 Provision of water services: operational matters

CHAIRPERSON (Maureen Pugh): Members, we now turn to the Local Government (Water Services) Bill. When we were last considering this bill, we were debating Part 3. This is the debate on clauses 59 to proposed new clause 178D, “Provision of water services: operational matters”. The question again is that Part 3 stand part.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Madam Chair. We’re resuming this particular part. The last time we were discussing this, we were in the earlier sections of this part, and I want to just draw the Minister’s attention to what is clause 64. This is around the publication of the list of charges, and I’m just noting that the change that’s proposed here is the requirement around publishing a list of water service charges within the annual billing period. The change there is that, actually, it wouldn’t be published “once a year,” but that it would be published, so I’m seeking confirmation from the Minister as to whether that provides a little bit more scope, perhaps, in the ability to publish it more frequently. I do note that it is also noted there that it is related to “as soon as is reasonably practicable after changing the charges.”, as well. That might be the sort of corroborating factor there.

The other two clauses that I wanted to ask the Minister about are clauses 65 and 66. What I’ve noticed is that when we’re looking through clauses 65 and 66, there is a very clear change in the wording. It might just be semantics, but, as someone said to me yesterday, where a word is placed and what its meaning is has a very, very important consideration when it comes to legislation. The change from using the word “impose” to “set” in clause 65 and then, again, in clause 66 not using the word “providing” but “setting”—can the Minister explain why that is the case?

Now, that’s obviously a deliberate intention taken by the Government in this particular case. Is it that if you impose something, then, basically, there is a requirement to follow or charge, whereas if you set it, there is a scope of some flexibility in that some people perhaps may not have to follow up with paying that particular charge, and, if so, where is the provision within this bill that allows for that to happen? I guess the question there, really, is whether it is enabling the sense of a non-payment possibility to exist—so that’s on clauses 65 and 66.

The other clause that I wanted to touch on in terms of this contribution is still in the same part. It’s clause 67A, and this is about a water services charge that would relate to “separately used or inhabited parts of a property”. Firstly, around the “separately used or inhabited parts of a property”, where is the definition around that? The reason why that is particularly important is because it’s, effectively, a new clause that’s being inserted, so how will the Government ensure that this clause will not lead to overcharging, particularly in multi-dwelling properties—which, as I understand it, is what this particular clause seeks to address? I’ll just start with those three questions for the Minister.

Hon RACHEL BROOKING (Labour—Dunedin): Look, I’m going to rush right ahead here—and apologies to my colleagues who may want to go back again—but into clause 114, and that is the “Obligation to publish water services network maps”. Whilst people who spend time in the House with me will know I’m a great fan of maps and spatial planning, my question here is not about the making of the maps—that’s great; good to have maps of the networks—but wondering if there is a time frame for such a map. Apologies if I’ve missed it, but I can’t see it there. I note the next clause down is 114A, and that is the obligation to publish capacity utilisation and asset details—again,

great things to be publishing, and that has a four-year time frame for it. It would be useful for the Minister to say what his expectation is for those water service network maps, and maybe an amendment would be useful there as well, or maybe he can point me to somewhere else in the bill where it's covered.

If I move on ahead, my next question is at clause 150, so this is page 154. It's the requirement for a territorial authority to make a trade waste discharge plan. The question on this relates to some questions I was asking when we were last discussing this bill about the difference between a territorial authority, the water organisation, and the water service provider, and why those three things are different and how they interrelate. The relevance to this clause—and it might help for him to make a more substantive contribution about those three different roles and where they overlap. The territorial authority, the council, must make this discharge plan—and there's a time frame in this clause: it's two years after the date on which this section comes into force. They may delegate it to "a water organisation". Then the next clause downstairs refers to the territorial authority and "its water organisation". I'm interested in why there's an "its" at (3) and there's just "a" water organisation at (2). Is it really the expectation that the territory authority will always be connected to one water organisation, so that's what the relationship is about, or are they going to have a choice of water organisations?

Then my final question for this contribution is in relation to the same clause 150. At the new subclause (5)(ba), the select committee has inserted that a requirement of this discharge plan is "any proposed or recommended trade waste bylaws that are necessary to implement the plan". My question around that is: is this something that would be directed by some other—by a Minister or someone else—that they have to make the trade waste by-law, or is it up to that council to determine that to be able to make a good discharge plan, they're going to need some new by-laws, and that's the role of those by-laws; they are because the council's determining it themselves? Then, related back to my ongoing questions about these water organisations and relationships with councils, is there an ability for a water organisation to make a by-law, or does it have to be the territorial authority that makes the by-law? If the council has delegated to the water organisation, does it also delegate that by-law - making power, as well?

Hon SIMON WATTS (Minister of Local Government): Thank you very much, Madam Chair. Thank you, members, for those questions. I'll work my way through them.

Questions in regards to clauses 65, 66—they don't relate to non-payment; they simply relate to the reality that only one of those entities can charge for water, and that's the purpose of those aspects. Instances around non-payment, either from a water service entity or other council or territorial authority are dealt with in other aspects of the Local Government Act. Clause 67A, in regards to, I think, the member's question—it doesn't convey around any expectation—

Hon Rachel Brooking: Point of order. Thank you. Can the Minister speak up, please, or speak into the microphone a little bit more?

Hon SIMON WATTS: No problem. Thank you very much. Clauses 65, 66 don't relate to non-payment. That is dealt with in other aspects of legislation. It deals with the fact that only one entity can charge for water. Clause 114, the question around what the time period is—I refer the member to clause 114A, which says four years. Questions in regards to territorial authorities and trade waste in regards to by-laws—it simply recognises the fact that those by-laws will be set by councils in those instances. Clause 67A, in regards to a question as to whether this confers or links to overcharging, that is not the case.

Dr LAWRENCE XU-NAN (Green): Thank you, Madam Chair. I just have a few questions for the Minister on Part 3—and noting that Part 3, particularly around the operation element, is quite important in certain areas. Most importantly, I think it's the

Minister's own Amendment Paper, Amendment Paper 346—there are a couple of questions, I think, where the Minister's amendment has differed from the version that has been reported back from the Finance and Expenditure Committee; it's really important on some of the technicalities.

The first question I have for the Minister is on clause 73(1) and (1)(b). This is a clause that talks about information needed by water organisations. I want to check with the Minister, in terms of the rationale, in terms of changing it from “consumers” to “account holders”, in terms of the information that is needed, because, in this case, those two things are very different. A consumer may not be an account holder. What was the rationale behind changing the definition from “consumer” to “account holder” when it comes to information? Again, if you're looking at a situation where the account holder might be, let's say, for example, a person who may not be living there but is the holder of the account, then they are expected to provide information rather than the person who is actually living on the premises providing that information. I think that clarity is quite important.

The next point I want to address is clause 83. There are substantial changes between the version reported back from the select committee and the Minister's amendments on clause 83. I want to pick up on two parts of this, one on development contribution and one on financial contribution. In terms of the development contribution, the new clause that is inserted in new clause 83(1B) talks about the water organisation and territorial authority extending the policy and also in terms of the development contribution. I just want to check with the Minister: what was the rationale for adding this into it, noting that this is a likely scenario that had eventuated previously, but now it's just been kind of uncovered and is now being inserted? I want to check with the Minister on the development contribution element, if the Minister wouldn't mind elaborating on that.

It's the same scenario when you're looking at clause 83(5), the same thing when it comes to the financial contribution, when we're looking in terms of potentially—correct me if I'm wrong—the transfer from a territorial authority to a water organisation and how that would affect financial contributions from the territorial authority. In particular, in subclause (3)(a), when you're talking about amendments having to be made by a “resolution of the governing body of the territorial authority”, is this something that—noting the amendment that hasn't potentially been consulted on—the Minister has consulted on with local government around the decision-making aspect of it where we're talking about it made by resolution, and how that would eventuate?

Those are my three questions to start with around the definition change from “consumer” to “account holder”, the question around the extension of the territorial authority policy as part of the development contribution, and also around the financial contribution.

Hon SIMON WATTS (Minister of Local Government): In regards to clause 73, the reason why the account holder is in play is because the account holder is the one who is liable for the charge, and hence why the definition is that. In regards to clause 83(1)(b), the simple reality here is that it states—as you would expect—that a territorial authority that transfers those services to a water services entity can't then charge for those once those are transferred. Again, it goes back to the answer to the question I gave before, which was that only one of the entities has the mechanism in order to charge, and a wide range of consultation has been undertaken in regards to this bill.

Hon Dr DEBORAH RUSSELL (Labour): Thank you, Madam Chair. I have some questions on these trade waste discharge plans. It's a little confusing just going between the bill as reported back from the select committee here and the Minister's Amendment Paper, but I'll do the best I can. Look, the first thing I just want to query is in terms of a trade waste discharge. Sitting in the bill as reported back by the select committee—it's

on page 154 of the bill as reported back. I'm looking at the interpretations in clause 149. It has persisted, I think, into the Minister's one. It's just to do with "commercial". The word "commercial" under the description of "trade waste discharge" was inserted into that definition of a "trade waste discharge" by the select committee. It's an "industrial, commercial, or trade process or operation, or a related process or operation", which survived into the Minister's Amendment Paper. I'm just wondering if that word "commercial" includes the agricultural sector where the farms fit into the same space.

I just genuinely don't know this. It's an interesting one, because, of course, today we've seen over the last couple of days in the news that farmers don't have to apply for resource management consent for discharges off their farms, and it's quite an important point. Again, I want to know whether that farming operation falls into this definition of "commercial" or whether it's excluded somewhere else in the Act or it's never intended to fall in.

I ask this because, of course, farming operations are huge operations these days. I've got a cousin who farms down near Ashburton, who's got 1,600 dairy cows. That's a non-trivial operation. So I do want to understand if it fits in there and then how this particular set of rules is then going to relate to what's going on with the Resource Management Act and so on. There'll be just a little bit to clarify there, please, for the committee's information, because I'm sure other people here would like to know.

I want to move on, then, to the next clause, thinking about these trade wastes, and it is clause 150. It's just a little change between the bill as reported back by select committee and the Minister's Amendment Paper. The bill as reported back from the select committee said that "(2) A territorial authority may delegate preparing and issuing preparation of the trade waste discharge plan", but the Minister's Amendment Paper says that "A territorial authority may delegate preparing, consulting on, and issuing the trade waste discharge plan". It's a tiny change, but was it just oversight in the first set of drafting, or is there something of significance to do with that? Of course, we want to see that these trade waste discharge plans are consulted on. I'm assuming it was just oversight, but if the Minister could confirm that, it seems a shame that it wasn't picked up in select committee or it wasn't brought out then. If the Minister could just clarify, that would be helpful.

Hon SIMON WATTS (Minister of Local Government): In regards to the questions around whether farms are included within the definition of "commercial", the answer is yes. In regards to the aspect on clause 150, it's a remedial change.

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

CHAIRPERSON (Maureen Pugh): That's ambitious of you, Mr Hamilton. Lan Pham.

LAN PHAM (Green): Thank you, Madam Chair. I hope you can pick up from the content of these contributions that we are actually stepping very swiftly through the bill and only concentrating on the absolute primary parts that we would like some clarity on. This is such a substantial bill, and having been on the select committee I can tell you that it was extremely at pace and there are huge aspects of this bill that we actually do not have clarity on. Any other member who says otherwise, I would really question their diligence in terms of having these bills.

The question that I would like to hear from the Minister is about clause 165, and this is in the section on management of stormwater networks, which starts on page 162, but this clause 165 is on page 163, and this is about the development of the stormwater network risk management plans.

Now, I know throughout the committee process there was a lot of effort from officials, particularly, in response to submissions that went into a number of changes to the definitions, particularly when it comes to unpicking and trying to be clear about the

stormwater aspects of the bill and how they might be best reflected in these stormwater network risk management plans. These were things around overland flow paths and various other terms that sought to better clarify for councils what their actual roles and responsibilities were.

Now, the issue that we're constantly grappling with when it comes to stormwater is that a very substantial part of the stormwater network is natural watercourses, and sometimes these are piped, sometimes they are buried, and sometimes they just look like a normal stream or river. These are receiving the water off the land. My question is around whether the Minister believes that we have reached a point with this bill where councils are given adequate guidance when it comes to, you know, figuring out which parts of stormwater are or aren't being transferred to these entities, and whether he believes councils are actually being given the adequate guidance that they so desperately need in terms of these roles and responsibilities, because it has been very unclear for a long time.

Really interested in understanding whether the Minister thinks this bill adequately responds to these tensions and whether there is adequate guidance and direction. Thank you.

Hon Dr DEBORAH RUSSELL (Labour): I just want to follow up on the question I was raising before as to whether agriculture was included in commercial operations—and thank you to the Minister for that clarification. It's just got me puzzled now about the relationship between the Resource Management Act (RMA) and this bill, and in particular, I suppose, the concerns we might have from the news that's come through today around the farmers not being required to apply for consents for the existing practices—as far as I can tell, I think it's just because we're awaiting reforms to the RMA.

Nevertheless, there's just a couple of things going on here, and if the Minister could square them away for me, just how these trade waste discharges, particularly with respect to agriculture, relate to the RMA or whatever is coming in the RMA replacement. I guess, for many New Zealanders, there is a sneaking sense of concern and worry about the news today. I get that we might wait for the actual RMA reforms to come through, but in the meantime if the Minister could just give us a little bit of enlightenment on how these waters services plans are going to be related to the discharge of agricultural waste water and how that just fits in with the whole RMA reform.

Hon SIMON WATTS (Minister of Local Government): Yeah, thanks very much, Madam Chair. Obviously, the standards in regards to waste and discharge are within the regulation of the water-quality regulator. This legislation obviously ensures that that is implemented. The aspects and the interrelationship in the context of the Resource Management Act are out of the scope of this bill.

Dr LAWRENCE XU-NAN (Green): Thank you, Madam Chair. I also just want to remind, I think, the opposition, and I'm just going to start by saying that, look, one of the things I've heard from the other side—because they're trying to say that they think that the discussion's done, but I'd like to quote something that the opposition members said on the other side: “but please, to the other side of the House, it is very important we get this right. This is what the committee of the whole House process is about. It's about getting it right to the utmost, where we can go away and have a good night's sleep knowing that we exhausted all the questions that we had. Please, please, be patient as we do that.” I'm just asking the members on the other side of the committee to also extend us the same courtesy in just going through it bit by bit.

With that in mind, I would like to ask the Minister a question around—still we are on development contribution. I want to ask the Minister around, I guess, to start with, when we are looking at development contribution policy under clause 85(5)(b), it says that the development contribution policy is “do so in accordance with ... LGA”, but can I check—

and I genuinely am interested—are these policies considered secondary legislation? This being my first question.

My second question is more on the changes to the maximum development contribution in clause 91. I want to home in on new subclause (2)(b) in Amendment Paper 346, which is when we're looking at "Development contributions ... must not exceed the amount—(b) amended for any Producers Price Index adjustment". I want to check with the Minister, when we are looking at these sorts of adjustments and the amount, we are looking at a maximum, but not necessarily the minimum amount; are there any provisions in place to consider minimum amount?

I would rationalise why I'm asking the Minister about minimum amount because one of the peculiar things that we've noticed most recently in the customs and excise tax is a challenge where, under clause 21 of one of the schedules, they only ever indicated a maximum amount of levy that cannot be charged on tobacco products by pricing it to the producers price index. However, because there is no minimum threshold, it actually made Customs able to have regulations in place that allow a much lower tax, because one never expects a levy to be much lower; you would only expect it to increase. Applying the same logic here in new clause 91(2)(b), where we are expecting the development contribution to only increase and it must not exceed that amount, have there been any thoughts about what happens if a territorial authority or water organisation would drastically decrease the requirement for development contributions? Those are my two questions: is development contribution policy a secondary legislation and is there a minimum development contribution considered?

Just finally, I want to check with the Minister if the Minister wouldn't mind answering my questions around new clause 83(6) around consultation with local government on what is meant by "resolution of the governing body of the territorial authority".

Hon SIMON WATTS (Minister of Local Government): Thank you very much, Madam Chair. No, it's not secondary legislation, because it's identified in the legislation, as the member quoted the specific clauses.

In regards to clause 85(5)(b), what that is simply doing is referring to the fact that development contributions need to be charged in accordance and taken into account with section 82 of the Local Government Act, which outlines a number of exemptions which need to apply, so it's simply linking that point.

I mean, these aspects, as I'm aware, were discussed at length through the full select committee process of the bill, so I don't intend to waste the time of the committee any more.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Madam Chair. I want to look at new clause 168A, and this is about consultation on a proposed plan. It is in relation to a stormwater network risk plan that's associated with that. In particular, I want to ask the Minister about 168A(1)(b)(ii). This is about the requirement for a water service provider to undertake public consultation—yep, I understand that—and then, of course, a requirement to then consult for other aspects of this plan. The one that I want to ask the Minister about is the second one, which is the requirement to consult "the regional council in whose region the provider's service area is located:". My question for the Minister is: what happens in circumstances where a water service provider may span more than one regional council boundary?

It may not actually be that much of an issue, because, in the area of water reform, this Government with Christopher Luxon promised to make things better, but he's simply making things worse given the number of entities that are proposed to actually exist as a result of this. It may be that, actually, there are no entities or water service entities that do span many territorial authorities, but this relates specifically to regional councils. My question to the Minister is: what happens in what seems to be a rare circumstance, given

the higher number of entities that was not envisaged by this Government—what does that actually mean in that particular space?

My other question is about clause 173. I think the obligations on those associated with ownership of private land is very, very important. Now, what we see with the changes here, again, is a change to the terminology. Instead of it basically being “private landowners or landowner”, it’s now being changed to “private owner”. Now, why is it, Minister, that through clauses 174 and 175, the Government seeks to change the definition there from “the owner of private land” to “a private owner”, and why then not change the heading of “Obligations of owners of private land” to simply “private owners of land”? There seems to be an inconsistency there. First of all, I’d like to know why the change is necessary and, secondly, why, for consistency, have you not sought to change the heading to be basically consistent with what the other changes are that you wish to make?

On clause 173A, there is a requirement there for the provider to work collaboratively with the private owner to try and identify solutions. Why is the collaboration aspect there? Surely there’s a requirement to work with them or not. The reason I asked the Minister that question is because if they can’t receive some sort of outcome, whether it’s collaborative or not, the end result is there is no joint outcome and then, effectively, subclause (3) kicks in. Why require collaboration if there is a mechanism for an outcome, if collaboration is actually not necessary?

Hon Dr DEBORAH RUSSELL (Labour): Thank you, Madam Chair. Look, I was just reading through the section on the management of stormwater networks. There may be somewhere in the bill that does this, so I’m working off the bill as reported back from the select committee, but it doesn’t really matter, because I don’t really need to go into a very detailed analysis of each clause. Look, I can see in here that water services providers have to develop management plans and risk management plans for stormwater networks. They have to work collaboratively, or just work, with owners of private land to maintain stormwater networks, and so on. What I can’t see—maybe it’s just implied; maybe you don’t need to state it—anywhere is where the water service provider is themselves required to maintain, properly, a stormwater network. I can see they’re required to plan for it, they’re required to identify the risks—where is the clause that gives them the responsibility for actually maintaining it?

Now, you might think this is trivial, but I’m going to direct the Minister’s attention to some of the stuff that occurred in Auckland on the anniversary weekend floods. I want to refer particularly to some of what went down in my rohe over in West Auckland, where floods came down creeks which were part of the stormwater network but they overflowed on to private land and, as far as we could tell, the reason that they overflowed on to private land was that those creeks had not been maintained. Debris had built up in them, various exit points had been choked up, so flows of water got much more intense than they needed to be.

It’s not good enough just to have a stormwater network and identify the risks associated with it, and it’s not good enough just to get the private landowners, who might have aspects of the stormwater network going through their land to maintain it—I actually want to see the operative clause where the water services provider is actually required to do the work. I couldn’t locate that clause—no doubt, the Minister’s officials can direct us to it so it’s not just a matter of having to identify risks and plan for them; they might actually have to do the work as well.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. My question is related to this clause as well—so that is 170, “Stormwater network bylaws”—and what I’m interested in, again, is this relationship with owners of private land, because the by-law can relate to, without limiting, they “may impose requirements—(b) on the owners of private land in relation to managing overland flow paths and watercourses”.

Now, this is commendable that we're trying to deal with the issues that my colleague was just speaking about. However, it is unusual for a by-law to be able to impinge the rights or make private landowners actively do many things. Of course, there have been for a long time, to my knowledge, by-laws that say things like, "Well, you can't build a new thing in this area which is an overland flow path.", but could a by-law require much more active management from those private landowners than saying that they cannot do some things? Will there be requirements on them to do something?

My colleague was speaking about clearing debris from streams—that might be one of the things. We see in subparagraph (c) there's "obstructions and diversions of stormwater; ... (ii) ground soakage systems; ... (iii) alterations to the network; and (iv) damage to the network." Are these all things that private landowners and households will be expected to fund as well? I ask this because we hear from the Government a lot about private property rights, so I'm wondering what the impositions are that the Minister of Local Government expects that these by-laws can do. I've looked at the Finance and Expenditure Committee commentary and I couldn't see anything on the precedent for these types of by-laws and what sort of legal analysis the committee had gone through, because I do recall last term discussing some of these issues, and they were quite complicated.

I am interested in what the Minister's expectations are here and what legal advice—not privileged, of course, but if these issues have been considered.

Hon SIMON WATTS (Minister of Local Government): Thanks very much, Madam Chair. I mean, I must say, three of these questions that have been asked in regards to clauses 168, the one that we just had around "stormwater network" definition, and 173 around private land—all are answerable had one read the bill.

Clause 168A, stormwater—if the member had read clause 166, it has a whole section on the answer to what the question was being asked. So, with respect, read the bill.

Clause 173, "private land"—it will mean the same thing, so that is it.

Again, the member asking where "stormwater" is defined—well, it's in the interpretation section under clause 4. Again, if he'd read the bill, he would see that.

INGRID LEARY (Labour—Taieri): Thank you, Madam Chair. This is my first call on this, and I'd really like to pick up on the Minister's unsatisfactory answer, actually, to that very pertinent question not only by the Hon Rachel Brooking but before that by the Hon Deborah Russell.

If I can provide some context to this House and to anyone watching, in the last Parliament we spent an inordinate amount of time going through this particular issue for the reasons raised around the, I think it was, 3,000 different streams and waterways across Auckland, which course over public and private property. I want to acknowledge the Hon Phil Twyford for the incredible work he did to look at the legalities of that, as well as the practicalities, and the way that Auckland in many ways was an outlier from other councils. If we boil it down to specific examples I think it might be helpful, because I don't think it's satisfactory or helpful to anyone for the Minister to say, "Read the bill, it's in there." without answering questions about what would happen in a true scenario. These are scenarios that happened during the flooding in Auckland and would have been avoidable from the research we saw had these answers been resolved. This is around the authority of councils to make by-laws but also fair obligations that don't have perverse drivers on behaviours.

For example, if one is downstream from a neighbour and the neighbour has not done anything to clear some of the waterways, and then on this person's property the logs come down, block the waterway—is there an active duty of care on the second property, and will they be liable for any flooding that occurs as a result of not actively taking those logs out, or does the liability come on to the first property holder?

If the council is to require a property owner to clear debris out of their garden, is it an active requirement so that this is something that they must do even though there is no public impact of what is happening, or if they fail to do it, is there a compensatory mechanism that will then mean that the council will go and clear the potential stormwater way, because that is the impediment, and then charge it back to the first property owner?

There is no detail in the answers that I have heard from the Minister. We spent weeks and weeks on this issue, and I also have to say that we put in quite a strong amendment and a change to the initial bill that really looked at this, because we knew what was at stake if we passed the law in its previous current state and there was another weather event in Auckland. We would be back to square one with the terrible carnage that was caused and the damage to properties and the mental health issues that came as a result—as a direct result of not getting this sorted out. The Hon Phil Twyford did the leg work, we were able to get it through the Ministers, and we had answers to each of those scenarios.

If the Minister could please enlighten us to that very specific example I've just given him about the liability relating to two properties where one property is at fault, the second one isn't, but the damage point occurs at them at their juncture. Also, what type of compensation or action must be taken by the council to ensure that when a property owner has not cleared their property, the impediment is still removed and some kind of recourse is available to the ratepayers to get the money back, but the problem is resolved. Currently, I don't hear any resolution to that, and I'm deeply worried for the people of Auckland who are going to be living through more stormwater events and more flooding events. The kind of opaque answers that we're hearing do nothing to reassure me that there will be clarity about what their duties are, clarity about what the council's duties are and what they can use within their powers that is lawful, and also who is going to get compensated for what. If the Minister could please answer that scenario, I'm sure there'll be other questions and other scenarios that we would like to hear answers from.

Hon SIMON WATTS (Minister of Local Government): Look, I appreciate that some members may have found my comments asking them to read the bill maybe a little bit unsatisfactory, but the reality is, the questions being asked are clearly described in the clauses of the bill. Members are referring to questions that are very clearly in clause 174 of the bill. If you were to have read it, it says—and I'm wasting the House's time, but for the purposes of simplicity—"Private owner who impairs stormwater flow". I mean, this is—and with respect—asking questions that are clearly in the bill, and so I am adding no value by simply repeating what you have in front of you.

TOM RUTHERFORD (National—Bay of Plenty): I move, *That debate on this question now close.*

CHAIRPERSON (Maureen Pugh): I have to say we are getting very close. This particular clause and topic has been covered in depth.

Dr LAWRENCE XU-NAN (Green): I do have very specific questions, but, first, I do want to push back on what the Minister is saying in terms of reading the bill, because, yes, there is a responsibility for members—

CHAIRPERSON (Maureen Pugh): Can you just refer to the clause you want to speak to, please.

Dr LAWRENCE XU-NAN: The clause is 164A, in terms of the definition of "manage". The reason I'm focusing on this is that what the Minister didn't mention in his contribution is the fact that the 394-page Amendment Paper that is No. 346 was dropped post-select committee. My question to the Minister is specifically focused on new parts of that Amendment Paper that have not yet been seen by anyone. The reason I'm focusing on this part in terms of "manage, in relation to a risk," is around the definition "(b) to monitor the effectiveness of those actions". The reason I'm focusing on this is, yes, there

is a lot of clauses, as the Minister said, within the bill in terms of that management plan. Even though there's a specific clause 169 on the review of a plan, the review of a plan doesn't necessarily include the new term that is introduced on "the effectiveness of those actions." It simply says review once every 10 years, as necessary, the network risk management plan. There is information on consultation of the plan and also the content of the stormwater plan, which we see in clauses 167 and 168.

The question to the Minister is: it's all very well to have the content, but I could not see, within the content, what happens when something goes wrong. When we're looking at a risk management plan—if you're looking at any risk management plan for a company, there is also an accountability measure as well as an overseeing authority. For most workplaces, it is WorkSafe. That is an agency that is able to look into things when something goes wrong and causes harm. But the content of the stormwater network risk management plan doesn't mention accountability measures. How would, then, one monitor the effectiveness of those plans, as detailed in the new clause that is introduced in the Amendment Paper?

That is an important question, because, again, when we are looking at some of the examples that other honourable members have mentioned, when it's not managed well, people lose their lives and people lose their homes. If there's no accountability measure on checking the effectiveness—it's the only line I could see that is mentioned, since it's a newly introduced clause—then it does open it up to potential scrutiny and other forms of review. That's the question I have for the Minister.

Hon SIMON WATTS (Minister of Local Government): I acknowledge the member's question on clause 169, but the answer to the member's question lies in the clause in which the member's referring to. Clause 169 is the review of the plan. That is an accountability requirement. If the member reads 169(1), it states quite clearly that there are obligations and accountabilities to not only review the plan but also to revise the plan if there are material differences. In a very simple sense, that is accountability. Clause 168A provides the criteria in which that needs to be done. Nice question, but, in effect, the clause is doing exactly what you're referring to.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. This will be a short call because it relates to what the Minister was saying when he was saying to read the bill. I think that answer was in part because I was asking about by-laws and active requirements on private property owners and how that is an unusual thing for a by-law to do. I asked if there'd been any advice on that, and I have not heard an answer to that. I did hear a reference to clause 174, which is that if the stormwater flow is impaired—so something happens rather than something doesn't happen, but you have to follow a by-law—then the private owner must remedy the impairment or pay the reasonable costs, and then the private owner is not required to do things that are caused by other people—or that there's a natural disaster.

I think that's what the Minister was saying, but that still does not answer my question about the unusualness of such a by-law. Is it that people will be coming in and checking on properties before any event happens? What is he imagining these by-laws to do, and has he looked, or did his officials look, at the advice that was before the select committee in the last term of Government, because these are difficult issues?

I was also wondering if he can explain the link to Subpart 9, which is "Other Operational Matters". This says that where there is an offence, etc.—so presumably you're in breach of the by-law—then the water service provider can turn you off. Does he see that as linking to the by-law, because there's a reference there to by-laws in (b), or is this unrelated?

DANA KIRKPATRICK (National—East Coast): 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Motion agreed to.

CHAIRPERSON (Maureen Pugh): The question is that the Minister's tabled amendments to Amendment Paper 346, amending clauses 167 and 178C 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Amendments to the amendments agreed to.

CHAIRPERSON (Maureen Pugh): The question is that the Minister's amendments to Part 3 set out on Amendment Paper 346, 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Amendments as amended agreed to.

CHAIRPERSON (Maureen Pugh): The question is that Lan Pham's tabled amendment to delete clause 109 be agreed to.

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

Ayes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Noes 68

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

Amendment not agreed to.

CHAIRPERSON (Maureen Pugh): The question is that Lan Pham's tabled amendments to clause 168A(5) be agreed to.

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

Ayes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Noes 68

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

Amendments not agreed to.

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

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Part 3 as amended agreed to.

Part 4 Planning, reporting, and financial management

CHAIRPERSON (Maureen Pugh): Members, we now come to the debate on Part 4. This is the debate on clauses 197 to 214, “Planning, reporting, and financial management”, and Schedules 3 and 4.

Hon Dr DEBORAH RUSSELL (Labour): As an accountant, I find this part of the bill particularly exciting—I’m sure the Minister of Local Government does too. There are actually some interesting changes between the bill as reported by the Finance and Expenditure Committee and the Minister’s Amendment Paper 346. The Minister has just been telling us we should have read the bill, which is an interesting thing to say; however, the Amendment Paper, of course, only just arrived on our desks as this debate started, really. I would hope that the Minister isn’t going to be telling us we should have read the entire Amendment Paper as well—I suppose he might.

Look, I want to start on clause 179A, “Responsibilities under this part”. In particular, I do just want to focus on the things that have changed. I want to go to 179A(1)(a), new subparagraph (iv). It says that as a water service provider that is a territorial authority, you’ve got to prepare an annual report directly, through a contract, through a joint water service provider—so these are the people who have to provide a water services strategy, a budget, a water services annual report. There are the obvious ones, but then it says “through another type of arrangement under section 9(1)(f)”, so instead of directly listing in this part of the bill who’s got to prepare this water services strategy, annual budget, and water services report, we’re directed back to section 9(1)(f) of the bill. Going to 9(1)(f), it’s sort of not very clear, because it just says, “another type of arrangement that is consistent with this Act, including receiving a transfer of responsibility for providing water services from the regional council”.

A couple of questions there. One is: why, under 179A(1)(a), couldn’t we have actually had a fuller description of the types of arrangements, and why did we have to refer back to another part of the bill? I could really just do with the Minister elucidating exactly what those types of arrangements are back in 9(1)(f) that are referred to now in 179A(1)(a)(iv). That’s the first question I have to ask of the Minister in relation to this part of the bill that is all to do with planning and reporting and financial management—just some clarification there.

The next bit—and, again, it’s in the same clause where we’ve had a phrase added—is in clause 179A(2) in the Minister’s Amendment Paper. Very roughly, it says that a territorial authority has got to prepare all these reports—the plan, the strategy, the budget, an annual report—but need not prepare these in respect of a minor aspect of the water service. So it’s “responsible for providing only a minor aspect of a water service” and “need not prepare” that minor aspect of the water service. What I want to understand is: what counts as a minor aspect of a water service? The idea here is that clearly it would be ridiculous to go through all these huge documents—prepare them—for what is only a minor part of a water service. I just want to get a sense of what counts as a minor part. It’s just that there’s a little bit of an out here that’s possible for water service providers. To have an understanding of what is a minor part—if the Minister could maybe give some examples, just to help to be sure that we’re not creating a problem here or a loophole here

that could be exploited, that would be helpful for the *Hansard*. I hope it never has to be helpful for a judge one day to try to sort this out, but some examples would be helpful.

CHAIRPERSON (Barbara Kuriger): Just before I call the Minister, I need to add to the opening of Part 4 that the question is that Part 4 stand part.

Hon SIMON WATTS (Minister of Local Government): Thanks very much, Madam Chair. Questions from the member in regards to clause 179A: the purpose of this clause is to clarify who is responsible for preparing the water services strategy, and clause 179A also clarifies—as the member has asked about—that if a council provider is only responsible for a minor aspect of water services, it doesn't need to prepare specific documents within Part 4.

The member asked for what a couple of examples of this would be. Well, a couple of examples would be a water supply for a small number of rural homes that are not connected to a water service network. It could also be in the case that a water services entity has a community facility—something like a camping ground, for example, and the waste-water system connected to that camping ground is not connected to the broader waste-water system. Those are two real examples which would be relevant. The primary purpose in this clause is to acknowledge that with these minor aspects, you don't want to have onerous requirements on our councils in regard to those services.

Hon Dr DEBORAH RUSSELL (Labour): Look, I'd just like to say thank you to the Minister for that. That clarification is very helpful, and I think it gives exactly the examples I was after.

I want, now, to turn, in the Minister's Amendment Paper, to clause 181(4). This is on page 167 of the Minister's Amendment Paper. It's about what information the territorial authority has to provide and what information it can provide in an impact statement, and so on. But it says, "To avoid doubt, a territorial authority may include information about targeted rates for activities, or a group of activities, relating to water services".

Now, that's quite interesting. That clause was introduced in the Minister's Amendment Paper, so it's entirely new to the House; it didn't get a select committee review. I'm interested in that reference to targeted rates. Is this assuming that there is some capacity to charge targeted rates? Is that enabled by this bill elsewhere? Is it enabled by legislation elsewhere? Is this sitting there enabling targeted rates—maybe it's targeted rates in respect of a particular set of services being provided? Maybe the targeted rates arise because having water services provided to a particular area increases the land value there. I'd like to understand why we've had this new clause introduced in the Minister's Amendment Paper and why it focuses, in particular, on targeted rates. That's an interesting little wrinkle in here which we haven't had a chance to look at previously.

Hon SIMON WATTS (Minister of Local Government): In regard to clause 181, the primary purpose of that amendment is to clarify that territorial authorities may continue to include information around any targeted rate activities in a funding impact statement. The primary purpose there is to ensure that there is alignment with the Local Government Act.

LAN PHAM (Green): Thank you, Madam Chair. I wanted to ask the Minister about a very core part of this bill, and that is clause 187, which is on page 177 of the bill. It goes to the core of the bill, because it is about the content of the statement of expectations that shareholders—i.e., the councils—actually set for these water service entities. I'm really interested to understand much more clearly the objectives of the bill itself and the scope of what can actually be included in these statements of expectations from the shareholders. Now, what is really clear is that the objectives set out a number of aspects when it comes to the provision of water services that are pretty basic—like around reliability and about them being resilient—and there is a clause in there about providing drinking water that is safe for consumers. But what I'm proposing in my amendment—

sorry, I'm not sure the number of my amendment, but it's on page 177, and it's on clause 187—is to insert a new paragraph (g) and a new paragraph (h).

Now, paragraph (g) is that these statements of expectations should detail how the water organisation actually provides equitable access to water services, including upholding the human right of access to water. What I'm interested in understanding from the Minister is whether that kind of expectation is within the scope of what could be in these statements of expectations. Can it be, essentially, as wide as the shareholders want them to be, particularly when it comes to the equitable access to water? Councils, in terms of being entities under the Local Government Act, have this duty of care to their ratepayers and to their citizens to actually provide for these fundamental things. I'm interested in a response about that aspect.

The second aspect that I'm proposing in this amendment is to do with adverse effects on the environment. This is particularly in the context of the removal of the objective that the water service providers would provide water services that do not have adverse effects on the environment. Now, that was removed at the outset in terms of this umbrella direction for the bill, but I'm wondering about, and proposing about, the statement of expectations setting out how adverse effects on the environment are being remedied, mitigated, or reduced throughout the water service provider area of interest. Again, I'm unclear—and I think a number of councils would be in this predicament as well—as to how wide these statements of expectations could be, and I would really like to hear the Minister's comment as to what the scope of that involves. Thank you.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Madam Chair. When it comes to Part 4, which really is looking at those higher-level considerations, I don't share the same excitement as Dr Russell in this part, because, well, there's nothing in this bill that I'm excited about, to be fair.

If I can just turn to clause 179A—and I do acknowledge the Minister of Local Government's response around what defines a minor aspect of a water service, and note that, actually, when it comes to 17A(3), it is listed there. But I do think it's really important, Minister, that the committee is able to get an understanding of the context around those two aspects. The two examples that are given there are, firstly, paragraph (a), “wastewater services for a community facility, such as a campground, that is not connected to a ... network”. Now, there are many campgrounds around the country. Some of them are publicly accessible; some are privately owned. When one defines a community facility, because that's the definition rather than the example that's given, what is the Minister's expectation around the sort of broad nature of a community facility and how that's captured?

The second one is around the water supply for a small number of rural homes. I think, actually, Dr Russell hit quite a salient point, in my mind, which is that, actually, you don't want to necessarily have a situation where a judge has to rely back on *Hansard*. When you talk about, Minister, “a small number of rural homes that are not connected to a water supply network”—and that's contained in the bill—what sort of numbers are we talking about, because for some rural communities, a small number could be single digits, and for others it could be in double digits. I do think we need to get an understanding and some scope as to what would apply in this circumstance to fit that particular bill around paragraph (b). I think it is helpful to indicate that it's, for example, a small number of rural homes, not in an urban area, and they're not connected—I get that, but what is to be expected as to what that number could feasibly look like?

My other question was following up from my colleague Lan Pham's question around objectives, but my question comes from Schedule 3, which is associated to this part, because what we have there are some changes in the terminology. If we look at clause 2(1)—this is the strategic matters as they relate to water services strategy—there is the

inclusion of “outcomes”. OK, I understand that. Again there, further down, “outcomes”, but for some strange reason “objectives” is removed from what is subclause (1)(b)(ii). Why is it that there is an inclusion or insertion of outcomes everywhere else, but—you know, where are the objectives? Why are the objectives not required to be put into consideration for the purposes of section 15, that’s referred to there? I think it would be very helpful for the Minister to indicate why objectives have disappeared—no issue with “outcomes” being inserted, but, for consistency, why is there a gap there?

Hon SIMON WATTS (Minister of Local Government): Thanks, Madam Chair. In regard to the two questions—one from Lan Pham in regard to clauses 184 to 187, in regard to the discretion around what could be in the statements of expectations, and the Amendment Paper tabled by the member in regard to actual access to water, human rights, etc., for water. I refer the member—and I acknowledge we’ve already passed this—to Part 2, clause 58C(3)(b), which outlines those specific points, so on that basis we won’t be supporting that amendment.

In regard to the points raised in regard to what is deemed small in the context of the examples provided, the primary aspect that drives that definition is the number of connections that are not connected as part of the broader system or network. There isn’t a defined number, but in reality and in practice, generally any of those that aren’t connected into the main system would be a small number, so it is simply whether it’s connected or not.

Hon RACHEL BROOKING (Labour—Dunedin): Thank you, Madam Chair. Also on Schedule 3—also not my favourite part of the bill—I am interested in, again, clause 2, “Water services strategy: strategic matters”. Over the page—and this is about paragraph (f), “factors that water service providers expect will have a significant impact on the provider, including the following:”. There is a list, and there are a couple of things I wanted to ask about. The first one is about paragraph (i), “expected changes to the population”, and this seems like a very sensible thing to include, but I’m wondering how this will happen without a census. That is my first question.

My second question is related to paragraph (g), which is “information relating to a territorial authority’s resource management planning and land use planning in the ... area.”. What I’m interested about in this is why both land use and resource management are talked about separately. I presume that most of what would be expected here is what a district plan says in terms of land-use rules, so you wouldn’t normally need to split it from resource management planning; you can have one phase or the other. The role of territorial authorities in resource management is land-use planning. So why do you have both those things set out like that?

Also, and apologies if I’ve missed it somewhere else, I’m particularly interested in what the territorial authorities’ resource management planning is, because, of course, water services—well, there’s issues of where pipes and things go. Water discharge is given by the regional council, so that may be somewhere else. It may also be that perhaps the wider land-use planning is trying to bring in non-statutory spatial plans or other instruments that are looking at future investment in an area.

If the Minister could explain why there is that use of language, which seems quite peculiar, and if it is, in fact, to go well beyond what a district plan and relevant designations might say, or if it is actually about what’s in the current Resource Management Act requirements. Thank you.

Dr LAWRENCE XU-NAN (Green): Thank you, Madam Chair. I am sure there are others with more questions on Schedules 3 and 4 as well, in terms of the content of the water services strategy and also the content of the annual report.

My question is pertaining to clause 197, and this is “Amending water services strategy: territorial authority”. Understanding, as part of the select committee process, an addition

was added, which is subclause (5)—essentially, the territorial authority, when there is an amendment in the water services strategy and the amendment is relevant to the authority's long-term plan (LTP), it need not have the amendment to the long-term plan audited under section 94. That was one of the recommendations from the select committee. However, two additional exemptions have been introduced by the Minister's Amendment Paper, which is on the special consultative procedure—which is sections 83, 83AA, and 83A of the Local Government Act, and also sections 93A and 93D. I just want to check with the Minister, in terms of the advice that has been received on why these two particular areas have been included as well alongside the auditing process. I guess, for the benefit of the doubt, section 93A is also in reference to the use of special consultative procedures. Why does the special consultative procedure not need to be used if the territorial authority is amending the water services plan? That's my first question.

My second question is that it says over here that if the territorial authority amends its water services strategy, an amendment is relevant to the authority's long-term plan but not moving towards the long-term plan. Relevant just means that it relates to it; it can be either towards it or away from it. If we are opening it up to, let's say, the territorial authority amending its water services strategy away from the authority's long-term plan, how would that work then if the territorial authority need not use a special consultative procedure? I think there would be an expectation from the public that they would be consulted if the water strategy is moving away from the LTP. I guess my interpretation is that it is not the intention of clause 197(5) and the introduction of the exemption from the special consultative procedure, but I just want to hear it from the Minister—that that is the intent of the newly introduced clause 197(5)(c)(i) and (ii).

Hon Dr DEBORAH RUSSELL (Labour): Another thing that I've found interesting in the Minister's Amendment Paper—it's kind of a tiny-ish point but I think it is interesting, so I want to direct the committee's attention to clause 191. It's on pages 172 and 173 of the Minister's Amendment Paper 346. Again, it's to do with something that has been inserted by the Minister's Amendment Paper.

I want to go to clause 191(4A)(c). There's a very small phrase that has been inserted there: "preparing or relying on". What is worrying me—well, not worrying me, but I'm intrigued by it, I guess, and I want to understand it—is that doesn't seem to fit with the other subclauses there. The interim arrangements for a water services strategy may include any of the following: they may include, in paragraph (a), the relevant parts of the long-term plan of each territorial authority. They may include—this is in paragraph (b)—the relevant parts of the water services strategy, and they may include preparing or relying on any other business planning or budgetary documents. Now, Dr Xu-Nan, you will enjoy this. Of course, paragraphs (a) and (b) there are nouns, and paragraph (c) is a verb.

Dr Lawrence Xu-Nan: Yes.

Hon Dr DEBORAH RUSSELL: Right. I thought you might have picked up on that one. It's just a slight change there. Those first two things are specifying documents that may be relied on—they are specifying entities that actually exist—but paragraph (c) says that the interim arrangements may engage in an activity.

Now, those are actually different things, of a different nature, so it seems odd to include them in that kind of list. I want to understand why that particular change was introduced. It's not just to do with the grammatical pedantry of nouns versus verbs; it's to do with shifting from relying on documents and strategies that have been prepared or using those relevant parts of those plans to actually performing an action. If the Minister could explain why an action has been included in a list of those things? Perhaps it's just a drafting nicety. Perhaps there is something more to this. A little bit of clarification there would be very helpful.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Madam Chair. I want to pick up on clause 185, and this really details the statement of expectations that an entity would be required to get under way. Clause 185, basically, outlines a range of different steps, including, actually, additional information that should be contained. One of the subsequent changes further on, in clause 188, is basically just combining—the water organisation constitution has been struck out alongside, if they don't have a constitution, the rules or the various procedures that establish or direct or govern them. That's been struck out, and basically, there is a fulsome definition being given as "foundation documents". OK, that's fine, and what the entity needs to do, as I understand it, in preparing its statement of expectations, is that it can include aspects that, basically, are not in contradiction to the foundation documents, under subclause (4).

The question that I have for the Minister, relative to clause 185, is: how does he intend, or how does the Government intend, that these newly established entities or organisations are not going to be overwhelmed by the immediate nature of the planning obligations? I'm only giving the statement of expectations as one example. What are his expectations that these entities who will be faced with pulling together these foundation documents, as they're now going to be called, are not going to be initially overwhelmed with the expectations and the requirements around that—only relative to the statement of expectations—and, I guess, also what the Minister's expectations around the meaningful aspect of engagement would be as well?

When it comes to the specified content, and the items that must be included, they're contained in clause 187. Now, my question for the Minister, who, through his Amendment Paper—or, actually, what is sought to be inserted there, a change, is a new component there, which is the new paragraph (ba). This states: "expectations relating to the strategic priorities to be included in the water organisation's water services strategy". My question is: why is that needed? They need to have a water strategy, absolutely, but why do you need to insert it in there, because isn't effect to those strategic priorities and documents going to be captured in the other aspects that will, effectively, be needed under what is clause 187 in its current form?

Hon SIMON WATTS (Minister of Local Government): In regard to the question previously, on clause 197, the purpose of that clause is if a territorial authority amends its water services strategy and the amendments are also relevant to its long-term plan, it can consequentially amend the plan and then members do not need to be audited under the Local Government Act. The reason why that amendment is there is because it was identified subsequently that a number of changes were going to be necessary, and as a result of that, if they weren't audited, then the councils or the entities, in effect, would get a qualified opinion. It is simply reflecting the fact that that, obviously, isn't the intended outcome of that, and because it's consequential, then the material level around that wouldn't be appropriate, so hence why we've made that amendment.

In regard to the questions before, as I noted previously in a response, in regard to clauses 184 to clause 187—obviously, including 185 in the middle there—the discretion of these amendments is primarily around what can be concluded in a statement of expectations. The member asked what is my expectation? Well, my expectation is that the organisations' boards can set and will set their strategic priorities. We're simply giving it discretion in terms of how they go about it and what information, in that context, they put into that. But, you know, the concern that the member raised around them being overwhelmed, etc.—the purpose of clauses 184 and 187 gives shareholders more discretion in terms of what they can include in that, and that would mitigate any risks, in our view, and give the flexibility required.

Hon Dr DEBORAH RUSSELL (Labour): I want to turn my attention to clause 196, and the particular subclauses I want to refer to are on page 178 of the Minister's

Amendment Paper 346. These are subclauses (8), (9), and (10). The whole clause concerns itself with the process for making water services strategy and so on, but subclauses (8), (9), and (10) are entirely new. They're inserted by the Minister's Amendment Paper. That's quite a lot of new material. Now, it could be that they have been transferred from elsewhere in the bill as it was reported back from the Finance and Expenditure Committee—that the drafters felt these particular subclauses perhaps fitted better in clause 196 rather than elsewhere in the bill, or something like that. If so, could the Minister direct us to where they came from? That could be one explanation for why we have got three entirely new subclauses, taking up almost half a page.

Then, what these particular subclauses go to are consultation around any proposals that are to do with transferring control of a strategic water asset or receiving a strategic water asset and so on, or making a significant change to the level of service. Now, those are quite big activities for a water services organisation to engage in—acquiring assets. We're not talking of just any old assets but a strategic water services asset and so on, or making a significant change to the level of service provided in relation to any water service. Public consultation must be undertaken on it. That seems entirely reasonable, but why insert it so late in the process? Why did this come about so late in the process—that we only thought quite late in the process that we might want to do some public consultation on that? That was in subclause (8).

It must be undertaken by the shareholders or the organisation—that's fine; that's in subclause (9)—but then subclause (10) is interesting: “A water organisation must ensure that its significance and engagement policy addresses all matters necessary for determining—(a) whether a water services asset is a strategic water services asset; and (b) whether a proposed change to the level of service is a significant change; and (c) how to comply with subsections (8) and (9).” It's, basically, saying that a water services organisation has got to get its act together and have a wee think about what its strategic assets are and what the level of service is. I want to understand from the Minister what we think might be a strategic water services asset—whether that is elsewhere defined in the Act. If the Minister could give some examples of what a strategic water services asset might be? Again, “a proposed change”, “whether a proposed change to the level of service is a significant change;”—I'd like to have some understanding of what the Minister thinks would be a significant level of change.

I was going to say that I'd like to know what was in the Minister's mind on that, but I always regard minds as private places. People can have their own thoughts inside their head, but if the Minister could share his thinking around what a significant change could be? I do also want to know why these subclauses ended up in the Minister's Amendment Paper as quite significant new subclauses at such a late stage in the process.

Hon SIMON WATTS (Minister of Local Government): Well, I'm glad for members that what's going through my mind right now is not in the scope of this bill, so I won't be conferring on that. But in regards to clause 196, which is in the Amendment Paper, which covers the process for preparing a water organisation's water services strategy, primarily the purpose here—and the member asked: why were those new requirements added in there? Primarily, to align with the additions that were made in Part 2, recognising that these policies may include requirements for community consultation on proposals in a draft strategy—that's why you're seeing these amendments in this clause, but they link back to Part 2 of the bill, which we've already covered this evening.

The other element of clause 196 is relevant to the member's point around significance etc., around when consulting with its shareholders. It is primarily in this context that where that is owned by the trustees of a consumer trust, then they must also consult with each territorial authority in the district the water organisation operates in. That's just

simply acknowledging that some consumer trusts that own potentially some of these assets may have a wider coverage than one territorial authority.

Dr LAWRENCE XU-NAN (Green): Thank you, Madam Chair. I actually have a very quick question for the Minister of Local Government. Again, we're looking at a newly introduced section of this, which is clause 213, "Charges as security". I'm going to focus on the particular definition that I found intriguing for this, because I understand that under subclause (7) of clause 213 of Amendment Paper 346, three new definitions have been introduced: "incidental arrangement", "loan", and "property". Now, "incidental arrangement" and "loan" have specific meanings within the Local Government Act, but "property", on the other hand, has a very explicit meaning that is for the purpose, I'm assuming, of this clause 213. However, at this stage I couldn't, unless the Minister has it memorised—there's no explicit definition I can see that also alters the meaning of the term "property".

Now, understanding, under statutory interpretation, that if there is a prior definition of "property" that is introduced under an earlier clause, in statutory interpretation it takes precedence over the definition introduced for the purpose of a specific clause. But over here, when we're looking at "property" as a definition and also the subsequent use of "property" in other parts, can I just check with the Minister that there is an alternative definition of "property" that isn't going to be conflating with the definition of the "property" under "Charges as security"—that, in this case, "property" is only specifically for the purpose of 213 and will not also apply to subsequent clauses.

TANGI UTIKERE (Labour—Palmerston North): I want to thank the Minister for his earlier answer acknowledging the role of community consultation, because I did have a question around that, but I won't ask it, given that he's answered that—particularly around the shareholders.

I wanted to look at clauses 197, 198, and 199. This relates to amending a water services strategy by either a territorial authority, firstly, in 197, or then, in 198, by the water organisations themselves. Now, what we see there is a proposed addition in clause 197(2A) that basically cites the relevance of the territorial authority's significance and engagement policy. Councils have this, obviously, all around the country, and its special consultative process is engaged from time to time. What's interesting there, Minister, is that it talks about the fact that if there was a significant amendment that's proposed to the strategy, then that significance and engagement policy of the local authority may assist the council in reaching its determination around whether it's significant or not, rather than must—I would have thought if it was a significant amendment, that that would be a given. The point of difference, of course, is with clause 198, where it's the water organisation itself. Basically, they do need to consider the organisation's own significance and engagement policy. My question for the Minister is: is that a requirement for the organisation, whereas it's a guide for the council? There's a distinctive difference there, and I think that—well, the Minister is nodding, so I think I'll leave that there. I think he gets my question.

The other one is on clause 199, which relates to the auditing process—and Dr Russell might be interested in this. I was interested in—and it might be elsewhere perhaps, and, if so, the Minister can cite that—the consequences of failing to comply with the aspects of audit. This is, effectively, where there is a request through to the Auditor-General to undertake some sort of statutory responsibility there, but is that just basically the Minister clarifying the reasons or aspects that would lead to triggering that, and that any consequential penalty provisions are seen as separate, or do you see them working, somehow, hand in hand?

Hon SIMON WATTS (Minister of Local Government): To the member's question in regard to clause 199, the primary purpose there is intended to ensure that the Auditor-

General has sufficient notice of the requests and can manage the associated workload. That is the purpose of that clause, and that's the intended purpose of that change.

TOM RUTHERFORD (National—Bay of Plenty): 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 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Motion agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that the Minister's amendments to Part 4 set out on Amendment Paper 346 be agreed to.

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

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Amendments agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Lan Pham's tabled amendment to clause 187(1) to insert paragraphs (g) and (h) be agreed to.

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

Ayes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; 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 4 as amended be agreed to.*

Ayes 68

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

Noes 53

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 5.

Part 4 as amended agreed to.

Part 5 Amendments to other legislation

CHAIRPERSON (Barbara Kuriger): Members, we come now to the debate on Part 5. Part 5 is the debate on clauses 215 to 343, "Amendments to other legislation", and Schedules 5 to 11. The question is that Part 5 stand part.

TANGI UTIKERE (Labour—Palmerston North): Thank you, Madam Chair. This is a very interesting part because it seeks to amend other pieces of legislation, and each of them can be dealt with, potentially, in isolation, so I want to just slowly work through the first few of them.

The first one, which is clause 215, basically indicates that it amends the Civil Defence Emergency Management Act 2002. My first question to the Minister of Local

Government in terms of clause 216—which cites replacing “Watercare Services Limited” with “a water organisation” in each of those places, which is rather generic in that regard—is how the Minister intends to give assurances, under that piece of legislation, that any consequential amendments to the legislation do not basically dilute aspects of emergency management that sit with local territorial authorities. This is a key component of the work that local territorial authorities do. Whilst it might, just on first glance, perhaps, appear that this is just basically taking out one definition and replacing it somewhere else but multiple times over, none the less it is a change to that primary legislation. So my question for the Minister on that one is: can he give some assurances that it will not dilute or interfere with the emergency management provisions or roles that councils may undertake, and, if it does, then what actually might those individual aspects be?

On clause 216, I want to make sure that—in emergency sort of circumstances where councils may initiate certain directives under that particular piece of legislation, there are often emergency funding provisions that exist. Can the Minister give an assurance, under what’s proposed here in 216, that there are some safeguards to ensure that there is no ability for any emergency funding provisions that would be available to councils to be directed elsewhere as a result of this change?

Hon SIMON WATTS (Minister of Local Government): Thank you, Madam Chair. The points raised in regards to clauses 215 and 216 on the Civil Defence Emergency Management Act 2002 simply recognise that with the introduction of new water services entities, there is a need to extend the permanent legislative authority mechanism to all of those new water services entities. In particular, the member is referring to clause 216. In the scenario where an event occurs, then those water services entities have the ability to apply for reimbursement from Government in relation to emergency management costs, without having to go back through their local authority. That is the purpose of that, because, obviously, you don’t want a duplicated process in regards to that provision, and it simply acknowledges and will support the financial separation between the local authorities and the water services organisations.

Hon Dr DEBORAH RUSSELL (Labour): I have a question on this subpart as well, around the amendment to the Civil Defence Emergency Management Act 2002. I have only one question, because my colleague Tangi Utikere is much more familiar with the source legislation than I am. Nevertheless, it is intriguing around the drafting, because everywhere “Watercare Services Limited” is being replaced with “a water organisation” in each place. Now, Watercare Services, of course, is the Auckland water entity, and now every single water services entity is, as it were, stepping into the place which Watercare Services held, including Watercare Services.

It’s like the drafter has said, “Here’s the civil defence legislation. We have some rules in here which we put in for Watercare Services. We don’t actually need to do anything for these new water entities. We can just pull out ‘Watercare Services’ and plug in the new water organisations.” That, on the surface of it, looks like a reasonable thing to do.

What I just want to understand from the Minister is what work his officials did to be sure that the simple “pull out, plug in” has actually captured the nuances that are needed for the new water organisations, with respect to civil defence. It looks like a straightforward thing to do; I’m sure it is. Well, I hope it’s the right thing to do, but, of course, Watercare Services was a very specific entity and there was legislation in the civil defence rules or law just for Watercare, but now it’s going to cover a whole lot of what could end up being quite different organisations in terms of size, scale, and where they operate.

I want an assurance that was the appropriate way to deal with it—that it was better to do that than, say, to set up a new set of laws with respect to all these new water

organisations. With great respect, many of them are not going to operate in the same way as Watercare Services. They don't cover the same number of people. They certainly have complex operations. They will, in many cases, cover larger territories with many fewer ratepayers. There will be all sorts of differences between these new organisations and Watercare Services. I'd like a bit of assurance around that, please.

Hon SIMON WATTS (Minister of Climate Change): Yeah, I'm happy to give the member assurance in that context. As I noted before, what this is simply reflecting is that there is financial separation between the new water services entities and the local authorities that previously would have had these services activities within them. As a result of that, these services are now within a new water services entity. It seems appropriate and reasonable that in the event of an emergency event, then that would be the entity to which it would look to seek reimbursement from Government in regards to emergency management costs related to activities that they undertake. That's simply what this clause is doing.

ARENA WILLIAMS (Labour—Manurewa): Thank you, Madam Chair. I have a number of questions to do with Part 5, Subpart 2, the amendments to the Commerce Act. As my colleague Tangi Utikere has said, this is an interesting part, particularly for the amendments that are made to other Acts.

The guts of the question isn't about whether the Commerce Commission is the appropriate regulator—we have had that debate. It was possible that this would be another regulator with more expertise in infrastructure, but we've chosen the Commerce Act to couch this in, so I'm going to ask the Minister questions about the definition of "consumer" here—about how a working definition of "consumer" in the Commerce Act is about people when they are engaging in sort of retail purchases; people who might expect a higher level of protection because of the sort of market power that exists between them and the people they are buying from, whether it's small or large sized businesses. When you're interacting in a market as an individual or as a household, you're expected to have little market power. That's relevant to the definition of consumer here, because we have used "consumer" for water services entities, but, obviously, people who use water services, businesses that use water services, manufacturers that use water services, are a broader range of entities. We need to make sure that, in framing it in the Commerce Act, we have given full effect to the way that the regulator will be expected to consider the relative power, the relative weighting, and the relative ability of that sort of entity to interact with local authorities and with the regulator. That's one question.

I'm also interested in the differences between the Amendment Paper and what was initially proposed for this part. One of those seems to be to section 53ZG(1), which clarifies the way the different sort of regulated powers interact with each other. Really, the point of this question is that this is a pretty novel way to use a Commerce Act power for a regulator. There are four types of regulated information going on here. The Minister will be very familiar with price-quality path and price path regulation, but to also require a regulator in the same sector to use performance requirement and revenue threshold regulation at the same time seems, to me, to be novel. I want him to step the committee through what this might be comparable to in our law and whether the Commerce Act does fit this well.

Essentially, what we're really asking the regulator to do—the task here of the regulator—is an infrastructure regulation like, say, regulated airports, regulated ports, where you have a regulated monopoly that has a way of levying people—you and I—for its reasonable costs, and its job is to spread those costs reasonably over time and over users. Because it's in the Commerce Act, we now have to create four different mechanisms to get to pricing quality, which you might not expect of, say, an infrastructure

regulator. It would be useful if the Minister could step us through those two before I ask any more questions on this part.

Hon SIMON WATTS (Minister of Local Government): I thank the member for this question. What you're seeing here, in the context of the changes being made, reflects a high degree of complexity as a result of now having, in effect, different types of water components within water services. You've got waste water, you've got fresh water, and in some instances a water services entity may also have responsibility for stormwater, but not in all cases, such as Watercare.

What this is simply signalling—and while there's regulation for airports and other entities such as this, in this context it's just simply recognising that from a consumer point of view, that consumer in the context of water services needs to be adequately protected and treated fairly by, in effect, what will be a water services entity, which is a regulated entity, and they do need to be treated fairly in that regard. It provides the Commerce Commission in this instance with the tools and mechanisms such as information-gathering powers to promote, in effect, a mechanism that is sufficient for it to undertake its activities, which in this case—relating to water services—is around revenue recovery or ensuring that our infrastructure investment is undertaken in an efficient manner.

That's the mechanisms which are in here. It's a new area of regulation and a new area of services that is being regulated in a New Zealand context. It is more complex than other regulated entities and hence that is what is outlined.

ARENA WILLIAMS (Labour—Manurewa): Thank you so much to the Minister for that fulsome answer; that's really helpful. The question, then, I think remains: who is a consumer under this legislation, and how should local authorities give effect to those people who would not usually be defined as a consumer in the consumer legislation that we have? They're not people and they're not households; they're industrial-sized users. Other market participants here wouldn't usually be covered by the Commerce Commission's powers, so I'm asking the Minister to help us to understand that definition in section 52C, amended by clause 221(1).

That's really helpful for us to understand that these are now sort of four different parts of regulation that the Commerce Commission will have to use across the different types of water. Do they all apply to each type of water, or can we be clearer under clause 220(2A)(a), (b), (c), (d), and (e) which applies to what type of water, because that would be useful. That would step out local authorities' understanding of what principles they will be regulated on, particularly the new threshold regulation and the price quality path, if those don't apply to some sorts of water services.

Hon SIMON WATTS (Minister of Local Government): I mean, as I noted before, the provisions that are there provide flexibility to the Commerce Commission (ComCom) to deal with the specific construction of the relevant water services entity. In this case, there will be a wide range of ways in which these water services entities are constructed and what are included within them, and hence the purposes of these provisions to provide enough flexibility for the ComCom to be able to adjust their style appropriately.

The other question that was asked was in regards to "What is a consumer?", and this was actually covered in prior parts. I acknowledge the member may have missed that earlier on, but in this context, it's around the account holder. The account holder is, in effect, in this model, the one that is liable for water charges and is, in that context, the entity in which it's seen as the consumer.

Dr LAWRENCE XU-NAN (Green): I just have a final question on Subpart 1 before I think we're all ready to move on to Subpart 2 and beyond—final question in terms of the Civil Defence Emergency Management Act 2002. I hear what the Minister is saying in terms of they'll provide financial separation between local authorities and water organisations—I think that's really important—which will also, hopefully, encourage and

support consumer trusts owned by water organisations. I guess my question here is: with that separation, one of the challenges would be that the current threshold application is not appropriate in the context of financial independence. What are the Minister's thoughts or what has the Minister received in terms of advice around the methodical approach to calculate the threshold, which would need to be revisited to ensure it's suitable for both council and water organisations, to ensure that there is a level of equability, I guess? If the Minister—it's a very small question—wouldn't mind answering in terms of the recalibration of the calculation for the threshold with the separation between local authorities and water organisations.

Hon RACHEL BROOKING (Labour—Dunedin): Yeah, and I'm just looking at my colleagues from the Greens, because I know that they've written about this in their differing view. I've moved right ahead to Subpart 7, and they might want to come back to this in a minute as well. This seems to be an enormous change to the Resource Management Act (RMA) and one that is not mentioned in the Finance and Expenditure Committee report, that I haven't heard discussed in the debates.

What it is doing is—and I'm afraid I have not got my internet on my phone working very well, because I have not gone to see the Water Services Act 2021 and the definitions that are now being referred to in this bill to be incorporated into the Resource Management Act. As a result of that, we are going to have an infrastructure design solution, a stormwater environmental performance standard, and a waste-water environmental performance standard that can then alter totally how the Resource Management Act works.

Where you would normally need a resource consent for something, there's now—if it's allowed by one of these three things—an infrastructure design solution or a stormwater environmental performance standard or a waste-water environmental standard; then it's allowed. We have these exemptions in the Resource Management Act for things that are already provided in a national environmental standard. But that is an instrument that is made under the Resource Management Act and is subject to the purpose of the Resource Management Act. The purpose of the Resource Management Act is sustainable management, and, as we know, there are environmental requirements in the RMA, but this bill, somewhat innocuously, in Part 5—when the Government members are trying to shut down the debate—in Subpart 7, suddenly amends the Resource Management Act in a way that appears to be very significant.

I would like to know from the Minister of Local Government, if I am correct that these are significant changes to the Resource Management Act, that if these Water Services Act 2021 instruments are now actually going to perform as if they were Resource Management Act instruments, and if these Water Services Act 2021 instruments have any environmental requirements to them, how will they have to align with the purpose of the Resource Management Act—that is, sustainable management—or will they be something lesser that enables more pollution? Is that the point here—that these new organisations will be able to discharge stormwater and waste water in a way that the Resource Management Act wouldn't allow for? Does the use of these performance standards mean that there will be more pollution? That is even when we've just been here debating clauses of the Resource Management Act being amended. I could briefly touch on that as well, because there are changes to provisions around designations and other things, that just a couple of hours ago we were voting on. I'm interested in how the two bills progressing in the committee stage, both changing similar parts of the RMA, will interact. Thank you.

Hon SIMON WATTS (Minister of Climate Change): Thank you, Madam Chair. I wish to provide assurance to the member in regards to her questions. The points that are included there simply reflect that this bill has a new mechanism for the establishment of

mandatory national engineering design standards to ensure consistent and effective design and construction of water network infrastructure.

The bill also amends the Water Services Act to provide for making regulations that are set for infrastructure design solutions in regards to waste water or stormwater infrastructure. An example of that is in the instance of a standardised modular waste-water treatment plant or components of that waste-water treatment plant. The question asked was: is that going to lead to increases in pollution or other aspects? Well, the water quality standards, including the discharge standards, are set by the independent water quality regulator, so that has no consequential difference. That regulator maintains national standards separate to the discussion we're having. We're simply acknowledging that the establishment of these new aspects under this bill which have a relationship with the Resource Management Act—we're simply reflecting those interrelationships.

LAN PHAM (Green): Thank you, Madam Chair. I really appreciate the opportunity to speak to this very substantive part of the bill. I wanted to pick up on the Minister's comments just then about those single set standards that sit outside of this regulation but are given effect to in Part 5, Subpart 7, and he was basically saying they're inconsequential. Now, what we're hearing and what we've heard very clearly from submissions was really quite the opposite, and I wanted to touch specifically on Selwyn District Council's submission. They described the aspects in these sections when it comes to the single standards of waste water and stormwater performance standards, effectively removing "the ability for [the] Council to impose any community informed rules or standards, even where those rules are more restrictive due to local environmental needs." They also talked about being really concerned about a lack of local oversight leading to potentially "worse environmental outcomes due to a lack of appreciation for local conditions, issues or nuances."

Now, what I'd really like to hear from the Minister—because I know that the rationale that was presented to us as part of the Finance and Expenditure Committee was that the standards themselves have been landed on because they're taking this kind of risk-based approach. I'm interested in that risk-based approach, because the information that we were given talked about these environmental limits being set to a higher standard for low-mixing environments—areas such as estuaries—to help manage these potential adverse effects, and then to a lower standard for high-mixing water environments, so things like rivers or along the coast. What I'm interested in understanding is: is that respective or irrespective of the current state of the receiving environment? That is the problem that these councils are trying to draw our attention to.

I also want to touch on Environment Canterbury's submission—this is the regional council for Waitaha Canterbury—because they really spell it out very clearly when they give the specific example of the Christchurch Wastewater Treatment Plant and they talk about the limits for both enterococci and ammoniacal nitrogen that are more lenient than the current limits that are set in Canterbury. What they're particularly concerned about here is the sensitive estuary and harbour environments. They give this example, that the current consent for the Christchurch City Council is no more than 75 percent of weekly samples in an eight-week period exceeding 1,000 coliform units of enterococci and no more than 25 percent exceeding 5,000. Now, the proposed single limits which will be given effect to in this part of the bill, which is new, is proposing 40,000 coliform units of enterococci standards 90 percent of the time. They're using this example to demonstrate how much more strict current limits are, and I'm struggling to see the justification for putting these single standards—giving effect to them—in this bill when we know, particularly, that 60 percent of our waste-water consents are coming up for renewal in the next 10 years; 20 percent of those are already expired.

The section that I'm particularly concerned about with this and which I'm proposing amendments to is clause 269. I'm proposing to replace new section 58JA(2), where it says the section "applies whether the rule is more or less stringent than the wastewater environmental performance standard"—to delete "more", because that is basically giving the ability for them to be set much higher, so we really want to get rid of that.

CHAIRPERSON (Barbara Kuriger): Members, the time has come for me to leave the Chair. The House is suspended until 9 a.m.

Debate interrupted.

Sitting suspended from 9:57 p.m. to 9 a.m. (Thursday)