

Tuesday, 4 August 2026

The Speaker took the Chair at 2 p.m.

Start of Sitting Day

KARAKIA/PRAYERS

GREG O'CONNOR (Assistant Speaker) (14:00): Almighty God, we give thanks for the blessings which have been bestowed on us. Laying aside all personal interests, we acknowledge the King and pray for guidance in our deliberations that we may conduct the affairs of this House with wisdom, justice, mercy, and humility for the welfare and the peace of New Zealand. Amen.

Motions

**NEW ZEALAND COMMONWEALTH GAMES TEAM—
CONGRATULATIONS**

Rt Hon CHRISTOPHER LUXON (Prime Minister) (14:01): I seek leave to move a motion without notice to congratulate the New Zealand Commonwealth Games team.

SPEAKER: Is there any objection to that course of action being followed? There is none.

Rt Hon CHRISTOPHER LUXON: I move, *That this House congratulate the New Zealand Commonwealth Games team of 114 athletes on their success in Glasgow where they won 10 gold, 14 silver, and 12 bronze medals—a total of 36 medals.*

On behalf of the Government, I congratulate the whole team on its incredible performances and achievements. Of course, there were many standout performances by our athletes, and I do want to acknowledge a few. Lewis Clareburt got our campaign off to a flying start with two gold medals in the pool; Emma Foy and Jessie Hodges won two golds and showed incredible resilience, getting back on the bike and standing on top of the podium just 30 minutes after a crash; not to be outdone on the velodrome, Devon Briggs also struck gold with a games record performance; David Liti lifted an astounding 389 kilograms to claim gold, while Zoe Hobbs made history, becoming the first New Zealander to win the Commonwealth Games 100 metres title; pole-vaulter Eliza McCartney again showed the world that Kiwis can fly; and Sydnee Andrews became the first New Zealand woman to win Commonwealth Games gold in judo. Of course, our Silver Ferns went undefeated, beating Jamaica in the final to bring home a brilliant gold medal, for the first time in 16 years.

I'd also like to congratulate all our athletes who won silver and bronze medals. Your achievements are significant, and you are all to be incredibly congratulated. There are many other athletes who participated and just missed winning a medal, and we should also be acknowledging all of them as well. Our athletes, without exception, performed with skill, determination, and integrity, and you have all done New Zealand proud.

Success like this doesn't happen on its own, and I also want to acknowledge the support teams behind our athletes: the families, the partners, and the friends whose support, guidance, and love all help our athletes make the sacrifices to allow them to perform at their very best. The coaches, the physios, nutritionists, the sports performance, the health psychology, and other professionals who all play a part in the success of our athletes also deserve recognition. Thank you for the work that you do.

Thank you also to our chef de mission, Nigel Avery, and his team and volunteers who worked so tirelessly to ensure that New Zealand not only had a successful campaign but also a memorable presence in Glasgow. I want to especially mention Liane Smithies, the team's seamstress, an unsung hero, who worked around the clock to make sure that the uniforms were fitted and tailored to keep our team looking their best on the world stage. Thank you to Liz Dawson and Nicki Nicol and their teams on the New Zealand Olympic and Commonwealth Games committees. Thank you to High Performance Sport and Sport New Zealand. You all worked incredibly hard to get our team to Glasgow.

Our athletes' performances have been magnificent, and they all carried themselves superbly. They competed hard, they showed humility in victory and grace in defeat, and they represented the very best of our country. New Zealanders watching from home saw courage, resilience, sportsmanship, and ambition, and those qualities are recognised around the world as hallmarks of our country.

To every member of the team, thank you. Thank you for inspiring us, for representing New Zealand with such distinction, and for showing what is possible when people back themselves and give everything they've got. You've made our country incredibly proud. Thank you.

SPEAKER: The question is at the motion to be agreed to.

Rt Hon CHRIS HIPKINS (Leader of the Opposition) (14:04): Thank you, Mr Speaker. On behalf of the Labour Opposition, can I wholeheartedly endorse the comments made by the Prime Minister and extend our congratulations to New Zealand's Commonwealth Games team, as well. For those 114 inspiring athletes and para-athletes to come home with 36 medals, as they have, is a testament not only to their talent and to their skills but also to the incredibly hard work that they have put into competing. Congratulations also go to their friends, their families, and all of those who have been supporting them every step of the way.

With a Commonwealth Games team that is so successful, it makes it very hard to choose which highlights and achievements to focus on—from Erika Fairweather and Lewis Claburn, both claiming multiple medals in swimming; to Devon Briggs, Emma Foy, Jessie Hodges, and Nicole Murray, all raking in golds and bronzes in para-cycling; the Silver Ferns reclaiming Commonwealth gold in netball for the first time in 16 years; or even Sydnee Andrews, for becoming the first New Zealand woman ever to win a Commonwealth Games gold medal in judo. The list of successes and achievements is considerable, not forgetting, of course, David Liti in weightlifting; Kurt Smith, Mark Noble in the para-lawn bowls; Lauren Bruce in the hammer throw; Anna Grimaldi in the para-sport 100 metres—the list continues to go on.

It would be remiss not to give a special shout-out to Zoe Hobbs. Scotland's weather isn't famous for its tropical conditions, so it was a truly special effort in wet and rainy conditions, not only to win gold in the 100 metres, the first time a New Zealander has done that at a Commonwealth Games, but to break the Oceania record at the same time. It was New Zealand's first sprint medal in over 50 years, in what has already become a remarkable career, and I'm sure there is plenty more still to come.

Of course, we celebrate the achievements of Eliza McCartney, who now has a gold to add to her medal collection. She didn't just win gold, though; she beat the current Olympic champion and rose back to the peak of her sport, after a journey that included recovering from an Achilles tendon injury. In fact, I think Eliza McCartney summed up the Kiwi attitude, when it comes to competing in these sorts of events, when she said, "I don't think any country does it quite like us." That is absolutely true of every one of the athletes and competitors representing New Zealand in Glasgow in 2026.

As their achievements enter the record books, as we look back on their successes, we extend our warmest congratulations to them and to all those who have been supporting them.

Hon MARAMA DAVIDSON (Co-Leader—Green) (14:07): Tēnā koe; tēnā tātou, Mr Speaker. As I was able to catch some of our incredible performances, what struck me is the absolute heart that is Aotearoa and that all of our athletes put into their performances, no matter the medal, no matter the placing. I know that behind every single athlete is an entire community of support, of sacrifice, of training, the likes of which I cannot even imagine.

I wanted to make sure we remembered the collective work that supports these incredible, superhuman athletes, in fact. They are absolutely superhuman. One of the TV performances that I was privileged to catch was David Andrew Liti's lift—his incredible lift. I just studied his face for the determination on it, to lift a weight that I can't even comprehend. The determination and the focus was what struck out at me as I was watching.

We all saw Zoe Hobbs and her incredible 100 metres final win and gold, and so many of us also were a part of the ongoing promotional videos and training that we were also privileged to see.

Dame Noels hasn't had an easy path to the Commonwealth Games, and it has to be acknowledged that through all of that adversity, she took an incredible team of superb athletes to that court, not just the players on it but the players on the bench—every single one of them were incredible, superb athletes. It gives me great pleasure to be able to add my contribution to the floor.

I wanted to also pick up that this incredible athleticism that unites us also took with it, as a team, across on a world stage, their pride in tikanga and reo Māori. They put that on the world stage as something that is unique to who we are, and only us. They put it on there with pride and unity, and they were so proud to represent who we are and the uniqueness of te reo Māori, tikanga Māori, and the indigenous people of this land—and so I thank the Commonwealth Games team for that.

Lastly, I wish every single child—every single budding athlete—had the opportunities to reach the goals of Commonwealth, of Olympic, and of world-stage performance. That is where our roles as politicians come in, to make sure that we have equity across our communities—equity of opportunities—because there are so many more of us who are worthy and deserving of reaching those world performances, like the athletes that we are celebrating today. Thank you very much to our incredible team for showing us proud on the world stage. Thank you for representing all of who we are, including te ao Māori. Thank you for being inspiring so that our responsibility is to ensure that we offer those equitable opportunities to all our community athletes. Kia ora.

CAMERON LUXTON (ACT) (14:11): Thank you, Mr Speaker. Today, this Parliament acknowledges and rightfully celebrates the outstanding achievement of New Zealand's athletes at the Commonwealth Games. While many of us had hoped that the games would be held closer to home—perhaps in Australia—we should congratulate Scotland and the Glaswegian people for stepping up and hosting this great event. Once again, our athletes have represented New Zealand with pride and distinction. The games remind us that the Commonwealth is not merely a legacy of the past; it is a living partnership of proud and independent nations united by history, friendship, and shared traditions. For nearly a century, the Commonwealth Games have celebrated excellence and friendly rivalry. They honour the ties that bind our nations together and strengthen them for future generations.

Special congratulations must go to our gold medallists: Lewis Clareburt, Eliza McCartney, Zoe Hobbs, David Liti, Devon Briggs, Emma Foy with her pilot Jessie Hodges, and—who can forget—the Silver Ferns. I also want to recognise Mark Noble, Kurt Smith, Teri Blackbourn, and Julie O'Connell for bringing home silver medals in the bowls, because netball and bowls are two sports that are particularly well-represented at the Commonwealth Games.

To every member of the New Zealand team: thank you for your dedication and your determination. You have made this country proud. You've inspired New Zealanders and reminded us what can be achieved with hard work and perseverance, and what can happen when Kiwis have their potential unlocked. On behalf of the ACT Party, I congratulate everyone involved, from chef de mission Nigel Avery to the supporters who contributed to New Zealand's success at these games. You've worn the silver fern with pride, and you've represented our country with distinction. God save the King, and God defend New Zealand.

Rt Hon WINSTON PETERS (Leader—NZ First) (14:13): We endorse, in their entirety, the Prime Minister's comments on behalf of our nation—not wishing to try and gain some ill-entitled, vicarious, collateral, political advantage.

ORIINI KAIPARA (Te Pāti Māori—Tāmaki Makaurau) (14:13): E te Pīka, tēnā koe. Ka tū au ki te whāriki i ngā mihi a Te Pāti Māori ki tō tātou kapa, ki te kapa o Aotearoa.

[Thank you, Mr Speaker. I stand to deliver the commendations of the Māori Party to our team, to the New Zealand team.]

the New Zealand team, representing Aotearoa at the Commonwealth Games in Glasgow, Scotland. I especially want to chime in on the chorus of celebrations and, also, acknowledgements to all the athletes—absolutely.

It goes without saying—it's not a secret—that, technically, I should be in Scotland right now. My last job was actually with the Olympics as pouwhiringa. However, I drew the short straw and came

in here, and now I'm speaking to this House. So, it is through this House that I wish to congratulate my former colleagues of the New Zealand Olympic Committee - Te Whare o Pou Tangata, who, as we know, hold very firmly their values of respect, integrity, excellence, leadership, and pride—those are the founding values of Te Whare o Pou Tangata. Our New Zealand team actually take that very seriously. It's not just about the action and the results that you see at the end of every finish line or at the start of every flagbearer ceremony, which we saw on 24 July; right through to the end, to the closing, it's actually the values that hold our kapa so firm. What they gave rise to this year in Glasgow they gave rise to in Paris last year: an epic, historic feat for Aotearoa New Zealand, propped up, may I say, by the mana and the pride of our culture that we celebrate also here in Aotearoa, and that is te ao Māori.

Te Whare o Pou Tangata has been gradually built over many decades. In fact, from the very outset, the start of the Olympic Committee in Aotearoa, they have been toiling day in, day out to give effect to Te Tiriti through the mahi that they do on and off the field. It is to the performance support teams that I send my acknowledgements and my absolute gratitude to you for standing by our athletes in their times of victory, but especially in their times of failure; the likes of Eliza McCartney and Zoe Hobbs who have had to fight tooth and nail to reach gold standards. It's not just the gold medallists that we should be acknowledging and celebrating today, it's also the 12 bronze medallists, it's also the 14 silver medallists, and it's also those who broke their own personal records. It's also those who gave it a go, who actually said, "Yes, I will take on the responsibility, or just the duty of trying."

To all of those from Ngāti Porou, the Toko lot, fighting with the ones from Tikitiki who has represented us in judo, and also on the netball courts, e mihi kau ana [*our sincerest acknowledgements*] to all our Ngātis, but also to all our representatives, whether you're Māori or not. You put that fern on, I know exactly what that feels like; to wear the fern firmly on your chest, to go all the way onto the other side of the world to represent us speaks so many volumes, and I only wish that the members of this House today could acknowledge that in its sincerity but also stand with us in pride. Be proud of Aotearoa New Zealand everybody in this House, because they've done us all a great service. They've put us back on the map, and it is fair that we remain proud and firm as Aotearoa. Tēnā tātou.

Motion agreed to.

Presentation

PETITIONS

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

CLERK (14:17):

- Petition of Dana Walsh requesting that the House amend tenancy laws to allow landlords to terminate a tenancy where an abused animal has been removed, or unethical backyard breeding has occurred
- petition of Sharna Tippettt requesting that the House implement transitional provisions for students who are already enrolled in tertiary study and expecting final-year Fees Free.

SPEAKER: Those petitions stand referred to the Petitions Committee.

PAPERS

SPEAKER: I present that annual report for the year ending 30 June 2026 of the Parliamentary Service Commission. That paper is published under the authority of the House.

SELECT COMMITTEE REPORTS

SPEAKER: Twenty-five select committee reports have been presented for presentation.

CLERK (14:18):

- Report of the Economic Development, Science and Innovation Committee on the 2026-27 Estimates for Vote Business, Science and Innovation (excluding appropriations related to New Zealand Trade and Enterprise)
- reports of the Foreign Affairs, Defence and Trade Committee on the:
 - 2026-27 Estimates of appropriations within Vote Business, Science and Innovation related to New Zealand Trade and Enterprise
 - 2026-27 Estimates Vote Customs, and
 - Armed Forces Discipline Legislation Amendment Bill
- reports of the Governance and Administration Committee on the:
 - 2026-27 Estimates for Vote Ombudsmen
 - 2026-27 Estimates for Vote Parliamentary Service and for Vote Office of the Clerk
 - 2026-27 Estimates for Vote Prime Minister and Cabinet
 - 2026-27 Estimates for Vote Public Service, and
 - 2026-27 Estimates for Vote Statistics
- reports of the Justice Committee on the:
 - 2026-27 Estimates for Vote Attorney-General
 - 2026-27 Estimates for Vote Corrections
 - 2026-27 Estimates for Vote Courts
 - 2026-27 Estimates for Vote Justice
 - 2026-27 Estimates for Vote Parliamentary Counsel
 - 2026-27 Estimates for Vote Police, and
 - 2026-27 Estimates for Vote Serious Fraud
 - Data and Statistics (Census) Amendment Bill
 - Electoral (District Boundaries) Amendment Bill, and
 - Trespass (Specified Retail Premises and Other Matters) Amendment Bill
- reports of the Petitions Committee on the:
 - petition of Bob Robertson, and the
 - petition of Simon Palmer
- reports of the Social Services and Community Committee on the:
 - 2026-27 Estimates for Vote Pacific Peoples
 - 2026-27 Estimates for Vote Sport and Recreation, and
 - 2026-27 Estimates for Vote Women
 - Ōtautahi Community Housing Trust (Trust Variation) Bill, and

- Trust Horizon (Trust Variation) Bill.

SPEAKER: The bills are set down for second reading. No bills have been introduced.

Oral Questions to Ministers

PRIME MINISTER

Question No. 1

Rt Hon CHRIS HIPKINS (Leader of the Opposition) (14:19) to the **Prime Minister:** Does he stand by all his Government's statements and actions?

Rt Hon CHRISTOPHER LUXON (Prime Minister) (14:19): Yes.

Rt Hon Chris Hipkins: Does he stand by his view that small-business owners who are struggling through tough economic conditions have created a parent-child mentality?

Rt Hon CHRISTOPHER LUXON: Well, look, I addressed those comments extensively and publicly yesterday, apologising for how they came across, and I could have expressed myself better.

Rt Hon Chris Hipkins: Well, was he correct on Sunday, when his office said that his comments disparaging small-business owners had been mischaracterised, or was he correct yesterday when he himself said that he was disappointed with how his comments had been reported, or was he correct hours later when he apologised if he'd offended anybody?

Rt Hon CHRISTOPHER LUXON: As I said, I addressed that in my previous answer. But I'm proud of the work that this Government's done to support, to empower, and to enable small businesses, whether that's been through Investment Boost, fast track, Resource Management Act (RMA) reform, or opening up new trade deals.

Rt Hon Chris Hipkins: Does he agree with Erica Stanford that his comments have "caused a lot of hurt and upset"; if so, why?

Rt Hon CHRISTOPHER LUXON: Again, as I've said, I addressed those comments in my earlier answer. But I'm very proud of our—particularly our programme around Investment Boost. It is without doubt the most transformative policy for small businesses in New Zealand. I would just ask the member to consider whether he is or isn't supporting Investment Boost going forward.

Rt Hon Chris Hipkins: Point of order, Mr Speaker. I know we're three years into this, but the Prime Minister's job is to answer questions not ask them, and he hasn't actually addressed the question I asked, which is whether he agreed with Erica Stanford's statement. Saying "I referred to that earlier", when he didn't, isn't an answer to the question.

SPEAKER: I think you'll find he started his answer with the word "yes", but the Prime Minister may want to add to that.

Rt Hon CHRISTOPHER LUXON: Well, as I've said, I've addressed those comments extensively and publicly yesterday. The point I was making was that Investment Boost is a key policy for small businesses, and if the member actually cared about small businesses, rather than trying to politic—is he going to support it or not?

Rt Hon Chris Hipkins: Does he agree then with his Deputy Prime Minister, David Seymour, "there are some people who call themselves businesspeople, yet always have their hand out to the Government"; if so, which businesses does he think fall into that category?

Rt Hon CHRISTOPHER LUXON: Well, I'm actually very proud of New Zealand businesses. I, unlike the member, get to see many of them each and every week. I actually get out of the bubble of Wellington and go meet with them and understand what their needs are. That's why we've advocated so strongly for opening up new trade deals; that's why we've advocated so strongly for the Investment Boost, which I wish that member would get in behind and actually support because it's good for local businesses in New Zealand; that's why we've

done RMA reform, fast track—things that that member's opposed. Those are the things that make a difference to get small businesses working and to get them growing.

Rt Hon Chris Hipkins: Point of order, Mr Speaker. I quoted David Seymour, the Deputy Prime Minister, directly to the Prime Minister and asked him whether he agreed that there are businesses in New Zealand who constantly have their hand out to the Government, and said, "if so, which businesses was he referring to?"—he didn't address either of those questions.

SPEAKER: In this case, the Prime Minister could say a bit more, I think.

Rt Hon CHRISTOPHER LUXON: Well, I won't speak for the Deputy Prime Minister; I'll speak for myself to say that I'm very proud of New Zealand's small businesses across this country. They do an incredible job; they're the lifeblood and the backbone of New Zealand. We care about them, in this Government, that's why we get the settings right so that we can get out of the mix and they get on and actually grow the businesses and grow incomes, jobs, and wages. That's what we want them to be doing.

Rt Hon Chris Hipkins: When he said, "the last person I wanted ever to talk to as a CEO was the Government", was he referring to his time as the chief executive of a Government-owned airline or his time as the chair of the Prime Minister's Business Advisory Council?

Rt Hon CHRISTOPHER LUXON: Well, that's what led me to politics, my friend—having seen how rubbish the Government managed things in the last lot; it got me here very quickly. Can I just say: look, my comments were about empowering and enabling businesses. Because here's the deal: economies work the best when, actually, Government gets the settings right—RMA reform, fast track, Investment Boost, trade deals—gets out of the way, and lets businesses get on with it. Here's the difference between Labour and the coalition Government—

SPEAKER: Yeah—no, that's enough.

Rt Hon Chris Hipkins: Does he think that being a manager at a large multinational company and earning a six- or seven-figure salary is comparable to running a small business in New Zealand; if so, why?

Rt Hon CHRISTOPHER LUXON: Well, I'm Prime Minister of New Zealand, that's my current job, and my job is to make sure I get the settings right to make sure that New Zealand businesses can do the very best they can—opening up new markets, making sure we get the regulatory settings right so they can grow, raise incomes, raise jobs. What—*[Interruption]*

SPEAKER: Sorry, Prime Minister. Why ask a question if no one on that side of the House wants to listen to an answer?

Rt Hon Chris Hipkins: Which reflects his view of business in New Zealand: that they have "a parent-child mentality", that they are "C-listers", that they are "wet, whiny and inward-looking", or that they are "soft"—all statements he has made in the last three years?

Rt Hon CHRISTOPHER LUXON: Well, what I believe is a Government should empower and enable businesses, unlike the last Labour Government that told them what they would do—actually, happened to them—and you've seen a very big difference between your Government running COVID and our Government running a fuel crisis. We work and partner with businesses; we don't do things to them.

FINANCE

Question No. 2

RYAN HAMILTON: Thank you, Mr Speaker. My question is to the Minister of Finance—*[Interruption]*

SPEAKER: Hang on, Mr Hamilton. No one speaks other than the person asking the question.

RYAN HAMILTON (National—Hamilton East) (14:25) to the Minister of Finance: What impact will resource management reform have on the economy?

Hon NICOLA WILLIS (Minister of Finance) (14:25): I've seen reports on the Government's resource management reforms, including the Natural Environment Bill and the Planning Bill. Later today, these bills will both have their second readings, following in-depth consideration by the Environment Committee. For too long, the Resource Management Act has been a handbrake on economic growth. These reforms will make it easier to build homes, deliver infrastructure, and invest in productive businesses by reducing unnecessary cost, complexity, and delay. That is good for investment, productivity, and, ultimately, for delivering higher living standards for New Zealanders.

Ryan Hamilton: How will those reforms impact economic performance?

Hon NICOLA WILLIS: Well, these reforms will reduce unnecessary delays in compliance costs by making the planning system more consistent, more certain, and less resource-intensive. Officials estimate around 45 percent of consent applications required under the current Resource Management Act could no longer be needed at all. That's between 15,000 and 22,000 fewer consents each year. That means less time for New Zealanders navigating bureaucracy. It means more building, higher productivity, and lasting compliance savings, creating better conditions for investment as we build New Zealand's future.

Ryan Hamilton: What other actions has the Government taken to create conditions for businesses to thrive?

Hon NICOLA WILLIS: Resource management reform is only one part of the Government's Going For Growth agenda. We've introduced Investment Boost, refreshed the Active Investor Plus visa, passed fast-track legislation, replaced the Holidays Act, reduced unnecessary health and safety compliance, improved Government procurement rules, concluded free-trade agreements with India and the Gulf Cooperation Council, and established Invest New Zealand. Together, these reforms are making New Zealand a more attractive place to invest, grow a business, and create jobs.

Ryan Hamilton: Why is creating the right environment for businesses so important?

Hon NICOLA WILLIS: Well, because businesses create jobs, invest in new equipment, develop new products, and generate the incomes that lift living standards. Government cannot grow the economy on its own. Our job is to create the conditions for businesses to succeed by maintaining stable economic settings, reducing unnecessary regulation, and encouraging investment. That is exactly what this Government's Going For Growth programme is all about.

ARTS, CULTURE AND HERITAGE

Question No. 3

TĀKUTA FERRIS (Te Tai Tonga) (14:27) to the **Minister for Arts, Culture and Heritage:** Does he accept the Māori Land Court's ruling that the Crown's obligations extend to the entire Rangihoua waka miheke found by Imi Moriori on Rēkohu, not just the parts recovered; if so, what actions will he take to ensure that the Government meets those statutory obligations?

Hon PAUL GOLDSMITH (Minister for Arts, Culture and Heritage) (14:28): The Government is taking advice following the Māori Land Court's judgment on 30 June 2026 on the matter relating to the discovery of the waka on the Chatham Islands, under the Protected Objects Act 1975, and, as this is an active matter before the court, I won't be commenting further on the details of that. I will note, however, that this is an extraordinary discovery and, potentially, a significant piece of New Zealand history, which is why the Government allocated \$1 million to the excavation and care of partial remains of the waka.

Tākuta Ferris: What confidence can the Minister give imi Moriori and Māori that the Government will protect taonga tūturu, given that the Crown's interpretation of its obligations under the Protected Objects Act 1975 was rejected?

Hon PAUL GOLDSMITH: Every confidence, because we obviously have invested upwards of \$1 million so far in terms of the preservation of the parts of the waka that have been uncovered and sent a specialist wet wood conservator to the area. We had an excavation undertaken in

January and February last year. It's in a very difficult area. It can be worked on during the summer, and we've put significant resources into it, but we're taking further thought and consideration of the High Court's judgment in the meantime.

Tākuta Ferris: Does the Minister accept the archaeological advice that recovering the Rangihoua waka miheke this coming summer offers the best opportunity to preserve it, and, considering it's the Crown's obligation, what is he doing to make that possible?

Hon PAUL GOLDSMITH: Well, as I said, we have already set aside \$1 million and there may be more funds that need to be put into this task, which we are going about in a very careful and deliberate manner.

Tākuta Ferris: In light of the Māori Land Court rejecting the Crown's interpretation of its obligations under the Protected Objects Act 1975, has the Minister sought advice on updating the ministry's guidance to reflect the court's ruling; if not, why not?

Hon PAUL GOLDSMITH: Yes, I have taken advice, and I'm awaiting that advice.

Tākuta Ferris: When the Minister visits Rēkohu later this month, what assurances can he give that he will secure the \$3.5 million needed to recover and conserve the Rangihoua waka miheke, or will he arrive empty-handed and leave one of Aotearoa's most significant archaeological discoveries without the funding needed to preserve it?

Hon PAUL GOLDSMITH: I certainly won't be arriving empty-handed, because I'll be arriving wearing my other ministerial hat, as well, as Minister for Treaty of Waitangi Negotiations with the intention of signing a settlement with Ngāti Mutunga, which has been something that the Government and Ngāti Mutunga have been working on for many, many years, and it will be a cause of great celebration.

PRIME MINISTER

Question No. 4

Rt Hon CHRIS HIPKINS (Leader of the Opposition) (14:32) to the Prime Minister: Does he have confidence in all of his Ministers?

Rt Hon CHRISTOPHER LUXON (Prime Minister) (14:32) Yes.

Rt Hon Chris Hipkins: Does he have confidence in the Minister of Foreign Affairs to speak for him and his Government on all matters relating to New Zealand's foreign policy?

Rt Hon CHRISTOPHER LUXON: Yes.

Rt Hon Chris Hipkins: Were comments made by Winston Peters last week regarding China and Chinese New Zealanders racist?

Rt Hon CHRISTOPHER LUXON: I've made my views on these offensive remarks pretty clear over the last week. I've addressed this issue over the last few days. The Chinese community know that I strongly support—I've previously called them out as offensive and racist.

Rt Hon Chris Hipkins: How can he have confidence in a Minister of Foreign Affairs who makes comments that he himself has called racist?

Rt Hon CHRISTOPHER LUXON: Well, because he made the comments in a general debate speaking as the New Zealand First Leader, not while exercising his Foreign Affairs functions. The conduct of the debate in this House is a matter for the Speaker, and the Speaker ruled it inappropriate. The New Zealand - China relationship is in good heart; it's a longstanding one. I'd just say the Foreign Minister and the Chinese ambassadors have had spats from time to time, including when he was Foreign Minister for the Labour Government.

Rt Hon Winston Peters: Point of order, Mr Speaker. There is so much of a din coming from the Labour party, I wonder if you could do us a favour and call Helen Clark and ask her to quieten them down.

SPEAKER: No, I don't tend to take instruction from anyone of that nature. The Rt Hon Chris Hipkins.

Rt Hon Chris Hipkins: She quietened him down when she dumped him from Cabinet.

SPEAKER: And no one else—no one else is speaking.

Rt Hon Winston Peters: Point of order. That last statement was a lie, and I ask him to withdraw it—that last statement was a lie, and I ask him to withdraw it.

SPEAKER: No. No, sorry, Mr Peters, that won't be happening. I make a decision about what gets withdrawn and what doesn't. You'll be aware that I made a decision last week along the lines of the manner we're just currently discussing. If I were you, I'd leave it alone.

Rt Hon Winston Peters: Point of order.

Chlöe Swarbrick: Point of order.

SPEAKER: Just a minute, we're getting a bit out of order here.

Rt Hon Winston Peters: Are you saying that a statement in this House that is made that is false—and the person who made it, knowing it's false—is not capable of being addressed by this House? Well, what are my rights now?

Chlöe Swarbrick: Point of order.

SPEAKER: Sit down—I'm not finished. When the House has resumed its composure—

Chlöe Swarbrick: Point of order.

SPEAKER: No, I'm just responding. Mr Peters, in actual fact, there was so much noise going on in the House—people will find it hard to believe that, although you're sitting in an elevated position here, sometimes there's so much noise it's difficult to pick out what was said. I'll give an undertaking to have a look at the *Hansard* and come back to the House.

Rt Hon Winston Peters: Thank you.

Chlöe Swarbrick: Point of order.

SPEAKER: The Hon Marama—ah. The Hon Chlöe—ah, sorry!

Chlöe Swarbrick: I'll take it!

SPEAKER: Yeah, well, not until you earn it. Chlöe Swarbrick.

Chlöe Swarbrick: Mr Speaker, I'm just seeking your guidance on the use of the terminology and accusation of a lie. You have punished me personally, multiple times, for the use of that word, and I just am seeking your guidance as to whether this rule applies universally or there's one rule for us and another for him.

SPEAKER: No—careful how you approach that. Every situation is quite different, and I've just undertaken that I'll have a look at the *Hansard* and make a call on that, because the member's own party was party to some of the noise that was going on not only in that last exchange but also, I might point out, last week.

Rt Hon Chris Hipkins: Why does he have confidence in his Minister of Foreign Affairs, given his statement that people from China “lie like flatfish”, and his calling the ambassador of our largest trading partner a “communist shill”?

Rt Hon CHRISTOPHER LUXON: Well, as I said, I publicly called the remarks offensive, and our Chinese community know I strongly back them. But with respect to the capacity in which he—*[Interruption]*

SPEAKER: We'll hear the rest of the answer without any response from anyone else in the House.

Rt Hon CHRISTOPHER LUXON: As I said before, the remarks were passed in this Parliament in his capacity as the New Zealand First Party leader. The Speaker is responsible for conduct in the House. He deemed it inappropriate. There have been historical spats between the Foreign Minister and Chinese ambassadors. As I've said, it happened also when he was Foreign Minister under a Labour Government.

Rt Hon Chris Hipkins: Point of order, Mr Speaker. It has been widely reported in both the New Zealand media and the international media that the office of the Minister of Foreign Affairs in New Zealand issued a statement standing by the speech that Winston Peters delivered in the House. To say that it is not therefore a ministerial statement is wrong. If the Minister of Foreign Affairs issues a statement endorsing a speech that they have delivered in the House, in whatever capacity it is, then it is a ministerial statement.

SPEAKER: Yep, thank you. Ask your question again.

Rt Hon Chris Hipkins: Why does he have confidence in his Minister of Foreign Affairs, given his statement that people from China "lie like flatfish", and is calling the ambassador of our largest trading partner a "communist shill"?

Rt Hon CHRISTOPHER LUXON: As I said, I've publicly called the remarks offensive. But the New Zealand China relationship is a longstanding one and it is actually in good heart. The Minister and the ambassador have had spats in the past and that's what we've seen, and I'm quite comfortable with the relationship that we have between New Zealand and China. It's in good heart.

Rt Hon Chris Hipkins: Does he believe that Winston Peter's statements are consistent with the *Cabinet Manual's* rules that state that Ministers must at all times "uphold, the highest ethical and behavioural standards"; if so, why?

Rt Hon CHRISTOPHER LUXON: Well, I've publicly called the remarks offensive, I've been clear about my views on the conduct, and I've spoken to the Minister about it. My view is that we are 90 days away from an election. New Zealanders can exercise their vote as they see fit at the ballot box. But I just will not be lectured on the *Cabinet Manual* from the man who had difficulty controlling his own front bench. Remember a guy called Michael Wood?

Rt Hon Chris Hipkins: Well, does he stand by his statement on 24 November 2023, not long after becoming Prime Minister: "I'm responsible for all ministers irrespective of which party they've come from"; if so, why hasn't he acted regarding comments made by the Minister of Foreign Affairs that he himself has said were racist?

Rt Hon CHRISTOPHER LUXON: Well, I've been clear about the conduct, and every time language that I disagree with is said, I say so.

TRANSPORT

Question No. 5

GRANT McCALLUM (National—Northland) (14:39) to the **Minister of Transport:** What announcements has he made about progressing the Northland Expressway?

Hon CHRIS BISHOP (Minister of Transport) (14:39): Fantastic news. Last week, I announced that the National-led Government is getting on with the first section of the Northern Expressway from Warkworth to Te Hana. It's one of the most significant infrastructure investments this Government is making to support jobs, unlock growth, and provide a safer and more resilient connection for people and freight between Auckland and Northland. The agreement was finalised last Thursday between the Crown and the Northway consortium to design, build, finance, maintain, and operate the expressway. Very good value for money for taxpayers. There's a net present value of \$3.649 billion, around \$250 million cheaper than if it was delivered under a

traditional public sector procurement. It's the 12th road of national significance to be procured under past and present National Governments. It is an important project for Northland.

Grant McCallum: What does the first stage of the Northland Expressway include and what are its benefits?

Hon CHRIS BISHOP: It's a new 26-kilometre, four-lane expressway, with grade separated interchanges at Warkworth, Wellsford, and Te Hana. It also includes 15 standardised bridges and twin tunnels of around a kilometre long. Over the life of the expressway, the benefits are expected to include 145 fewer deaths and serious injuries, travel time savings of seven to 10 minutes, more than a thousand fewer closure hours due to severe weather, and the removal of around a thousand vehicles per day from the main streets through Wellsford and Te Hana. This is a game-changer for the Northland economy.

Grant McCallum: What lessons have been learnt from previous public-private partnerships?

Hon CHRIS BISHOP: This is something I've been particularly interested in. This is the largest public-private partnership in New Zealand history, and we have learnt the lessons from previous examples like Transmission Gully (TG), including taking a more sophisticated approach to risk allocation, securing property and resource consents earlier—which was a real issue with TG—and establishing a stronger evidence base for affordability thresholds. The procurement process was also strengthened through bid cost reimbursement to encourage competitive participation. The New Zealand Transport Authority has retained intellectual property on those proposal, and so we've learnt the lessons from the past and we're moving forward into the future with confidence.

Grant McCallum: What feedback has he seen regarding this announcement?

Hon CHRIS BISHOP: I have seen feedback from the local Northland MP, Grant McCallum, who said that the Northern Expressway will revitalise Northland's economy, creating jobs, and boosting wages. I thank him, alongside staunch advocates for the projects Dr Shane Reti and the Hon Chris Penk for their support. Northern Regional Transport Committee Chair Joe Carr—a very hard-working man—acknowledged the unanimous and strong support of all four Northland councils. Northland NZ, the economic development and tourism agency, hailed the public-private partnership deal, enabling it to go ahead and calling it a win. Northland has incredible potential, and this is a major milestone in unlocking the infrastructure, jobs, and economic growth that the wonderful region in Northland needs and deserves.

FINANCE

Question No. 6

Hon BARBARA EDMONDS (Labour—Mana) (14:42) to the **Minister of Finance:** Meitaki maata, Mr Speaker. Was the Prime Minister correct when he said that small businesses have a "parent-child mentality" and look too often to the Government for help; if not, why not?

Hon NICOLA WILLIS (Minister of Finance) (14:42): Well, I first note that the Prime Minister did not specifically refer to small businesses in the comments that the member is referencing. Regardless, the Prime Minister has acknowledged he could have made his point better. As I say, his comments were not directed at small businesses; they were intended as a reference to the previous Government's paternalistic approach to business in general.
[Interruption]

Hon Barbara Edmonds: Supplementary.

SPEAKER: Yeah, just wait for your colleagues to catch up—all right.

Hon Barbara Edmonds: Was the Deputy Prime Minister correct when he said that "There are some people who call themselves businesspeople and yet always have their hand out to the government"; if so, can she identify these people or businesses to the House?

Hon NICOLA WILLIS: My experience is that when the Deputy Prime Minister makes a comment, he generally has the facts to back it up. If the member wishes to ask him which businesses he was referring to, she should put a question to him.

Hon Barbara Edmonds: Why, when mortgage stress of business owners is at least double that of salaried workers, did her Government feel the need to tell them that they have a “negative” view of the economy and compare them to children?

Hon NICOLA WILLIS: I do not think that’s what the Government did.

Hon Barbara Edmonds: Which of the Prime Minister’s comments does she not agree with: that New Zealand is “very negative, wet, whiny, inward-looking”; that New Zealand businesses are “soft”; those doing it tough are “bottom feeders”; or that our small businesses are negative, with a “parent-child mentality”?

Hon NICOLA WILLIS: I think all of those comments should be understood in the context in which they were given, and I wish to refer the member to the Prime Minister’s comments, yesterday, in which he acknowledged the challenges that many small-business owners are facing and that he got it wrong in his remarks earlier.

Hon David Seymour: Is it possible that the true and correct context for those comments was talking about the Labour Party and their leader?

SPEAKER: No, that’s not a question. Any further over there? Question No. 7—Katie Nimon. *[Interruption]* Hang on, just a minute. We’re all quiet while the question’s called.

EDUCATION

Question No. 7

KATIE NIMON (National—Napier) (14:45) to the Minister of Education: What recent announcement has she made about strengthening teacher training?

Hon ERICA STANFORD (Minister of Education) (14:45): I announced that we are backing Kiwi teachers. This week, I announced an expansion of the School Onsite Training Programme, which supports student teachers to complete their Initial Teacher Education while based at a host school, each paid a tax-free stipend of \$20,660. We are growing the number of placements from 147 in 2024 to 660 next year, and 704 places annually from 2028. We’re also expanding the Teacher Bonding Scheme, which supports schools with persistent staffing challenges to attract and retain great teachers, to 235 places. Together, these changes strengthen the pipeline of classroom-ready teachers by increasing access to practice-based training and supporting schools that face recruitment and retention challenges.

Katie Nimon: How is the School Onsite Training Programme strengthening Initial Teacher Education?

Hon ERICA STANFORD: Well, the Government is strengthening Initial Teacher Education because New Zealand needs a stronger pipeline of well-prepared teachers. Findings from the OECD Teaching and Learning International Survey and from the Education Review Office (ERO) highlight that most graduate teachers don’t feel confident in teaching all of their subjects, and that 28 percent of teachers find Initial Teacher Education—

Hon Ginny Andersen: Who runs ERO?

Hon ERICA STANFORD: —ineffective.

SPEAKER: That’s enough.

Hon ERICA STANFORD: We know from ERO—

Hon Ginny Andersen: And David Ferguson.

Hon ERICA STANFORD: —that practice-based training—Mr Speaker, I’m going to just acknowledge that barracking from the Opposition. The new chief executive of ERO, David

Ferguson, is one of New Zealand's most highly respected principals that we've ever had, potentially. He deserves her respect. If that's how she's going to treat teachers, then good Lord! I hope she's never the education Minister. *[Interruption]*

SPEAKER: Just completely settle down. The balance of this question and its supplementaries will be listened to in silence, apart from the person asking the question and the one answering it. Katie Nimon, ask the question again.

Katie Nimon: The same question? Yep.

SPEAKER: No, no. Your second supplementary.

Katie Nimon: OK. How does this benefit schools?

Hon ERICA STANFORD: The Government is strengthening Initial Teacher Education because New Zealand needs a stronger pipeline of well-prepared teachers. We know that people who are trained on-site are more prepared for the classroom. We know that we can direct these places into areas of need, not only in primary but also into secondary and into those areas where they are most needed, in rural, isolated places.

Katie Nimon: What feedback has she received on this announcement?

Hon ERICA STANFORD: Well, the response to this announcement has been really positive. The Rural Schools Leadership Association President, Andrew King, told Mike Hosking, "It's got to be a good thing. It's a financial incentive to help teacher aides or people on a limited authority to teach to become full-time teachers." Another person said, "Good initiative. It also ensures support and encouragement and job security for those who are already in the early part of their careers in the field of education." Regarding the School Onsite Training Programme, a teacher at Aotea College said, "It's much more beneficial to train in school." A trainee teacher also expressed support for the announcement, saying, "It's the practical aspect that makes the programme."

Rt Hon Winston Peters: Is one of the most important things about the strengthening of teacher training now that when it comes to school attendance, the children are going to school, not like when we changed the Government and half weren't going to school?

Hon ERICA STANFORD: Well, one of the most important things for raising student achievement and engagement is the quality of the teacher—

Hon Willow-Jean Prime: Are they going to physically remove them?

Hon ERICA STANFORD: —in front of the child.

SPEAKER: Sorry, what did I say earlier?

Hon ERICA STANFORD: Whakarongo mai.

SPEAKER: Just answer; don't engage across the House.

Hon ERICA STANFORD: One of the most important things is the quality of the teacher in front of the child when it comes to raising achievement and engaging with children and making sure they are turning up to school. We now have the largest number of teachers in the sector that we've had on record since they began in 2009. We've got 30 percent more in training and we're holding firm at a retention rate of 90 percent, on top of now training 705 on-site trainee teachers with the stipend. There is no better time to be a teacher because of the incredible reforms of this Government, and it looks like teachers want to get on board and be a part of it.

PRIME MINISTER

Question No. 8

Hon MARAMA DAVIDSON (Co-Leader—Green) (14:50) 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) (14:50): Yes.

Hon Marama Davidson: Is he proud to lead a Government where one of his most senior Ministers can make comments about Chinese people that he himself called “racist and offensive” while facing no meaningful consequence and still representing New Zealand on the world stage?

SPEAKER: Just to be clear—I didn’t want to interrupt the member while she was asking a question—this answer and this series of answers and questions will also be heard in silence with no comment from anyone other than the person asking the question and the person answering the question.

Hon Kieran McAnulty: Point of order. Throughout that question, Winston Peters was heckling the questioner. On every other instance that I can remember, when that has happened, you have personally pulled them up. In that instance, you commented to the House to say that there will be silence during the answer, but not once did you mention that that was happening. Previously, I’ve been kicked out by suggesting that you are treating Winston Peters differently to other members in the House. There was another example right then, and you didn’t do anything about it.

SPEAKER: Well, that’s your opinion. I just said that I chose not to interrupt the Hon Marama Davidson while she was asking that question, but there was certainly a number of voices coming from that end of the House. Can I just make it very clear—*[Interruption]* Sorry, we’re getting into pretty dangerous territory here, from my perspective. Marama Davidson, ask your question again, and no one will interfere or interrupt you, I should say.

Hon Marama Davidson: Thank you, Mr Speaker. Ki te Pirimia: is he proud to lead a Government where one of his most senior Ministers can make comments about Chinese people that he himself called “racist and offensive” while facing no meaningful consequence and still representing New Zealand on the world stage?

Rt Hon CHRISTOPHER LUXON: As I had given answers in the previous round of questions, I publicly called the remarks offensive. I’ve been clear about my views on the conduct. We are 90 days out from an election. If New Zealanders feel strongly about it, they can exercise their vote on 7 November and change the shape of any Government.

Hon Marama Davidson: Does he accept the warning from Aucklander Mengzhu Fu that comments like those of his senior Minister tell the 1.4 million New Zealanders born overseas that “you don’t deserve care, you don’t deserve justice, you don’t deserve income, you don’t deserve to live with dignity”?

Rt Hon CHRISTOPHER LUXON: In answer to the first part of the question, I’ve been very clear in my support for all immigrant Kiwis that have come here. I’m very proud of the work that they have done and the contributions they’ve made to this country. They work incredibly hard, and they’ve made New Zealand a much better place. I’ve expressed that view many, many times.

Hon Marama Davidson: Is he content with allowing these anti-migrant remarks, considering similar comments have been made by his Minister for Resources as well as to other instances this term from his own MPs for racist sentiments expressed in the House, which they subsequently were made to withdraw and apologise for?

Rt Hon CHRISTOPHER LUXON: Again, I’m not sure what Minister she’s referring to.

Hon Marama Davidson: Why is he willing to rule out someone from serving in his Cabinet for making crass remarks about women but continue allowing his foreign affairs Minister to remain in Cabinet despite his ongoing disparaging remarks towards migrant communities?

Rt Hon CHRISTOPHER LUXON: As I’ve said, I’ve been clear about the conduct and I’ve expressed my view on that subject. Every time a colleague has used language that I disagree with, I say so.

Rt Hon Winston Peters: Would the Prime Minister be interested to know that, of the hundreds and hundreds of people at the Iwi Leaders Forum last week in Queenstown, of them all, not one raised this issue at all?

Hon Willie Jackson: They've given up.

Rt Hon Winston Peters: No, no, Willie; you lost big time, sunshine.

SPEAKER: There is just one person asking a question—the Hon Marama Davidson.

Hon Kieran McAnulty: Was that a question?

SPEAKER: No, it was attempting to give an answer, but you've got to wait, probably, several years before you'll be able to do that.

Hon Marama Davidson: How does he claim that his foreign affairs Minister made those remarks as a New Zealand First leader when it was repeated by media that a spokesperson for the Minister of Foreign Affairs put statements out to reiterate that the Minister was aiming at defending New Zealand's democracy?

Rt Hon CHRISTOPHER LUXON: Well, he made the remarks during a general debate in this House, speaking as the New Zealand First leader. As I've said earlier, the conduct of the House is in the purview of the Speaker, who ruled those comments inappropriate.

MĀORI DEVELOPMENT

Question No. 9

CUSHLA TANGAERE-MANUEL (Labour—Ikaroa-Rāwhiti) (14:55) to the **Minister for Māori Development:** Does he stand by his statement, "By 2035, I want to see the size of the measured Māori economy double"; if not, why not?

Hon SHANE JONES (Minister for Regional Development) (14:56) on behalf of the **Minister for Māori Development:** Yes. We need to be judicious how we deploy the term "Māori economy". If, for example, we are referring to Māori land, 35 percent of Māori freehold land is located in Tairāwhiti. That percentage figure that the member refers to can be achieved, but in order to do that, the Minister of Forestry no doubt is going to have to involve himself with the affairs of the local council up there, who seem hell-bent on destroying Māori land aspirations by closing down forestry.

Cushla Tangaere-Manuel: Does he stand by his statement, "Growing the economy means backing Māori enterprise to scale, export, and compete internationally", and, if so, why did he scrap progressive procurement and cut Māori trades training?

Hon SHANE JONES: I have to correct that member. At the last Budget, money was actually transferred away from the third-year fees entitlement dedicated towards foundation skills that relate to preparing people for apprenticeship-orientated businesses. However, I do acknowledge that, in the Tairāwhiti, there is 9.6 percent unemployment. That will only be arrested when economic development is permitted, and given the mortal danger that forestry is in as a consequence of a lack of advocacy from that member and an unwillingness to tame the council up there, who seems hell-bent on—

Hon Willow-Jean Prime: What about procurement?

Shanan Halbert: You cut Māori trades training.

Hon SHANE JONES: Look, I'm not listening to the arse end of a vacuum cleaner.

Hon Kieran McAnulty: Try answering a question without trying to bully a female member.

SPEAKER: No, that's enough for today—more than enough.

Hon Kieran McAnulty: Really?

SPEAKER: Yes.

Cushla Tangaere-Manuel: Is he failing the Māori economy when larger Māori enterprises' purchasing is down \$122 million and sales are down \$109 million for the last five quarters straight?

Hon SHANE JONES: Obviously, the Māori economy is involved with the primary sector economy that is currently enjoying historically high earnings in terms of our commodity sales overseas. There's about 640,000 hectares of freehold Māori land. Much of that is dedicated to producing the very commodities, the very exports, that are enjoying historically high returns, a large percentage of which goes back to the owners of those assets.

Cushla Tangaere-Manuel: How can he realistically expect to hit his target of doubling the Māori economy when filled jobs in Māori authorities have fallen 9 percent in a single year and Māori unemployment is running at roughly double the national rate?

Hon SHANE JONES: Well, I would direct the member's attention to Ngāti Kōata, who were very successful in securing a fast-track application for a major housing development. I would also direct the member's attention to our willingness to ensure that climate change burdens and fairytale politics do not obstruct the growth of Māori assets in an area where they're being hobbled by excessive climate theories and ideology promoted by her side of the House.

BUILDING AND CONSTRUCTION

Question No. 10

RIMA NAKHLE (National—Takanini) (14:59) to the **Minister for Building and Construction:** What recent data has he seen about building activity?

Hon CHRIS PENK (Minister for Building and Construction) (15:00): Yesterday, Statistics New Zealand advised that there were more than 40,000 new consents for homes in the year ended June. This represents strong growth—19 percent, in fact—in the 12-month period prior. This is a significant turnaround for a sector that has faced challenging conditions over recent years, following a decline in building activity that began in the year 2022. Of course, more consents mean more building activity, more jobs, and more opportunities for young New Zealanders.

Rima Nakhle: Has he seen other data showing an increase in building activity?

Hon CHRIS PENK: Yes, there's also been recent data from Seek, showing a 35 percent increase in demand for construction jobs compared with a year ago, making construction the fastest-growing industry. This data is encouraging to see and further evidence that our Government is committed to fixing the basics and building the future.

PRIME MINISTER

Question No. 11

CHLÖE SWARBRICK (Co-Leader—Green) (15:01) 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) (15:01): Yes.

Chlöe Swarbrick: Was the official advice about AI data centre impacts that he referred to in his RNZ 27 July interview information that he had received from Minister Nicola Willis?

Rt Hon CHRISTOPHER LUXON: Yes.

Chlöe Swarbrick: Does it then concern him that, under an Official Information Act request from the Green Party, his office failed to produce any such reference to that advice that he cited?

Rt Hon CHRISTOPHER LUXON: Well, the Minister has got some preliminary advice from the Ministry of Business, Innovation and Employment (MBIE). She just shared that with me the night before I made those remarks in the morning.

Chlöe Swarbrick: Will the Datagrid AI centre raise electricity prices; if not, why not?

Rt Hon CHRISTOPHER LUXON: As I said to the member last week, we've got about three data centres, I think, expected to come on stream in the next year. The advice we've had is that it won't put an upward pressure on electricity prices, but that's why we're taking further advice from MBIE and, also, the Department of the Prime Minister and Cabinet, thinking about the industry and looking at what the settings are in Australia, to make sure that we have some sensible rules around the expansion of data centres in New Zealand.

Chlöe Swarbrick: Has his Government commissioned any cost-benefit analysis on the consenting of AI data centres before sensible common-sense regulations are developed?

Rt Hon CHRISTOPHER LUXON: Well, again, as I said to the member, we're taking advice on it.

Chlöe Swarbrick: How many hyper-scaled AI data centres does he understand might be consented before we receive the official cost-benefit analysis and understanding of impact on our energy grid and electricity prices?

Rt Hon CHRISTOPHER LUXON: Well, as I've said to the member before, I think we have around about 60 data centres in New Zealand today. There are three that are expected to come on stream—

Chlöe Swarbrick: Do you know the difference between an AI data centre and a data centre?

SPEAKER: No, no. You've asked the question—just wait for the answer.

Chlöe Swarbrick: He's not answering.

SPEAKER: Well, that's not—you can raise it in a different way, but don't do it across the floor of the House. We'll move on—question No. 12.

Chlöe Swarbrick: Are you joking? Everyone else is allowed to heckle, Mr Speaker. *[Interruption]*

SPEAKER: Excuse me, everyone is making far too much noise in here, and then turning around and expecting me to interpret what a whole 123 people are saying—it's ridiculous.

Chlöe Swarbrick: Point of order, Mr Speaker. Respectfully, the problem is your double standards.

Question time interrupted.

Withdrawal from Chamber

CHLÖE SWARBRICK

SPEAKER: The member will leave the House.

Chlöe Swarbrick withdrew from the Chamber.

Oral Questions to Ministers

SMALL BUSINESS AND MANUFACTURING

Question No. 12

Question time resumed.

DAN ROSEWARNE (Labour) (15:03) to the **Minister for Small Business and Manufacturing:** Does he agree with the Prime Minister that New Zealand businesses have “a parent-child mentality” with the Government; if so, how does this apply to small businesses?

Hon CAMERON BREWER (Minister for Small Business and Manufacturing) (15:04): As has already been canvassed this afternoon, the Prime Minister's comments were not

directed at small businesses. His point was about the previous Government's tendency to tell businesses what to do, rather than back them to succeed, and is one I agree with. That said, the Prime Minister has acknowledged that he could have expressed that point more clearly.

Dan Rosewarne: Does he agree that when small businesses raise concerns about rising costs and falling demand, they are seeking solutions, not sympathy?

Hon CAMERON BREWER: I agree that this Prime Minister is one that we've seen engage with businesses more than ever before. He is so good at engaging with businesses that their previous Prime Minister appointed him to run the New Zealand Business Council.

Dan Rosewarne: What message—[*Interruption*]

SPEAKER: Only one person—one person—speaking while a question's asked.

Dan Rosewarne: What message does he think the Prime Minister's "parent-child mentality" comments send to small-business owners who are struggling to keep their doors open?

Hon CAMERON BREWER: Again, I agree with the wider point that the Prime Minister was making, and that was: wanting businesses to succeed through innovation, through adaptation, and through responding to changing opportunities, while the Government's role is to create the conditions for growth.

Dan Rosewarne: Did you, in your role as Minister for Small Business and Manufacturing, request that the Prime Minister apologise for his comments?

Hon CAMERON BREWER: Ever since my appointment, the Prime Minister and I are best friends. We are talking regularly. Perhaps, if the member is wanting to represent the underdog, I can quote a relatively new worker, soon after they'd been made unemployed—and that worker said this: "The biggest thing for me was—you know—going into the Koru Lounge and then the red lights of doom go off because your Koru Club has been cancelled. ... [all] about moving from champagne to lemonade." That—

SPEAKER: That's enough.

Hon CAMERON BREWER: —poor, unfortunate person—

SPEAKER: Sit down!

Hon CAMERON BREWER: —was Dan Rosewarne.

SPEAKER: Sit down when you're told to!

Debates

MINISTER OF FOREIGN AFFAIRS' COMMENTS—FORMAL COMPLAINT

**MINISTER OF FOREIGN AFFAIRS' CONDUCT—PRIME MINISTER'S
RESPONSE**

Urgent Debate Declined

SPEAKER: Members, I've received a letter—[*Interruption*] Excuse me.

Hon Willie Jackson: Who said that?

SPEAKER: I don't know, but I might have something to say in a minute, if you're not able to recognise that I'm on my feet.

I have received a letter from the Hon Marama Davidson seeking to debate under Standing Order 399 China lodging a formal complaint to the Ministry of Foreign Affairs and Trade over the comments made by the Minister of Foreign Affairs, and the implication for those comments on race relations. Under urgent debate rules, they are a way of holding a Government accountable for an action which a Government has taken. The Government is not responsible for the actions of another Government. The application is therefore declined.

I've also received a letter from Rawiri Waititi seeking to debate under Standing Order 399 the Prime Minister's response to the conduct of the Minister of Foreign Affairs. The application was received out of time and therefore cannot be accepted.

Bills

NATURAL ENVIRONMENT BILL

Legislative Statement

Hon CHRIS BISHOP (Minister responsible for RMA Reform) (15:08): I present a legislative statement on the Natural Environment Bill.

SPEAKER: That statement is published under the authority of the House.

Second Reading

Hon CHRIS BISHOP (Minister responsible for RMA Reform) (15:08): I move, *That the Natural Environment Bill be now read a second time.*

Over the past six months, the Environment Committee has carefully considered submissions on one of the most important pieces of environmental legislation in New Zealand. The committee heard from councils, environmental organisations, iwi, Māori organisations, infrastructure providers, farmers, growers, businesses, practitioners, and communities. I do want to start by thanking the Environment Committee for their work. I also want to thank the submitters and the officials for their contribution. Their collective work has produced a better bill.

The committee has recommended practical improvements to improve certainty, reduce unnecessary compliance costs, and make this legislation more practical to implement. At the same time, the committee has kept the core architecture of the new planning system unchanged. The Government welcomes and supports those recommendations and will vote accordingly.

New Zealand needs an environmental management system that protects and enhances the environment, without holding us back the way the Resource Management Act (RMA) has. There isn't a corner of this country that is not affected by the failure of our planning system. The failure has helped drive our housing crisis, our infrastructure deficit, and our inability to take advantage of the abundant land and natural resources that we are blessed with. We are fixing that, and the select committee's changes make sensible improvements to the bill.

Let me just deal with a few of the changes recommended by the committee. The bill now includes a goal to support and enable enhancement of the natural environment. Now, the bill's purpose clause already contained this language, but bringing it into the goals sends a clear signal that the planning system should value and enhance the natural environment. Having this in the goals means that it'll flow through the system via the funnel that is the core of the legislation.

The committee's also improved the goal for the use and development of natural resources by acknowledging the importance of food and fibre production—including aquaculture. There may be some who question this change, but I want to be clear that using and developing natural resources is a legitimate part of our system. If we want to be a prosperous country that protects the environment, we also need our natural endowments to be used and developed to support communities, businesses, and the economy.

A very important feature of the Natural Environment Bill remains environmental limits. These are a central mechanism to manage environmental outcomes in the new planning system. They will set clear expectations for the condition we expect the natural environment to achieve and maintain over time. They will give resource users, communities, and decision makers more certainty, and despite what some may say, they keep environmental outcomes at the centre of the system. It's worth remembering that environmental limits are not a feature of the RMA—they are not. They are a central feature of the new planning system, and they have been retained. The committee has made some changes to environmental limits. There's now a broadened pathway for national standards to allow activities that may breach limits, where there is a net public benefit. This is not a free-for-all. It expands on the infrastructure pathways the bill included at introduction, and reflects the feedback that this pathway needed more flexibility. For example, commercial

vegetable growing that feeds New Zealand could access this pathway if there's a net public benefit and a national standard is enabled to create this.

The committee also recommended changes to clarify how limits are set to make sure they're reflective of local context. It recommended a change that, I think, goes to the heart of the new system: communities will need to consider environmental, social, and economic outcomes when setting ecosystem health limits. That balancing exercise will also apply to the Minister when setting human health limits. Environmental limits must be able to work in the real world—that does not mean, as some people will tell you, that the Government does not care about the environment—but the committee has also recognised that an environmental limits regime that is too rigid or narrowly focused is also bound to limit our prosperity, just like the RMA did.

The committee considered a range of issues that are especially important to our agriculture and horticultural sectors. Farmers and growers raised concerns about workability, compliance costs, and certainty. The committee has listened carefully to those concerns and, therefore, made significant improvements. The primary sector is critical to our economy and to our regions. The environmental management system needs to work for those who use it and continue to protect what matters. Freshwater farm plan requirements have been made more risk-based and cost effective. Audit requirements have been simplified so that only farms meeting the threshold for certification are also required to be audited. This ensures farm plans remain cost-effective, proportionate, and focused on higher-risk activities.

The committee recommended removing the provisions that would have enabled alternative, market-based allocation methods to be introduced. The Government agrees with this change over time in principle, but submitters raised significant concerns about the lack of detail about what these new methods would look like and how they'd be implemented. Those are legitimate and reasonable concerns, and given that work hasn't been done yet, the Government is agreeing to the committee's recommendation that those provisions be removed from the bill while that work is done. We do need to take the time to take people on this journey by getting the basics of design and implementation right. Until then, "first in, first served" as an allocation approach will continue. It is also true that relying solely on "first in, first served" is not a long-term solution for New Zealand's prosperity in those critical areas where our resources remain under pressure. It is less efficient than more competitive approaches. We intend to do more work on this, but that is for another day.

The committee's also recommended removing the precautionary principle from the bill. I want to be clear with the House about what this change does and doesn't mean: removing the precautionary principle does not mean ignoring environmental risks. Decision makers will still consider risk and uncertainty; they'll still assess the best available information and possible environmental effects. What changes is that decision makers won't be pushed to decline permits, because the information is incomplete, so uncertainty will not automatically lead to the most restrictive outcome. This change supports evidence-based, sensible decision making. It also addresses some potential confusion about the way the new system's overarching procedural principle works. That principle says that decision makers should act in an enabling way, and this has been nicely refined by the select committee to "act in a pragmatic way that supports practical solutions".

The committee has also refined the bill's levies provisions. There are actually two different levies in the bill, with one focused on central government and regional council activities, and one focused on management units. What the committee has done is significantly strengthen the guardrails around how the Government activities levy is set and what it can be used for. It has made clearer the Government's original intent that both levies are only for covering costs, and it's improved the connection between who pays and who benefits. These bills do not contain a water tax or any other tax. The changes should give resource users confidence that the levies that could be used will be fair, targeted, and genuinely useful.

One other change I do want to mention is around permitted activities. This did cause a bit of a misunderstanding at select committee, I'm told. Not all permitted activities will require registration. Registered permitted activities are separate to regular permitted activities, and councils will only be able to require registration where national instruments specifically require or allow it. That was the Government's original intent, but it wasn't clear in the bills as introduced, and the committee has fixed that up.

The committee has also fleshed out the Wildlife Act approvals process. The bill now provides an integrated pathway for Wildlife Act approvals to be sought alongside natural resource permits, where a project requires both. These changes reduce duplication and improve efficiency. The committee has also considered how iwi participation will work in the new system, including Mana Whakahone ā Rohe agreements. It's not in the report back from the select committee, but the Government has signalled that it intends to bring forward amendments relating to these arrangements at the committee of the whole House stage.

Existing and initiated agreements will not carry over into the new system. Instead, councils will be able to enter new, more focused iwi participation agreements, and some have questioned why this is the case. The simple reason is that the new system has to have new mechanisms within it to operate, and so it makes sense that people operate within the confines of the new system. Porting over a concept from the old RMA into the new system doesn't make a lot of sense. We did decide earlier on that with the existing arrangements, because there weren't that many of them, it just seemed simpler to carry them over. However, in the meantime there has been a massive influx of applications, with people spending enormous time and energy on them, and we would rather that energy and time go into developing more narrowly scoped arrangements in the new system, reflecting the new law and the new participation arrangements that will be there.

The new agreements will record how iwi authorities will participate in statutory planning processes needed to give effect to Treaty settlement redress, and there will be clear legislative guardrails. I'm intending to publish the Amendment Paper around that soon.

The committee also heard feedback that implementation must be realistic and achievable, and the transition period will now be 39 months rather than 30. This is still ambitious, and we all need to work together with the system users and operators to get it right.

The question before the House is whether or not the select committee report has improved the bill. I believe that it has. We now have more workable environmental limits, environmental enhancement, and workability for councils, community, and the primary sector. I thank the committee for their work, and I commend the bill to the House.

Hon RACHEL BROOKING (Labour—Dunedin) (15:18): Thank you, Mr Speaker. It is difficult to know where to start with this speech because, of course, there are two bills, and, shortly, we will be discussing the second bill, the Planning Bill. There is so much material that goes between them, one thinks—well, I could speak about all of these topics in both speeches because it makes no sense that there are two bills here.

We've heard from the ACT Party that it is the end of integrated management by putting the Natural Environment Bill out separately from the Planning Bill, but then we've heard from the Minister responsible for RMA Reform that, no, the two Acts have to talk to each other. They do talk to each other, in a way, with repetition throughout both bills, and then we have this issue of how the goals in both the bills will talk to each other, because there's nothing in the bills that gives us any idea about that. That is one of very many problems with this piece of legislation and, in fact, the next one that we'll be talking about.

Now, the Minister was just talking a whole lot there about what the select committee did and what the select committee reported back, and saying how, somehow, this bill has improved. Well, it has not; it has got worse. It is very disheartening to be part of a process where you engage with Government as much as you possibly can and, in good faith, put up ideas throughout a process, and everything goes backwards and becomes all about some people being able to trash the environment—that is what we have here.

The Minister noted one change—I'm amazed, actually, that there was a couple of positive changes in the select committee report. One of them is this goal to support and enable the enhancement of the natural environment, but it only crops up in this bill and not the other.

I guess I'll start at the start of the bill, and that is that we have a purpose statement that is to "establish a framework for the use, protection, and enhancement of the natural environment." So we have a framework and not much else in that purpose, and then we have goals—and the Minister's talked about a number of them—but there is no hierarchy between those goals and there's nothing about how they will interact with the goals in the Planning Act, which are very development-focused.

That is important, because what happens is the Minister gets to determine any trade-offs between those goals. When there's a conflict between the goals, it is for the Minister, and national direction to determine that hierarchy, and we say that that is not good enough. The constraints around how national instruments are made are not nearly fulsome enough, and this is one person—one Minister—having far too much power, but it is also decision making that will be judicially reviewed and judicially reviewed and judicially reviewed. We heard in question time the Minister of Finance saying, "Oh, this is going to be great because it's all about economic growth and efficiency." These bills are not about efficiency; they will do the opposite of efficiency, and that is that they are going to create great inefficiencies, and we will not move forward with our plans in this country for many, many years.

Again, it is frustrating to note that the Labour Government repealed the Resource Management Act and we replaced it with the Spatial Planning Act, which was a small piece of legislation that was looking out 30 years to do good spatial planning, and to link up infrastructure and areas that you might want to build in and those areas where you don't want to build in because of hazards. Then there was the Natural and Built Environment Act, which this Government came in and repealed, and so now we've started again.

The Minister said in his speech, "Well, one of the things about this new legislation is that there are environmental limits." That is a good thing—to have environmental limits. He then said that the Resource Management Act (RMA) didn't have environmental limits, and academics have argued about that. But accepting that was one of the reasons why, in the Natural and Built Environment Act, we had environmental limits. You can say that the National Policy Statement for Freshwater Management also contains environmental limits, and that, in fact, is in the RMA as it is.

It is good that environmental limits have come across from what was in Labour's legislation into this legislation. However, they have been watered down so much that they can no longer be called limits. There are so many different ways to get around the limits that they're not a limit, and so it is a fiction to say that these new pieces of legislation have environmental limits—that is, environmental bottom lines.

What I am talking about there is if a river is already contaminated so much that it does not meet an environmental bottom line for those contaminants and we know that it's not going to go to the life-supporting capacity of that water body, then people should not be able to put more pollution into that river. What this legislation does is it says, "Oh well, the Minister can decide a whole lot of routes for people to put more pollution into that river." That is not improving our environment and it is not a regime that has limits, as the Minister would say that it is. That is upsetting, as well.

Now, specific to the Natural Environment Bill, the Minister then talked about "first in, first served" in our legislation. In Labour's legislation, there were provisions for alternative market-based allocations, just as there was in this bill when it was introduced into the House. Those changes have been taken out by a select committee, after some lobbying from farming groups in particular, and that is a great shame. It was not saying that those allocation methods had to be used immediately, but we know that the "first in, first served" model has a lot of unfairness in it.

Those users of a resource, being water, who have already been able to upgrade the use of their land with water—that gets baked in, and it becomes very difficult for new users to use that land. We know that there is a lot of Māori land where it has not been developed, and so they do not get the benefit of the "first in, first served" model, which is why iwi groups have been asking for some time for these alternative allocation methods.

The Minister also spoke about farm plans and catchment groups—well, he didn't speak about catchment groups. There is a real missed opportunity in this legislation to deal with catchments and the benefits that we've seen from policies, again, from this side of the House like Jobs for Nature, which has enabled people to work and very much focus on a catchment and see how those relate to regulatory instruments.

We have heard from another Minister in the House about how there are going to be these farm plans and that it means that farmers do not need to get resource consents. That is not my understanding of the legislation, and where there are more difficult environmental issues, there will still be a need for a resource consent, and so I think the Government should be clearer in their discussion on those points.

In my next speech, I'm going to talk more about regulatory relief and Treaty issues in general. I do want to note that the Minister also picked up on the word "pragmatic" being used in the principles of this bill. That is a word that that is not usually found in legislation and he used it as a way of explaining why we've got rid of the precautionary principle, and I think that that tells you everything you need to know about this legislation. It is there for slogans; it is not there to improve our environment. It will lead to greater inefficiency, and so it's not doing either of the policy objectives that I have mentioned—and I've heard the Minister say this before, as well. We need a more efficient system that does better for our environment, but this does neither of those things.

LAN PHAM (Green) (15:28): Tēnā koe, Mr Speaker. I want to start by agreeing with something that the Minister responsible for RMA Reform said. He said that the Natural Environment Bill is the most important piece of environmental legislation that we have in this country. Now, that is absolutely correct, and that is why it is so incredibly concerning and alarming for anyone who actually understands what is being put on the Table here today by the Environment Committee and by this Government: they will know and understand that this core piece of environmental legislation has completely failed the environment. This is proposing to put in place a dysfunctional system that, ultimately, cannot deliver for New Zealanders or our environment, and why that is just so completely frustrating and disappointing is that New Zealand needs a functional resource management system—they need it so badly.

The Minister also talked about how not one corner of the country is unaffected by the Resource Management Act (RMA) failures. We all agree that the RMA has failed in so many ways, but where it actually stood up at times—not always, but at times—was for the environment. Imagine where we would be if we didn't have those environmental rules in place. That's exactly where we're going with these new bills. I feel completely disheartened with the process that myself and my colleagues here and even those members in the Government that are here today—the process that we undertook was such a sham. We completely failed New Zealanders and their need for a functional RMA system.

I want to start, as well, by acknowledging and thanking those almost 4,000 submitters who actually took the time and lent their expertise and experience to this process. Seventy-four percent of those submitters actually opposed these bills outright—that's how bad they were at first reading; 22 percent expressed mixed or unclear views; and less than 4 percent supported the bills. Now, why didn't we listen? Why didn't we take the evidence and the experience of these people and actually translate that into the system? You know, we were even lucky enough—and, again, I want to acknowledge the Parliamentary Commissioner for the Environment and his team, and also our independent advisor Bronwyn Carruthers KC.

Now, the Minister, again, keeps asserting that the Government believes that planning decisions should be "evidence-based", and yet he and his Government and the select committee members refused to engage with the pile of evidence and suggestions that could have made this a functional system. You know, it was particularly disheartening when the Parliamentary Commissioner for the Environment just laid out for us so clearly hundreds of recommendations that would have helped this be functional legislation. Not only were they entirely rejected by the Government members, they did this really—I don't know; I want to say offensive—underhanded thing where they moved a motion to accept the Parliamentary Commissioner for the Environment's recommendations, which simply asked us to ask for more information. They were like, "Oh, well, we have asked for more information and, therefore, we haven't entirely rejected the Parliamentary Commissioner for the Environment's recommendations."

I just found that, especially coming from not only an evidence-based science sector but even coming from local government, where local government has these guardrails and requirements about actual evidence and actual community engagement—they understand that and they're presented with that to make the best possible decisions that they can. Then I get here to Parliament and it's just absolutely dismissed. Evidence is completely dismissed. Why this is so disheartening and important for today is because New Zealanders need to know that these bills are simply locking in more delay—decades and decades of delay that we have already experienced, particularly when it comes to environmental issues.

I want to touch, specifically, on the freshwater aspects, because I'm reminded of the history of freshwater progress, if you can call it progress in this country. In 2003, the dairy industry worked with the Government to come up with the Dairy and Clean Streams Accord. That was a voluntary

move, which is where we're going to with these bills, where things are just going to be voluntary and industry is just going to be able to write their own rules and certify and audit, for example, their own farm environment plans. That evolved again later, in 2013, by the Sustainable Dairying: Water Accord. Particularly where I'm from in Canterbury, we had things like the zone committees, and we had regional plans that never actually changed the circumstances and turned the dial when it came to freshwater pollution.

Where we're at now, in that time, where those voluntary measures have come in and everything in between, is at a place where almost half the country's total river length is unsafe for swimming, and God forbid anyone puts their head under or their kids touch the water and it gets in their mouth. Over half of monitored river length shows moderate or severe pollution, and the same with over half of our lakes—so 63 percent are in poor or very poor health. E. coli is detected in 45 percent of monitored groundwater sites between 2019 and 2024, with over a third seeing rising nitrate pollution.

Things are getting worse, and these bills are going to make it worse. We cannot stand here today and pretend that this can be something that we can work with in the future. These bills need drastic changes. I mean, we're literally in 2026. We need our resource management system to—for example—talk clearly to our climate legislation, because the only place where climate emission reductions actually take place are at a local level. In these bills, in this particular bill, we have this bizarre concept where, with climate change, we're going to ignore climate mitigation or the need to reduce emissions at a local level; we're only going to consider the positive impacts of reducing climate emissions. So, by all means, let's consent a new coal-fired power plant or dairy factory. Excuse me, Mr Speaker, I'm just losing my voice. *[Takes a sip of water]* Thank you. Oh, water—we need it so badly. But, by all means, you know, don't consider those emissions—but if that coal-fired power plant just puts a special filter on that might slightly reduce those emissions, then that will be seen as a positive thing.

This does not make sense. These bills will ultimately fail New Zealanders. The Green Party stands completely opposed to them. I'm absolutely sick of these fictional empty words that say that this is going to be more efficient and more workable, when the immense wealth of experience and expertise from iwi and hapū, from local government, from practitioners and lawyers and people across the country understand that this is taking us backwards. We need to understand that nature is the only thing that is the backbone of our economy, of our society. We need it to function.

SIMON COURT (ACT) (15:38): The ACT Party supports the second reading of the Natural Environment Bill, and I'm pleased to outline why. I am a practical environmentalist. I've worked on landfills, I've rescued and relocated eels, and I've cleaned up some of New Zealand's most hazardous sites. The Environment Committee heard a fairly consistent message from submitters. They want better environmental outcomes, but they want a system that was practical to operate, proportionate in its requirements, and capable of producing real-world results.

Farmers, growers, agriculture operators, councils, and landowners repeatedly asked for a system to be focused less on process and more on outcomes. I think the committee has responded very well to that feedback, and I thank all the members for their hard work, including the members of the Opposition. The result is a bill that remains firmly focused on effective environmental management, which is now more workable and more certain and practical to implement.

Environmental management should not be one-size-fits-all. Different problems need different responses. Voluntary action may be more appropriate in some places, and more direct regulatory intervention in others. The aim should be to use the right tool for the problem. The Environment Committee has reinforced that approach throughout its recommendations to improve the bills. The primary sector is a good example. Farmers and growers typically know the challenges on their land intimately and the practical steps needed to address them. They want environmental management tools that work in practice but avoid unnecessary cost.

Minister Bishop touched on limits, but it warrants further discussion. Environmental limits remain a critical feature of the Natural Environment Bill. They will allow communities to establish their expectations about the state of the environment in the area they live, and that gives a much stronger and more consistent direction than under the current RMA. The committee's changes strengthen the limits framework for real-world application. There's a lot this country needs: data centres, electricity, aggregate, critical minerals, roads, pipes, homes, farms, the list goes on. The

committee's expansion of the infrastructure pathway to allow limits to be crossed where there is sufficient public benefit is a practical and pragmatic move.

The reality is that some resources are fixed in their location. We don't get to choose where the aggregate is, where the wind blows, or where the country's best-growing soils are. If we want roads, affordable electricity, and affordable food, we need to be able to use those resources where we find them. Limits won't always accommodate these activities, but it doesn't make those limits any less necessary. That's exactly why this release valve, this ability to cross limits, exists. It's also consistent with another key committee recommendation: to make requirements to consider environmental, economic, social, and local context, including local geology, for example, much stronger when setting limits. This all reflects a critical truth: an environmental limit so aspirational that it precludes communities from having access to the food, the jobs, the security, and the prosperity they need is never going to be sustainable.

The committee also looked at biodiversity protection and regulatory relief and, I'm pleased to say, has not recommended any significant changes to the Government's intent here. Under the RMA, we've too often seen significant constraints placed on private land, with little consideration of the consequences for those private landowners affected. The bill's regulatory relief framework introduces an important discipline into the system, which has been missing from the RMA: where significant biodiversity controls are imposed on private land, and where they're done for good reason, councils must consider whether regulatory relief is appropriate, and be able to therefore justify those decisions to give relief to their communities. This ensures that protections are proportionate, transparent, effective, and durable where they're applied in a way that painting significant natural areas (SNA) and other overlays over productive land was simply not durable or sustainable under the RMA.

It also supports fairness. It's simply unfair for a private property owner alone to bear the cost of providing the public good of environmental protection for biodiversity. If those outcomes are truly in the public interest, councils should be prepared, and they will be required, to confront the costs of those decisions, not simply transfer them on to individual landowners with a "Congratulations, you've won an SNA on your property. Check out our colouring in. Aren't you lucky?" That ends when these bills are passed shortly.

The committee also heard concerns from the agriculture and aquaculture sectors and has recommended adding controlled activities back into the bill. The Government originally took it out of the new system because we were seeking to streamline the number of activity classes in matters that councils were burdened with planning. However, submitters explained that controlled activity status provides certainty that is important, which means they can actually see a pathway to get consents with very few obstacles, and that's important to them when they're seeking finance for their operations. The committee heard this and made the sensible activity to reintroduce the controlled activity class.

The committee also kept a very important new accountability mechanism: the Planning Tribunal. That's a practical, proportionate way of resolving disputes that is absolutely necessary in the new system. The tribunal will be accessible, and it's going to enable applicants and councils to test whether the new system is working as intended: to challenge unreasonable consenting decisions and unreasonable demands for technical reports, which can often cost tens or hundreds of thousands of dollars and prove nothing more than what we already knew when we started—that a paddock has been a paddock for 50 years and is probably not a bad place to build something else that farmers need, or a wind turbine, or just about anything else. It helps reinforce the standards that Parliament is setting through the reform programme, which is efficiency and effectiveness in the planning system, and making sure that the environment is protected but that we can still get on and build stuff.

There are many other important facets to the legislation as reported back. We can thank Minister Andrew Hoggard for his hard work on the freshwater farm planning system, setting up farm plans as an important and proportionate tool, which will play a lead role in managing the effects of farming in the new system and reducing the need for consents for common activities that farmers already know how to manage well. We can thank another ACT MP, my good friend Mark Cameron, whose member's bill paved the way to removing adverse impacts of greenhouse gas emissions from the system. Councils are not well placed to try to solve the world's climate change problems, and New Zealand's effort is already led excellently through the emissions trading

scheme. Just for those members in the Opposition concerned about climate change, I want to note that an hour ago it snowed in Wellington, so maybe the climate emergency is over.

We're replacing the precautionary principle with a focus on proportionality. That's hugely important, despite the fact that some former RMA lawyers, who are now members of Parliament, seem to think that precaution above all else is how we're going to unlock New Zealand's potential—it won't. Wildlife approvals can also be granted through a single Natural Environmental Bill process, based on the select committee's recommendations, which will untangle many projects, including ones that I've previously worked on, where wildlife permits were needed for exactly the same activity as a resource consent was required for.

This bill changes the way we see the environment and manage the environment. It moves us away from a system that rewarded delay, paperwork, and process for process's sake, and towards one that rewards good environmental outcomes. It sets a clear environmental limit framework and gives people the freedom to get on with using their land responsibly and focuses regulations and rules where they're actually needed. The select committee strengthened the bill, making it more practical and easier to use while keeping its core purpose intact, because protecting the environment shouldn't mean making it impossible to build a house, build a road, grow food, generate electricity, or invest in New Zealand. We can do both.

This bill's another step towards replacing the culture of begging for permission with a culture of responsibility and unlocking New Zealand's potential. I commend this bill to the House.

Hon MARK PATTERSON (Minister for Rural Communities) (15:48): I rise on behalf of New Zealand First to offer our continued support for this Natural Environment Bill. It is a totemic effort to redesign our environmental planning system, and credit to the Environment Committee for the work they've done on this hugely complex piece of legislation, and obviously for the work that Minister Bishop and Under-Secretary Court have done to bring this legislation back to the House.

It's particularly important for our rural communities and our farming and primary sector. Interactions with the environment are inherent in growing, farming, forestry, fishing, quarrying, and mining; you need to be able to build dams or renewable energy projects. The Resource Management Act, as well intentioned as it was at the time, had metastasised into a labyrinth of complex rules that had been amended and amended again to the point of dysfunction—a chilling effect on investment. It simply had been too hard to get anything done in this country.

That's witnessed, actually, by the fast-track process—part of the New Zealand First - National coalition agreement—where major projects have literally queued for the opportunity to have a clear line of sight and an expedited process. We now have 420 megawatts of renewable electricity in the process. Ngāi Tahu could not even get through the former process, and after 22 years their Hananui Aquaculture Project has finally been approved. We're unlocking the potential of our regions, but with the progress of this bill we're now offering a streamlined process to become available as part of a standard process.

I'd like to thank the select committee again for their work—really complex; there was a lot to get through. The core architecture remains, coming out of the select committee to this second reading. I'd also like to thank the Minister responsible for RMA Reform, particularly for his willingness to engage with the primary sector. There is a blizzard of important detail to work through, and there were some concerns.

The positive developments here—among others, but the ones I'd like to highlight—are that the primary sector and aquaculture production are incorporated in the goals. These are \$64 billion worth of export earnings, and New Zealand First makes no apology for supporting and advocating for the primary sector to be incorporated in this goal. Every single New Zealander's standard of living relies on that sector thriving. As a coalition, we have an aim of doubling our exports, and this piece of legislation is part of the framework that's needed to unlock that potential.

The limit-setting was something that had been keenly looked at in terms of how that was going to work in practice, and the changes made through the select committee process have allowed more flexibility and for a local and regional context to be taken into account. The Minister outlined vegetable growing in his speech: we do not want to be importing our cauliflowers from Australia; we want to be able to grow our own vegetables here. So that's one example of how the limit-

setting and some flexibility will allow for that to happen. It will give some ministerial discretion to allow for those regional realities.

The most famous one that came up quite regularly under the old system is the water in Canterbury. It was coming out of the hills, out of the native bush, at a higher nitrate level than the national bottom line. It was simply impossible to meet that rigid national standard. It was so dispiriting for farmers or anyone interacting with the environment in Canterbury that there was literally nothing you could do; it was actually naturally at a higher nitrate level. So this change and this amendment really matters to give that regional context.

It'll be more risk based in the planning framework that is being developed, and this will be the tool that actually delivers the on-the-ground, practical solutions: the riparian planting, the wetland creation, the critical source areas, the sediment traps; those things that farmers up and down the country and that the 290, I believe, catchment groups we've got now operational that we're supporting as a coalition—those are the sorts of tools that they're using to do practical, on-the-ground things that will actually make a difference, whereas spending, often, tens of thousands, sometimes into the hundreds of thousands, of dollars to get a resource consent that was, essentially, a tick-box exercise that needed every man and his dog to sign off on it was getting us nowhere. We need to be putting the thin resources we've got into actual, practical environmental solutions, and this more risk-based farm planning framework will allow for that.

I'd like to also highlight, because I addressed it in my first reading speech on behalf of New Zealand First, that we were very concerned about the market allocation model for water nutrients. This has been removed, and we're really pleased about that. I signalled in the first reading that that would be contentious. Where it has been used overseas, it has in some cases proved to be disastrous, where the resource, whatever it might be, has ended up going, yes, under a market-based model, to the highest-end use, but in the meantime hollowing out communities and creating quite a lot of inequity. I note that the Minister said the "first in, first served" basis hasn't served us well; I'm not actually so sure about that. It is actually a property right situation, and this bill looks to lock in property rights or give them more weighting. I think "first in, first served" actually has served us reasonably well, but, obviously, that will be for a future Parliament to determine. But, in the interim, I'm very pleased that the market-based allocation framework has been put aside.

This bill allows for a much more pragmatic planning system. We can absolutely deliver better environmental outcomes if the rules, as they will be now, will be clearer, more flexible, and more pragmatic. The size of the economic prize is significant. The modelling shows that this will add half a percent to our GDP on a year-on-year basis—that is significant. We're all about to go out onto the hustings, and we'd all like to promise better health services, more infrastructure, more resources into education—all those wonderful things that we want to be delivering as a Government—but we have to be able to pay for it. We have to put in place the measures, the regulatory settings that will allow us to unlock our economic potential, and this bill is an important part of that framework.

New Zealand First continues to support this bill. We think it's been a practical and pragmatic response by the select committee and the Ministers. You know, it's not going to be perfect; this is a big piece of work, and we'll have to come back to it at some stage in the future, but at this stage, this is our very best effort. We commend all those that have contributed to the submissions, the Ministers, and the select committee. New Zealand First continues to support this bill to the House. Thank you.

ASSISTANT SPEAKER (Teanau Tuiono): The next call is a split call.

DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori) (15:57): Tēnā koe e te Pīka. Thank you. I rise on behalf of Te Pāti Māori to oppose the Natural Environment Bill. Look, from our perspective, this bill is less about planning, pragmatic, streamlining, and everything else that's trying to be sold today; it's about who holds power—who holds power over our taiao, our w'enua, our wai, and our future. The Minister responsible for RMA Reform is asking Aotearoa to believe that we can make development faster and everything else will somehow just seamlessly fall into place, but history has told us otherwise as Māori. Every major environmental law has never simply been about planning; it's always been about power and who benefits from that power and which generation it costs.

The Minister has asked numerous times for Māori to trust that our rights are being protected in this particular law and legislation. Māori submitters overwhelmingly told the Environment Committee the complete opposite. I want to say that again: Māori submitters told the select committee the complete opposite. They warned that this bill weakens recognition of Māori relationships with w'enua, wai, and taonga; it narrows participation; it undermines arrangements carefully negotiated through Treaty settlements, because these are the people who are having to live on the ground and make it happen.

I want to repeat something that a really smart wahine, Tina Porou—who's well known in the environmental space; who's well known as an adviser for National Iwi Chairs Forum iwi and hapū. She warned that these reforms shift Aotearoa away from a w'akapapa relationship with our taiao and toward a property rights model. That is exactly what this bill does. It claws back all the progress that's happened where we recognise the mana and the status of our taiao. When we see that we're no longer treating our taiao with the w'akapapa and the taonga that it has—and, in fact, it's a commodity to be managed, to be gotten out of the way for economic growth—then we have some real concerns as kaitiaki. Kaitiaki is not just about us as tangata w'enua; it's actually about tangata Tiriti who take real pride, who also spoke out about this bill.

The greatest casualty that we have fear for in this bill is hapū. Throughout Aotearoa, it has always been hapū who exercise tino rangatiratanga over our w'enua and our wai. It's always been hapū who knew every awa, every puna, every wāhi tapu and every ngahere. Yet, this bill increasingly recognises Crown-recognised iwi authorities while reducing the practical role of hapū: those on the ground who have to live with the consequences of what this House decides. It worries us because, when you erase hapū from environmental decisions, you erase the people who have carried responsibilities for generations. The Minister, again—I can't reemphasise this enough—tells us that Treaty settlements are going to remain protected. The Treaty settlement entities disagree with that, and they warn that it is going to weaken their status.

Freshwater: in Wai 2358, the Waitangi Tribunal has already recognised Māori rights and interests in freshwater, yet this bill deliberately avoids resolving ownership allocation or authority. Instead, it continues with uncertainty and has locked in the polluters' rights. That is another thing that we have concerns with: mana whakahono. At the very same time, the Government has removed Mana Whakahono ā Rohe, and those agreements were brought by councils and tangata whenua, and negotiated to solve the problems of our taiao. Instead of strengthening those relationships, this Government has ruined them, which brings me to another concern.

This bill gives extraordinary powers to Ministers. This bill centralises authority like we've never seen before. It allows Ministers to intervene and direct councils, shape planning, and override locally developed arrangements. Of course we want renewable energy; of course we want to see infrastructure and thriving regional communities; we want to see more homes, but none of that requires a bill like this which weakens te Tiriti, which displaces hapū, which removes te Tiriti, which affects, adversely, Treaty settlements. None of that requires the silencing of tangata whenua, of mana whenua.

I want to remind our people: you have a choice, in November, to be with a Government that sees you and hears you and treats our taiao as something that future generations should honour. This Government is shameful in how it treats te Tiriti, and our taiao, and our people. Kia ora rā.

HŪHANA LYNDON (Green) (16:02): Tēnā koe, Mr Speaker. On behalf of the Green Party, I stand also to oppose this legislation.

I want to look at the way that the bills are structured as separate entities, as if somehow the taiao is not connected. The unfortunate thing with the way that the bills have been carried out and designed and developed is that it's been to the exclusion of the rest of us in the House. If there had been an opportunity for us to put down our barriers and sit at a table together and wānanga—bring in experts and tangata whenua to wānanga what worked and what didn't work in the old Resource Management Act (RMA) and whether we can find workable solutions—that would have been gold, but instead, we have legislation that is being dictated from out of Cabinet and we have a select committee that has done its bidding. It's done its bidding because it turned its back on over 70 percent of submitters who outright opposed this legislation—both pieces of legislation—as they stood. That's the shame of it: that we haven't taken the time to really reflect on the journey of what we learnt from the old RMA to where we are today, because there are plenty of learnings.

In a previous life, spending five to six years on the Labour-led Government reforms from an iwi perspective—all of that was for nothing because it all got repealed as soon as the new Government came in.

We need sustainability in the system. We need to know that we have a system that puts the taiao at the centre to provide balance for economic development, balance for the way that we can plan our districts, the way that things are built and infrastructure is implemented, and the way that voice can be heard and enshrined. I agree with my colleagues: te Tiriti o Waitangi has been undermined once again. I'm reflecting on what my iwi Tainui has said very clearly in their submission, where te Tiriti o Waitangi and Crown-Māori relationships have been eviscerated by this legislation. That's no simple thing for iwi to come out and say. If I reflect on what Waikato-Tainui said in their submission, they said that this bill is a direct breach. It's a direct breach of the Kiingitanga Accord, where the Government is meant to sit at a tēpu with Waikato-Tainui and look at policies, look at plans, and sit down at the earliest stages and work out something that is beneficial for all: for water bodies, for tangata, for te taiao, and for the district. That has not occurred.

The Government is breaching Treaty settlements as they exist. They are breaching kawenata tapu, such as the Kiingitanga Accord, and they are undermining the few little levers that we had in the old system in terms of relationship agreements and Mana Whakahono ā Rohe transfer of powers: all being thrown in the bin. It's being scrapped by a Government who is turning its back on taiao protections and turning its back on tangata whenua. Rather, we have a system that's now being established—it's all centralised and standardised like a funnel, and somehow we are all the same. We're not the same. Taranaki is not the same as Bay of Plenty. Tai Tokerau: we are unique—we are so unique in Tai Tokerau. We are special and different, and we need to be able to be treated as special and different in the system. This system does not treat any difference. We are mainstreamed as communities. Our impacts, our voices, are different and yet, at place, we are going to be treated exactly the same, because this is a standardised process that has a focus on economic development and not on te taiao. It's demeaning. It's demeaning for taonga species, it's demeaning for our biodiversity, and it's demeaning for tangata whenua relationships.

Now, going back to te Tiriti elements of this bill, we can see very clearly a transfer of powers, the relationship agreements, and Mana Whakahono ā Rohe were meant to come across into the new system. Of course, this Government, through the Prime Minister, straight after the report was released, was, like, boom, "No, we're going to scrap those relationship agreements—they're not transferable—and now, we're going to turn our back on those few things that Māori had as levers to mahi tahi." As tangata whenua, we want to have strong relationships. We want to work with local government, we want to learn and work together with communities and Governments, but this Government doesn't care, because we're all the same! That's the crying shame of what we have in this legislation: it is that it degrades and undermines relationship at place.

CATHERINE WEDD (National—Tukituki) (16:07): Look, I rise with great excitement for the second reading of this Resource Management Act reform. I want to thank members of the Environment Committee for their marathon efforts in bringing these bills back to the House. I also want to thank officials from the Ministry for the Environment and our advisers from the Parliamentary Commissioner for the Environment for the months of work that they have invested in the RMA reform.

I acknowledge our Minister, the Minister responsible for RMA Reform, the Hon Chris Bishop, for his work, vision, and decisive action in replacing the broken Resource Management Act (RMA) with a new planning system. This new system will enable our primary sector, enable the construction of more homes and infrastructure, and enable the development of renewable energy for New Zealand, all while continuing to protect our environment.

This has been a hugely complex piece of work. As a committee, we have spent hundreds of hours working on these RMA bills to make them more workable. I also want to thank submitters for their comprehensive, thorough, and valuable submissions. We listened, we heard, and we made many changes to the bills to ensure they work well into the future and create a better resource management system. Our committee's recommendations included a range of practical improvements that strengthen certainty, reduce unnecessary compliance costs, and make the legislation more practical to implement. The core architecture of the planning system remains unchanged. The new two-bill system will be retained, characterised by goals and national instruments, and set direction from the top. There is a narrowing of matters that can be revisited

at each successive level of decision making, more consistent planning rules, fewer consenting requirements, higher thresholds for public participation and consents, and a clearer focus on managing the effects that matter.

Changes to the purpose of the goals of the bill will give stronger recognition to people's enjoyment of their land and the importance of food and fibre production. We heard loud and clear from our horticulture, agriculture, aquaculture, wine industry, and many primary industries that food production should be included in the goals. We listened, and this change was made to include food and fibre production in the goals, including wine production.

In response to concerns raised by submitters, our committee has strengthened the safeguards around natural resource levies. The bill clarifies that environmental limits must balance environmental, social, and economic outcomes, and be workable. These limits will be workable in practice to ensure successful implementation and protect our environment. This RMA reform results in a resource management system that is simpler and more predictable, and makes it easier to build the homes, infrastructure, and energy projects New Zealand needs, while protecting the environment. It also enables our farmers and growers to be more productive. This is part of our plan to fix the basics and build the future.

TANGI UTIKERE (Labour—Palmerston North) (16:11):

[Authorised Cook Islands Māori text to be inserted by the Hansard Office.]

I rise on behalf of the Labour Party to voice our concern against this bill. It's interesting, following the member Catherine Wedd, who has just resumed her seat, because she is the chair of the Environment Committee that progressed this piece of legislation, which I have to say, looking at the Table, is not an insignificant amount of commentary there in front of the House. I thought there would have been perhaps a little bit more of a fulsome contribution from the chair of that committee, but, unfortunately, that is not to be the case today.

We know, on this side of the House, that the Resource Management Act (RMA), historically, has been perhaps slow to react. It has been slow to develop aspects around its purpose and, as a result, environmental degradation is what has followed in this country. That's why the previous Labour Government sought to do something about it. That is why the previous Labour Government sought to, effectively, introduce two bespoke pieces of legislation to send a firm, strong signal that we were serious about doing things better and we were wanting to do things right.

I was able to speak in the first reading on both of these bills, and, as my colleague Hon Rachel Brooking has indicated, it's still not quite clear as to why they're two separate bills. Perhaps it is around trying to force a lack of integration in terms of approach to resource management in this country.

But the interesting thing is that at the time when I made my first reading contributions on these bills, a lot of the conversation was about much hope in the select committee process. We, at that time, didn't agree or accept everything that was in the bills, and the interesting thing is that there are two bills in front of the House—they follow each other, but they kind of cross over, which makes it a little bit difficult to stick to one, but I will certainly try for the time being. The interesting thing is that we voted for the legislation at first reading in an attempt to be constructive around reform.

It is very rare, I think, in this Parliament, but perhaps not as rare under this current Government, that you actually get back a bill that goes to a select committee with the intention of opposing parties to say, "Look, we'll send it there in the hope to work out some of the issues that we have."—it is extremely rare to get a bill come back to the Parliament in a far worse position than when the select committee actually received it, and this is the exact situation that we have right now confronting this House. We had issues that we identified at the time of first reading, but, as a party, our members on that committee were absolutely keen to engage in good faith and in good spirits to address the issues that had been identified, and not only does this bill come back to the House worse off but, following the select committee's issuance of its report, the Government has identified changes that submitters were not even able to speak to, as a result.

So it is unfortunate that the bill has come back. We didn't oppose the bill at first reading for the sake of opposition's sake. We were able to support it while identifying that we had some concerns

and some issues, but we wanted to constructively lay those out and identify them and work through them in the many hours that the select committee had available to it to progress some of those changes.

I want to also acknowledge the many, many individuals and organisations who submitted to the process. Now, I'm not on this Environment Committee. I was on the Environment Committee in the previous term, where we did introduce the two replacement bills for the RMA, and so I know that there is a particular focus on ensuring that when submitters come to a select committee, you're able to identify what their issues are. The 3,204 submitters and 178 oral submitters—I want to acknowledge the work that they did. It is unfortunate, though, that they haven't been able to, I guess, be heard on some of the changes that have occurred since this bill has come back from select committee.

The purpose of a select committee, as we know, is to listen and is to test some of the assumptions that might exist, or either be apparent in the legislation or may be absent in the bill in terms of legislation, and, at the end of the day, what we want to come back from select committee with is a piece of legislation that is in an improved state. It is deeply unfortunate that the Labour Party find ourselves today, having seen and been part of that process—actually, the bill that's come back is far worse.

One of the most troubling aspects of this process is that some of what many would consider significant policy decisions emerged after the select committee had actually reported back. We accept that there are some tweaks from time to time—I mean, you get that. That's what the committee of the whole House process or stage is all about, but we are talking about some fairly fundamental changes that exist. In particular, in terms of Mana Whakahono ā Rohe agreements, they are a key example of a massive change. The Minister responsible for RMA Reform himself today said, "Well, you know, at the time, the position of the coalition Government was to say that we'd honour the ones that were already in place, but for those that were not, well, then we wouldn't look to carry those into the new system." What we have now is something completely different and they intend to go much further, and I'll touch on that, if I get a chance, in the next bill.

One of the key things that the Natural Environment Bill talks about is either a hierarchy or, indeed, a lack of hierarchy. My colleague the Hon Rachel Brooking has talked about the fact that there are many instruments in RMA circles that are able to create a natural order in terms of hierarchy, whether they are standards or whether they are statements.

Under this bill, if there is a conflict that arises between the goals that might be identified in this bill, there is a new process around how you identify how that conflict could be treated and how it, effectively, could be resolved. You don't have a structure where there is, effectively, a hierarchy or a pyramid and you identify which one is able to pull rank and, therefore, that one stands.

Under this bill, effectively, there is a huge level of discretion that is handed over willy-nilly to the Minister of the day, and that can cause some significant issues. That can result in chopping and changing, depending on who the Minister of the day might be; it can result in the exercise of ministerial power to differing degrees, depending on who the person that holds that ministerial warrant at the time might be; and, significantly, it potentially leads to an ongoing form of judicial review on an ad infinitum basis, meaning you would have this constant litany of decisions being reviewed and actually not getting to the certainty that the sector—when I say "the sector", I'm talking about those who are planners, those in local government, those in development, and those in much broader organisations in terms of environmental and non-environmental NGOs, as well—actually needs when we are confronted with resource management (RM) in terms of how that is going to function in our community.

What that means is that this Parliament will have on the statute book a bill that won't actually be efficient. It will be ad hoc in how it is delivered and applied. It will be non-integrated—because we've heard that already, and that certainly is what sort of permeates through the select committee's report—and it will lead to inefficient approaches to RM aspects in this country and fundamentally disconnected, disjointed outcomes for communities.

Much has been said about the environmental limits. Now, environmental limits are good things, and that's why we had them in our legislation when we were in Government. But what's being proposed by this Government is—like its Prime Minister—something fairly tepid, and it is basically little to nothing in terms of its meaning. Environmental bottom lines will be at the whim of the

Minister of the day, which actually means that you can't really call them bottom lines. They are kind of fluid approaches for environmental considerations—

Hon Dr Duncan Webb: Watered down.

TANGI UTIKERE: —that are watered down, and will continue to be watered down every single day that that continues to sort of move along.

This is a bill where it is unfortunate that it has come back in this state. It is far worse as a result of going through the select committee process, which I have to say is unbelievable—I mean, you certainly don't expect that. It is one that we will continue to oppose, but again, it is disappointing that those that did engage in the select committee process on the basis that what was coming back to this House was going to be what they thought was in front of them at the time—it is far from it. On that basis, we will continue to oppose this terrible, terrible piece of legislation.

GRANT MCCALLUM (National—Northland) (16:21): Thank you, Mr Speaker. Well, it is a real privilege getting to speak today on the second reading of the Natural Environment Bill. Here we go. [*Member picks up the bill*] It's certainly a voluminous piece of legislation.

As we've worked through the process of the bill, front and centre of my mind have been all the rural families, in particular, which I strongly align myself with. The ones in particular at Lagmhor hall who we met in October last year were really being confronted, with their businesses and their livelihoods being potentially wiped out, and the process was very onerous. Well, these bills have worked hard to address that and make it so that people—families and other businesses like that—can actually plan for the future in a way that gives them some certainty. That's really, really important.

There have been one or two criticisms of the bill which I would just quickly like to address. There's the fact that we are changing the bill so substantially. When we look in terms of environmental outcomes, the Resource Management Act (RMA) has not delivered, and you just have to look at the history. These bills will actually allow us to do that. It's time we took a different path.

There has been criticism of there being two bills. I note with interest that Labour had two bills in the previous Parliament. The other thing is ministerial powers. Well, currently under the RMA, the Minister has quite a lot of power as well in terms of national policy statements for fresh water, for example.

Effectively, we're just streamlining the whole process, and for that reason, I really commend these bills to the House because we're about fixing the basics and building the future. Thank you.

ASSISTANT SPEAKER (Teana Tuiono): The next call is a split call.

Hon WILLIE JACKSON (Labour) (16:23): Yeah, well, that's about it—that speech sums it all up from the other side. It was a minute and a half, talking about such an important piece of legislation that I think Tangi Utikere was very good at critiquing and breaking down in terms of this whole process that didn't go well. Despite a bipartisan type of approach that the Opposition took, it was obviously too much for the Government to take on board, and—

Ryan Hamilton: Tell us about the bill—that had a select committee.

Hon WILLIE JACKSON: Yeah, it was a select committee, but it was a fraudulent select committee. It was all a bit of a sham, as we all know.

Grant McCallum: Oh, were you there, were you, Willie?

Hon WILLIE JACKSON: No, I've been told—oh, somebody's been offended.

Ryan Hamilton: Point of order, Mr Speaker. I'm seeking your guidance, but to call a parliamentary select committee process a sham—I think that should be withdrawn.

ASSISTANT SPEAKER (Teana Tuiono): Let me take some advice on that. I do take the member's point, but can I ask the Hon Willie Jackson just to rein it in a bit and get through his four minutes.

Hon WILLIE JACKSON: Thank you, Mr Speaker. I will rein it in. We were just unhappy with that select committee process—if that suits the Government better—because there was very much a bipartisan approach that went into it.

One of the things that has come up over the last couple of days is the Waitangi Tribunal's view in terms of the Treaty principles and the Government's position in terms of Māori rights. I noticed that we got the typical responses from the Minister with regard to the tribunal's views in terms of the Treaty principles, basically, being under attack. This legislation is an example of that.

Our people have made the point particularly that when you make clear distinctions in terms of giving effect to the Treaty and taking account of the Treaty, that, in effect, waters down the whole Treaty obligation, in effect, and I think it's just time to remind people who might be listening or who might be viewing this that giving effect to the Treaty is meaningful. It is meaningful—as you would well know, Mr Speaker, having studied this area—because it means that there's a high and active legal obligation requiring decision makers to ensure that Treaty principles are practically implemented and prioritised in outcomes. That's why, as a Labour Government, we tried to get some consistency around those types of references to the Treaty and the obligations that groups and organisations had.

The watering down of this clause is major. We're now into the “taking into account”, which, as legal people will know—and I've got a few around me—is a much lower legal threshold. What does that mean? That just means you only have to acknowledge or think about Treaty principles alongside other factors before making a choice, without a duty to ensure a specific, Treaty-aligned outcome, and, sadly, the thrust of this Government has been to introduce clauses like that—watered-down Treaty clauses that take away Government obligations. That's what this Minister has been pushing through.

We want a substantial commitment from the Government. We want a substantial partnership with iwi. Again, that is under attack.

You can say whatever you like, but we attended the iwi leaders hui in Queenstown, and there's huge disappointment in terms of this Government's attitude and strategy around tikanga Māori and around Māori rights. This legislation—and I know we've got more speakers; I'm sure they're going to address it, too. The obligation to Māori must be questioned and the obligation from the Minister—the Minister must show a stronger commitment in terms of his relationship with Māori. That is what they are saying to us at iwi level, that's what they said to us at the iwi leaders meeting in Queenstown, and I ask the Minister to consider that. We will continue pressuring the Minister to honour those obligations. Kia ora, Mr Speaker.

DAVID MacLEOD (National—New Plymouth) (16:28): Tēnā koe e te Māngai. Kia ora. Thank you. I'm pleased to stand up and talk to what has been a mammoth piece of work that's happened in this term in Government. Once again, like other Environment Committee members, I thank all those involved, the many ministerial officials, and also our fellow committee members, with whom we had very lengthy and quite robust conversations about what we had before us.

I look at the Resource Management Act of today and it's very clear in my mind that it's one of the biggest frustrations of our country. It is a piece of legislation that has become over time almost a litigious piece of legislation, one that frustrates people from being able to build, to create, to use our natural environment, and to be able to constructively contribute to our country's economy but also just to our livelihoods and our lifestyles in its own way. I look forward to the committee of the whole House stage—which will be coming up shortly, as we're all aware—and I commend the bill to the House.

ARENA WILLIAMS (Labour—Manurewa) (16:30): Meitaki maata, Mr Speaker. Happy Cook Islands Māori Language Week.

This is an important piece of legislation for us to be debating, and as the speaker before me said, we are looking forward to the committee stage, because there are a number of issues to traverse there—including changes that New Zealanders have not had an opportunity to have a say on. Look at the Table before us, members; the commentary is huge. New Zealanders really are interested in this, and it is important, not only for people who are looking for development opportunities, who are now looking to buy homes and looking to do something in their local area, but it will have a huge impact on future generations of New Zealanders—not only in the regions

but in the cities we call home, and what they look like. That is why it is appropriate that we give really careful consideration to how not only this law will work but, also, to how we continue to find areas of bipartisan agreement around the table on what sorts of planning reforms we need in Aotearoa.

The Resource Management Act (RMA) has been difficult to use. That is why Labour repealed it. We are in this position today, talking about National's answer to Labour's reforms, because, in many areas, the Government has failed to be able to find those emerging issues of consensus. The real tale here is that, in this term, we have found consensus on many of the aspects of this which are most important to it. There is an emerging consensus around an infrastructure pipeline, for example, that is long term and removed from the day-to-day political cycle. That is a good thing, and it's something we should hold on to very carefully, because for the long-term good of Aotearoa and the way that people see Governments responding to their needs, we should be able to demonstrate that Parliament can rise above the political fray and find long-term development opportunities for not only the private sector but, also, for the State to provide the sort of infrastructure that we need to be able to live in our towns and cities and our regions.

This is an example where we have had Labour MPs around the select committee table, engaging in good faith, trying to find bipartisan common ground. That has not emerged. We found out—not only from the select committee's report but, then, also on Monday, like everybody else did when it was announced to the public—that the Government had introduced some further provisions which were further and further from that centrist position that National and Labour should, frankly, be the guardians of. There should be centrist support for Māori rights and representations within our planning system. We should acknowledge the place of Māori as kaitiaki of their natural environments to which they whakapapa. That is not only a good thing for iwi Māori, but it is a good thing for all New Zealanders and something we can be proud of that makes us special on the world stage, because this is a practical embodiment of Te Tiriti o Waitangi, which is our foundational document.

These should be the things that we could have found bipartisan support for. Instead, we are stepping back, once again, in this House, and that is the real story of this bill. This is a bill where National sided with ACT to turn what could have been a story of bipartisanship in our long-term legislative programme and turned against those aspirations of most New Zealanders who did not give them a mandate for this kind of change. We have, instead, seen them use our legislative process in this way—in an unusual way—where this was not something that most New Zealanders could have a say on through the select committee. If you were a New Zealander who had paid lobbyists to do it for you with the Cabinet, then you did get a say. That is unfair, and that is not something that we should continue to support in our legislation-making process, because planning law is important.

We've also had the Minister of Housing, who came along to his annual review and said, "Without reform of the planning laws in Aotearoa, all the rest is tinkering around the edges." I agree—this is critically important—but if all of the other reforms have been tinkering around the edges, then this was something to make sure that we found sticky, long-term, bipartisan commitments to. We must resist the urges of the politics of the day to go for some of those political issues which come up and are hot issues at the time, but simply won't be in 10 years. I doubt that any member of this House will be on their feet debating the importance and the place of Mana Whakahono ā Rohe agreements in 10 years, because, by that time, it will be clear that that was a blip on the radar and that that was a debate that was stirred up by certain interests seeking a certain percentage of the party vote when it was a particular issue of the day that they could use social media and the media cycle to exploit. It doesn't have a place in laws like this, which are going to be in effect for a very long time and where decisions which are made under them tomorrow will have an impact in 20 years, and in 30 years, and in 40 years.

That should be the same category with which we put in the rights of public participation. Within a law like a planning law, it should set up a high-level framework for ordinary citizens to come along and tell their councils, to come along and tell their elected representatives, what they want to see in their local areas. It's quite good, members, when we have a system which sets out very clearly that things like waste-water treatment facilities and things like your local sewage processing plant are things that elected representatives should have a say in and are things that councils should think very clearly about where they go and who has them in their local waterways or at their

beaches, and it is not something which we should make completely devoid of any public participation rights. That's really important and something which has been eroded in this system. We should always stick up for members of the public being able to have a say, even if we think that councils and other organisations that are building infrastructure are stymied by that. It's important that we think carefully about them and that there are checks and balances within the system. Otherwise, you get a continuous undermining of public trust in the system, which, ultimately, doesn't just hurt the rules but hurts those projects and hurts their ability to continue. These are things that we need people to buy into in the long term.

This is also a bill which has walked back those commitments around environmental protections in the natural environment, which should also be bipartisan. We should all be able to find agreement around how we continue to protect those things that are most important to our identity as New Zealanders—clean waterways and air to breathe are things that we will have very clear protections around. This bill continues to step that back by, say, not having a hierarchy in the goals and purpose; by not having a clear way for challenges to be brought by protectors of certain areas; and, also, then by introducing regulatory relief provisions when elected members are trying to implement what would be baseline-level protections that they know their communities support for their certain areas. Those are all things that undermine people's faith in the system in the long term. They're not just technical rule changes; these are rules which are about people getting together in a room and making decisions together. That is the way that our democracy is intended to work.

Even though the Government does have the power—using its coalition parties in support to make those technical changes—these aren't changes which are sticky and these aren't changes which give people more faith and more buy-in into the democratic system. That's why we continue to oppose them—it's changes like this that we should be very wary of—and to look for genuine engagement in the committee stage. There is Labour support for much of this planning reform. The irony of this debate is that this was an opportunity to build out on that growing level of support, around building cities and regions where everyone has a stake, where people can afford to buy houses, where people can be proud of their natural environment, and where people can have a say at either their local level or with their nationally elected representative, because that's what's important.

The final point I would make—and the Hon Willie Jackson also made this point—is that Māori participation in these schemes is not just important now; it's important in the future. For the Crown to turn its back on some of those very important agreements that exist, not only at the local level but at the national level, in participation in the use of our natural resources and the protection of our natural environment is just another opportunity for further growing mistrust and for further creating misunderstanding between iwi and the Crown. It is very important that we mend those relationships—which this Government, frankly, has undermined in a number of ways in this term—so that those don't become another political football and something which the Crown cannot be relied upon to be an honourable partner.

It is important that the Crown maintains its commitments to consult on these kinds of changes and to involve iwi Māori in these kinds of changes, because these are most fundamental to iwi reclaiming their sense of kaitiakitanga and their sense of rangatiratanga over their rohe. It is constitutionally important and it is intergenerationally important that iwi continue to be able to find their place at the table and continue to be able to have a voice where they are respected within the system. That is what I hope we can address at the committee stage, but, for now, Labour does not support this bill.

RYAN HAMILTON (National—Hamilton East) (16:40):

[Authorised Cook Islands Māori text to be inserted by the Hansard Office.]

The Natural Environment Bill is about protecting what makes New Zealand special while creating a framework that is both practical, proportionate, and fit for the future. It replaces a one-size-fits-all approach with clear environmental limits, greater certainty, and more flexible tools to manage our natural resources responsibly. It safeguards air, water, soil, ecosystems, and human health while enabling New Zealanders to build the homes, infrastructure, renewable energy, productive energy, and productive industries our country needs.

This bill recognises that environmental protection and economic growth are not competing goals; they go hand in hand. By providing clearer rules and reducing unnecessary complexity, we can achieve better environmental outcomes while giving communities, farmers, businesses, and councils the confidence to invest. This is a balanced, modern approach that protects the natural environment while protecting a stronger economy and a better future for all New Zealanders. I commend this bill to the House.

ASSISTANT SPEAKER (Teanau Tuiono): The question is, *That the amendments recommended by the Environment Committee by majority be agreed to.*

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

Ayes 67

New Zealand National 48; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 4; Ferris; Kapa-Kingi.

Amendments agreed to.

A party vote was called for on the question, *That the Natural Environment Bill be now read a second time.*

Ayes 67

New Zealand National 48; ACT New Zealand 11; New Zealand First 8.

Noes 54

New Zealand Labour 34; Green Party of Aotearoa New Zealand 14; Te Pāti Māori 4; Ferris; Kapa-Kingi.

Motion agreed to.

Bill read a second time.

PLANNING BILL

Legislative Statement

Hon CHRIS BISHOP (Minister responsible for RMA Reform) (16:43): I present a legislative statement on the Planning Bill.

ASSISTANT SPEAKER (Teanau Tuiono): That legislative statement is published under the authority of the House and can be found on the Parliament website.

Second Reading

Hon CHRIS BISHOP (Minister responsible for RMA Reform) (16:43): I move, *That the Planning Bill be now read a second time.*

The Planning Bill is at the heart of this Government's plan to replace the Resource Management Act (RMA) with a simpler, clearer, and more consistent planning system—one that can build New Zealand's future. In the first reading, I made it clear that we need a planning system that stops getting in the way and starts getting things done—a system that enables more houses, faster infrastructure, greater investment, and stronger growth through faster, more consistent planning.

I want to thank the Environment Committee, who carefully considered submissions from Kiwis around the country. I want to thank the committee, the submitters, the officials, and everyone who contributed to this important process. The committee has made a range of sensible and practical improvements that the Government supports. I want to canvass some of those issues in this contribution today.

I think it's important to note that the committee has improved the legislation, but it's also kept the core design in place. That matters, because this is not just another tweak to the existing RMA;

this is about a replacement planning system that delivers what New Zealand needs: more homes, better infrastructure, more renewable energy, stronger food and fibre, practical environmental protection, and stronger economic growth. The independent analysis shows that the gains from getting this right are significant: lower administration and compliance costs, less duplication, and stronger long-term growth. But the system will only be realised—or the gains from the system—with a workable bill, and the committee's recommendations help ensure that it is. I want to thank the committee for that.

The fundamental design of the reforms is important—a two-bill framework: a Planning Bill that focuses on how land is used, developed, and enjoyed; while the Natural Environment Bill, which we've just canvassed, focuses on the natural environment being used, protected, and enhanced. We talk about the overall framework containing a funnel, with clear purposes and goals at the top of the system, national instruments to set direction and provide consistency, regional spatial planning to resolve those big strategic issues, and then local decision-making to apply those decisions, rather than reopening them.

There's been quite a bit of debate about national direction and various different powers that, apparently, I've arrogated to myself as RMA Minister. All planning systems worldwide—including the RMA, by the way—contain clear, coherent national direction from the centre, because it is important that central government has the ability to, for example, send a signal through the system that infrastructure is important, that we want abundant development opportunities around the country, and that renewables is something to be embraced, not made difficult. The way to achieve that—and the RMA does this in part already—is through clear national direction. In fact, one of the criticisms of the RMA, from 1990 through to around about 2007 and 2008, when central government started taking it seriously, was a failure of central direction or national direction to make the system work. We're being really upfront right from the start in saying that a coherent document that sits at the core of the system will provide greater consistency around the country and send a clear message about what sorts of outcomes the Government is trying to achieve.

There is greater national consistency at the heart of these reforms, where there is a move towards fewer plans, and the scope for relitigating issues at each stage of the decision-making framework remains significantly reduced. The planning system can't provide certainty if every decision is constantly revisited. That is, unfortunately, the case far too often at the moment. We need clear rules, and that is a support for long-term investment.

I think we're going to spend quite a bit of time in the committee of the whole House stage on the purpose and goals. Those are really important. The select committee has amended those provisions, making them clearer and more focused. The committee has also made it clear that the goals do not sit in a hierarchy and they don't all have to be achieved in the same place at the same time. There's been a bit of debate about this in public. That is actually a core system design. Endless re-litigation about which goal is more important than another goal and the whole section 6, 7, and 8 conundrum in the RMA is part of the problem. Different goals will be applicable in different circumstances at different times, but the goals set the objectives of the system. If an objective is not in the goals, it's not part of the system.

One of the biggest shifts in the new system is towards competitive urban land markets. The committee has strengthened that goal by making it clearer that the planning system should provide development opportunities for housing and business beyond simply meeting current and expected demand. That is a big shift. For too long, the planning system has limited land, constrained growth, and pushed up costs. When land is artificially scarce, homes become more expensive and businesses have fewer options. We cannot keep planning for scarcity. New Zealand is not a country that is short of land. What we are short of is a planning system that works. That is part of what this Government is trying to change. The planning system has to allow land supply to materially exceed demand. More opportunities to build means more housing, more investment, and more productive cities and regions.

The committee has also sharpened the infrastructure goal. The new focus is simple: the planning system should enable infrastructure to meet and respond to current and future demands, because we can't grow without infrastructure. Investments like water and transport, renewable energy transmission, schools, and hospitals take years to plan, significant investment, and they require certainty and confidence. One of the most important features of the new system is regional spatial planning. We can't plan for housing, infrastructure, transport, and natural hazards in isolation. We

need a system that looks ahead, makes those strategic choices early, and provides confidence about where our regions are heading.

The committee has recommended a number of improvements, including sharpening the strategic focus and strengthening decision-making requirements. It has recommended strengthening the connection between planning and implementation by requiring central government participation in the spatial planning secretariat. It's not a takeover by central government but the recognition that the transport agency and the central government, who often control—well, always in the case of schools and hospitals; those committees need that input. The changes support better long-term decision making and alignment between planning and infrastructure investment.

The bill continues to recognise the benefits of activities that reduce emissions, so it will be easier to consent renewables—electric vehicle charging infrastructure, for example—and other developments that supports the shift to a lower-emissions economy. At the same time, the bill makes it clear that the planning system will not manage the effects of greenhouse gas emissions. The Government's view is that those issues are dealt with through our dedicated climate change framework, including the Climate Change Response Act and the emissions trading scheme, rather than through the planning system. The committee has strengthened the natural hazards goal, and we welcome that. The focus is now on managing the risk posed by natural hazards, not just managing the effects of those hazards. That is an important shift. Communities around New Zealand face growing risks from flooding, storms, erosion, and other natural hazards. The planning system has to help communities identify and manage those risks early and support them to adapt.

There's been a bit of debate, in the last bill, around Māori rights and interests and the upholding of Treaty settlements. The committee has recommended changes that provide more certainty while maintaining the Government's approach. The Māori interests goal remains. The bills will continue to recognise interests by supporting participation in national instruments and planning processes, identifying and protecting sites of significance, and enabling the protection and development of Māori land. The Government's commitment to upholding Treaty settlements also remains unchanged. The committee has made it clear that Treaty settlement redress and arrangements must continue to be given the same or equivalent effect until the Crown and post-settlement governance entities agree how those settlements will be upheld in the new system. The committee has also addressed Māori interest in spatial planning by requiring spatial planning committees to include someone with knowledge and experience of te ao Māori and Māori development. I think the Government, quite to the contradistinction to what Arena Williams was saying in the previous debate, has got the balance right on this issue.

Getting the new system right is just as important as getting it in place quickly. There is going to be some time to prepare for the new system, so the committee has recommended extending the transition from 30 months to 39 months. That includes the full 12-month process for the first national policy direction—a sensible recommendation given the importance of this. We are intending to publish a non-statutory draft soon, before the publication of a draft that's consulted on per the new legislation, next year. We are committed to replacing the legislation, but it is important that implementation is orderly and achievable. The first national instruments will turn the goals of the system into clear direction for councils and applicants, infrastructure providers and communities, and users. In the meantime, a transitional consenting system will operate under an amended RMA to ensure some benefits of the reforms are felt sooner. The committee has refined these provisions, making it easier to remove out-of-scope effects from district plans and limiting these effects to district land uses.

The committee has also recommended a new procedural principle encouraging the use of digital tools and systems. Consistent data, common standards, and modern digital platforms will help deliver a planning system that is simpler, faster, and more consistent. I'm looking forward to talking more about the digital investments later on. The committee has also considered concerns from submitters about ministerial powers and the balance between national consistency and local decision-making. As I've already said, the Minister can already set national direction; it's an important part of the system. I want to thank the committee for their hard work on both bills. I'm looking forward to getting into the meat of the bills in the committee of the whole House stage, but, for now, I commend this bill to the House.

ASSISTANT SPEAKER (Greg O'Connor): The question is that the motion be agreed to.

Hon RACHEL BROOKING (Labour—Dunedin) (16:53): As a member of the Environment Committee, which the Minister responsible for RMA Reform just thanked, I would invite him to consider the amendments that I will be putting up to both of these bills. If he wants enduring resource management reform, that is the thing to do. It is very frustrating—again, I use that word—to hear, “The committee agreed this. The committee agreed that. The committee agreed this.” The committee, by majority, agreed to make the bill worse over and over again. That is because of the influence of forces that talked to Government Ministers and then Government members doing the bidding of the Ministers and agreeing to all these terrible changes. It’s very disappointing, and it’s particularly disappointing when you spend so much time in those committees.

Now, in my last speech, I said that I would touch on regulatory relief and Treaty issues in this speech. I do want to also mention one of those issues that the Minister was saying the committee agreed to: what he calls the core architecture of the legislation. He says that this comes from a clear purpose statement and goals that have no hierarchy, and that we don’t want a hierarchy like the resource management has with that sections 5, 6, and 7—he didn’t say “mess”; it was some word like that. But what we heard in the select committee—and what we’ve seen from the Parliamentary Commissioner for the Environment, the Rt Hon Simon Upton, subsequent to the report back of these bills—is that they just don’t work. The core architecture of these bills does not work, and that is because there are goals between the bills and between themselves that will be in conflict.

Somebody has to decide the hierarchy of those goals that are in conflict. Where, in the Resource Management Act (RMA), you might look to section 5—the “Purpose” section—in these bills, the “Purpose” clause is just about setting up a framework. Those purpose clauses are not going to help. Then, if you looked to the RMA, you would say, “Well, section 6 is ‘Matters of national importance’. They are more important than ‘Other matters’, in section 7.” There is a hierarchy, so you don’t get the muddles, whereas, in this legislation, they’re just all put out. In the Planning Bill, they’re very development focused, and in the Natural Environment Bill, there is some more emphasis on the natural environment, but when those goals are in conflict, what is going to happen? Here, everything relies on the Minister and national direction clarifying what happens when there is a conflict, and that is incredibly problematic. We had many experts in this field telling us that it is just unworkable—it does not work.

That is one of my many efficiency frustrations with this legislation. It just won’t work. I’d love it to work. I want a more efficient system that does better for our environment—two very simple objectives—but these bills do not do it. We can try and make some changes so that they do do it. One of the changes would be to remove the regulatory relief provisions. That’s a simple thing to do in terms of drafting; a few deletions to happen there. Why we need that to happen if we want an efficient system is because, one, they are crazy. These clauses about regulatory relief are importing some ideas about private property ownership that we have never had in New Zealand, and trying to say that, if there is any biodiversity protection or landscape protection or heritage protection or site of Māori significance protection, the council has to be able to compensate that private landowner for that protection. It’s really important to know that these protections are ones that can already exist. They might be in a resource management plan, and they might be wanting to roll them over into these new plans, but before the councils can notify a new plan, they’ve got to identify whether or not anybody might need regulatory relief, and there’s a whole lot of bureaucracy that it needs to go through.

In fact, in Newsroom today, we have Dr Greg Severinsen, who works at the Environmental Defence Society, who said, “It will delay the creation of new plans for years, create enormous uncertainty for everyone, and generate a wave of litigation unlike anything we’ve seen under the Resource Management Act.” This is not efficiency; this is great inefficiency. It will create a cottage industry, and there will be a need for many more lawyers. Also, we know it’s going to cost somewhere—the Government’s own report said—between \$7 million and \$1.99 billion. Why is that gap so big? Well, I don’t know if you’ve noticed, as a local MP, but probably your councils and your councillors don’t want to put up rates, and that is something that we see around the country. Councils are not flush with cash, so when they have it put to them that either they can have an environmental protection or they can pay some rates relief or monetary compensation to a landowner, if they don’t have the money, they will choose to get rid of the environmental protection. That is a very bad thing.

Now, we move on to Treaty issues. We had, in the Resource Management Act (RMA), a general Treaty clause, which was to “take into account the principles” of the Treaty, at section 8. There was also a much more powerful provision—there still is, because the RMA is still in place—at section 6(e), and that is about Māori and their ancestral lands, water, and taonga. That is the most powerful provision in the RMA. We have also, thanks to a National Government, introduced Mana Whakahono ā Rohe so that councils can be efficient in their relationships with mana whenua. We also have kaitiakitanga in there, as well, and some other provisions.

What we did, when we were in Government, was we changed that general Treaty provision to “give effect to the principles”. Of course, section 6(e) came through, as well. What this Government has done is got rid of the general Treaty clause—there is a Treaty clause at section 8, but it’s substantially weakened—and it does not have the fulsome equivalent of section 6(e). Then, whilst the bill as introduced had the Mana Whakahono ā Rohe agreements in it, the Government has subsequently decided to get rid of them, just hours after the select committee reported back. We had the Minister say, in one of these readings today, “Oh well, this new regime is so different that we need different types of instruments, so there’s no point in having the Mana Whakahono ā Rohe.”

That is cynical. That is not the reason for this change at all, because this new legislation—piles and piles of it on the desk here—still provides for plans, and it still provides for consents. The architecture is not that different. Councils are still going to have to consult with—although not be as involved as they would under our legislation and not as involved as under the Resource Management Act; this is regressive from the Resource Management Act. There is no reason not to have Mana Whakahono ā Rohe, apart from the fact that this Government wants to go backwards on every single thing it possibly can to do with mana whenua, and that is a disgrace. Of course, we would be bringing those provisions back.

Now, I would like to direct people to the Labour Party differing view. It starts at page 118 of the select committee report back, and it does have a couple of pages there of other issues that I’m not going to have time to speak to at the moment. But I want to assure anyone watching this that we are working very hard to make sure that we can bring the amendments that would enable those issues that I’ve spoken about in the House and that are in this commentary, as well, to the House when we come back for the committee of the whole House stage.

I also want to, once again—and I’m sure I will say this many more times—say how disappointed I am that this Government chose to repeal the legislation that the Labour Government had put through and just dismissed it out of hand, spend years and years on this legislation, and then bring something to the House that is not credible.

Hon JULIE ANNE GENTER (Green—Rongotai) (17:03): Tēnā koe, Mr Speaker. I have to say I agree so much with the comments of my colleague the Hon Rachel Brooking, both in this debate and the previous bill on which my colleagues Lan Pham and Hūhana Lyndon both spoke.

I am one of maybe two qualified planners in the House, and as a planner who’s worked extensively in the system as it has been, I would be one of the first to say that I’m in favour of reform, that the urban planning rules are not getting us the outcomes we need, that there’s an opportunity to get much better outcomes for the environment and for people, and that it can cost less. It’s something that, right across the House, all parties in New Zealand should be able to agree on. I believe Minister Bishop did indicate, initially, that he was interested in getting us all to input into these bills and into this system, and maybe there would have been an opportunity for us to support this bill. We have made numerous constructive suggestions to the Minister and the Environment Committee.

While there are some aspects of the proposal which we can support, we cannot support this bill as drafted, and definitely not the Natural Environment Bill. I just have to say, upfront, listening to the speeches from the Minister and Government members, it kind of makes a mockery of the whole process. Maybe they really believe what they’re saying, but what they are saying in their speeches is not reflective of how the actual select committee process worked. We had over 4,000 submissions. We had huge numbers of organisations who work in this area, local government, iwi, hapū, resource management experts, lawyers—all sorts of people—and environmental advocates trying to constructively participate in this process.

I know that there's a lot of first-term MPs on the Government side on the Environment Committee. In fact, I think they're all first-term MPs, and maybe that's why they don't understand constitutionally the way things are meant to work. The way it's meant to work is the select committee is meant to actually listen to the public and think critically and propose amendments. It's the select committee's job to hold the executive to account. Every time the Minister says, "Oh, the Government agrees with the select committee recommendations.", that's absolute rubbish. It was made very, very clear to all of us on the select committee that Government MPs were not thinking for themselves, were not suggesting any sort of investigations or alternative approaches. They were simply carrying out the will of the executive and Ministers. So it's not the case that the select committee has made these recommendations and the Government is accepting them; the Government has made these recommendations, and the select committee Government MPs rubber-stamped them. Probably they're not capable of thinking about it, but they're not interested in it, because they think that doing what the Ministers are directing them to do is the best way for them to move up the pecking order in their party.

It exposes a real constitutional issue with our law-making process in Aotearoa New Zealand. If we had things going through a local government process, it would not be like this. There would be experts and evidence, and the public would be taken seriously. Here, they were basically completely ignored. The only people who get to have a say on this legislation and influence what was recommended by the Government and then rubber-stamped by Government MPs on the select committee were basically the agriculture industry. Big polluting industries got whatever they wanted, and the ACT Party got whatever they wanted, but nobody actually listened—obviously, the Hon Rachel Brooking and Lan Pham and I and Priyanca all listened—to the Parliamentary Commissioner for the Environment. It's worth noting that the Parliamentary Commissioner for the Environment was, for 25 years, a National Party MP and Minister. He is a farmer from rural New Zealand who's absolutely expert in this area and cares very passionately about getting better outcomes. There is no way that he should be totally dismissed and ignored by the parties of the Government, and yet he was—he absolutely was.

I will quote what the Parliamentary Commissioner for the Environment, Simon Upton, said. He says, firstly, "The Bills represent a wholesale rejection of localism.", and there's no doubt about that. Being from a party that actually has called for greater national direction in the Resource Management Act (RMA)—and I agree with some of the proposals around standardising zones and the rules in zones—it's just a bit of a joke to say that this National, Luxon-led Government supports localism when every single step they have taken is about centralising power, about taking power away from local communities and local government, and about punching down on local government rather than ensuring the whole system works well, because we know that many decisions are made better at a local level than at a central government level. This is a very objective, independent point of view from the Parliamentary Commissioner for the Environment, who spent a quarter of this century representing the National Party in Parliament.

Now, this is more to do with the environment bill, but it's an absolute joke to hear the Minister say that, somehow, they're preserving environmental limits in this or introducing environmental limits. It's factually inaccurate that that's what the bills do. Overall, the whole story about how, somehow, National's the saviour getting rid of the RMA when they repealed bills that replaced the RMA. We spent five years having a robust process to come up with an alternative to the RMA, and I may not have agreed with every aspect of it and they might not have agreed with every aspect of it, but it was a total waste of the public's time and has created more uncertainty to repeal the Natural and Built Environment Act and the Spatial Planning Act, especially because the few good things in these bills were actually just brought over from those.

It's all just nonsense. It's all a weird PR exercise where they couldn't possibly support the previous work that had been done over five years, when that was far more consultative and it involved people who were users of the system and who are people living in New Zealand, who care about the outcomes for the future—that is good legislative process.

Grant McCallum: That's what we did—that's what we did.

Hon JULIE ANNE GENTER: We could have made amendments—that is a complete joke, Grant McCallum. You are living in a fantasyland where you think the Northland Expressway, which is going to go to the Auckland region—entirely within the Auckland region—is going to help Northland. It doesn't even sort out the fricking Brynderwyns—oh, my God!—and because we're

spending \$4 billion doing it, we're never ever going to get the replacements that are going to fix the roads in Northland. That's down to Grant McCallum and this National Government prioritising baches north of Auckland over actually sorting out the roads in Northland. But that's another story.

The expert advisory group—and I quote from, again, Simon Upton—that helped plan this reform called for “a system that can achieve broad and enduring consensus across society, so as to put an end to the ‘flip-flopping’ of RMA reform that has meant long-identified solutions to issues ... have not been implemented.” Then Simon said, “The Bills before the House do not come close to providing the basis for a ‘broad and enduring consensus across society’. For that reason, they would benefit from more consideration.”

It was a big waste of time. It was a big waste of my time sitting on the Environment Committee, because the chair was just like “Let's just keep going. Let's keep going.”—an absolute box-ticker. It was an absolute box-ticker. It doesn't actually care about the outcomes for the country, and that's the problem with this Government. Everything they do is motivated by shallow, slogan-type approaches, and they are living in a fantasyland where they think that if they repeat something enough, it becomes reality. They've said, “Oh, it's the National Party that's getting rid of the RMA and coming up with workable bills.”, when clearly the vast majority of people who came and spent their time talking to the select committee were saying that these bills are unworkable, that keeping the environment and planning bills separate is illogical, and that the way we plan cities has a huge impact on environment, biodiversity, and carbon emissions.

There is insufficient recognition of Te Tiriti. The changes which will be made at the committee stage to remove reference to the Mana Whakahono ā Rohe agreements are totally unnecessary because they're already in the legislation now, and so to say they had to get rid of them is nonsense.

It does not include adapting to and mitigating climate change in the goals. Of course that should be absolutely front and centre of any urban planning system—

Simon Court: It just snowed—climate change is over.

Hon JULIE ANNE GENTER: —because it will make it far more efficient for us to respond to the challenges and to reduce emissions if we—I understand what the impact of planning decisions would be—plan so that we're going to have less emissions and we're able to respond.

But we can hear, right now, Simon Court, who is an absolute climate denier. This Government is filled with people who absolutely deny what is happening. We go outside and we see record heatwaves that are going to cause droughts and food shortages. We've seen record floods in Wellington that are costing people money, and yet the Government MPs are in absolute denial about that.

Anyway, I won't even get into regulatory relief. Hopefully, my colleague will talk to that.

SIMON COURT (ACT) (17:14): ACT supports the second reading of the Planning Bill, and I'm pleased to outline why. I'm also pleased to help the member Julie Anne Genter with her understanding of climate change. It has just snowed in Wellington for the first time in?

Andy Foster: 15 years.

SIMON COURT: 15 years. So I think we can declare the climate emergency over. Now, Opposition MPs have helped make the point that their vision of a planning system is all about process and not about outcomes.

Too many people experience a planning system that is slow, costly, and unpredictable. As a civil engineer, I've had to get resource consents. I've had to get private plan changes to change one land use to another in order to clean up contamination so that land can be put to better commercial and industrial use, and New Zealanders, whether they're building homes, investing in infrastructure, running businesses, or managing land, face unnecessary barriers that hold back growth and opportunity.

The Environment Committee heard clear and consistent evidence about the problems and heard that reform is needed. Not every submitter did agree on the solution—I'll grant that—but they did recognise that the system is not serving New Zealanders like it should. It was a common theme

that there's a need for a planning system that better recognises property rights and is clearer about when and why regulation is justified, and the committee has reinforced that direction.

One of the clearest examples is the committee's recommendation to place the "enjoyment of land" at the start of the bill's purpose clause. That is not a drafting technicality; that represents one of the central principles in the new system.

Property rights matter—property rights matter. Opposition members, property rights matter. The starting point should not be that people ask the permission to undertake ordinary activities on their own land; rather, people should be able to use and develop and enjoy their land, unless there is a clear reason for intervention, and that represents a very important shift in New Zealand's constitution around the use of property. It places greater weight on the freedoms that people reasonably expect to have as landowners, while recognising the need to manage significant impacts on others. This shift is not just a legislative one, because a legislative change is just one of the key mechanisms; it's to drive a corresponding cultural shift.

The Resource Management Act (RMA) encouraged a culture focused on process—which we heard about from the Opposition MP speaking on the bill—in which decisions are repeatedly litigated, and development is too often treated as something to be constrained, rather than enabled. This culture should meet the same end as the RMA: it should be removed and replaced, or jammed in the shredder and replaced with something that actually works. This culture shift starts with a narrowed scope of effects to manage and a higher bar for regulatory intervention. This reflects the simple but important principle that regulation should focus only on effects that really matter and should be proportionate to the scale and significance of the effects on people.

The committee recognised this and it has retained the approach of specifying effects that are out of scope of the system, but it has recommended changes to improve clarity and certainty, because if a planning system tries to regulate every possible effect, it becomes too complex, too costly, and much less effective. It also creates uncertainty for applicants and decision makers. Having a more focused approach will make the system more practical and predictable.

The committee also heard extensive feedback around participation. The bill keeps the Government's approach of focusing participation higher up in the system. It means ensuring strong opportunities for public input when national instruments and spatial plans are being developed. Those are decisions which are intended to have long-lasting effect, and public participation can have the greatest value at that point.

The committee has also retained provisions to lift notification provisions, focusing on participation by those directly affected by proposals, and to reduce the need for hearings to only when it's necessary. People should have a strong voice and be heard when strategic decisions are made, but once those decisions have been made, the system should not encourage the same debates to be relitigated through every individual consent application and by every Tom, Dick, and Hōne from around the country, or even across the world—the quid pro quo being free to do more is leaving others to do the same. This is another key culture shift.

Regulatory relief is a novel concept in New Zealand. It's still a bit of a mystery to the Opposition, judging by their comments, but it's a key driver of culture shift to a more proportionate and property rights - based system.

The committee has retained the core design of the regulatory relief mechanism. The principle is simple: if a planning control is imposed for the public benefit, then the public should face some of that cost. That does two things: it removes the incentive for councils to overregulate—they can currently impose heritage or outstanding natural landscape controls on private property, without bearing any of the cost. You could get a letter tomorrow saying, "Congratulations. You've won an outstanding natural feature on your property. It's going to make it impossible to develop, but aren't you lucky!" That's not going to happen in the new system.

Hon Rachel Brooking: What about those ones that have been in plans for 20 years?

SIMON COURT: We're going to restore fairness, Rachel Brooking. If the public wants to preserve something of genuine public value, like significant heritage, the burden shouldn't just fall on that private property owner. Put simply, regulatory relief introduces discipline and fairness into the planning system. It's going to be a significant culture change.

The Planning Tribunal is another critical accountability mechanism to drive culture change. The committee has responded with several refinements that are going to make the tribunal more workable, and thank you to the committee members for that. It's going to be an accessible means to resolve disputes about issues like information requests, all those technical reports that councils demand are stacked up before they'll even accept an application; consent conditions—some of them nutty and doing nothing to protect the environment or human health. Regulatory relief and other administrative decisions will also be covered by the Planning Tribunal. It's going to strengthen accountability and put a referee on the field on behalf of those system participants who have just had to accept councils' decisions in the past. They're going to have a planning tribunal as a ref. People need confidence that decisions can be challenged through practical and affordable challenges, and that law is going to be applied as Parliament intended.

I acknowledge the work of the Environment Committee. There was a significant amount of information to digest in a short amount of time, and I thank everybody who took the time to make submissions on the bill, including those—the very few of those—who believe the resource management system was working fine. Many people have agreed for a very long time, including institutions like the New Zealand Infrastructure Commission, that the RMA has imposed costs of up to \$1.3 billion per annum just on consenting infrastructure alone, without building a single silt fence or building a new wetland to deal with sediment and runoff. That's just the consenting cost. It can't go on, and it won't go on. The Planning Bill and its complementary bill, the Natural Environment Bill, are going to resolve these issues.

The committee has preserved the core foundations of the Planning Bill and its clear principles: a respect for property rights, proportionate regulation to the risks that need to be managed, and a planning system that will enable growth instead of obstructing it. That matters, because planning rules are not just an abstract issue. When it takes too long and costs too much to build, New Zealanders pay through higher rents, higher grocery bills, higher energy prices, and less opportunity. This bill replaces a system that too often rewarded delay, rewarded obstruction, and rewarded the uncertainty of council rules and systems with one that gives people greater confidence to invest, to build, to grow their businesses and grow their communities in the way that they choose. It protects property rights and will make it easier to deliver the homes and the infrastructure, the energy, and the economic growth that New Zealand needs so we can become more wealthy and afford to pay for all of those other things we need, like healthcare and education and, of course, defence. This bill is about unlocking New Zealand's potential, and I commend it to the House.

ANDY FOSTER (NZ First) (17:23): Thank you, Mr Speaker. I rise on behalf of New Zealand First to speak on this important Planning Bill. Now, New Zealand First has not actually got enough MPs—yet—to have MPs to put on this select committee, the Environment Committee, but I did join in a couple of times when I didn't have another select committee which was going through that time, and I could see very easily the complexity and the number of issues that the select committee was having to deal with.

I also took some time to meet with the Parliamentary Commissioner for the Environment (PCE), seeing as he's been mentioned on a number of occasions in this debate, and actually met with him at least two—or maybe it was three—times, and his team. Also, I want to say thank you to Simon Court for having a couple of good conversations about it as well; that was all very helpful, because both of these bills together are immensely complex.

Look, I just thought it would be worth starting to say that, because I just want to respond to a couple of things that the Hon Julie Anne Genter said in terms of the select committee itself. Actually, in reading through the report, on this bill anyway, I thought they gave a very honest summation of the kinds of issues that they dealt with and where they landed and why they landed in the particular place that they did. I'll just pick up a couple of those, if I can, just to start off with.

First of all, there was the reflection they made around the two bills versus one bill, because that's been raised, and they talk about the PCE and Bronwyn Carruthers KC not finding any rationale underpinning those two bills. They reflected that very accurately, but they also said why they landed on the two bills as opposed to one.

I thought the other one which was really good that I picked up early on was the issue around ministerial discretion, the Minister's ability to make those planning documents, and I'll come back

to that later on. “We acknowledge the potential for instability in the system if a Minister were to set a different direction from their predecessor. However, we consider this to be a political decision and something a Minister would have to keep in mind, in addition to the legislated requirements when developing new national instruments.” They responded to those issues, and I thought at least they worked their way through those, so I thought the comments were a little harsh.

It was Nobel Prize-winning economist Paul Krugman who coined the phrase “Productivity isn’t everything, but in the long run, it’s almost everything.”, and that, ultimately, is what this bill and its sister bill, the Natural Environment Bill, are all about. Now, there are some parties in this House—and I think we probably all know which ones they are—and some people in this country who believe that wealth can be generated by taxation, by redistribution of the fruits of the labour of other people, by their innovation, by risk taking, etc. They believe that money comes from the Government. They probably also believe that lamb comes from the supermarket; it doesn’t grow on a farm—and I don’t know where the milk comes from, Grant, but it’s probably in a bottle rather than from a cow.

Hon Rachel Brooking: Oh, and do they use natural resources to make those things? To make the milk?

Hon Member: It’s meant to be creating value.

ANDY FOSTER: So—I don’t know what they’re talking about, but anyway, I’ll carry on. My point is that these people believe that redistribution can build wealth—it doesn’t do that. Most of the time, it actually destroys wealth. Ultimately, as Paul Krugman said, productivity, in the long run, is almost everything, and that is what this bill is about and what the last bill is about.

Something I talked about in my maiden speech: we can aspire to be where we used to be, top of the tree like Switzerland, or we can be like Zimbabwe, divided and poor, and that’s the recipe that the Opposition, I think, would go to. Productivity is about what gives us higher incomes. It’s the sure way, the best way, to deal with cost of living. You can drive prices down, but that’s the best way to deal with cost of living. We hear often from the Opposition about people leaving to go to Australia. It’s the thing that allows us to be more competitive with Australia. It allows us to pay higher wages. It allows us to pay high-quality public services, health, education and so on. It allows us to be more resilient.

Now, there are some on the Opposition who would say that, actually, the best thing we could do in terms of the environment is export adverse effects on the environment—let some other country face those adverse effects rather than us do that, because that makes us feel virtuous somehow. All that does is export GDP, export jobs, and does us no good and makes us less resilient. What these bills are about is helping our economy to be more productive and New Zealanders to be better off while protecting the environment.

The Resource Management Act has been long acknowledged to have placed a heavy burden on the economy. It’s been compared, in some places, to trying to run—to be more productive, if you like—with a ball and chain around our ankles, and you know what that would look like.

It’s appropriate that the report back—I don’t know that I’ve seen too many other report backs that look quite as heavy as this, and this is one of the two bills. This is what happens every time when you do anything in terms of planning—this would be a small resource consent application. That is what we’ve done in this country: we’ve made it so damn difficult to actually build or do anything, and that is what these bills are about trying to make easier so that people can actually get on—as Simon Court said, it’s about outcomes; it’s about delivery and getting stuff done.

Now, across this House, we had a special debate not that long ago on the National Infrastructure Plan—remember this one?—and we all spoke glowingly about the plan and about the Infrastructure Commission. Now, in that plan, the plan says, of the Resource Management Act, “There is widespread concern that the RMA isn’t adequately supporting community development aspirations or protecting the environment.”—failing on both counts. The plan goes on to say, in the understated way that people like this do, “Infrastructure providers spend about \$1.3 billion each year on consenting.”—that’s not design, that’s not engineering; that is just consenting. “International comparisons”—and here’s the key—“indicate that New Zealand may be near the upper end for regulatory approval costs.” That’s just the direct cost. It’s not the uncertainty; it’s not any of those bits. They say that for a typical infrastructure project, the consenting cost

averages around 5.5 percent of total cost, and for small projects more like 16 percent. That is what the Infrastructure Commission is telling us. They say that “consenting has become more complex and expensive [and] processing times have ... increased”.

So not only was it bad; it's got worse. That is a key reason why, of course—and we all know this; we've all said this around this House—we spend more than virtually any other country in the OECD on infrastructure and we get worse results. Those things are linked in large part to our consenting regime.

That, of course, was what fast track was promoted for by the New Zealand First Party and implemented by this Government, to help address those things, and it's already helping for many projects around this country. *[Interruption]* Of course, the Opposition, who are now calling out—they have tended to oppose all of these things. I mean, their recipe for the economy is just to make things to redistribute. That's what they would like to do. That would just make us worse.

Grant McCallum: Tax, tax, tax, tax.

ANDY FOSTER: Tax, tax, tax—that's the answer to everything! We are reading, effectively, the last rites of the Resource Management Act. The Resource Management Act, like Lazarus, has risen only once from the dead, and with the passage of the Planning Bill and Natural Environment Bill, the RMA will finally be laid to rest.

Now, in the bill, we've got this funnel system—and I do want to talk a little bit about this. The legislation sets the high level, then you've got national policy direction, national standards, etc.—the idea of having a much greater level of consistency. That's something which had been sought under the RMA for many, many years, and not delivered probably until relatively recently, and I'll come to that in just a moment. Beneath that, you've got all of those consolidated regional plans, regional spatial plans, land-use plans, natural environmental plans, etc., and looking ahead for 30 years. I don't know how people are going to be looking ahead for 30 years if we haven't got a decent demographic plan, something I've stood up for many, many times in this House and said that we actually need to know how many people we're planning for before we actually do the planning, but let's get to that at another stage.

One of the things—and I've already mentioned it—is that there is huge discretion being given to Ministers to balance the competing objectives which are set out in these bills, and that is something that is going to have to be exercised very carefully and it is something which has got to be done in really good consultation. I'm going to give you a couple of examples of consultation—actually, they were from people, one of them is still in this House, the Hon Phil Twyford—the National Policy Statement on Urban Development, which, when it came out, looked very different from when it went through the consultation process. It was, it would be fair to say, quite a surprise to the people who received that. We, as a council, at the time, were doing a district plan for something which we were instructed to do by the Government, and they changed the rules not once, with the national policy statement, but twice, where you had the three by three rules, as well—in fact, I got rung up by the Hon David Parker about two hours before that legislation came to the House, the day before we were about to go out to consult on our district plan. Most unhelpful. Certainty is really, really important for all the players.

We're going to finish off on just that thing. I was privileged to be at the planning conference that we had recently. We had a planning discussion. Simon Court was there; the Hon Rachel Brooking was there, as well. Out of all the things that they wanted from the planning system, the most important of those was certainty and stability. That is the key. The devil's going to be in the detail. Making sure that we can deliver certainty and stability through all those national planning instruments, through those spatial plans, etc., is going to be crucial to making these work, to making our boat go faster, and to making New Zealand be a more prosperous and higher-income country. I commend this bill to the House.

ASSISTANT SPEAKER (Greg O'Connor): A five-minute split call—Oriini Kaipara.

ORIINI KAIPARA (Te Pāti Māori—Tāmaki Makaurau) (17:33): E te Pīka, kia ora. I stand to speak on behalf of Te Pāti Māori and give rise to the voices of the people of Tāmaki Makaurau. I want to start with a question directly to the Minister, as well as the Environment Committee. The question is: where are the amendments? Where are the amendments that

guarantee Te Wao Nui o Tiriwā—the Waitakere Ranges Heritage Area—and Tīkapa Moana—Hauraki Gulf—remain protected to the fullest extent they are today? When a Government says, “Trust us” but refuses to write those protections into law, into these very bills that we are debating today—the Planning Bill and the Natural Environment Bill—and we fail to see that they’re written in the law, what they’re really telling us is “Trust us until the next developer comes in.”

The Environment Committee itself acknowledged the problem. It acknowledged that strong public concern about the Waitakere Ranges Heritage Area, and that consequential amendments were omitted when these bills were introduced. It says that the Waitakere Ranges “could”—they “could”—have similar protections under this new system. But “could” wasn’t written in here. “Could” does not protect the forest. “Could” does not ensure that wāhi tapu won’t be desecrated; they don’t protect wāhi tapu. “Could” does not provide the certainty that the speaker before me, Andy Foster, just said this promises. Nature does not survive on ministerial optimism and vagueness. “Could” is not good enough; it should have been “must”.

Again I ask: where are the amendments? The tragedy is that this Government isn’t just replacing the Resource Management Act; it’s removing Māori-led solutions that helped make the system work better in the first place. Mana Whakahono ā Rohe wasn’t red tape; it was a bridge between councils and mana whenua. Strength and recognition of kaitiakitanga wasn’t a barrier to development; it recognised the simple truth: Māori have protected these places for generations, long before this Parliament even existed. These provisions were negotiated in good faith, including—hear me out—through the former National - Māori Party relationship, by former Te Pāti Māori co-leader Marama Fox. National once recognised that better decisions are made when mana whenua sit at the table; you don’t give them a call and say, “Hey, what do you reckon about this?” Today’s National Government, e te iwi, is tearing that legacy apart. You can delete sections of an Act, but you can’t legislate away kaitiakitanga; that is innately who we are as Māori, and is innately Aotearoa. I ask again: where are the amendments that guarantee mana whenua remain at the table?

Then we have regulatory relief. Hika mā! Existing protections for biodiversity, heritage, landscapes, and sites of significance to Māori could become subject to compensation claims. I mean, come on! Think about that: the fact that protecting nature comes with a price tag but to destroy it it’s free. Out the gate, e te whānau. The Government’s own analysis estimates potential costs of up to \$1.99 billion, just under \$2 billion—hika!—a planning system where protecting the taiao, our environment, becomes a liability instead of an obligation. Who pays for it? No one in this Whare; actually, it’s going to be the councils, ratepayers, our hapori, our communities. Once protection carries a price tag, Aotearoa, only those with the deepest pockets can afford to protect our taiao. This bill turns environmental protection into an invoice. So I ask: where are the amendments that stop regulatory relief from undermining the protections that our communities have fought hard to establish?

What about Tīkapa Moana? The Hauraki Gulf isn’t an experiment in deregulation; it’s the heartbeat of Tāmaki Makaurau. For iwi and hapū, including Ngāti Taua, this isn’t simply an environmental asset; it is their whakapapa, their customary connection; their taonga. So, Minister, where are the amendments that guarantee Tīkapa Moana is protected under this new system? Let us bury the myth once and for all: Te Pāti Māori isn’t anti-development; we’re anti being shut out, we’re anti being shut down, and we’re anti having our rights written out of law. Ka nui tēnā—ka nui tēnā. There is no way in hell we’re going to support this bill, unless it stops smashing down on tangata whenua rights and actually acknowledges them.

TAMATHA PAUL (Green—Wellington Central) (17:38): I was quite amused to hear “Mr Deregulation” Andy Foster’s contributions to this debate, because I remember a time when Mayor Foster pulled out a map of Wellington City and went line by line, street by street, house by house to put in more regulation to protect heritage buildings. It’s interesting how people can come around! But it was actually that spatial plan process that we won by getting provisions for more housing to be built everywhere in the city—that we won; you’re welcome, Andy—that made me realise that planning is always political. That’s why I decided to study a Master’s of Resource and Environmental Planning, thanks to people like Mayor Foster. What it showed me was that who gets to have a say and who gets to influence the future of our cities is always political.

It would be easy to dismiss this bill as either neutral, as some say, or as technical in nature, as others say, but this bill is inherently political. The designation of heritage status, Mr Foster, to

European colonial villages while some wāhi tapu or historic pā sites have no legal protections is political. The way that privilege is preserved through planning, and specifically how house prices and socio-economic uniformity in neighbourhoods is maintained, is political. Where councils upzone large parts of a city and, suddenly, landowners' property values go up from \$45 per square metre to \$1,400 per square metre due to zoning decisions is political. Choosing to disregard Te Tiriti o Waitangi when reforms under the previous Government intended to give effect to Te Tiriti o Waitangi is political.

As Tina Porou, my personal favourite planner and somebody that I have always looked up to, says, "Planning law is never neutral.", but it shouldn't be overcomplicated either, because it really is very simple. In fact, this bill probably takes a bit far in that it's overly simplistic in its nature because it clearly prioritises economic efficiency of the consenting and planning system in order to make private economic gains, while discounting everything else required to have a functioning city. It makes the foolish mistake of thinking that humans are superior to or separate from the environment that we live in, rather than recognising that we are, in fact, a very vulnerable part of the environment itself.

This bill is agnostic towards the reality of climate change and the number and the frequency of climate-charged weather events that we are experiencing in Aotearoa. It allows for people to build houses in flood plains—I mean, that is absolutely absurd and insane.

It's a very immature and amateur approach to one of the biggest opportunities for planning reform in recent memory, which deserves time, attention, and collaboration, and it could have got it. But, like my colleague Julie Anne Genter has said, the select committee members seemed to be more interested in how quick they can become a Minister than in actually doing their job on a select committee to scrutinise this bill.

Now I've only got a minute and a half left to talk, and so let's talk about Mana Whakahono ā Rohe. This bill renders Māori as invisible within our planning system. This is about decisions for whenua that Māori own, and whenua and moana that they have kaitiaki obligations towards, and, by the way, these are over scraps of land in comparison to all of the land that was alienated from us. Anyway, we retain kaitiaki status, and Mana Whakahono ā Rohe existed as a term of participation, good faith, and partnership between Crown, councils, and iwi and hapū, which was a thing that the National Party used to believe in, but clearly do not any more.

The Minister responsible for RMA reform said in question time last week that "It is also true that iwi Māori should not be involved in every individual consent merely as of right. That is the kind of red tape we are trying to get away from in the new system.", and I challenge the Minister to name one iwi and hapū that is involved in every individual consenting decision in their rohe—because it's not true. It's disinformation, and it's downright disrespectful to iwi who have stood alongside Crown and council to develop the planning system that we have, and now it has shit all over that relationship—it completely has—to placate the Federated Farmers association and the Taxpayers' Union. That's exactly what it is.

Debate interrupted.

Speaker's Rulings

UNPARLIAMENTARY LANGUAGE—SPEAKER'S DISCRETION

Hon Paul Goldsmith: Point of order, Mr Speaker. We do have standards in this House, and we do not expect those sorts of words to be used in a parliamentary debate.

ASSISTANT SPEAKER (Greg O'Connor): Yeah, but you also have a Speaker in the House, and I'll decide. Carry on.

TAMATHA PAUL: This was—

Hon Paul Goldsmith: Point of order.

ASSISTANT SPEAKER (Greg O'Connor): Point of order—all these debates, this has been a robust debate. There have been comments that have gone across the floor that I could have pulled up at any time. However, given the quality of the speakers, given the status of the speakers, and given the fact that those comments haven't really impacted on the debate, I have

let them go. So, as Speaker, I will take into account comments that are made in the context in which they are made, and in this case, I chose not to pull that up. But thank you for bringing it to my attention anyway. Carry on.

Bills

PLANNING BILL

Second Reading

Debate resumed.

TAMATHA PAUL (Green—Wellington Central) (17:44): When we are in Government, we will fix this planning system and restore the mana that iwi and hapū deserve.

ASSISTANT SPEAKER (Greg O'Connor): Just before I take the next speaker, there is an ability for me, when I'm in the Chair, to take a holistic approach to a debate and not break it down into its component parts. Particularly, this has been quite a good quality debate, and even some of the cracks across the floor have been reasonably well-informed. So in making a decision on a comment that probably the member would reflect on and think she probably wouldn't make next time—all those things are taken into account.

CATHERINE WEDD (National—Tukituki) (17:44): Mr Speaker, thank you. Coming back to the Planning Bill and the intricate details of the Planning Bill—because it is a very complex piece of legislation, of course, which our committee spent hours and hours working on—it is a bill that is about making it easier and faster to get things built in this country. That includes housing, infrastructure, and renewable energy, and these reforms help address bottlenecks in infrastructure delivery, ensuring that vital projects can move forward efficiently. This Resource Management Act (RMA) reform reduces unnecessary delays and provides certainty for investment for big projects. Through these positive changes, we are ensuring that the planning system supports both growth, vibrant communities, and protects our environment.

Again, I thank the Environment Committee for all the hard work that they have done: hours and hours of work on this bill. We made hundreds of constructive changes to the Planning Bill. This bill streamlines planning and environmental management, maintains strong environmental safeguards, supports development, and recognises Māori interests and Treaty settlements.

Many submitters spoke about the clunky RMA system at the moment and the lengthy, expensive consenting processes under this current RMA system, and there was broad agreement across multiple submissions that we need to change the planning system. The RMA reform creates a system focused on people's enjoyment of their land and the use and development of natural resources while protecting and enhancing the natural environment. The Planning Bill introduces greater standardisation and planning that reduces consenting and permitting requirements, it enhances national consistency, and it makes the system quicker and cheaper.

The new regional spatial planning requirements enable growth and development more effectively. The bill improves the process for designating land for infrastructure. It creates a system with fewer plans overall, in order to enhance consistency, certainty, and strategic alignment within regions. The bill creates a modernised heritage framework focused on significant historic heritage to protect what matters most, while providing flexibility and certainty for landowners.

A new planning tribunal will be introduced for fast, low-cost resolution of disputes, including unjustified consenting demands and disproportionate consent conditions. There's a new regulatory relief framework to require councils to proactively consider impacts of specific planning controls on private landowners, respecting property rights. The Planning Bill strengthens requirements for climate change adaptation and mitigation, ensuring that future developments are resilient and environmentally responsible.

New Zealand needs a planning system that stops getting in the way and starts getting things done: more homes, faster infrastructure, more renewable energy, a stronger food and fibre sector, and practical environmental protection. I commend this bill to the House.

ASSISTANT SPEAKER (Greg O'Connor): I just wonder whether, as the chair of the committee, that member may have had a much superior knowledge of the bill than many others and may have been able to lift her eyes from her notes occasionally.

TANGI UTIKERE (Labour—Palmerston North) (17:48): Kia orana, Mr Speaker. Well, it's like Groundhog Day. The last bill, I followed the chair of the Environment Committee, and it's basically the same, where, I think, graciously, 3½ minutes was the—

Grant McCallum: Well, sit down then.

TANGI UTIKERE: Well, I won't be sitting down, actually, because I've got a lot to say, and I think members want to hear what I have to say. I would have thought that the chair of the Environment Committee would have gone for longer than 3½ minutes, particularly given she started by saying that this was "an intricate and complex bill", and yet 3½ minutes is all she could summon up.

I would have actually liked to have perhaps heard how the chair of the parliamentary select committee for environment actually feels about changes that have come after her committee has delivered the report. That is a very good point because there have been a significant number of changes that have been identified after that member's very own committee, which she leads, spent hours of time listening to submitters and going through the process that by her own definition is something that's intricate and complex, and not a single little blip comes out of her mouth about her concern or otherwise around what she thinks in terms of what has happened since that report has come back. That is disappointing.

These two bills do go hand in hand for the purposes of Parliament, but they go hand in hand for, basically, nothing else. As we know, planning is synonymous with local government as a sector, and, sure, councils can respond to change, but what councils absolutely struggle with is uncertainty. Anyone in this House who has experience in local government will know that certainty is really, really important in terms of the long-term focus of councils. They need certainty around costs. They need certainty around rules. They need certainty around staffing, either those that are going to be retained or those that are going to be let go. They need certainty around compliance obligations, and it's important that any legislation—and in this particular sort of sense, the Planning Bill provides that certainty, as well.

I want to follow up on the comments from my colleague the Hon Rachel Brooking. She has put a challenge to Minister Bishop to seriously consider the amendments that this side of the House will be advancing in committee stage. I guess that comes in the similar vein of first reading where we sent this bill off to select committee in good faith, thinking about the possible changes that might follow.

We have already heard reference to the Parliamentary Commissioner for the Environment and his view, basically, that in terms of a synergy between both bills, it is not there—it is absent. The conflict that's meant to be resolved if there is a dispute resolution process is via the Minister who holds the warrant at the time. That is doomed to fail. We've heard already this evening that there is a process of consultation, but is there? I mean, is there a process of consultation that the Minister would be expected to go through; if so, what are the thresholds—what are the sort of guiding rails that many members in this House have referred to this afternoon to allow the Minister to reach that particular point? Maybe we'll get to that at committee stage. We don't know; we'll have to wait and see.

One of the real concerns with this bill is the regulatory relief provisions. I understand that this was a significant issue that was covered during the select committee process. Now, what is of huge concern, I think, is that the existing environmental protections that are currently in place could lead to the trigger of compensatory liabilities that might exist.

If we think about communities all around our country at the moment and the various protections that exist, but there is no change in terms of what is being done with those protections—so, for example, biodiversity is a good example. Landscape is a good example. Heritage is a great example, actually, where heritage buildings and heritage provisions often sit dormant for many years. They don't initiate any change and they don't undergo any change. But if there is a trigger at some point in time where there is a review process under resource management law, that could potentially lead to—

Cameron Luxton: Is this in the bill?

TANGI UTIKERE: —the requirement for the—it is in the bill, Mr Luxton. It is in the bill. This leads to a requirement for the council to, basically, compensate property owners by the mere fact that there is some sort of designation or requirement over whatever that might be.

It is a significant consideration that councils will be required to turn their mind to whether or not they have to actually head down a relief provision sort of process. Now, that is a change, and what that means is that this Government is prepared to yet again lump on top of councils an additional consideration about the financial compensation that they would be required to actually put in place. As part of the information that was in front of the select committee, the potential cost to councils is just shy of \$2 billion.

Ryan Hamilton: According to one person.

TANGI UTIKERE: Look, we hear from members that that's just according to one person. Well, what I'd like to hear from Government members is the alternative information, because that is not what we're hearing being put forward in this particular debate this evening. We're not hearing alternatives. Martin Jenkins estimates that \$1.9 billion nationwide could be the potential liabilities that would fall on—who? It would fall on ratepayers, who are finding it tough under this current Government right now.

What is really interesting is this. The question needs to be asked or put to the Government around how those costs could be absorbed, and the Minister and others will say things like "Well, you could potentially have rates relief."—that's one example that they've given. Another is "Land swaps. You could look at council land"—whether it's recreational land, green space, or community facilities—"and you could possibly hand that over to the property owner as a form of compensation." Perhaps it could be the other one, which is development rights that might fall in favour of one party or the other, or basic cash payments or, indeed, specific grants.

Now, they all come at a cost. Government members over there might think that a land swap is not going to come at a cost and that it's an exchange of a resource. It comes at a cost because if you are in a community where that land is potentially tagged for recreational use, community facility, institutional use, educational use, or whatever, that comes at a cost. It is deeply concerning that we have in front of us a Planning Bill—and these were issues that were identified when this bill was first introduced and was sent off to select committee. I challenged the Minister and I challenged members of that committee to turn their minds to this provision to see what was workable and what was not.

Now, again, we come back to the fact that we have a bill that's been returned from the select committee that is far worse than the bill that was actually sent there in the first place. How bad is that—

Grant McCallum: No, it's a lot better—a lot better.

TANGI UTIKERE: —and how rare is that? Well, if members opposite like to think that this is a better bill because it's going to lump additional costs on to ratepayers and it's going to stymie the ability for councils to do the work that they do, then they have a very different definition of that, and of localism, as well.

There are other effects in terms of this bill, and on the issue of effect, that whole regulatory relief provision will have a chilling effect when it comes to the ability for decision making, because councils will be forced to actually not consider the environmental bottom lines or the environmental protections because they know that the financial implications for them and their community mean that they're not going to be able to afford to pay that. For a country that actually prides itself, and for others who pride sort of looking at New Zealand for our clean, green image and our resource intensity, there are going to be real prospects for change in that space.

I think that it is deeply disappointing that we have a Government that wants to progress a law change in the resource management space that is actually looking to curtail opportunities that exist for environmental protections and environmental bottom lines. They are in areas of biodiversity, and while members opposite might not think biodiversity actually matters, it is a key consideration in terms of identity for New Zealand and of who we are.

As I say, this bill has come back to this Parliament in a different sort of shape—a worse one. Previously, they said that it's going to—and I will end on this—build roads. Well, I really don't think that this Planning Bill is going to build more of their “roads of National Party significance”. It's a financial inability to actually add up and set aside the money that's going to stymie their ability to deliver roads in this country.

This Planning Bill has been ill-thought-through. It has gone to a select committee in good faith and it has returned in bad faith. It has had significant change that would make a difference that is detrimental for resource management in this country. On that basis, we do challenge the Government to consider the amendments we will be putting forward, but we continue to oppose this bill.

ASSISTANT SPEAKER (Greg O'Connor): The time has come for me to leave the chair for the meal break. The House will resume at 7.30.

Sitting suspended from 5.58 p.m. to 7.30 p.m.

ASSISTANT SPEAKER (Maureen Pugh): Good evening, members. The House is resumed. When we broke for the dinner break, we were debating the Planning Bill, second reading. The next call is call No. 9. It's a National Party call.

GRANT McCALLUM (National—Northland) (19:30): Thank you, Madam Speaker. Look, it's great to speak on the second reading of this very important Planning Bill. Why is it so important that we pass this? Well, ultimately, one of the key challenges we've had in this country over recent years is housing affordability, and one of the main reasons that this has been a problem is because the Resource Management Act and the extra costs put on people who wish to build and the increase in land development costs and so forth has really put a lot of pressure on the next generation. This is the Planning Bill. There's plenty of light reading there if anyone would like to take it up! I just think it's really important that we progress this bill so we can really fix the basics and build the future. I commend the bill. Cheers.

Hon WILLIE JACKSON (Labour) (19:31): That's another terrible response from the Government to something that's really important. That member should hang his head in shame. He's a disgrace to the North.

Grant McCallum: Do you know what you're going to say, Willie?

Hon WILLIE JACKSON: That's all I'm going to say. I just came from a book launch for Kiritapu Allan. It's quite ironic and the timing was amazing really, because Kiritapu Allan did so much mahi in this area. I said, “Yes, those dirty, rotten”—I won't go on, just in case I get point of order—“that lot on the other side are changing all the stuff that we talked about, Kiritapu, in terms of tikanga, in terms of the obligations with regards to the Treaty, and in terms of consultation.” I just remember so much work that went into this in terms of recognising Māori rights, recognising tikanga, giving effect to the Treaty—giving effect to the Treaty. That was a major move for us—never mind this “acknowledging”—what is it, Camilla?—“the Treaty” or “honouring the Treaty”. Giving effect to the Treaty is a major move for any Government. I was proud that Kiritapu—and I'll put David Parker in there because he was actually leading it all.

I want to say to the Opposition—not the Opposition, but soon to be Opposition. I want to say to the soon to be Opposition that we had our own debates within Labour in terms of Māori rights and in terms of giving effect to the Treaty. David had his views, which were very challenging, and we worked through them constructively, and we came out with stuff that, I think, you could be very proud of. Sadly, now, with the tribunal coming out and hammering this Government, quite rightly, this bill must again be highlighted, particularly in these areas in terms of the Treaty, because the Minister says that decades of varied lawmaking created messy, inconsistent terminology ranging from “honour” to “give effect” and that standardising language brings predictability and certainty to the law. Well, standardising and getting rid of “giving effect to the Treaty” is not the way to go. “Giving effect to the Treaty” recognises the legal obligation that the Government has and brings comfort to Māori.

It was interesting talking with Kiritapu today. We recalled all those arguments, and she said how we talked through the whole kaupapa of the principles of the Treaty—about relationships, about partnership, and about good faith. All those principles should be expressed fairly in this legislation.

I ask the Government tonight: do you really think that those principles are being fairly exhibited and expressed in this legislation? I say no. The reality is you have watered down—watered down—the obligations that the Government should have to Māori, and I'm really proud of the Waitangi Tribunal and judge Caren Fox for challenging this Government over their nonsense. Shame on Minister Shane Jones—typical New Zealand First, going after the chief judge of the Waitangi Tribunal. All she's doing is highlighting how this Government is trampling on the rights of tangata whenua. I want to congratulate the tribunal.

This legislation is a prime example of a breach of principles and a breach of obligations in terms of the Government to Māori. We obviously will oppose this. We'll keep opposing this, and we'll be able to turn it around probably in November or December this year. We look forward to that time. Kia ora tātou.

RYAN HAMILTON (National—Hamilton East) (19:36): Thank you, Madam Speaker. We all know the Planning Bill is about replacing a system that has become too slow, too expensive, and too unpredictable. For example, in Japan, Japan has 13 planning zones. In New Zealand, we've got 1,175—all with different rules and bespoke provisions. It's too hard, and it's too complex, so this bill is about making it simpler. It's about saying yes to more homes, more infrastructure, stronger economic growth, more jobs, and more opportunities. I commend the bill to the House.

Hon PRIYANCA RADHAKRISHNAN (Labour) (19:37): Thank you, Madam Speaker. The RMA, or the Resource Management Act, was a significant piece of legislation that aimed to do two things: to improve environmental protections and to lend itself to town planning reform. It achieved a number of things, but we're here today—and we've been here in this House before—because, on both sides of the House, we do agree that there were inefficiencies as a result of that piece of legislation and that it needed to be reformed. Now, on this side of the House, we had two Acts—the Spatial Planning Act and the Natural and Built Environment Act—that took quite a long time to get to in the previous Parliament. One of the first things that this Government did when they took office was to scrap those.

Now, here we are, back discussing two more bills that replace the RMA. They are reasonably similar in terms of aim but significantly different in terms of how they—

Grant McCallum: Much better—much better, Priyanca.

Hon PRIYANCA RADHAKRISHNAN: No. Much worse, Grant—much worse, Grant.

ASSISTANT SPEAKER (Maureen Pugh): Use the member's full name.

Hon PRIYANCA RADHAKRISHNAN: Grant McCallum—Grant McCallum, much worse bills unfortunately. While, on this side of the House, we get along and have had a fair bit of collegiality on the Environment Committee, sadly the process that these two bills underwent made an absolute mockery of the select committee process. They were badly drafted bills that were considered fulsomely by the select committee, albeit with a six-month full process for two bills, so it was incredibly rushed as a process in that sense. Ultimately, what did we get out of it? Worse bills. None of what the select committee submitters came to select committee to tell us around environmental protections through the Planning Bill and the Natural Environment Bill was taken on board, and what we have here is two bills that many have told us will be unworkable.

With the Planning Bill, I want to quote the Parliamentary Commissioner for the Environment (PCE) here. He has been very clear in a note that he has sent to all members of Parliament that is publicly available on the PCE's website. For me, this bit stands out because this is a Government that campaigned on localism—they said, "We'll bring localism back. It's all about listening to the communities and to the regions."—and the PCE has said, "The Bills represent a wholesale rejection of localism." With the Planning Bill, for example, many have called for stronger national direction, and they have got that through this bill. There will be one consolidated source of a national policy direction that will, basically, override what regions and local communities may want to do. So almost everything that is undertaken at regional and local levels of government will, ultimately, be scripted by central government through this legislation.

Many who came to select committee talked about how problematic the funnel model is. Basically, what this legislation does is impose some sort of a hierarchy, where most of the decisions will be

made by the Minister—a lot of it through secondary legislation—that will prevent matters that are settled at a higher level from being able to be reopened when it comes to a lower level. Basically, if the Minister gets it wrong, everything that follows will be problematic, and there's no recourse through regulation to fix that. That is incredibly problematic. It is very significant, because it takes back the regulatory power by central government, by a Government that campaigned on localism.

The other bit that I want to talk about, which is also relevant to the rejection of localism, is that a number of matters have been, over time, considered by local communities to contribute to the feel or the livability of the area that they live in—for example, things like green spaces, protection of local landscapes, amenities, the contribution of private trees. All of that now will be taken away from local communities. The Parliamentary Commissioner of Environment points out—which I thought was quite poignant—“A requirement to provide for ‘amenity’ made its first appearance in the statute book in 1926.”—through the Town Planning Act 1926—“Exactly a century later, it is being [completely] removed” by this legislation.

The other stark difference between the two—if you'll indulge me, Madam Speaker; the select committee considered these two bills together through the entire process, because they're so interlinked, basically. These two bills will ultimately replace New Zealand's primary environmental protections. We will need to see, through both the Planning Bill and the Natural Environment Bill, what sorts of environmental protections remain, because, while the Planning Bill focuses on urban planning specifically, it's meant to do that within environmental limits, which is what the RMA allowed us to do.

Now, these two pieces of legislation—and definitely the Planning Bill—give no particular priority to environmental limits at all. That is such a stark contrast to the RMA. This was also something which was raised by a number of submitters to select committee, who were concerned that environmental limits could be breached as a result of this legislation. The legislation said that you could; you just had to provide a good enough reason for breaching environmental limits. So you could plan urban areas and plan infrastructure with no regard to keeping within environmental limits.

The bills—including the Planning Bill—also just have a whole list of unprioritised goals. This was also raised by multiple submitters to select committee. Basically, you have all these goals, and those who were exercising powers under this legislation are only required to seek to achieve those goals. The bills leave it up to the Minister to particularise or prioritise the goals; nothing much in the way of guidance when it comes to determining how conflicts between those goals will be resolved—again, this was something brought up by a number of submitters to the select committee—or how they will be managed. The Minister, basically, gets to make the decision as to how they will be managed, and if one Minister wants to prioritise one goal over the other, they can do that. Successive Ministers can prioritise them differently.

One of the rationales for the introduction of these two bills was, ostensibly, to give people more certainty around planning. This bill does not do that. It does not achieve that. Independent advice to the select committee has pointed that out. They are unworkable pieces of legislation. They have been cobbled together quickly by a select committee that was more interested—unfortunately, in terms of majority members—in terms of pushing this through than resolving the issues that so many raised with us.

It also goes to what I feel is a perennial problem with this Government, which is the false dichotomy that they talk about between the environment and the economy, as though we have to pick one over the other—as though the environment doesn't predicate all of what we build our economy on. Where the RMA constrained the scope for regulation to managing the environmental effects of activities, these bills give complete discretion to Ministers. Really, depending on the degree to which the Minister is concerned about the environment, they can make whatever decisions they want, to give primacy to environmental limits or not to. How that serves us in the way of increasing certainty, I have no idea.

The last bit that I want to talk about is the regulatory relief framework, which is a concept that is completely new in this Planning Bill. It's about assessing whether proposed planning rules will significantly impact the reasonable use of private property; if so, a regulatory relief framework will have to be developed. Then, once it's operative, this regime will need to identify landowners, if they're impacted, and offer relief. Pretty much every council came to select committee and said

that this is terrible. They're not going to be able to afford it, which means that likely the improvement of biodiversity will fall to the wayside, because, ultimately, what it does is look at—well, it's about private property rights and what you can and cannot do on your own private property. The particular topics are historic heritage areas, sites of significance to Māori, outstanding natural landscapes and features. If it means that doing any of these things will be problematic on your private property, you get paid out for it. The cost is to the tune of almost \$2 billion, which is unworkable for councils.

DAVID MacLEOD (National—New Plymouth) (19:47): Thank you, Madam Speaker. I'm pleased to take this last call on the second reading of the Planning Bill. It is said that the number of plans throughout New Zealand is well above 1,000. The endeavour here is to bring it down into the vicinity of 17 plans, incredibly simplifying exactly what's required to be able to unleash our country and start to get things done.

The funnel structure that is talked about so often amongst these two bills creates the situation where we've got a purpose, we've got goals set at a national level, along with national instruments, but most importantly there is a local context to be taken into account. That's delivered by regional plans, which include a spatial plan, environment plan, and also a land use plan. This is all about endeavouring to halve the number of consents and permits required to do things in our country. I commend the bill to the House.

ASSISTANT SPEAKER (Maureen Pugh): The question is, *That the amendments recommended by the Environment Committee by majority be agreed to.*

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

Ayes 67

New Zealand National 48; ACT New Zealand 11; New Zealand First 8.

Noes 55

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 4; Ferris; Kapa-Kingi.

Amendments agreed to.

A party vote was called for on the question, *That the Planning Bill be now read a second time.*

Ayes 67

New Zealand National 48; ACT New Zealand 11; New Zealand First 8.

Noes 55

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 4; Ferris; Kapa-Kingi.

Motion agreed to.

Bill read a second time.

CLIMATE CHANGE RESPONSE (TORT LIABILITY) AMENDMENT BILL

Legislative Statement

Hon JAMES MEAGER (Minister for Hunting and Fishing) (19:50): on behalf of the **Minister of Justice:** I present a legislative statement on the Climate Change Response (Tort Liability) Amendment Bill.

ASSISTANT SPEAKER (Maureen Pugh): That legislative statement is published under the authority of the House and can be found on the Parliament website.

Second Reading

Hon JAMES MEAGER (Minister for Hunting and Fishing) (19:50): on behalf of the **Minister of Justice:** I move, *That the Climate Change Response (Tort Liability) Amendment Bill be now read a second time.*

Firstly, can I just start by thanking the hard-working Justice Committee for their consideration of this bill and, also, the various submitters for their contributions. The committee recommended by majority that the bill be passed without amendment. Ultimately, the Government's view on the importance of this legislation has also remained unchanged. We consider this amendment to the Climate Change Response Act 2002 is necessary to provide businesses with certainty about their obligations and to maintain the coherence of the current regulatory system.

This bill will prevent the development of a new regime which contradicts that framework which Parliament has already enacted to respond to climate change. The statutory bar will apply to the *Smith v Fonterra* litigation in order to maintain regulatory coherence. I'd like to note that it will not take any existing rights away from Mr Smith, because the court has not yet determined the substantive question on whether tort liability for emissions-related climate damage may exist. The bar will not affect traditional tort liability that has already been established under common law—for example, nuisance or negligence claims.

The bar also does not change any of New Zealand's climate targets or the approach the Government has set for meeting them under the Climate Change Response Act. It does not change the current obligations of New Zealand businesses under that Act or under the emissions trading scheme. It simply maintains the existing coherence of the regulatory system and ensures that greenhouse gas emitters have consistent obligations.

If Mr Smith's case was successful, it could have led to a court-ordered regulatory scheme operating in parallel to the statutory scheme which applies to some businesses. The purpose of this bill is to avoid that risk of having two parallel schemes. If we await the outcome of the case, then Parliament may then have to deprive litigants of the benefit of those proceedings just to ensure regulatory coherence at that point. The Government's view is that action now is warranted to rule out the development of any potential climate-based tort.

To summarise what speakers in the House have said and what submissions have said, the party supporting this bill emphasised that the ongoing litigation in the High Court is creating uncertainty in business confidence and in investment. Companies who provided evidence to the Justice Committee all stated that the *Smith v Fonterra* litigation could have significant implications for their ability to operate their core business and that the ongoing litigation represented a significant strategic risk.

Supporters of the bill agree with the Government that greenhouse gas emissions and climate change harm are best regulated by Parliament and by the executive. It is Parliament and the Government that can take a whole-of-economy approach that carefully considers environmental, economic, and social implications, rather than through piecemeal litigation in the courts.

Some people have argued that litigation should be allowed to proceed and that the Government and Parliament could then decide to act once the courts have made their decision. Well, the Government disagrees. The existing litigation began several years ago. It's already been subject to appeals heard by the Court of Appeal in 2021 and the Supreme Court in 2024. The High Court trial is not due to hear the substantive case until mid - next year, and whatever the outcome, the appeals could drag on for years and years. The Government doesn't consider that we can take a wait-and-see approach. This litigation is creating uncertainty, and it would continue to affect business confidence and willingness to invest. It's also possible that other cases will be lodged, creating further uncertainty.

Now, there are some people that argue that passing legislation to create a statutory bar undermines the rule of law. While I disagree, it is the role of Parliament and this House to pass legislation that determines the rights and obligations. It has always been open to Parliament to do so, and Parliament has done this very thing in the past. It has passed a statutory bar on tort actions for claims of compensation for personal injury, creating the ACC system, where a statutory system is the regulatory system that people adhere to and there is a litigation bar for

compensation of personal injury. I would doubt very strongly that those opposite who are yelling out at us across the House are going to campaign on undoing years of the ACC system.

The courts in this case have only heard procedural arguments, and the Supreme Court was very clear in making no ruling on the merits of this case. No fruits of litigation are being overturned by this bill. Moreover, one of the reasons that the Supreme Court allowed the *Smith v Fonterra* case to proceed was because Parliament had expressly not ruled out the development of tort law, and that is what we are doing here. We are expressly ruling out this possibility before the substantive case is considered. That is the right and proper action of a legislature to take when it decides what the proper statutory framework for dealing with climate change is in New Zealand.

The bill ensures the Climate Change Response Act, passed by Parliament and implemented by the executive, rather than the piecemeal litigation decisions of the courts, remains the key framework to regulate greenhouse gas emissions. It is Parliament and the Government that can take a whole-of-economy approach that carefully considers environmental, economic, and social implications of addressing climate change. We on this side of the House commend the bill to the House.

ASSISTANT SPEAKER (Maureen Pugh): The question is that the motion be agreed to.

CAMILLA BELICH (Labour) (19:56): Thank you, Madam Speaker. Well, this is a sad day for the rule of law in New Zealand, in the sense that Parliament is impacting the right of citizens to access the courts. That is what Parliament is doing today. We have the law as it currently stands in New Zealand. We have active litigation in front of our courts. We have the possibility of judgment either way by our courts on the law as it stands, and this House, this Government, is standing in opposition to the right of its citizens to challenge the law as it stands at the moment and receive a ruling. That is shameful—that is absolutely shameful.

I want to join the Minister for Hunting and Fishing in one thing—in thanking the Justice Committee and the people who submitted to select committee on this bill. If the Minister listened to those who submitted to the select committee, they would see that 93 percent of those who submitted were opposed to this bill, opposed to this action by the Government to take away the right of any New Zealander to take an action in tort for climate-related emissions.

Now, the Minister said this won't affect other claims in relation to negligence, but when I read the legislation, it clearly states, "the person has no tort liability for ... emissions-related climate change effects." So any tort in relation to climate change effects will be barred by this bill. That's not just for prospective claims in the future; this bill specifically strikes out a case in front of our courts, and that is the case of Mike Smith.

There is a story, there is a tale to tell, around how this came to be, and let me say it does not reflect well on this Government. We have seen this issue being brought to the highest office in this country, the office of the Prime Minister of New Zealand, and we have seen evidence and investigations by the Ombudsman that were, quite frankly—and I think I've got it here—shocked that documents were asked by that office to be provided in paper form, not to be sent electronically; to be delivered by hand. Then, those very same documents were not released under Official Information Act requests. That does not place the office of the Prime Minister in a good light in relation to the subsequent decision to agree with what those particular organisations were advocating for and rule out and, in fact, cancel the ability of Mike Smith to bring this case.

That is a shameful episode in our nation's history. We must do better, and we must have decent and transparent policies that apply to all Government offices of Government Ministers to make sure that our Official Information Act and transparency requirements are complied with. This is an issue of democracy and it's an issue of transparency and it's an issue of influence, and it did not turn out well in this case and it did not paint the whole of New Zealand in a favourable light because of what transpired in that case.

Now, the legislative process by which this bill was brought to the House was also problematic. This bill was introduced under urgency; it wasn't passed in full under urgency. That is an important distinction, because we were able to have a select committee process. However, that was a truncated select committee process, and it meant that we had to do this in a very short space of time. Submitters weren't given the same amount of time as they might otherwise be given to

respond to this particular bill. That is regretful, because this is a serious issue and it takes away serious rights that affect all New Zealanders.

A key issue that was brought up with us and in the select committee process was the issue of retrospectivity. I think it's important to clarify, as well, the issue of parliamentary sovereignty, because I have heard members on the opposite side of the House say that Parliament is allowed to do this. Parliament, of course, is allowed to do this. We have parliamentary supremacy. Parliament can pass any law it likes, with a majority. The question is, with our constitutional conventions and with our principles that we have as a country and with our values that we have about access to justice and the right of citizens to be able to challenge the law in court, should Parliament have done this in this way? My answer to that is no, Parliament should not have done this, because this takes away a man's right to his day in court. It takes away an iwi leader's right to challenge what is happening to the land that he has a historical connection with in relation to climate change. It says that, even though the highest court in the land has said that he has an arguable case, he is not allowed to pursue that under our courts. I think that that is a shocking statement for this Parliament to make.

We heard the Minister say, paraphrasing that opposition to this case, "Well, maybe people say that it should have been left to the courts to determine and then Parliament could have ruled, but we decide that that's not the way that we should have gone and the Parliament should determine this now." Well, I say that it is a degradation of our duty towards having clear laws that our citizens can follow. It is not correct to say that there aren't existing common law rights. The Supreme Court itself recognised that there is not a bar and there exists the right of a common law tort in relation to climate change emissions.

Now, we know emissions are damage. Torts apply to damage. Torts apply when something happens and the causation can be linked to another party. They are a part of our legal system. If you do a law degree at any New Zealand law school, you'll spend a year studying torts. They are that fundamental to our legal system. They are not a niche claim and they are not something that should just be taken away by this House.

Now, the Minister used the example of ACC. I don't think that is an example that helps the Minister's case, if I'm honest. We know that the reason that we don't have tort liability in ACC is because we have a substantive and extensive compensation regime that compensates New Zealanders for the right not to be able to take action in tort, which is an action in negligence, when they're injured. Because we have that substantive compensation, no-fault scheme, we agree as a society not to take negligence claims when we have a personal injury. That is a bargain that is made with Parliament and the New Zealand people. It has been in place for a long time. I don't think there's any appetite to change that. But the reason it's accepted is because there is compensation for that. When we look at this bill, there is no compensation for this. There is only taking away rights that exist from litigation which is currently active in court.

So, this is very serious and not a comparable example, in my view, to use. In fact, I think it perhaps proves the opposite of the Minister's point in that the fact that we have that tort taken away in ACC and we have a compensation scheme is the only way that is justified. There is no proposal in here to compensate Mike Smith for his lack of ability to take his case forward. He has spent probably a substantial amount of time and money to bring this case forward. It's almost unheard of for Parliament to intervene in this way and specifically list, as they have in this bill, personal litigation currently before the courts. In fact, this rule is so important to Parliament that often when an active court case comes up, we have Standing Orders that prevent us from talking about it. We have actual rules in our Standing Orders that say we shouldn't be discussing active litigation. Well, we're not just discussing active litigation; We are actually repealing active litigation. So it goes against not only our constitutional conventions but also our Standing Orders. It goes against certainty. It is a challenge to the separation of powers, the fact that there isn't the understanding by the Government that they should have waited until they saw the result before pre-empting this. I think it is pre-emptive.

I've run out of time to go through all the information on this, but one of the submissions that resonated with me was a submission by the Law Association. It said, "Parliament proposes to determine prospectively that the common law is not to develop in this field, irrespective of future factual circumstances, scientific understanding, legal principle or judicial reasoning." So that is a shameful decision by this Parliament. It is a terrible personal blow for a New Zealand citizen who

sought to use the law in order to write a wrong that he saw in his community. It's an abuse of process and it goes against the fundamental principle of certainty of law, and we cannot commend this bill to the House.

STEVE ABEL (Green) (20:06): Thank you, Madam Speaker. I speak to the Climate Change Response (Tort Liability) Amendment Bill. I came to this Parliament to answer a question: why is it so hard for politicians to do the right thing?

Before us, again, is the bill conceived by secret transacting of a corporate's demands to the Prime Minister's Office, but the secret was revealed. As Eddie Izzard puts it, "Foul deeds will rise." This *Smith vs Fonterra* bill has laid bare the insidious power of vested interests to suppress the better moral instincts of politicians and, indeed, the Parliament. In the simplest terms, the case for this bill is that the protection of the profits of a multibillion-dollar company, Fonterra, is more important than protection of the rights of New Zealand citizens to fight, through legal means, for a livable environment. That cuts to the nub of the question: indeed, "What a piece of work is a man, how noble in reason, how infinite in [faculty]"—but are we, as a species, in our infinite faculty, even capable of changing our ways to save ourselves from extreme climate change, a problem of our own making, let alone saving the magnificent pageant of animals and species with which we share this tiny blue marble in the oblivion of space? Can we humans, the paragon of animals, even adapt our behaviour to save our own bacon?

Climate change is our species' "to be or not to be" question, and the Luxon Government says we are not to be. Industrial humans are going to keep on doing what we've always done, marching lockstep right off that climate cliff, and no one's going to bloody stop us, least of all the free citizens of Aotearoa New Zealand. Why? Because those profits from climate pollution are too big to check or tether or reasonably regulate. Through this bill, no one shall bring a case against a private company for harms caused to themselves, their property, their whānau, their community, and even harm to their ability to live—existential harm.

The *Smith* case took our biggest polluters, and this bill says the biggest polluters cannot be touched and must not be challenged in any court. It leaves that power exclusively to the Government of the day, the assumption being that the Government is the best place to take action, and yet, subsequent Governments have utterly failed to take sufficient action. That is exactly why the case was taken and exactly why the Supreme Court found that there was a case to be heard, because clearly Governments lacked the fortitude to take on these powerful companies that threaten our existence.

This bill extinguishes that case and all subsequent tort cases and provides no replacement remedy—unlike in the case of ACC, when there was a replacement remedy: ACC. Tort law is centuries in the making in common law. It recognises that a neighbour must not be a nuisance to their neighbour or cause harm to them through negligence. It is like the good neighbour law.

Because climate change gases are slow acting and act on an atmospheric scale, which is that they impact the whole planet, there is little precedent for establishing if tort law can cope with the failure of a company to act sufficiently to protect the public from the impacts of climate-heating gases that it emits. *Smith v Fonterra* is potentially a globally significant innovation in the application of tort law, as it relates to the existential challenge of our time. We should welcome such innovations rather than cancel them, because we need every lever we have for this insurmountable crisis. It also has a tikanga-specific approach that is unique to New Zealand's bicultural foundation. Can I just remind you of the scale of the climate threat. It is the biggest threat to food production globally this century. It is the biggest threat to human health. In the words of the United Nations chief António Guterres, it will cause an atlas of human suffering, driven by failed leadership and a suicidal war on nature. It's a risk not only to hundreds or thousands but to hundreds of millions and billions of human lives and millions of other species in the bargain.

But none of that is as important as Fonterra's profits, according to Luxon's Government. Against the longstanding basic right of the individual citizen in an existential threat to the viability of life for all humanity, it is the rights of the private corporation and the company that come first, according to this bill and this Government. Herein a tale is told of how politicians make the wrong decisions, because they think the rights of the corporation matter more than the rights of the citizen, because they think the big guy is who they are here to defend, not the little guy, because they think—

ASSISTANT SPEAKER (Maureen Pugh): Mr Abel, you are running very close to the line, and I just caution you about the insinuations. I've let you go for quite a while. We are not discussing climate change per se; we are discussing and debating the Climate Change Response (Tort Liability) Amendment Bill, so I ask you to come back specifically to this bill and be very careful about how far you go with those accusations.

STEVE ABEL: Sure. I will immediately come back to the bill because I believe the mistake is made because politicians think the right to profit and pollute matters more than the viability of life on earth.

We've seen this with climate change time and again, and so we have what should be better known as the "Fonterra (Citizen Rights Extinguishment) Bill" because that is for whom it is being done and that is to whom it is being done. It is being done for Fonterra to the rest of us. It is no small hypocrisy that those parties opposite who purport to believe in property rights are today voting to nullify the rights of citizens to claim for harms caused to their property by climate change contributed to by Fonterra and Z Energy and the rest of the dirty half-dozen in *Smith v Fonterra*. We will hear from the other side that New Zealand is but a little contributor to climate change compared to others, so we don't need to worry about our little bit, ignoring the fact that we are a small country and, on a per capita basis in terms of the OECD, we are the fifth-worst polluter in terms of climate change.

There is an old familiar saying attributed to Edmund Burke that it is a mistake to do nothing because you can only do a little. The Luxon Government's logic inverts that truth and denies its fundamental premise by saying, "Even if you only do a little towards climate harm on a planetary scale, it is as if you do nothing. Therefore, carry on with impunity." Notably, tort law, which is the subject of this bill, says, "It doesn't matter how little you added to the swill that contaminates the river; you are liable for the sickness of the people who drank from that river." It is exactly the wisdom of tort and common law, developed over centuries of justice and judgment to the benefit of the people, where after multiple companies pumping waste into a river destroyed the health of that river and the ability of people to drink from it and bathe in it and fish for their existence in it, the courts found that no single one of them had a right to corrupt that commons, the river. It doesn't matter how multifarious the sources of pollution are; no single polluter is exempt from liability for the combined effect. That is the wisdom extinguished today in New Zealand regarding climate change by Government obedience to the will of the corporation. It is a dark and despicable day, a day when the rights of citizens are put second to the rights of companies—the likes of Fonterra—where the common law is overridden by corporate rule.

The law doth punish the man and woman
Who steals the goose from off the common
But lets the greater felon loose
Who steals the common from off the goose.

Today, Mike Smith has had his article 2 Treaty right squashed but also his article 3 right, entitling him to the rights of a British citizen, extinguished. Today, Mike Smith a rangatira to Māori, a commoner under common law, seeking justice for all of us, is punished through extinguishment of his right to a fair hearing in court. The true felon, Fonterra, is set free to steal the stability of the common atmosphere from all of us with impunity. We condemn this bill and appeal to the New Zealand public to swiftly extinguish this wretched Government's right to rule over us so that we may, in a new regime, reinstate all people's rights to justice for harms caused by corporate polluters. Thank you, Madam Speaker.

TODD STEPHENSON (ACT) (20:16): Thank you, Madam Speaker. I rise on behalf of ACT to speak on the Climate Change Response (Tort Liability) Amendment Bill. Look, back in 2002, this Parliament passed the Climate Change Response Act. That established a legal framework—a parliamentary legal framework—for how we're going to respond to climate change. As the Minister, the Hon James Meager, outlined in his speech, we are concerned, on this side of the House, as part of the Government, that litigation in relation to climate change and actually having a particular tort around climate change could create a parallel system and business uncertainty. It actually undermines the regulatory regime that this Parliament has put in place, and so we are very happy to support this bill, which will bring some certainty and ensure that Parliament's regime

that it put in place is the appropriate way to respond to climate change. I commend this bill to the House.

Hon MARK PATTERSON (Minister for Rural Communities) (20:17): I rise on behalf of New Zealand First to strongly support the Climate Change Response (Tort Liability) Amendment Bill. Climate change policy should be set by legislation and by elected representatives and not a parallel system. This measure responds to an emerging trend and threat to law-abiding businesses who have been challenged in court around their greenhouse gas emissions. Clearly no one company or one country is individually responsible for climate change; this is a global challenge. Ironically, Fonterra, who have been at the centre of this particular litigation, have a goal of reducing their emissions by 30 percent, which actually exceeds the Government's legislative targets. Not to respond in this manner risks exposing New Zealand businesses to vexatious litigation and a chilling effect on investment, and, worse, it had the potential to drive production offshore to less efficient systems or jurisdictions. New Zealand First commends this bill to the House.

HANA-RAWHITI MAIPI-CLARKE (Te Pāti Māori—Hauraki-Waikato) (20:19): Tēnā rā koe e te Pīka, otirā tēnā rā tātau e te Whare. E tū ana ahau ki te waha i ngā kōrero mā Te Pāti Māori e kaha tohe ana, e kaha whakahē ana i tēnei pire, arā ko te Climate Change Response (Tort Liability) Amendment Bill.

[Thank you, Madam Speaker; indeed, greetings to all of us in the House. I stand to give voice to the Māori Party's statements that strongly oppose and strongly disagree with this bill, the Climate Change Response (Tort Liability) Amendment Bill.]

Our whenua, specifically in Hauraki-Waikato, generates billions of dollars. When we look at our exports and when we look at Hauraki-Waikato, we create at least \$14.4 billion worth of money generated in Aotearoa New Zealand's economy. Our energy, our time, the workers, the kaimahi, our whenua, our pepeha go into creating and feeding not only Aotearoa but the world at a global level. We think of our meat, dairy, and exports that travel outside of the country. Waikato has a huge contribution, if not the largest throughout the country, when it comes to dairy and farming. We are 12.7 percent of the national exports for Aotearoa, but at what cost? At what cost? The majority of whānau cannot access their rivers, which are non-drinkable, that are non-swimmable, that are non-fishable, and the kai that is made from these industries. When we think of the places like the grocery stores, where you can't even afford the \$11 butter, these are the real-life instances that people are facing.

Industries profit from these resources. Now, the data from the 2025 financial year for Fonterra was \$22 billion. We look at Mike Smith's case and the industries that he outlined. Fonterra: Waikato is New Zealand's largest dairy farming rohe for Fonterra. Genesis Energy operates as one of the largest power stations throughout the country, which fuels electricity and power throughout New Zealand, located in Huntly Rāhui-Pōkeka. When we think of New Zealand Steel, some of the industries that he has outlined rely on iron sands out in Taharoa, within the electorate of Hauraki-Waikato. When we think of BT Mining Ltd, which is a mining and quarry industry that is located in Rotowaro and also in the Hauraki area and Coromandel area, these are the mining and quarry projects that are located in Hauraki-Waikato that are often exploiting our taonga and resources.

Now, we're not opposed to economic growth, but what we are saying is "Who actually profits and benefits from this at the end of the day?" It isn't my people, it isn't my pepeha, and it is us that feel the brunt of it compared to these major industries. That's what Mike Smith's case outlined. Basically, what he's saying is that major climate polluters should also carry the legal responsibility for climate harm. Now, this bill brought in by Parliament seeks to remove that pathway through the courts. Mike Smith had an arguable case from the High Court outlining that this case was arguable, and 93 percent of people opposed this bill in the Justice Committee.

I would also like to touch on what my colleague Camilla Belich, from the Labour Party, said. It's very bizarre and unique for Parliament to address court litigation. I talk about how my colleague last term was suspended for speaking on a court case, and now Parliament and the Government is actually interfering in one of the court systems, the highest court, with Mike Smith's case. What I want to say is that this isn't just Mike Smith's case. I want to

Tēnā rā koe e te rangatira mō tēnei o ngā kaupapa e kawea mai nei e koe ki roto i te Whare Miere.

[Thank you, noble leader, for this particular initiative that has been brought to the Beehive by you.]

It's the case of many communities throughout the country.

Now, I've just given some examples of how those industries have benefited off the backs of Hauraki-Waikato and the whenua and the energy and the labour of our rohe and how we aren't able to swim in our pepeha because of the major pollution that has come from these major industries. We're unable to drink from—I can outline them here—Waikato River, Waipā River, Waihou River—

ASSISTANT SPEAKER (Maureen Pugh): The member's time has expired.

FRANCISCO HERNANDEZ (Green) (20:24): Thank you, Madam Speaker. I rise on behalf of the Green Party to speak against this bill, but I wanted to acknowledge that this bill could have been much, much worse. It could have been much, much worse, because my understanding from the Minister's office is that originally this bill was supposed to be lumped in with the other changes to the Climate Change Response Act, which has now been separated and put in another bill. Those changes to the Climate Change Response Act include, of course, the adaptation changes and also the other changes to the Climate Change Response Act such as the ones that would reduce the statutory powers of the independent Climate Change Commission.

We're still concerned about that second bill for the reason that I've already articulated—weakening the potential powers of the independent Climate Change Commission—but at least, by not bundling these pieces of legislation together, it takes what would have been and what has been, evidently, a very controversial piece of legislation—96 percent of submitters were against it. By not bundling them together, at the very least this Government hasn't tried to conflate those two items.

Now, the core reason that this bill has been introduced was articulated by the first speaker, the Hon Paul Goldsmith, in his first reading speech. He said that emissions are—and I quote from it—"best regulated by Parliament and the executive, who take a whole-of-economy approach that carefully considers environmental, economic, and societal implications, rather than having that done on a case-by-case basis through litigation in the courts." The first speaker from the Government side on the second reading of the bill, the Hon James Meager, said that this approach would lead to a more cohesive and coherent approach.

Let's just actually examine how the Government's so-called attempts to regulate and reduce emissions through the executive has been going, as they said in their speeches that they've been doing. How has it been going? Well, the independent Climate Change Commission put out a report recently, last week or maybe it was a couple of weeks ago now. How's it going? They said that New Zealand is now at significant risk of failing to meet our emissions reduction budget No. 2. They assessed it on a sector-by-sector basis. Agriculture: around half has increased to moderate risk thanks to actions taken by this Government. They explicitly enumerated the actions. They include things like removing agricultural emissions pricing.

This relates to this case because the actual legislation has been put in place to prevent Mike Smith, who is currently in the court case against Fonterra about these very same agricultural emissions. The Government's wider climate change policy cannot actually be separated from the intention of this legislation when the very intention of this legislation is to deny a man's case in court to challenge the emissions reduction policies of this Government—they cannot be separated.

Now, I've talked about agriculture. We can see that in energy as well, in terms of stationary and transport energy, which is 35 to 40 percent of our emissions. We've also gone backwards with the liquefied natural gas export terminal, things like removing the clean car discount, things like watering down the clean car standards. These are all things that will lead to increased emissions.

The Hon James Meager articulated it. He used the analogy of ACC in his speech, but the problem is that Parliament is not proposing to establish a compensation mechanism that would make up

for the rights of ordinary citizens to sue companies in return. They're just merely taking away rights without issuing a compensatory mechanism in return, so that analogy cannot work.

We've also heard that this bill will increase certainty for businesses, but it will actually do the opposite. If we look at this Government's so-called attempts to balance the environmental and economic implications, it has not really been going well. We've got increased emissions and a worse economy, and this bill will actually contribute to a decreased amount of investment in our economy as private citizens learn that the Government can just arbitrarily take their rights away in court. Thank you, Madam Speaker.

TOM RUTHERFORD (National—Bay of Plenty) (20:29): The second reading is a great opportunity for us to reflect on the process we undertook at the select committee. The Justice Committee did a fantastic job at scrutinising this legislation, in the sense that we made sure we heard from a variety of submitters on the bill. We got a variety of opinions. We gave them all our time and effort. We read all of their submissions. I'm really proud of the process that we facilitated on the Justice Committee, and I commend the bill to the House.

Hon Dr DEBORAH RUSSELL (Labour) (20:29): The Labour Party continues to oppose this bill and, as we have previously said, when we are elected Government we will repeal it. We will repeal it in order to restore Mr Smith's rights. Mr Smith, if you are watching tonight, please be absolutely assured, as someone who takes climate change seriously and someone who is concerned about his iwi, his hapū, who is concerned about the citizens of his country, who is concerned about climate, that we will restore your rights.

As the chair of the Justice Committee, Tom Rutherford, said, a number of people came to speak to us. There was one person who didn't come to speak to us, although he put a submission in, and that was Mike Smith, so I do want to read some parts of Mr Smith's submission into the record of this House. In his introduction, he says, "I make this submission as the plaintiff in the proceedings that this bill is intended to extinguish. This is not an ordinary parliamentary process. I participate in these proceedings to ensure there is an accurate public record of what is occurring. I have little expectation that this committee will alter the course already set." The committee did not alter the course that was already set.

This is despite the fact that, of the 600 or so submissions to the bill, fully 93 percent opposed the bill. There was an overwhelming number of submissions against this bill. They were not just submissions of the nature of "Hoorah for the bill" or "Boo for the bill"; reasoned, erudite submissions from lawyers opposed the bill. They opposed it on the grounds that this was such an affront to due process. It was an affront that this legislation by Mr Smith could be ruled out just like that. They argued quite cogently that the appropriate course of action would simply be to allow the litigation to proceed and then, if necessary, for Parliament to legislate. Those arguments were ignored by majority in the committee. On this side of the House, we thought that the legislation should be stopped.

Going on with Mr Smith's reasoning around why this bill should be opposed, Mr Smith set out a number of judicial arguments. I don't want to cover those, as my colleagues have already covered them, but he talked about the democratic process. Mr Smith said, "I do not regard this as a genuine consultation process. The manner in which this legislation has been developed demonstrates that meaningful public engagement has not occurred. Throughout this process, the Government has shown itself unwilling to listen to those directly affected, to the findings of climate science, to the reasoning of the courts, or to developments in international law concerning climate accountability." He goes on to say—and this is damning—"My legal rights have been discussed with the defendants, while I have not been afforded the same opportunity to participate in those discussions. Decisions directly affecting my access to justice have proceeded without meaningful engagement with me, as the plaintiff whose case is being extinguished. It is difficult to have confidence in a legislative process where those whose legal rights are most directly affected have not been treated fairly or afforded equal consideration." We should abandon this bill.

The arguments for the bill were, I think, thin, at best. The first argument presented by the Government was that Government should set climate policy. Indeed, Government has a role of setting climate policy and of setting legislation, and an important role, but, in our system of Government, the judiciary is part of the Government too, and they have always had a role in interpreting a law; they have always had a role in applying the law. There has always been case

law that has set precedent and developed the law in that way, as well. We are stepping away from the standard practices of common law, which is equally a part of our system of Government. It is a thin argument to say that Government alone should set climate policy and determine how it should be implemented.

The second argument was that Government was the entity that was best placed to determine climate policy, but, frankly, this Government is failing on climate policy; this Government is not doing the mahi. In the independent Climate Change Commission's monitoring report presented to this House a few weeks ago, the independent Climate Change Commission found that, under this Government, because of the risks that this Government is taking because of the policies it is implementing or, in actual fact, winding back, we are now at significant risk of not meeting our climate targets. If we are to rely on Government to implement effective climate policy, perhaps that Government could do it, but they are not doing it. It's little wonder, then, that citizens need to resort to the courts to ensure that perhaps some decent climate policy is put in place.

The Climate Change Commission goes on to say that, actually, putting good climate policy in place would mean that this sort of litigation is not needed; putting good climate policy in place saves people money. EVs—electric vehicles—are cheaper in the long run than internal combustion engine vehicles. Solar panels make energy cheaper for people. The use of alternative modes of transport makes transport costs cheaper for people. Putting good climate policy in place is a good cost of living policy too. We would come out ahead, but instead, under this Government, we are going back.

The third argument that this Government put up in favour of this bill was that, if Mr Smith's litigation continued, that would create uncertainty for business. Businesses operate with uncertainty all the time. That's what they do. In fact, the submitters who came before us suggested that it wouldn't create any more uncertainty than already existed. If we think about the sort of uncertainty that is being created for business, the uncertainty that is created by climate change is considerable. The Awakino Gorge has been closed eight times this year because of slips, because of damage to the road—slips and damage that have been caused by climate-related storms, by the great amount of moisture in the storms that we get these days that soaks the land and makes that land liable to slipping. How about the uncertainty for those businesses that are affected by the closure of the Awakino Gorge? Climate change itself is creating uncertainty. Across in Europe, fires are raging, and countries are facing extraordinary drought conditions, so the food supply is under threat. That's the kind of uncertainty created by climate change, and businesses face it all the time.

We had an extraordinary submission made by Fonterra, who said that, if Mr Smith's litigation succeeded, they would have to cease all their operations immediately. It was an extreme scenario. Another submitter came and said, "Actually, that's kind of ridiculous. Typically when a court case goes through, there's a period of adjustment; there's time when people get to manage their affairs. There would be actions taken, and, in fact, Fonterra could have perhaps talked to Parliament about a reasonable way through." It doesn't help having extreme cases presented to try to make a case for this type of legislation.

In terms of the people who submitted against this bill, it was Lawyers for Climate Action, it was the *New Zealand Women's Law Journal*, it was the Aotearoa New Zealand Climate & Health Council, it was the New Zealand Law Association—it was a whole heap of people with stunning credentials. Those in favour of it: Fonterra, Genesis, and Z. That says it all.

RIMA NAKHLE (National—Takanini) (20:39): Thank you, Madam Speaker. All we are saying is that the field of greenhouse gas emissions is such a complex and profound area that the framework to govern liability should be done by Parliament, not tort claims. I commend this bill to the House.

ASSISTANT SPEAKER (Maureen Pugh): This is a split call. I call Dan Rosewarne.

DAN ROSEWARNE (Labour) (20:40): Thank you, Madam Speaker. Now, Labour will not be supporting the Climate Change Response (Tort Liability) Amendment Bill at this second reading. This bill does something quite significant: it shuts the door on a case that is already before the courts, and it shuts the door on any future tort claims relating to climate change emissions. The Government says that this is about certainty, but Parliament should be very

careful before it steps into an active court case and changes the rules while the game is still being played.

What is striking about this bill is that the Government's own officials repeatedly questioned whether it was needed at all. The regulatory impact statement says there was limited evidence that the ongoing *Smith v Fonterra* litigation had created measurable impacts on business confidence. In fact, officials acknowledged that they had not consulted with businesses and had found no publicly available evidence showing investment was being deterred because of the case. Even more telling: the Ministry of Justice's preferred option was not to legislate. Officials recommended waiting for the courts to do their job, allowing the case to proceed, and then considering whether any changes were necessary once the facts and legal arguments had been tested. They concluded that there was insufficient evidence to justify immediate intervention. That's a pretty remarkable position. The Government is telling Parliament that there is an urgent problem that needs fixing right now, meanwhile its own advisers are saying, "Actually, we're not convinced that there is a problem yet, and we think that you should wait."

The bill also raises important constitutional issues, as traversed throughout the calls this evening. Parliament absolutely has the power to legislate—no one's disputing that—but one of the strengths of our system is that Parliament makes the law and courts apply and develop the law. The courts have not ruled in favour of Mr Smith. The Supreme Court simply said his arguments were serious enough to be properly heard. There is a big difference between allowing a case to proceed and deciding who wins it. What this Government is doing is intervening before the substantive hearing has even occurred. The High Court trial is scheduled for 2027.

Officials noted that allowing the case to proceed would preserve access to justice and allow the courts to complete their constitutional role in developing common law. They also warned that retrospective intervention risks undermining confidence in the rule of law and the independence of the courts. That matters because, once Parliament starts shutting down court proceedings that are inconvenient, where do we draw that line? Today it's a climate case; tomorrow it could be something else. There are also concerns around process. Officials acknowledged that there was no engagement with Māori during the policy development, despite the fact that the underlying claim involves damage to whenua and moana and raises issues of tikanga Māori. The departmental disclosure statement notes that this limited officials' ability to fully assess Treaty implications.

The Government's argument is that climate policy should be made through the Climate Change Response Act and emissions trading scheme. Fair enough, but reasonable people can agree that climate change requires an economy-wide solution. Those existing frameworks were one of the very reasons officials recommended waiting. They said that Parliament already has comprehensive legislation, and that the courts could determine whether any additional common law duties actually exist before lawmakers rush to change the rules.

For communities like mine in North Canterbury, climate change is not theoretical in a legal textbook. Farmers, residents, and local councils have all had to deal with the changing weather patterns, droughts, floods, and coastal pressures. People expect us to take climate change seriously. Equally, they expect decisions to be made fairly and transparently, and they don't expect Parliament to close off legal avenues. For that reason, we don't commend the bill to the House.

PAULO GARCIA (National—New Lynn) (20:45): The Justice Committee has examined the Climate Change Response (Tort Liability) Amendment Bill and recommends by majority that it be passed without amendments. I commend this bill to the House.

Hon Dr DUNCAN WEBB (Labour—Christchurch Central) (20:45): Thank you, Madam Speaker. I actually want to take the time that I've got to put on the record in a little bit of detail what the *Smith v Fonterra* case is all about, because I think it's important to understand what this Parliament is quashing.

Mike Smith filed his claim against Fonterra and other known emitters in 2019, so he's been litigating for six or more years to get the decision of the Supreme Court. That decision simply said, "You can ask the question." That's how long he has been battling away just to have the question properly considered. That was a unanimous decision of the Supreme Court that said the claim

could not be struck out as entirely without ground. It did not, of course, determine liability—only that the claims were tenable and worthy of consideration by the courts.

Mr Smith—Mike Smith—is a well-known Māori leader and climate advocate. The allegation was, essentially, that these six companies—there were six companies—had materially contributed to climate change and had led to significant effects on coastal areas, ecosystems, cultural sites, and other interests of significance to him, both as an iwi leader and Māori—so that's a tikanga aspect—and also simply as a citizen of New Zealand.

I want to make it clear what he was actually claiming, because there were two claims in there that were not particularly novel in their legal formulation. The first was simply negligence: that these people were harming others and in a way which was not careful. They didn't take due regard for the interests of others. To put it in the language of the law: they acted in a way which was careless and caused loss to someone in a proximate relationship in a way which was foreseeable—that's a sort of negligence. It's been with us for a very, very long time indeed. I won't bore you with the case law there. That was the first claim—negligence; very simple claim.

The second claim was public nuisance: essentially, an unreasonable interference with the rights of the public to enjoy the environment. Again, it's an even older claim than the tort of negligence, and it has existed alongside all of our legislative frameworks for ever. It predates our legislative frameworks. Pollution into a river, poor odours from a factory next door, smoke or smell, excess noise—all of these things can be public nuisances. In fact, climate emissions fit well within this framework. Now, whether the emissions are unreasonable is all part of an argument, but for that you need evidence and you need argument and you need a trial. Well, Mr Smith didn't get that far.

His third claim was arguing a novel tort—and one of the great things about the common law, as we call it, is that it can look at new situations, new facts, and new science, and say, "That is a wrong that the law should respond to." His claim was that the law should recognise a climate tort—that doing damage to the climate was an independent tort. That's novel. It may well not have succeeded.

Hon Tama Potaka: Crazy!

Hon Dr DUNCAN WEBB: Someone over there yells, "Crazy", but I'll tell you what's crazy: crazy is ignoring the problem. Crazy is pretending that climate change isn't a fundamental issue, an existential issue, challenging New Zealand. Crazy is turning your face away from this very problem. And crazy is telling this litigant that he can't bring his claim to court. The central issue in that case was whether those claims should be considered. The only question was: is this arguable?

This Government is so frightened of knowing what's actually going on and of having careful and considered decisions on this thing that they stopped it in its tracks.

Hon Damien O'Connor: They're gutless.

Hon Dr DUNCAN WEBB: Absolutely gutless. The fact of the matter is that it's nearly unprecedented—certainly, in recent times—to see a piece of litigation halfway through and not even getting to trial yet. If this had gone to trial and Mr Smith had won, and the Government had said, "You've got a point. We need to reframe how we're addressing these things. The court has told us that these are wrongs that are being committed—

Grant McCallum: Who says the court knows best?

Hon Dr DUNCAN WEBB: —so we need to reframe our climate change response to take account of those wrongs.", that would be one thing, but they haven't. They have listened to Fonterra and Z Energy in secret briefings, they have done the bidding of lobbyists, and they have quashed this litigation because their rich lobbyist mates asked them to. That is shameful.

Grant McCallum: You're shameful.

Hon Dr DUNCAN WEBB: You can "Ooh" and "Ah" over there as if it isn't true, but the record shows that the Prime Minister's Office received secret briefings on this very matter and that the very content of this bill was in those briefings. It is shameful. A Government which had a backbone

would actually drop this piece of legislation because of the shameful way it came before the House, and then it rushes it through the House because it wants to do it in the dark of night and in the shadows, because that's how this Government operates. It's absolutely shameful.

For Mike Smith to have spent all of that time going through the courts—because, you know what, in this country there's a thing called the rule of law, and what it says is "Everyone is subject to the law." But the really important thing about the rule of law is that the Government is subject to the law, that the Government isn't operated by caprice or by whim; it's operated under the law, not above the law. That's not how that Government likes to think it operates. It likes to think it is the law. Time and again, it says, "We are sovereign.", and that kind of absolutism is a road to a terrible place, because, you know what, if we get there, what we have is an autocracy of a few who are voted in, not a careful democracy where things are negotiated between branches of government.

The former Solicitor-General herself recently spoke out on this very topic. Over there, there's a lot of chit chat about how the courts are, perhaps, getting above themselves. The courts have always—

Grant McCallum: Been above themselves.

Hon Dr DUNCAN WEBB: I hear it. He said it himself: "They're above themselves". The courts have always commented on Government and whether the Government is acting within its powers. That is its job. They have always talked about wrongs, torts, and evolving wrongs. That is their job. The Government's job is to take into account what the courts say and cut their cloth accordingly. It's true that Parliament can legislate—and legislate over court decisions—but what it shouldn't be doing is (a) preventing the court from making a decision and (b) ignoring absolutely what the court has got to say. That leads us to a place where we don't have a three-part constitution, where we don't have a separation of powers, where all we have is a Sovereign, in the name of the Government, and subjects in the judiciary and Parliament, and that is a terrible place to be. That's where this kind of legislation would be taking us.

Mike Smith had a legitimate case, and he was exercising his rights as a citizen to ask that case in our judicial system, and that Government has stripped those rights from him. Not because it was the right thing to do, not because it was just, not because his case was without merit, but because they didn't like it in a doctrinaire and ideological way. It's a shameful thing to do, and it's been done in the dark of night.

Dr HAMISH CAMPBELL (National—Ilam) (20:55): Thank you, Mr Speaker. I rise in support of the Climate Change Response (Tort Liability) Amendment Bill in the second reading. This is very clearly about clarifying climate change laws. We already have the Climate Change Response Act 2002 and the emissions trading scheme. Essentially, we're making sure that we have a central regulatory system to deliver consistent obligations for greenhouse gas emitters. Therefore, I commend the bill to the House.

A party vote was called for on the question, *That the Climate Change Response (Tort Liability) Amendment Bill be now read a second time.*

Ayes 67

New Zealand National 48; ACT New Zealand 11; New Zealand First 8.

Noes 55

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 4; Ferris; Kapa-Kingi.

Motion agreed to.

Bill read a second time.

TE HERE Ā NUKU (NELSON TENTHS) BILL

Legislative Statement

Hon CHRIS BISHOP (Attorney-General) (20:57): I present a legislative statement on the Te Here ā Nuku (Nelson Tenths) Bill.

ASSISTANT SPEAKER (Teanau Tuiono): That legislative statement is published under the authority of the House and can be found on the Parliament website.

Second Reading

Hon CHRIS BISHOP (Attorney-General) (20:57): I move, *That the Te Here ā Nuku (Nelson Tenth's) Bill be now read a second time.*

On 17 December 2025, Mr Stafford, the trustees of Te Here-ā-Nuku Trust, and the Crown signed an agreement to settle the long-running private law *Stafford v Attorney-General* litigation, also known as the “Nelson Tenth's” case. This bill gives effect to aspects of that agreement. The primary purpose of the bill is to provide for the transfer of legal title to the trust land from the Crown to the new trustees of Te Here-ā-Nuku Trust. The bill also provides for arrangements so that some trust land may continue to be used for conservation, reserve, education, or other Government purposes. Importantly, the bill puts the settlement of Mr Stafford's litigation further beyond doubt.

The bill has now been reported back to the House from the Finance and Expenditure Committee, and I would like to thank the committee for its careful consideration of the bill and the submitters who shared their views with the committee. I'd also like to thank the indulgence of the House for the relatively short time-frame that the bill was at the committee and thank all members for the generosity of spirit that's been shown and making sure that we can expedite the bill to get this into law. The committee received and considered 333 written submissions and heard oral evidence from 15 submitters: 275 were in support of the bill, and 51 indicated full or partial opposition.

Some key themes that I'm advised were discussed in the committee: the intergenerational opportunity the settlement provides, in terms of reconnection of people to place; the importance of settling an injustice, given the issue's long history and its passage through the courts and the Waitangi Tribunal for over 40 years; and the opportunity to realise the original promise and vision of the Nelson Tenth's, including for the benefit of the wider region. The issues raised by people in opposition to the bill related, I'm advised, largely to issues already settled by either the High Court or the resolution agreement—for example, the role of the High Court in supervising the trust and the affected areas of Abel Tasman National Park. Based on the submissions and the advice received, the committee did not recommend changes along the lines of these submissions against the bill.

However, in addition to minor and technical amendments, the committee has suggested a certain number of changes to improve the clarity and effect of certain components of the bill. For example, there was ongoing uncertainty about the ongoing ownership of water infrastructure installed on trust land. The committee has recommended amendments to clause 114 to make it clear that Tasman District Council will continue to own this infrastructure, and I thank the diligent work of the committee for that.

I should also say, for the benefit of the House, just this evening I signed out an Amendment Paper—well, it's not an Amendment Paper; I understand it's going to be a tabled amendment made on the floor of the House on Thursday. It's one very minor clarificatory matter that was not, I understand, picked up during the select committee process. I assure the House that it is a minor matter, and they'll be able to see on Thursday, when, I understand, we're going to consider the committee stage.

Can I also say there were very good-spirited engagements made in the select committee, and I want to thank all the members for, as I said earlier, the generosity of spirit that everyone has shown in relation to this legislation.

I'm intending to say a little bit more in the third reading around this quite extraordinary story, actually, in New Zealand history. My understanding is there will be a delegation from the Nelson Tenth's there for the third reading, when that occurs, and I'm looking forward to spending a bit of time with them.

In the meantime, I want to commend the bill to the House and also thank the Finance and Expenditure Committee for their hard work.

ASSISTANT SPEAKER (Teanau Tuiono): The question is that the motion be agreed to.

RACHEL BOYACK (Labour—Nelson) (21:01): Thank you, Mr Speaker. I'm pleased to take a call on the Te Here ā Nuku (Nelson Tenth) Bill at its second reading. I do so as the member for Nelson and as someone who knows just how deeply this bill matters to people across Whakatū and the wider Te Tau Ihu region. Labour supports this bill, and I'm proud to speak in support of it today. Can I acknowledge and thank the Attorney-General and his predecessor, the Hon Judith Collins, for ensuring this bill could come to this House this term. I want to acknowledge Ngā Uri, the descendants of the customary owners of the Nelson Tenth land. I acknowledge the generations who have carried this kaupapa, who have held on to the history, who have pursued the legal arguments, who have kept faith with one another, and who have continued to insist that a promise made must be a promise honoured.

This is a bill about land, but it is not only a bill about land; it is about trust. It is about the obligations of the Crown. It is about the relationship between people and whenua. It is about the consequences that flow when an agreement is not honoured, and the long journey required to put that right.

The history of the Nelson Tenth goes right back to the establishment of the Nelson settlement. The understanding was that one-tenth of the land would be reserved for the benefit of the customary owners. Pā, urupā, and cultivation areas were also to be excluded from the sale. Commissioner William Spain's 1845 award reflected that undertaking, with 15,100 acres to be reserved from the 151,000 acres granted for the settlement, but that is not what happened. The full reserves were not set aside. Occupation lands were not properly protected. By 1850, the Tenth lands amounted to only a fraction of what had been promised. When that happened, the consequences were not simply historical or technical; they were real. They affected economic opportunity. They affected cultural connection. They affected the ability of whānau to maintain their relationship with land, with identity, and with place across generations.

For decades, the descendants continued to seek recognition of what was promised and what was withheld. That persistence eventually led to the long-running *Stafford v Attorney-General* litigation, often referred to as "the Nelson Tenth case". In 2024, the High Court found that about 3,250 hectares of Crown-owned land in Nelson, Tasman Bay, and Golden Bay was held by the Crown on trust for the descendants of the former owners. In 2025, the court removed the Crown as trustee, and appointed replacement trustees.

The purpose of this bill is quite specific. It provides the statutory mechanism needed to transfer legal title and the relevant lands from the Crown, as former trustee, to the trustees of Te Here-ā-Nuku Trust. In plain language, this bill helps give practical effect to what the court found and to what the parties have agreed.

That point is important because people sometimes, understandably, ask "What kind of bill is this?" I want to be clear: this bill is not a Treaty settlement bill; it arises from private law litigation, trust law, and a binding resolution agreement. It does not change who the beneficiaries are. It does not rewrite the history. It transfers legal title to the trustees appointed to hold and manage the land and assets for those beneficiaries.

For my constituents, one of the obvious questions is: what does this mean for the places we know, love, and use? We are talking about places that are part of everyday life in our region: Tōtaranui, Kaiteriteri, Te Waikoropupū Springs, Milnthorpe, the Boulder Bank, and areas associated with Abel Tasman National Park and the coastal track. These are places people visit, where people work, where volunteers contribute, where conservation work happens, and places that are central to the identity of Te Tau Ihu. It matters that the bill provides arrangements for land that may continue to be used for conservation or reserve purposes. It matters that it provides for public access and continuity of management, and it matters that the public can have confidence that recognising the proper legal position of the trust lands does not mean turning away from the conservation, recreation, and community values that people in Nelson and Tasman care about so deeply. I particularly want to acknowledge the trustees for the good faith in which they're approaching this important matters in our community.

I want to acknowledge the work of the Finance and Expenditure Committee, and it was a pleasure to sit alongside them for some of the consideration of this bill. The bill was considered carefully and was recommended unanimously that it be passed with amendments. Importantly, for my community, the report deals in some detail with the Te Here-ā-Nuku parkland within Abel Tasman

National Park. The select committee heard concern from some submitters about the effects the bill may have on public access to, and enjoyment of, parts of the Abel Tasman National Park.

The select committee noted in their report, and I quote in full, “We wish to emphasise that Part 3 requires the Trust to enter a licence with the Department of Conservation to enable the continued operation of the Abel Tasman National Park for a minimum of 25 years. Towards the end of the 25-year period, there will be a review of access and licensing arrangements. We also note that the Court has found that this land has always belonged to the trust, and that this is not similar to a ‘Treaty settlement’ as has been suggested in some public commentary.”

When a promise like that of the Nelson Tenth is not honoured, the impact does not sit neatly in the past; it is carried by descendants. It shapes opportunity, wealth, belonging, identity, and trust in institutions. This is why this bill matters. It is not simply a technical transfer of legal title. It is Parliament doing its part to give practical effect to justice, and it has been a very long time coming.

I want to acknowledge Rore Stafford and all those involved in the Nelson Tenth case. I acknowledge the whānau and the generations of Ngā Uri who carried this kaupapa over many years and through many setbacks. I acknowledge the trustees of Te Here-ā-Nuku Trust, who will carry significant responsibility for these lands and assets into the future. As the member for Nelson, I see this bill through the lens of my community. Whakatū is a place of layered history. It is a place where people care deeply about the natural environment, public access, local jobs, tourism, recreation, heritage, and our relationships with mana whenua. For our region to move forward well, we need honesty about what happened, certainty about what happens next, and a willingness to keep working together in good faith.

The transfer of title to Te Here-ā-Nuku Trust will create the foundation for that. It will enable the trustees to act for the beneficiaries. It will also create opportunities for constructive partnership with councils, conservation agencies, community groups, businesses, and all those who care about the future of Te Tau Ihu. That is the work that comes next, and it is work that will require care, respect, and ongoing engagement.

No bill can undo every loss. It cannot restore every opportunity that was taken; it cannot return every generation that carried the burden of breach; but this House can act now. We can uphold the law; we can give effect to the agreement reached; we can ensure that title is transferred to the proper trustees, and we can do so in a way that provides certainty for beneficiaries and for the wider community.

That is the responsibility before us today. It is the responsibility to recognise the history, to respect the court’s findings, to implement the resolution agreement, and to provide a clear and workable path forward. For Nelson and for Te Tau Ihu, this is important legislation. For Ngā Uri, it represents another step in a long journey towards the honouring of a promise that should have been honoured from the beginning. For those reasons, it is my immense privilege to commend the Te Here ā Nuku (Nelson Tenth) Bill to the House.

STEVE ABEL (Green) (21:09): Thank you, Mr Speaker. We understand there is a desire to complete this bill, this second reading, before 10 p.m. so that we may have an opportunity to pass it in completion when Te Here ā Nuku will be in the House for the committee of the whole House and the third reading. I will abide by that desire in so far as we are unanimous as a House in wishing to see this resolved quickly, given the nearly 200 years it has taken.

It was 1839 and 1841 when the New Zealand Company, as part of their settlement strategy, planned or promised one-tenth of the land that they sought to settle: 151,000 acres would be set aside to the iwi, ngā uri, for their customary use. And it has taken until this year for the courts to make it clear to the Crown that the Crown has been holding that remnant land—in fact, only a portion of the tenth; not the whole 10 percent—in trust on behalf of Te Here ā Nuku, and it has now been returned to them.

I participated in the hearings, though it doesn’t appear in the commentary that I did—I did; I swear to God! I heard submissions and asked questions. I want to raise a couple of things that came up through that submissions process. One of them was that there were people who expressed their concerns, such as Ngāti Rārua, that there would be impacts on existing Treaty settlements, as in the 2014 one. Sitting on the Māori Affairs Committee, we know that it is a perennial challenge with settlements that there are invariably overlapping interests. This is part of the imperfect nature

of the settlement process. This is not a settlement, of course—it is a resolution decreed by the courts—but it has some of the similar problems. In supporting this, we hope that there is a good-faith maintenance of a relationship with Te Here ā Nuku and other Māori in the area who have interest in the rohe and the parts of land and areas that are within the Nelson Tenth's grouping.

There was also concerns about the Abel Tasman National Park—bits of it, rightly, being returned to Te Here ā Nuku. The likes of Nick Smith was concerned at the risk to Abel Tasman's contiguous character, and he reflected the idea that it would not be a good idea to return the land and would be better to keep it in Department of Conservation control. I feel that it is not only the right thing to return the land but also there is a presumption that might be wrongly stated that, somehow, the conservation values might not be better preserved under the guidance and management and ownership of Te Here ā Nuku. Indeed, I think we could rightly assume that—whereby it could not be overruled by an Act of a Government that decided to open up 60 percent of the conservation estate to mining, for example—it might be better protected in the control of iwi.

Fish & Game also made the point that they have been on the site since 1966 and have built an office building there. They acted in good faith, they support this resolution, but through the Crown's—for want of a better term; I think, though, this is the correct term—error, they have been caught out, though they have acted in good faith. I think it's appropriate that we should support that the Crown compensates them for the value of the asset between \$700,000 and \$800,000 so that they are not unfairly impacted by what is, frankly, a Crown error in not understanding that it was holding that land in trust.

I will leave it at that point to keep it to five minutes, so that we can make sure that this is dealt with swiftly and there be no further delay in the completion of this bill, and that justice is done for Te Here ā Nuku and those who have made this claim. Indeed, we commend this bill to the House.

TODD STEPHENSON (ACT) (21:14): ACT will be supporting the Te Here ā Nuku (Nelson Tenth's) Bill. This bill, basically, deals with an agreement already reached following the *Stafford v Attorney-General* litigation, in which the court actually found that this land was already being held in trust. It is a case founded in private property rights. ACT believes in those, and I commend the bill to the House.

Dr DAVID WILSON (NZ First) (21:15): I rise on behalf of New Zealand First to support the Te Here ā Nuku (Nelson Tenth's) Bill to the House. The Finance and Expenditure Committee was unanimous, and I've got say it was a pleasure working with everybody on the select committee to reach this end.

Steve Abel: Tell them I was there, David!

Dr DAVID WILSON: Yes, you were there! Ha, ha! I'll start again: this is a moment that transcends the party lines in the House today, and when historical errors are laid bare by our highest courts, we have the maturity as a nation to correct them. This is entirely human. It's about resolution. It's about property rights. It's about justice. But, most of all, it's about trust. We commend this bill to the House.

ASSISTANT SPEAKER (Teanau Tuiono): The next call is a split call.

HANA-RAWHITI MAIPI-CLARKE (Te Pāti Māori—Hauraki-Waikato) (21:16): Tēnā rā koe e te Pīka, otirā tēnā rā tātou e te Whare. E tū ana ahau hei karere mō Te Pāti Māori i te pō nei. E tautokotia ana tēnei o ngā pire, Te Here ā Nuku (Nelson Tenth's) Bill. Waihoki kua rongo kōrero me ngā tohutohu kia tere, kia kakama ki te kōrero i ngā kōrero mō tēnei o ngā pire kia pāhi rā anō tēnei pire i mua rā anō i te tekau karaka i te pō nei. Nō reira, arā ka whakarongo ai ki ngēnei o ngā tohutohu, ki ngēnei o ngā kōrero.

E tautoko ana mātou, Te Pāti Māori, i tēnei pire nā runga anō i te mea kua whai wāhi tēnei pire ki te whakahoki i te whenua Māori i roto i te whare kōti. Ehake i te mea kua tau atu i roto i ngā take raupatu, ngā kerēme raupatu o te Whare Miere, o te Whare Kāwanatanga. Me te kaha tautoko a komiti whakahaere katoa i tēnei o ngā pire, ka tahi.

Ka rua, i roto i tēnei o ngā pire ko te āheinga o Te Papa Atawhai kia haere tonu me ngā rātou mahi mō ngā tau 25, neke atu. Nā reira e whakamānawa ana, e tuku whakawhētai atu ana ki ngā hapū, ngā iwi maha o Te Taihū-o-te-waka-a-Māui, nā rātou tēnei o ngā kerēme, arā Te Here ā

Nuku pire. Waihoki ki te kimi rautaki, te kimi rauemi pēwhea te whakahoki i te whenua Māori i roto i ngā whare kōti e tautokotia ana e te Kāwanatanga, ka tahi. E tautokotia ana hoki e te Komiti Whakahaere i tēnei o ngā pire, me ngā kōrero taunaki a Te Pāti Māori i tēnei pō. Tēnā koe e te Pīka.

[Thank you, Madam Speaker; indeed, greetings to us all in the House. I stand as a messenger for the Māori Party tonight. This particular bill, Te Here ā Nuku (Nelson Tenth's) Bill, is supported. Furthermore, we have heard the comments and the instructions to quickly and expeditiously express our comments regarding this particular bill so that this bill ultimately passes prior to 10 o'clock tonight. Therefore, we will take heed of these instructions and these statements.]

We, the Māori Party, support this bill due to the fact that it has the opportunity to return Māori land within the courts. It is not the case that it has been settled in confiscation cases or confiscation claims of the Beehive, of the Executive Wing. This particular bill is strongly supported unanimously by the select committee, firstly.

Secondly, within this bill is the ability of the Department of Conservation to continue their work for 25 years or more. Therefore, I acknowledge and offer thanks to the many hapū and iwi of the north of the South Island to whom this claim belongs, that is, the Te Here ā Nuku (Nelson Tenth's) Bill. Furthermore, to seek strategies and resources for how Māori land might be returned within the courts that are supported by the Government. This particular bill is also supported by the select committee, with the supportive statements of the Māori Party tonight. Thank you, Madam Speaker.]

HŪHANA LYNDON (Green) (21:18): Tēnā koe e te Pīka. Tēnei rā te reo tautoko o te Rōpū Kākāriki i tēnei pire mō ngā uri o Te Tauihu-o-te-waka. Koia nei tētahi mea nui i te utu i ngā hara o ngā mahi a ngā tūpuna i tērā rautau. He uri tēnei nō roto o Ngāti Koata, he uri nō Kāwharu e mihi atu ana ki a Pāpā Rore mō āna mahi nui kua oti hei pīkau i ēnei o ngā taimahatanga mō ngā uri whakaheke, otirā mō ngā tūpuna. Me te mōhio ki ngā mahi a te Kāwanatanga, he mea pupuri, engari kua tae ki te wā kia hoki.

Nō reira, nā runga anō i te tautoko a te Rōpū Kākāriki i tēnei kaupapa, me tā mātou kaupapahere o te hoki whenua Māori. Riro whenua atu, e tika ana kia hoki whenua mai. Me wētahi o ngā rawa, wētahi pūtea hei tautoko i ngā hiahia me ngā wawata o ngā iwi.

Otirā te mihi atu ki ngā mema Pāremata katoa nei o tēnei Whare e tautoko ana i tēnei kaupapa nui. He tauira tēnei nā te mea ētahi atu o ngā rohe e kite ana i te wāwāhi o te whenua mō te tekau paihēneti, engari kahore e tukungia ana ki te iwi ki te noho, ki te whakatupu whānau ki te whenua hoki.

Kua riro, engari tēnei tauira he mea whakahoki. Nō reira waku whakaaro e pā ana ki tēnei, me ako tātou. Me ako, me whai whakaaro tātou e pā ana ki ēnei mahi a te Kamupene o Niu Tīreni, otirā o ngā kāwanatanga o tērā rautau, oti noa ki tēnei tau tonu. Kua kapi katoa te kaupapa ināianei ki runga i te tika me te pono.

Kua pono ngā mahi a te iwi mō tētahi wā roa, te haere ki te Kōti Teitei, te tohe tonu ki te Kāwanatanga kia hoki mai, ā, kua tae ki te wā kia kite te mana o tēnei Whare ki te whakatikatika i ēnei hara o ēnei o ngā tau tonu nei. Nō reira e mihi atu ana ki te Whare. Kia ora.

[Thank you, Mr Speaker. This is the voice of support of the Green Party for this bill for the descendants of the northern South Island. This is an important event in the resolution of the sins of the actions of the ancestors last century. I am a descendant of Ngāti Koata, a descendant from Kāwharu, who now thanks Pāpā Rore for the great work that he has done to carry these particular burdens for the descendants to come, indeed, for the ancestors. Knowing the actions of the Government, it was to retain possession of this land, but the time has come for its return.]

Therefore, the Green Party supports this initiative, with our policy of returning Māori land. Should land be lost, it is only fair that it be returned—and with some of the resources, the funding, to support the hopes and dreams of the iwi.

Indeed, I acknowledge all the members of Parliament of this House who support this important initiative. This is an example, because other regions are seeing the division of the land for the 10 percent, but it is not being offered to the iwi to live and grow families on the land.

It has been lost, but this example is one of return. Therefore, my thoughts regarding this are that we need to learn. We need to learn and consider these actions of the New Zealand Company, indeed, of the Governments of that century, right up to this year. The topic has been well covered now, in fairness and honesty.

The actions of the iwi have been conducted in good faith for a long time, going to the High Court, continuing the struggle against the Government so that the land is returned, and we have arrived at the time to observe the power of this House to correct these sins of those very years. Therefore, I acknowledge the House. Thank you.]

RYAN HAMILTON (National—Hamilton East) (21:20): Tēnā koe e te Māngai o te Whare. He hōnore nui ki te tū ki te tautoko i Te Here ā Nuku.

[Thank you, Mr Speaker. It is a great honour to stand and support Te Here ā Nuku.]

Hon WILLIE JACKSON (Labour) (21:20): Kia ora. That was very quick. Sorry, Mr Speaker—you know, they give such wonderful contributions that I miss them sometimes, so my apologies.

I'm just very pleased that we're able to get through this, because people have been waiting for so long—nearly 200 years. I suppose one of the things that always stands out for me with this type of kaupapa—and I'm sure it stands out for others in the House—is there's always the presumption that Māori will muck it all up. I noticed that with Nick Smith, the mayor, who came across and said, "Oh, you know, we've got some concerns"—wasn't it?—"in terms of Abel Tasman park." and all that sort of stuff, and "Is it really a great idea to return things"—the land—"to those Māoris?" It irritates me very much that we are always put in that type of position in regard to this type of kaupapa, particularly when you've had such a vigilant and strong representation down there.

I was listening to Rachel over here, outlining the history—and such a long and sad history—in regard to this kaupapa. The commitment from the people—Rore Stafford has just been one of the most amazing kaumātua, I think, we've seen in the last couple of generations. His vigilance, his persistence, his passion in terms of advancing this kaupapa with his people through the various Governments, is an example to everyone.

I don't want to hold this up too much tonight, and I certainly want to have a good kōrero about it in the third reading. Like everyone else in the House, I want to mihi to those who submitted, but I make that comment because it really did irk me that here we have a tenth of that land that was reserved for the original owners 200 years ago, so betrayed by various Governments through the years—in the end, getting a reasonable settlement that was practical and pragmatic for these times. People might think of \$400 million as, like, out of this world, but if you really looked at the economic loss, and if you looked at what they would be due, you would see that—as people would know on both sides of the House—they would be due in the billions in terms of compensation.

What you have here is a pragmatic solution, and you also have Māori not wanting to wreck the country economically in terms of taking billions and billions of dollars. So I mihi to the crew down there. I also say to New Zealanders that they should be grateful to Te Here ā Nuku for the way they have traversed this, progressed this, worked in tandem with the local community, and worked in tandem with politicians on both sides of the House. It's a tribute to them and to their people.

The question will be what happens in terms of the settlement. As I think people have pointed out, this is not a Treaty settlement, but it is certainly recognition and compensation for one of the biggest injustices—I think we would all recognise that has happened—with a people in history.

The loss is always the same: the generational loss in terms of language, in terms of opportunity, in terms of living in the area. In every settlement—although this is not a Treaty settlement, but in every compensation area, you see a whole generation affected by what the Government did. What Governments did in this case was totally ignore the original settlement—totally ignore the original settlement. That's why I'm pleased and I'm proud that we, as a Parliament, have been able to come together, but also we should come together too and reject the type of nonsense we get when people say, "Oh, you know, let's hope everything is safe now because it's going under Māori settlement and into Māori hands."

I just want to leave it there and come back in the third reading and talk about it more in depth. Thank you, Mr Speaker. Kia ora anō tātou katoa.

DAN BIDOIS (National—Northcote) (21:25): Tēnā koe e te Pīka. It's been a real privilege to be part of this kaupapa in the Finance and Expenditure Committee, and I commend it to the House.

Hon PRIYANCA RADHAKRISHNAN (Labour) (21:26): Thank you, Mr Speaker. The Te Here ā Nuku (Nelson Tenth) Bill becoming law will actually conclude one of New Zealand's longest-running Māori land and trust law disputes. It will mark the end of a 180-year struggle and 17 years of court proceedings over broken land promises that were made back in the 1840s.

I wasn't on the Finance and Expenditure Committee that considered this bill, but I've read the report and understand that these disputes stem from arrangements that were made during the establishment of the Nelson settlement back in the 1840s, when Māori customary owners were promised a tenth of the settlement lands for their benefit. Over time, there were various disputes that arose as to whether the commitments had been honoured, whether land that was held by the Crown remained subject to ongoing trust obligations. Then there was a landmark Supreme Court ruling in 2017 that found that the Crown owed legal duties to the descendants of the original Nelson Tenth owners, and that then cleared the path for further litigation. This led to subsequent High Court rulings, both in 2024 and 2025, which then paved the way for the resolution agreement that was signed in December last year.

This legislation enables legal title to be transferred from the Crown to the Te Here ā Nuku Trust, and I, as others have as well, just want to acknowledge Rore Stafford for the commitment that he's shown throughout this process, and also acknowledge the trustees of Te Here ā Nuku Trust, who will now carry on his vision and legacy as well.

I want to just make quick mention of some of the land that submitters have made mention of through the select committee process, because this will transfer legal title to some of Nelson and Tasman's best-known and well-loved places, including land within the Abel Tasman National Park, Tōtaranui, and Kaiteriteri Recreation Reserve.

I will just quickly reiterate the point that Rachel Boyack made as well: that much of the land is currently managed by the Department of Conservation and agreements will ensure that the public have continued access through lease agreements—at least a 25-year agreement—that will guarantee public access through many of those parts as well. With that, I commend this bill to the House.

TOM RUTHERFORD (National—Bay of Plenty) (21:28): It's been a great privilege to consider this bill on the Finance and Expenditure Committee. I appreciate the different views that have been shared across the House this evening, so I commend it to the House.

VANUSHI WALTERS (Labour) (21:29): Thank you, Mr Speaker. It's a true privilege to stand and speak at the second reading of the Te Here ā Nuku (Nelson Tenth) Bill. There are times in this House when it really does feel like a huge privilege to speak in favour of legislation, and this is one of those times.

It was just over a month ago that we had the first reading of the bill, and many of us gathered with descendants of the trust and the trustees, members of Crown Law, and members of the extended whānau just across the road at the National Library. Members of the whānau and descendants of the trust talked about how we got to the point of settlement, which was incredibly powerful. We then went around, the small group of us who were there, and spoke about why we were in the room. You got a true sense of the fact that it was the specific people who were involved in getting

towards settlement that got us there. That includes the trustees, but it also includes the Crown Law Office, and certainly the current Attorney-General, but I have to mention the former Attorney-General, the Hon Judith Collins, because I genuinely believe that without her tenacity, there wouldn't have been a settlement at this stage.

There were also film recorders, video recorders, in the room. Some of the speakers spoke about the fact that the individuals who'd been recording them had been part of this journey as well. And while at this point we are speaking about the history of the case, for generations to come, many of the descendants will take forward what they've seen, and it's really the future of this whenua that they have to look forward in, anchored in the work that Rore Stafford and the trustees have done to get us to this place.

The Finance and Expenditure Committee spent a fair amount of time considering submissions on this bill, and one of the parts of the bill that was spoken about a lot was Abel Tasman National Park, which is roughly 1,600 hectares of coastal land. It was through the submissions from the trustees in relation to this part that they talked about the delicate balance that had been achieved through the settlement—the balance between public access being preserved, the DOC's operational role being preserved, a framework for genuine partnership beyond the licensing period also being there into the future of the whenua. The committee also examined the wider practical scope of the transfer of land, including the complexities relating to schools and kindergartens, relating to community facilities, to roads and, interestingly, relating to dwellings that lay partially within the land—and I won't say it was being returned, because it always belonged to those descendants—and partially outside of that land. They—we—acknowledge, clause by clause, the solutions that we have to put in place when it comes to the complexities of those joint uses.

Another tension I did want to mention was the tension between thoroughness and timeliness. I mentioned we were here just over one month ago, referring the bill to select committee for a shortened period of time, and ordinarily that's something that I object to, because I do like to see things go through a full select committee process, but that has to be weighed against the reality that the committee knew that the dispute had already run for 17 years through the courts, and nearly two centuries, in terms of the disputes that originally arose. So in this case, delay is not neutral. We had also heard from members of the extended family—so from the descendants—the cost of going to litigation. It is not neutral. There's a choice to be made, in terms of supporting litigation, that means that those descendants couldn't put those finances toward other resources. So in this case, it was important that a shortened select committee process occurred, and I do think that regardless of that shortened period, the committee turned its mind very well to the issues at play.

In closing—because, like others, I would like to ensure that this bill gets through the second stage this evening—this is not a bill that will necessarily generate the kind of headlines that we sometimes see coming out of question time. It is, in its form, largely technical legislation, but it's at a scale that most of us will never personally encounter in terms of land transfer or the recognition of land ownership. It gives legal form to a resolution that has already been reached outside this Chamber, but its significance is not technical at all. It closes a 180-year chapter in which a promise made to the customary owners of Nelson was broken almost immediately, and in which generations waited for that wrong to be acknowledged and corrected. I do commend this bill to the House and I look forward to committee stage, and then, finally, before the House rises this term, a third reading.

SUZE REDMAYNE (National—Rangitikei) (21:35): It is a privilege to commend Te Here ā Nuku (Nelson Tenths) Bill to the House.

Motion agreed to.

Bill read a second time.

ASSISTANT SPEAKER (Teanau Tuiono): This bill is set down for committee stage next sitting day.

CRIMES AMENDMENT BILL

Legislative Statement

Hon JAMES MEAGER (Minister for Hunting and Fishing) (21:35): on behalf of the **Minister of Justice:** I seek leave to present a legislative statement on the Crimes Amendment Bill.

ASSISTANT SPEAKER (Teanau Tuiono): Leave has been sought for that course of action. Is there any objection? There is none. That legislative statement is published under the authority of the House and can be found on the Parliament website.

Third Reading

Hon JAMES MEAGER (Minister for Hunting and Fishing) (21:36): on behalf of the **Minister of Justice:** I move, *That the Crimes Amendment Bill be now read a third time.*

This Government is committed to fixing the basics in law and order, and building a future where all New Zealanders feel safe in their communities. A critical part of achieving this is restoring real consequences for crime. As a Government, we have a responsibility to denounce the actions of those that ruin the lives of their fellow New Zealanders. Today marks a significant milestone, as the last stage of one of our most significant pieces of work in law and order, and it is my privilege to speak before the House today.

The Crimes Amendment Bill delivers on our commitments to provide better protection for the public, for retailers, for first responders, and front-line Department of Corrections officers, all people who have borne the brunt of unacceptable and often violent offending in recent years. This bill also responds to calls for a tougher approach to crime by creating new offences, strengthening existing penalties, and providing law enforcement with more tools to respond to criminal conduct.

A key feature of this bill is its response to coward-punch offending. These senseless attacks can have devastating consequences. In a single moment, the victim can suffer life-changing injuries or lose their life altogether. Families have to live with the consequences long after the offending has occurred. This legislation recognises the seriousness of these acts. It introduces specific offences for strikes to the head or neck that result in grievous bodily harm, and it establishes a new offence of manslaughter by strike to the head or neck. It also ensures that coward-punch offending is captured within the existing three-strikes framework. This should send a clear message that violent offending of this nature will be treated with the seriousness it deserves.

This bill also strengthens protections for those who protect us. Police officers, firefighters, paramedics, and front-line Corrections staff perform difficult and often dangerous work on behalf of New Zealanders. Assaulting these workers is not simply an attack on an individual; it is an attack on the people and the services that New Zealanders rely on during times of need and times of emergency. These new offences and increased penalties contained in this bill better recognise the seriousness of such offending and provide stronger deterrence against violence directed at these workers.

Tackling retail crime has become a significant priority for this Government, as it is a significant concern for communities throughout New Zealand. Too many retailers, their staff, and their customers have experienced theft, intimidation, and disorderly behaviour. Small-business owners, in particular, have repeatedly expressed frustration that offenders too often face few immediate consequences for their actions. This bill responds to those concerns. It modernises existing citizens' arrest provisions, making them simpler and easier to apply. It creates a shoplifting infringement regime that provides police with additional tools to respond swiftly to lower-level offending, and it also introduces a new offence, targeting theft carried out in a disorderly manner. Taken together, these measures provide more options for responding to retail crime and support the thousands of New Zealanders who work in the retail sector every day.

The bill also delivers important reforms to New Zealand slavery and trafficking offences. Human trafficking is a serious violation of human rights and often involves some of the most vulnerable people in our communities. The legislation strengthens existing offences, aligns penalties across the trafficking and slavery regime, and modernises the law to better reflect contemporary forms of exploitation. It also removes barriers that have made some trafficking offences difficult to

prosecute and clarifies that children who are trafficked do not need to be shown to have been deceived or coerced. These changes will better equip investigators and prosecutors to hold offenders accountable and ensure New Zealand's legislative framework remains consistent with international standards. I want to also acknowledge the work of Greg Fleming, Camilla Belich, and the organisations and advocates who have sought stronger protections in this space over many years.

Throughout its passage, this bill has been strengthened by advice from officials, scrutiny of the Parliament, of the work of the Justice Committee, and constructive engagement with stakeholders. The amendments made during the committee stage, including expanded protections for front-line corrections staff, improvements to trafficking provisions, and clarifications to the coward punch manslaughter offence, have helped ensure the legislation will operate as intended. This bill provides and forms part of the Government's wider programme to restore confidence in the criminal justice system, strengthen public safety, and ensure that victims' interests are properly recognised.

The Crimes Amendment Bill builds on our extensive work so far in Government to fix the basics in law and order. In just over two years, we have scrapped taxpayer cultural reports, we've scrapped the previous Government's prison reduction targets, we've given police additional tools to go after the gangs, we've toughened up on our sentencing legislation, we've restored the three-strikes regime, we've launched an action plan to combat methamphetamine harm, we've reinstated a total prisoner voting ban, we've clamped and seized cars of people evading court fines and reparations, we've given victims of sexual violence the power to determine whether their attackers receive permanent name suppression, and we've criminalised stalking and made it a jailable offence.

The good news is we're making good progress as well. There are now 46,000 fewer victims of serious violent crime than when we came into Government, but the work is far from over. We want to keep driving those numbers down and reduce the amount of families that have their lives turned upside down every year by violent crime. I have no doubt that the Crimes Amendment Bill will help continue our success and make New Zealand an even safer place to live. I commend the bill to the House.

ASSISTANT SPEAKER (Teana Tuiono): The question is that the motion be agreed to.

CAMILLA BELICH (Labour) (21:42): Thank you, Mr Speaker, and thank you to the Minister for Hunting and Fishing for his acknowledgement. I have to say that it's sometimes difficult to remember that he isn't the Minister for Justice, such is his commitment to responding to questions and bringing bills to the House in the Minister for Justice's name.

This bill does a lot of different things, and I think they all deserve to be examined separately because they are inherently independent of each other, apart from, perhaps, two parts of this bill. They do do different things, and I think, in fact, some of the issues surrounding this bill have been that the Government has been trying to do too much within this Crimes Amendment Bill and it hasn't quite worked in the way that they may have envisaged.

I do also agree with the Minister that we need to think about the victims of crime. Of course, that is in the forefront of our minds, but that doesn't mean that just passing any law that addresses crime is going to be effective in preventing victims of crime and preventing the causes of crime. I think, perhaps, that is where we differ on this side of the House in terms of this Crimes Amendment Bill.

I want to start with talking about the slavery and trafficking offences. The Minister is correct that this work has been going on a long time. I think I acknowledged his colleague, the Hon Nicola Grigg, who first had a member's bill in this area. In fact, I was speaking to a former parliamentarian from the Labour Party that I saw earlier in the day who had said that it was something she'd been working on when she was in Parliament, so it is something that has been on the agenda for this Parliament to address for a long time, and it is satisfying to see Subpart 2 of this bill being brought to the House and bring in stronger protections for those dealing in human trafficking.

I've said it before in this House, but I think it is important for us to see exploitation of people on a continuum. We can see slavery down one end of that extreme continuum, but we also hear of exploitation at the other end, and to allow any of those offences within that continuum makes the

other more likely because it increases its acceptance within society, so it is really important and I commend the Government for that aspect of this bill. That aspect of the bill was, in part, due to the Labour Party's support for this at an earlier stage. Unfortunately, that is where the praise ends.

The rest of this bill, although intended to decrease the victims of crime, may in some instances actually increase victimisations in New Zealand. I will go through all of them, if I have time, in order. The citizen's arrest powers are already in place in New Zealand. This is not something new that the Government is introducing. It already exists in New Zealand law. The thing that the Government is doing is bringing in the ability for people to use restraints, mechanical restraints, on people, and also further outline—in a way, I think, encourage through bringing in this legislation—the use of citizen's arrest as an alternate to calling the police straight away. I believe that the intention is that this power—and I don't think this will be disagreed—be used more often. The problem with that is that, when we were scrutinising this at the committee of the whole House stage, the Minister of Justice was unable to confirm—and I think some people would find this disturbing—that this would apply to children because of the criminal age of responsibility; and also, that there isn't a time period that the right of undertaking a citizen's arrest lawfully would expire.

Of course, you have a test in here that says you have to call a constable—you have to call the police officer—as soon as you make the citizen's arrest, but there were concerns expressed at the committee stage that, what if that constable was unavailable for whatever reason? You have a situation where this bill may allow the restraint of children and young people, of adults who are vulnerable, for a period of time that's unspecified. We did ask if there would be education about this. There does need to be education, because I think the restriction of liberty and unlawful imprisonment is a fundamental premise in our law, that we should not have liberty unreasonably restrained. Of course, the taking away of someone's liberty and actually placing them in imprisonment is one of the rights that a State has that it exercises, but it is one of the most fundamental in terms of the removal of rights. It must be exercised very carefully, and I don't think sufficient consideration has been given to the unintended consequences of this. That is something that we cannot support.

In terms of the undercover police officers, that's linked to the trafficking as well. There were a few issues raised around that, but that is not the substantive part of the bill that we disagree with.

To the coward punch section of the legislation. I want to acknowledge that, in New Zealand, there has been a movement for some time from victims and family members of those who experienced a coward punch, which is a terrible crime to be committed against anyone who suffers either grievous bodily harm or death as a result of a punch that they weren't expecting. However, we did receive a lot of advice in the Justice Committee—and this is clearly outlined in our report—that some of the steps that the Government is taking to prevent these coward punches may not result in more convictions for that type of offence.

The intention was to provide harsher sentences and make it more likely that people who were the perpetrators of a coward punch would be more likely to be imprisoned for a longer period of time. The advice we received is that the offences put forward would not achieve their aim. Even if one was to agree with the policy premise of this—and, of course, I'm sure the whole House sympathises with the families of those victims of coward punches; it's an awful thing to lose any family member in a violent crime, especially, I imagine, when they're not expecting that—this will not provide the justice that those families so deserve. There were also other issues with this in terms of inconsistency; that other violent acts which are just as reprehensible would not be covered in the same way, and my colleague Dr Duncan Webb went through that in detail.

We also have in this bill an offence against first responders and corrections officers. This on its own is not something that would be as objectionable, because we do acknowledge that when you are performing a job, and when you're rushing towards danger, which is against most of our normal instincts and human instincts, these people are essentially heroes—they're doing their job and they actually run towards danger. If they are injured during that, that is reprehensible and something that society in New Zealand should look down upon. The issue with this is that there didn't seem to be sufficient justification as to the limitation of that group, and other groups were suggested that could have been covered—for example, Māori wardens, who do an amazing job protecting our communities. Unfortunately, we were unable to get support from the committee to

include them in this bill and in the protections that the Government suggest that would incur, as well.

I suppose the part of this bill which is particularly concerning—and an aspect of this bill which, to me at least, didn't come to light until we went through the select committee stage—is the increased penalties on theft. This came about through the ministerial advisory group on retail crime, and it changes the minimum sentence from three months to a year for some thefts. The Ministry of Justice has done calculations on this aspect of the bill, and they estimate that this will result, by 2036, in 1,370 women in the prison population—an increase of 839. That's a 63 percent increase over the next decade. That is a huge increase in our prison population. What we're talking about here is not violent crime, it's crime that's often associated with poverty. It is very alarming for us, as a society, to be looking at passing harsher sentences for those types of offences, which will take mothers away from their families. I can't agree to support this bill, because of that genuine concern for those families that this offence would create.

Dr LAWRENCE XU-NAN (Green) (21:52): Thank you, Mr Speaker. I rise on behalf of the Green Party of Aotearoa New Zealand to oppose the Crimes Amendment Bill at its third reading. As the previous speaker, Camilla Belich, mentioned, there are quite a few parts to this bill and there are quite a few components, not all of which the Green Party opposes. But, unfortunately, as a whole, the harm that this bill will do outweighs the benefit, which is why we are opposing this bill in its current form.

Now, if we're looking at certain parts of it—and, again, just to kind of walk through some of the areas—the area around slave dealing and human trafficking and, I guess, some of the new mechanisms to address the issue of modern slavery is something that the Green Party welcomed, and it's good to see this being put in this particular bill. I note that there is a current members' bill in the name of both Camilla Belich and Greg Fleming, who are also addressing another part of this problem—also noting that, with that particular members' bill, it is one of the few instances where the bill has been pulled out of the ballot because it's got more than 61 non-executive members who supported that bill. Clearly, this House takes this particular part seriously, and this is one of the areas, like I said, that the Green Party does support.

Moving on to some of the other areas, there's a small section in this bill around the protection of undercover officers, which is along with offences against first responders. Of course, a lot of these are important, particularly when it comes to the fact that first responders, in those situations, are also the ones who are most likely going to be harassed or abused or suffer at the hands of physical violence in those kinds of instances. I know we do see that, for example, the Minister—and, in fact, it needs to be acknowledged that this is one of those bills where there were quite a number of Amendment Papers that took place during the committee stage. One of the things that the Minister's Amendment Paper 660 did was to provide a more specific definition of a front-line corrections worker, but again, it begs the question of what, then, we would consider “front-line”.

The previous speaker, Camilla Belich, has already mentioned some of the other ones that we were looking at that also could be considered “front-line”, but were not addressed in this bill—the likes of Māori Wardens, lifeguards, and also, as we see in the most recent report, where around, I think, 80 percent of home and community care workers are also being abused, mostly from a psychological perspective. An alarming number of them are also physically abused in their line of work. Though not first responding to an emergency, they are nevertheless responding in general. Also, there are other ones that we should be looking at—the fact that, for example, the Government has pulled the police out of some of the mental health call outs and where, potentially, first responders actually do not have the appropriate training or support to be able to deal with some of the more volatile instances of mental health incidents. Yet, when we're looking at this bill, they are also, potentially, the ones who are going to be punished as a result of this introduction. I think there is a balance that needs to be struck in terms of when something is appropriate and when actually the issue comes down to the level of resourcing and support that has been placed for those first responders, as opposed to the punitive approach that we are seeing here. Again, it's something that should be looked at from both perspectives and both angles, as opposed to just one.

Now, there are a number of concerning bits I want to address. I mean, maybe going back to front in terms of the clauses of this bill, I want to start by addressing the issue of theft—and, indeed, we also see some changes to the Summary Offences Act. What is concerning to see over here

is the fact that, on the one hand, we see the Government criminalising homelessness, but then also we're now seeing, through this bill, the Government is also criminalising poverty. What is more concerning with this particular section on theft is that, for a lot of the things, particularly when we're looking at theft in an offensive, insulting, or disorderly manner, there are already other mechanisms within the current Crimes Act that address—you know, when we're looking at the idea of robbery and what some of the things are that are entailed in robbery, particularly when it comes to offensive theft in an offensive manner. It's hard to say how this new section 219A, inserted by clause 25, would interact with some of the other sections under the Crimes Act—for example, section 234.

I guess it's not reassuring for the House for the Minister, in those kinds of instances, rather than providing a very clear position during the committee stage on the ministerial intent, to simply state that, "Oh, well, we're going to let the court work it out." When you have a lack of clarity, it's actually just going to take up more resources for the court to be able to decipher through some of the nuances that should have been made clearer within the legislation.

Also, in terms of some of the other areas, I think the more controversial part of this bill was around harm by strike to the head or neck—and this is both in terms of wounding and, I think, in the more serious instances when we're looking at manslaughter. Now, it does need to be acknowledged that there are families and friends who have lost loved ones; we've heard them through the select committee process, and they're really frustrated in terms of some of the existing length of sentences. The concerns around repeated offending, which has been raised during select committee, should also be addressed and validated, but a lot of these sorts of things may not be addressed in the way that this piece of legislation would like it to be addressed. Indeed, during the committee stage—and we're glad that the Minister's Amendment Paper 660 actually tidied it up—in fact, it would have created an anomaly where, if the person is acquitted from the particular charge of manslaughter by strike to the head or neck, they are acquitted from manslaughter in general. That would be considered, in some ways, a mistrial. There is no other mechanism, unless you are putting two charges in front of the court.

The prosecution of manslaughter, in the context of one punch, is already difficult to prove, but, in this case, I think the argument needs to be made that, yes, when you're looking at this, it's not simply just a strike to the head or neck. When it comes to culpable homicide, if it's a murder, if there's a genuine intent, it will be trialed and will be sentenced as murder; but manslaughter is when the mens rea component is not entirely convincing. When we're looking at our culpable homicide regime, it's already in a very delicate kind of balance when it comes to how the court is conducting itself. By adding an extra layer, it has the potential of making it even more unwieldy and complex, and it doesn't really promote the practicability, and also the workability, of our criminal justice system.

I think another point that has to be made, as a part of this, is that it's specifically to the head and neck, but the arguments will be, I guess, "Well, what happens if you do see a coward punch, not to the head or neck but to the chest or to other parts?" I think it's also really concerning when you have other members of the House who are also intent on, for example, introducing a minimum sentencing to that. What must be stated is that, for example, in some of the things that have been proposed, some of them do, but for some others there's no proposal for the minimum sentencing requirement. You would have the chilling effect of capturing instances where the incident was truly accidental and the offender was a child. Those kinds of things have not, thankfully, happened here in Aotearoa New Zealand, but it has happened overseas.

Finally, I just want to address the last part, which is another really concerning part of this bill, which is around citizen's arrest. Now, this is already an existing provision. We have heard from the New Zealand Police Association, we have heard from Retail New Zealand, we have heard from Business New Zealand—essentially, except for the ministerial advisory group led by the vigilantism of one single person, no one else supported this particular part of the bill. It's not simply because it's unworkable; it's impractical, it's too broad in scope, and also, as we see from the existing provisions, the real issue is that, if someone does conduct a citizen's arrest, sometimes Police do not have the resources to respond to some of those call outs. Now, rather than allowing for some of those resources, we're seeing this expanding scope in power, which means that you're going to be, potentially, aggravating offenders even more so than what currently is happening.

Instead, what we should be looking at is how we can provide additional de-escalation training and other mechanisms to address some of the root causes of retail crime—other than, you know, providing healthy homes and also a livable income. With that, the Green Party does not support this bill.

ASSISTANT SPEAKER (Teanau Tuiono): This debate is interrupted and set down for resumption next sitting day. The House stands adjourned until 2 p.m. tomorrow. Pō mārie.

Debate interrupted.

The House adjourned at 10.02 p.m.

DRAFT