



First Session, Forty-seventh Parliament, 2002-2003

Parliamentary Debates

(HANSARD)

Wednesday, 30 April 2003

WELLINGTON, NEW ZEALAND

Published under the authority of the House of Representatives—2003

ISSN 0114-992 X

WEDNESDAY, 30 APRIL 2003

TABLE OF CONTENTS

OBITUARIES—	
Ronald Morrison Barclay.....	5163
Possum Bourne	5163
BUSINESS OF SELECT COMMITTEES	5163
STANDING ORDERS—SUSPENSION.....	5164
POINTS OF ORDER—	
Urgent Debate Declined.....	5164
QUESTIONS FOR ORAL ANSWER—	
Questions to Ministers—	
Sentencing and Parole—Policy.....	5164
Mental Illness—Information from Service Providers.....	5166
Question No. 3 to Minister.....	5167
Electricity—Supply.....	5168
State Sector—Leadership Planning	5169
Electricity—Dobson Hydro Scheme.....	5170
Meridian Energy—Land Acquisition.....	5176
Energy—Resource Management Act.....	5177
Families Commission—Establishment.....	5179
New Zealand Qualifications Authority—Performance.....	5180
Prisons—State Management	5182
Economy—OECD Forum.....	5183
Nutrition—Children	5184
Question No. 1 to Members	5184
Question Time.....	5184
Question No. 12 to Minister.....	5184
GENERAL DEBATES	5185
MASTERTON TRUST LANDS BILL	
Procedure	5198
ANGLICAN (DIOCESE OF CHRISTCHURCH) CHURCH PROPERTY TRUST BILL—	
Procedure	5198
MASTERTON TRUST LANDS BILL—	
Second Reading	5198
Third Reading	5200
ANGLICAN (DIOCESE OF CHRISTCHURCH) CHURCH PROPERTY TRUST BILL—	
Second Reading	5201
Third Reading	5203

TABLE OF CONTENTS—*continued*

PROSTITUTION REFORM BILL—

In Committee—

Clause 1 Title (<i>continued</i>).....	5205
Parts 1 to 3 and the schedules	5222

WEDNESDAY, 30 APRIL 2003

Mr Speaker took the Chair at 2 p.m.

Prayers.

OBITUARIES**Ronald Morrison Barclay**

Mr SPEAKER: I regret to inform the House of the death on Tuesday, 29 April 2003 of Ronald Morrison Barclay, QSO, MBE, JP, who represented the electorate of New Plymouth from 1966 to 1975. He was senior Labour whip during that period. I desire, on behalf of this House, to express our sense of the loss we have sustained, and our sympathy with the relatives of the late former member, in particular, his wife Joy. I now ask members to stand with me and observe a period of silence as a mark of respect for his memory.

Honourable members stood as a mark of respect.

Possum Bourne

PAUL ADAMS (United Future): New Zealand lost in the early hours of this morning one of its great sporting legends, Possum Bourne. I move, *That the House acknowledge the contribution of Possum Bourne not only to New Zealand motor sport, but also his role as one of our great sporting ambassadors.* He will be very sadly missed by many New Zealanders. Our condolences go out to his wife and his family.

Motion agreed to.

Mr SPEAKER: I think it would be appropriate if we also observed a period of silence for Mr Bourne.

Honourable members stood as a mark of respect.

BUSINESS OF SELECT COMMITTEES

Hon Dr MICHAEL CULLEN (Leader of the House): I seek leave for the time by which the Justice and Electoral Committee must finally report the Clean Slate Bill to be extended to 25 July 2003, and for the time by which the Education and Science Committee must finally report the financial review of the New Zealand Qualifications Authority to be extended to 21 May 2003.

Mr SPEAKER: Is there any objection to that course being followed? There appears to be none.

Hon Dr MICHAEL CULLEN (Leader of the House): I seek leave for Sue Kedgley to be a member of the Regulations Review Committee for the purposes of its consideration of the Animal Welfare Codes, and for Mike Ward to be a member of the Government Administration Committee for the purposes of its consideration of the New Zealand Symphony Orchestra Bill, but in each case without the right to vote on any question before the committee.

Mr SPEAKER: Is there any objection to that course being followed? There appears to be none.

Hon Dr MICHAEL CULLEN (Leader of the House): I seek leave for the Primary Production Committee to meet outside the Wellington area during the sitting of the House on Thursday, 8 May 2003.

Mr SPEAKER: Is there any objection to that course being followed? There appears to be none.

STANDING ORDERS—SUSPENSION

Hon Dr MICHAEL CULLEN (Leader of the House): I move, *That Standing Order 178 be suspended until 31 December 2003.*

Motion agreed to.

POINTS OF ORDER

Urgent Debate Declined

GERRY BROWNLEE (NZ National—Hām): I raise a point of order, Mr Speaker. I respectfully raise the issue of the National Party's request yesterday for a snap debate on the announcement of the power savings. We fully accept the ruling you gave us yesterday, but it has not been reported in *Hansard* as yet, and we have not been able to consider it at any great length. We certainly noticed that in the text of our own letter we covered all the points required for such a decision to be granted. We particularly note that this was a Government decision that had ministerial responsibility, and was of such importance that it was given priority at the press conference. Further, it was a new announcement, and it was the first time that the Government itself had sought to ask for savings of any type, or at any level. So we are a little perplexed that it did not seem to have the gravitas necessary, or meet the test that you set for such debates to take place.

We would respectfully ask whether you could give us a bit of paper that might give us greater guidance in the future as to how these debates should be requested. If it is a problem with the text, then we certainly want to know about that, but we would have thought that a problem with the way in which something is written would not alter the substance of the argument being advanced.

Mr SPEAKER: I appreciate the way in which the member has raised the point of order. I made a decision—which, of course, I will not be reviewing—but I am prepared to consider it and give the member some advice. The Standing Order is quite specific.

QUESTIONS FOR ORAL ANSWER

QUESTIONS TO MINISTERS

Sentencing and Parole—Policy

1. Rt Hon WINSTON PETERS (Leader—NZ First) to the Minister of Justice: Does he consider that the changes introduced by the Government in 2001 with respect to sentencing and parole policy have achieved the Government's objectives of a fair, firm, and rational sentencing framework that delivers clarity and consistency to sentencing and parole in New Zealand?

Hon RICK BARKER (Associate Minister of Justice), on behalf of the Minister of Justice: Yes. The new Sentencing Act also paved the way for significantly longer sentences being imposed for the worst crimes. Judges have now imposed minimum non-parole periods of up to 33 years for the worst murders. That reflects the wishes of the majority of New Zealanders as expressed in the 1999 law and order referendum. As with any major piece of new legislation, we continue to monitor its implementation to ensure that it is achieving its objectives.

Rt Hon Winston Peters: If that is true, why do I read that former lawyer Nigel Joseph Cook was sentenced 3 months ago, but has never been locked up; is it the Government's idea of a fair, firm, and rational sentencing policy to allow criminals to roam free, or is it another failure by this Government, which is doing nothing to rid New Zealanders of our crime-ridden, ill-disciplined, and violent society?

Hon RICK BARKER: People who are eligible for home detention have to have

committed low-level offences warranting a sentence of less than 2 years. Home detention is offered to them in those circumstances, and there needs to be a period of time for their applications to be processed. They have to be seen as not a risk to the community, and I would be very concerned if they were seen as such a risk.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. As my colleagues have remarked, the Minister has obviously got the wrong page. I am asking why people sentenced to prison are out there roaming free and not incarcerated in any way, shape, or form. He is dealing with parole policy, which I will get on to shortly.

Mr SPEAKER: The Minister did address that question.

Tim Barnett: Is the Minister satisfied that the Sentencing Act, passed last year, has made a difference in sentencing by the courts?

Hon RICK BARKER: A key goal of the reform of sentencing legislation was to impose tougher penalties on those who committed the worst offences. In the recent William Bell and Bruce Howse cases, the court has clearly shown that it has taken on board the intent of Parliament. It has also reflected the concerns of the public in this area, imposing minimum non-parole periods of 33 and 28 years respectively. Those are very tough sentences.

Richard Worth: In addition to the question asked by the Rt Hon Winston Peters, why is it that the parole system is not working, with offenders offending time and time again—William Duane Bell, the Returned Services Association multiple murderer, and Barry Allan Ryder, the serial sex offender?

Hon RICK BARKER: The parole system is working. The Parole Act has made significant changes, but it will take some time to see the effects. We have gone to a single and professional Parole Board. The primary objective is to ensure that when people apply for parole, they pose no undue risk to the community. This is a significant change from the previous law.

Rt Hon Winston Peters: Why is it that though a judge might deem it fit for a person to be sent to prison, his Government deems that he or she is able to roam free; and why is the home detention system fit for the following category of people, all of whom have qualified in the last few months: sex offenders, robbers, and drug dealers; and what sort of policy is that when it comes to fighting crime?

Hon RICK BARKER: People who are entitled to apply for home detention must have a sentence that warrants less than 2 years. Their offences must be low-level ones. I would be very concerned if people who are being given leave to apply for home detention did pose a significant risk to the community.

Rt Hon Winston Peters: Can I take from that that it is the Government's policy to have serious offenders sentenced to prison roaming free and unsupervised whilst they await their home detention applications; and is that a new master plan by his Government, or a hidden agenda to hide the volume of offenders being imprisoned, or simply a practical step to free up beds to make way for an avalanche of criminals now being put before our courts?

Hon RICK BARKER: I repeat my advice to the House that it is not a policy for serious offenders. It is a policy for people who are not a serious risk to the community. I restate my view that if people being given leave to apply for home detention do pose a serious risk to the community, I would be most concerned, because that was not the intention.

Rt Hon Winston Peters: Is rape or drug dealing not a serious offence; if so, and if that sort of person is roaming free, despite being given a prison sentence by a judge, is it not so that the Minister's Government is plain soft on crime?

Hon RICK BARKER: That member's question implies that a person convicted of rape is being given home detention. If that is the case, I would like to know about it.

Ron Mark: In view of the Minister's request, I seek leave to table documents that show that people who have been convicted of such crimes as rape, sexual offences, and threatening a child with a firearm, are on home detention under his Government.

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

Mental Illness—Information from Service Providers

2. SUE BRADFORD (Green) to the **Minister of Health:** What steps, if any, has she taken since assuming office in 1999 to ensure that those who live with people with mental illness are adequately informed of their situation by mental health service providers?

Hon ANNETTE KING (Minister of Health): Several important steps have been taken to ensure better information-sharing occurs between mental health providers and those who care or live with people with mental illness. They include risk assessment by clinicians, as well as improving the involvement of family and caregivers in both service provision and aiding the recovery of people with mental illness, and improving information sharing by mental health service providers.

Sue Bradford: In the light of the Lachlan Jones case and a report this month that an elderly Wellsford couple were attacked and held hostage by their boarder, whose illness and history of violence were kept hidden from them by health officials, is the Minister planning any further changes to district health board guidelines and/or any further staffing both for community assessment and treatment teams and for ongoing health assistance in the Waitemata and Northland District Health Board areas?

Hon ANNETTE KING: Following the Lachlan Jones case I asked the Mental Health Commission to review the existing legislation to see whether we need to tighten up around the privacy legislation area in particular, or to ensure that the privacy legislation did not stop the sharing of information. The commission came back to me in early 2002 and said that the existing legislation was working well, but that the district health boards needed to have more consistent information and to use the protocols and guidelines in a more consistent way. Those guidelines were then rewritten and republished and provided to district health boards in September last year. They then trained their staff. The guidelines are now being used, and will be reassessed by the Mental Health Commission by the end of this year.

Dave Hereora: Following the Mental Health Commission's review of acute mental health services in Auckland when several recommendations were made, what progress has been made in implementing the recommendations?

Hon ANNETTE KING: Good progress has been made. Improved service coordination was recommended, and this is being achieved through a regional service coalition led by a regional director of mental health. The appointment has been made for that position. Twenty packages of care were to be provided, and all three district health boards have put in place, or are putting in place, that care. They will all be fully operational by the end of April. An additional \$3 million was allocated to cover the recommendations.

Dr Lynda Scott: Why do family members and carers all over New Zealand feel shut out from, and not informed of, the care, treatment, and rehabilitation of people who have a mental illness, with the result too often being loss through suicide of the patient or abuse at the hands of the person who has become unwell, and is she prepared to change the Mental Health (Compulsory Assessment and Treatment) Act?

Hon ANNETTE KING: I asked the Mental Health Commission to look at whether the Act needed to be changed following a review and change that was made in 1999 and implemented in 2000 in relation to information sharing. After the review the

commission said there was not a need to change the Act. There was certainly a need for district health boards and those providing mental health services not to hide behind the Privacy Act, but to use it in the way it was intended.

Ron Mark: Does the Minister not understand that members of the public believe that as a result of the mental health reforms initiated during her previous term in Government in the 1980s, many victims of people who should not have been in the community due to their mental health problems could have been avoided had that Government listened; and if she does understand that, will she seek to hold people accountable for the decisions they have made that have resulted in people becoming victims of those crimes and, indeed, in order to restore some faith in the families of those victims, a belief that this Government actually does care about them and what has happened to their families?

Hon ANNETTE KING: There are a number of issues in that question. First of all, deinstitutionalisation in New Zealand for mental health patients did not start in the 1980s; it started in the early 1950s with the first anti-psychotic drugs that enabled people to live in the community. From the 1950s right through to the end of the 1990s we have seen people taken out of mental institutions who did not need to live there. In any one month of the year, 40,000 New Zealanders receive mental health services within the community in a perfectly safe way. However, I would say that whenever decisions are made for a person to go back into the community, those who make the decisions on a clinical basis should take responsibility for those decisions.

Sue Bradford: Would the Minister give consideration to recalling the people involved with the most recent Mason report in the 1990s and asking them to formally review progress since the report was tabled?

Hon ANNETTE KING: I do not think it is necessary to have yet another Mason inquiry into mental health. As I said to the member—perhaps she did not hear it, because it was at the end of my answer—I have asked the Mental Health Commission to ensure that the protocols and guidelines that are in place for information sharing are reviewed by the end of this year.

Question No. 3 to Minister

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Mr Speaker. In relation to this question, I ask you to consider your prerogative as set out under Speaker's ruling 116/1. We sent this question down to the Clerk's Office this morning, addressed to the Minister of Finance, the Hon Dr Michael Cullen. The question asks for a clarification of a statement he made in the House yesterday, yet, seemingly in accordance with other Speakers' rulings, there has been a decision that this question be transferred. We accept that in some cases the Government does have an absolute right to do that, but, clearly, Speaker's ruling 116/1 does not make that right totally absolute.

Speaker's ruling 115/4 states: "The Minister primarily concerned is presumed to be the person to decide whether it is a question related to that portfolio or whether it is misdirected." If we follow the logic the Government appears to have worked today, we would be in a situation of Dr Michael Cullen receiving a question relating to something he has said, then deciding that he has no idea why he said it or what it was about, and referring it to the Minister of Energy for him to give some clarification about what the Minister of Finance meant. There is provision, as I said, under Speaker's ruling 116/1 for the Speaker to refuse to transfer a question on the basis that it would be an abuse. How can it be anything but an abuse if a Minister is not prepared to stand up and answer a question in this House about a statement he has made to this House?

Hon Dr MICHAEL CULLEN (Leader of the House): I notice that I will be answering question No. 10 on behalf of another Minister. But if we look at question No.

3, we find that the principal questions are whether the Government had made no plans to deal with a dry year in 2003, and if not, what exact changes had been made prior to this year to manage a dry year. Those are issues that are totally securely within the responsibility of the Minister of Energy.

As Minister of Finance, I make many statements about almost every aspect of Government policy. That does not mean to say that all questions can be directed to me as Minister of Finance. If the question is about mental health, that would be directed to the Minister of Health, and questions about dry-year preparations go to the Minister of Energy. [*Interruption*]

Mr SPEAKER: I am going to say only once that there will be no interjections during points of order, or people will be leaving.

Hon Dr MICHAEL CULLEN: He is not merely the responsible Minister; he has been doing a great deal of work over recent weeks to try to avoid the worst possible consequences.

Hon RICHARD PREBBLE (Leader—ACT NZ): Mr Cullen's contribution would have some merit if he had not decided to edit the question. The bit that he failed to read out is "... and any economic effects of the corresponding electricity shortage;". The whole House realises that Treasury must have already done studies and modelling on the impact of what appears to be a disastrous shortage of electricity. That is not the responsibility of the Minister of Energy, who is trying to produce the stuff. The actual consequences on the whole economy are questions for the Minister of Finance to answer. Frankly, how can the Minister of Energy answer as to what Mr Cullen meant when he said there was no expectation of a dry year as early as 2003? That statement, which he made to the House yesterday as a Minister, appears to be the basis of economic planning in New Zealand, and I think he should be asked to account for it.

Mr SPEAKER: I thank the member who raised the point of order for notifying me that he was going to do so, and I have had an opportunity to examine this matter closely. I can understand the member's point that the subject of the question refers to a statement made by the Minister of Finance, not the Minister of Energy, but that does not alter the fact that it is the Government that decides which Minister answers a question, not the questioner—see pages 115 and 116 of *Speakers' Rulings*. The only circumstance—and it would be a very exceptional one, since it has occurred on only two occasions in the history of this Parliament—is if only a single identified Minister would have personal knowledge of the issue. I refer to Supplement to *Speakers' Rulings* 20/3 and 20/4. That is plainly not the case here.

Electricity—Supply

3. Hon BILL ENGLISH (Leader of the Opposition) to the Minister of Energy: Does the statement by the Minister of Finance yesterday to the House, that "There was no expectation of a dry year as early as 2003.", mean the Government had made no plans to deal with a dry year in 2003 and any economic effects of the corresponding electricity shortage; if not, what exact changes had been made prior to this year to manage a dry year?

Hon PETE HODGSON (Minister of Energy): No. I instigated a review after winter 2001. As a result, we now have much-improved scenario development and modelling, which, in my view, is still not good enough. Secondly, the industry has identified and fixed all the main transmission constraints that affect winter security. For example, the capacity to shift electricity south across the Cook Strait cable has been increased by about 20 percent. Thirdly, we have improved contingency planning and communication protocols.

Hon Bill English: Did the Minister share the results of his much-improved scenario

modelling with the Minister of Finance so that he may have a better understanding that a dry year can, in fact, occur almost any year?

Hon PETE HODGSON: The much-improved scenario modelling has enabled us to identify the potential for a crisis this year far, far earlier than occurred, for example, in 1992. In 1992 the Government of the day, of which that member was a part, did nothing until I raised the issue during Queen's Birthday weekend.

Mark Peck: Is it true that there has been no addition to New Zealand's electricity generation since 2001?

Hon PETE HODGSON: No, it most certainly is not. In the past year New Zealand's generation capacity increased by 111 megawatts. An announcement is being made of a further 90 megawatts of generation in 2004, and further announcements are expected within a few weeks. That said, our main problem right now has much less to do with a shortage of new generation than with a shortage of rain for existing generation.

Peter Brown: Given that the Minister said in his answer to the Hon Bill English that the much-improved scenario modelling is not good enough, will he tell the House when it will be good enough and how he will achieve that?

Hon PETE HODGSON: Yes, on 15 May.

Hon Richard Prebble: Can the Minister confirm that his much-improved scenario modelling confirms that there is actually no shortage of water in New Zealand, there is at least 400 years' supply of coal, an unknown but large quantity of gas, and no shortage of wind or sunlight, and that the real problem is that the Government owns 70 percent of the generation in New Zealand and 100 percent of the national grid, that it totally controls the planning process, and that it did not expect a dry year in 2003?

Hon PETE HODGSON: The much-improved scenario modelling shows none of that—unsurprisingly.

Jeanette Fitzsimons: Can the Minister confirm that the National Institute of Water and Atmospheric Research's modelling has been advising for some years that the east coast of both islands is likely to get drier with global climate change; if so, should we not now have a dry-year conservation plan that starts the simple measures early every winter from now, for a few years?

Hon PETE HODGSON: Since 2001 contingency planning has been in place permanently. However, the National Institute of Water and Atmospheric Research's assessment, which is that it is likely to become drier on the east coast of both islands as climate change effects come into play, is offset by the fact that it becomes wetter on the west coast. Here is a fact: the rain that fills our hydro lakes is not rain that emanates from the east coast, but is rain that emanates from the west coast and drops across the Main Divide.

Hon Bill English: Given that the Minister waited until 2 weeks ago to call for power savings to offset a winter shortage, is his much-improved scenario modelling any superior to his going down and having a look at the lake?

Hon PETE HODGSON: Yes, it is. Can I say that one day when scenario modelling decides that ownership matters, it will be the scenario modelling that I do not take any notice of, but I also say that the Government has been aware of the prospects of a shortage since the end of last year.

State Sector—Leadership Planning

4. DAVID BENSON-POPE (NZ Labour—Dunedin South) to the Minister of State Services: What progress has been made towards improving succession planning and increasing the pool of talent available for leadership in the broader State sector?

Hon TREVOR MALLARD (Minister of State Services): Yesterday I welcomed 20 public servants who were attending the Australia and New Zealand School of

Government. That is part of a package to identify and develop talent in the broader State sector. I am prepared to share some of the techniques developed, in order to improve the quality of leadership. It may be that the best option is to bring back experienced people in order to cover a shortage of talent. I understand there are rumours circulating that National Party members are approaching Jim Bolger for this very purpose.

Mr SPEAKER: That last sentence was completely out of order.

David Benson-Pope: What does the Minister consider to be the essential elements of a leadership programme?

Hon TREVOR MALLARD: The key is to be open in considering the potential leadership team. That often means moving beyond those who are currently clamouring for leadership positions, and considering the intelligence and leadership potential of the talent available—for example, John Key or Simon Power, rather than the slow, tired brat pack.

Mr SPEAKER: No. I have told the member that that last comment is not appropriate.

Gerry Brownlee: I raise a point of order, Mr Speaker. That is twice now that you have stood the Minister up and told him his answer is inappropriate—

Mr SPEAKER: The last sentence.

Gerry Brownlee: —the last sentence of his answer is inappropriate. The whole question is designed to get away those last comments, and it seems to me to be an inadequate censure simply to say to the Minister that it is inappropriate. If he wants to take the House's time in that way he should be punished much more severely than that, and perhaps be asked to remove himself from the House or the question itself should be abandoned.

Mr SPEAKER: No. I think the member is perfectly correct in his comment about the last sentence in those answers, but the first part of the answers clearly address the questions asked.

David Benson-Pope: Are information technology skills important for State sector leaders; if so, why?

Hon TREVOR MALLARD: Yes, they are very important. It is important that everyone involved in State sector leadership has talents in that area and takes things to their potential, and I want to applaud Maurice Williamson for trying to do that.

Mr SPEAKER: I find it a little difficult to chide someone who is applauding somebody, but, once again, that last sentence did not relate to the original question.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. That is three in a row—three strikes and the Minister should be out. My question is: what are you going to do about it?

Mr SPEAKER: I heard a member make a comment that is going to mean that member will leave the Chamber if I can identify the person concerned. On reflection, I ask the Minister, who three times disobeyed my instruction, to withdraw and apologise for those last sentences in each answer.

Hon TREVOR MALLARD: I withdraw and apologise.

Electricity—Dobson Hydro Scheme

5. Hon KEN SHIRLEY (Deputy Leader—ACT NZ) to the Minister of Conservation: Following his comments on National Radio on 16 April 2003 and in question time yesterday relating to the Dobson hydroelectric scheme, will he accept that when he said: “This particular site, because of its ecological values that are fairly unique on the West Coast, is a site worth preserving. We've been down this path ... this project has already been to the High Court, it has been rejected.”, he was not referring to the Dobson hydroelectric scheme and that the key reason the Dobson scheme is not

progressing is because he is not prepared to exercise the discretionary powers contained in the Conservation Act 1987?

Hon CHRIS CARTER (Minister of Conservation): The Conservation Act does not give the Minister any discretion to remove land from ecological areas. The land still has the values it was protected for in the first place. As I made clear in the House yesterday, the law regarding the disposal of conservation land has been tested once already in the High Court in the Buller electricity case, when the court upheld the decision of the Hon Denis Marshall to decline a proposal to flood conservation land for a hydro scheme.

Hon Ken Shirley: Is the Minister aware of section 18(7) of the Conservation Act, which clearly gives the Minister of Conservation discretionary powers to revoke designations under the Conservation Act, and that that provision was specifically put in the Conservation Act to allow situations like the Dobson scheme to proceed on the conservation estate?

Hon CHRIS CARTER: That member's interpretation of the Conservation Act is not one that is upheld by my department or myself.

Nanaia Mahuta: Why was the Card Creek ecological area originally protected?

Hon CHRIS CARTER: In 1983 the then National Government, led by the late Rt Hon Rob Muldoon, proudly protected that area for the express purpose of, and I quote from the *Gazette* notice, "preserving an example of forest in a wide valley floor, including nikau and an unusually high proportion of kahikatea and matai". It is that very valley floor forest, described by the Hon Nick Smith as mostly gorse, that would be destroyed.

Hon Dr Nick Smith: Why did the Minister state in his press release yesterday that that land was, in terms of the land swap, of higher value than that which was proposed to be swapped for it, when the Department of Conservation's own report, done when Helen Clark was Minister of Conservation, states exactly the opposite of that; in fact, can I quote from the report done at that time, which states that the area to be swapped is of national conservation importance, is a crucial wildlife habitat, and has significant scientific values and high landscape values, while at the same time the land in question that would be flooded was allocated to Timberlands West Coast because it was of low conservation value?

Hon CHRIS CARTER: The area that will be flooded is in the Card Creek ecological area, an area that was gazetted in 1983. It was not transferred to Timberlands. May I have an opportunity to describe the Mount Buckley area, the area that is proposed for the swap. I asked the Department of Conservation to give me a brief description of it. The total block is 720 hectares, of which 500 hectares is logged podocarp hardwood beech forest that has a canopy of 50 years or more. That is quite good forest. The additional 200 hectares is land that was logged in the 1970s and 1980s. It is bisected by a four-wheel drive track and has a power line running through it. It has considerably lower ecological values than the area that would be destroyed.

Hon Dr Nick Smith: Can the Minister explain to the House which is the Government's position in respect of Dobson: the position that was expressed by Damien O'Connor to the local media in his area yesterday that the Government is open-minded about the Dobson scheme, or the position that he has expressed, as Minister, that it is dead in the water?

Hon CHRIS CARTER: I repeat to the House that under existing legislation I cannot swap land that has ecological value status, unless that land loses its conservation value.

Hon Roger Sowry: I raise a point of order, Mr Speaker. The Minister was asked a very simple question about the Government's position—the position outlined by Damien O'Connor in the local newspaper, or the position that the Minister has outlined.

The Minister did not talk about that, at all, but talked about whether he could swap land. We have heard that answer before. He was asked what the Government's position is.

Mr SPEAKER: No, the Minister gave the Government's position. He is the Minister concerned with that matter.

Rt Hon Winston Peters: Can the Minister tell the House today why it was that yesterday he claimed his comments did not relate to the Dobson hydroelectric scheme, or is it a case of one of two things: he was mistaken or he was plain lying?

Mr SPEAKER: The member cannot suggest that another member is deliberately not telling the truth. The member can ask whether the Minister was wrong; that is perfectly correct. But he cannot say that the Minister was deliberately misstating the truth. I would like the member to rephrase the question.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. Yesterday that Minister had the benefit of the transcript right in front of him. He has sought to avoid it the whole time. You allowed him to do that, and he got away with saying something that is patently not true. I am giving him an option now to say that he was mistaken yesterday, in which case he obviates the confirmation of the second alternative. Yesterday he wasted the whole Parliament's time, with the transcript next to him. He is laughing now, of course. That is the kind of thing that is condoned in this Parliament, but a Minister would not get away with that behaviour in any other Western democracy. Yesterday the Minister had the transcript next to him. He knew he was wrong. He would not refer to it. Today he is still not prepared, because you are protecting him, to get up and say he was mistaken yesterday and did not deliberately lie. I am giving him that option.

Mr SPEAKER: Well, I am not. Please be seated. I refer the member to Standing Order 116, which states: "If any offensive or disorderly words are used, whether by a member who is speaking or by a member who is present, the Speaker shall intervene." The member may not accuse another member of lying. The member will stand, withdraw, and apologise.

Rt Hon Winston Peters: I have a supplementary question.

Mr SPEAKER: No, the member will withdraw and apologise for suggesting a member is lying.

Rt Hon Winston Peters: I withdraw and apologise.

John Carter: I raise a point of order, Mr Speaker. I want a point of clarification on that statement. I think it is worth considering this point. I listened to the question that Mr Peters asked. He did not state that the Minister was lying; in fact, he did not suggest he was, at all. Mr Peters asked whether the Minister was lying; he did not say he was. He was merely asking the question. That is quite different. If I stood and said that a certain member was lying, that is a statement to say that he was. But it is quite different to ask whether there was a lie, and that is what the member was asking. The Minister can merely confirm that he was not lying, and we can move on.

Mr SPEAKER: No, the member used a disorderly expression, which is contrary to Standing Order 116.

Rt Hon Winston Peters: Given that yesterday the Minister had the benefit of the transcript before him affirming the comments he had made, can he now confirm that the comments were referring to the Dobson hydroelectric scheme—or is it one of two cases: firstly, he was mistaken yesterday, or, secondly, he does not give a damn about the truth?

Mr SPEAKER: The member cannot use that phrase, either. The member can certainly talk about the first point. The second point implies telling a lie, and is out of order. The member has one final opportunity to ask a supplementary question.

Rodney Hide: I raise a point of order, Mr Speaker. The question asked whether the

Minister actually cared about the truth. That is not saying someone is lying. We could say there are lots of Ministers who do not care about the truth, but that is not saying they are lying. I cannot see how you could possibly rule that phrase out.

Mr SPEAKER: If the member is implying negligence, that is different from deliberately doing so.

Rt Hon Winston Peters: He is saying that.

Mr SPEAKER: If the member is saying that, I would like him to rephrase the question so I can listen to it in its entirety.

Rt Hon Winston Peters: What are the options the Minister wants to put before the House—he was mistaken, he is careless as to the truth, he does not give a hoot about the responsibilities of his job, or the Prime Minister allows incompetence, if Ministers are allowed to behave in that way in this House; if so, which one of the four options are we to take as being his answer now?

Hon CHRIS CARTER: None of the above.

Peter Brown: I raise a point of order, Mr Speaker. In the principal question from the Hon Ken Shirley there is a direct quote from that transcript—which we were not allowed to see yesterday, because people took objection when a member sought to table it. The direct quote states: “We’ve been down this path ... this project has already been to the High Court.” The Minister said he was referring to some other project, done at an earlier time when Denis Marshall was the Minister of Conservation. Is that a mistake, a distortion of the truth, or what is it?

Mr SPEAKER: The member asked for leave of the House, and I put it twice to the House. He gave a personal explanation, and made it clear as to what his position was.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. We are required to take the statement of a Minister or a member at face value, and cannot contest it. But we have a situation now that is most absurd. The Minister clearly was referring, in those comments, to the Dobson hydroelectric scheme. We all know that you are stopping the whole country from learning that he was wrong—that he was mistaken. You are allowing him to get up and say in reply to the four options I gave him that none of them applies. Frankly, if—

Hon Brian Donnelly: So he’s saying he wasn’t wrong.

Rt Hon Winston Peters: He is saying he was not wrong. If he was not wrong, then how can that reply stand? This is an absurdity that we are now debating; and we will go on for one more day in question time whilst he gets away with it again. Usually in other democracies Prime Ministers fire people like that, because Speakers do not condone people like that and Parliaments will not accept behaviour like that. So why are we putting up with it today? I think the Minister should be required to get up in the House and explain what those words actually meant—for the first time in 2 days.

Hon Dr Michael Cullen: Yesterday the Minister took a point of order in terms of an explanation, and stated quite clearly that he had meant to refer to similar kinds of cases, the precedent effect of which was about the nature of the legal basis on which such a decision could be made. In other words, he said his previous statement was not meant to refer to this specific case. We cannot go over that ground again. If people are asking now whether he was mistaken about the second statement, I say clearly he was not mistaken about the second statement. He has already corrected the first statement—yesterday. I want to take the point of order further. Not for the first time today, and many times over recent weeks, that member has accused you of sheltering another member of Parliament. I suggest that is totally out of order—[*Interruption*]

Mr SPEAKER: Mr Mark will leave the Chamber. I have warned people about interjecting during points of order. I ignored it the first two times that he did it, but that was the third time and he reflected on me. [*Interruption*] I beg your pardon?

Ron Mark: I heard it all on the radio yesterday. Mr Speaker, it does not do the House any credit at all, this sort of thing.

Mr SPEAKER: The member will leave. He has come very close to being named.

Ron Mark withdrew from the Chamber.

Hon Dr Michael Cullen: I suggest to you that it is quite disorderly for members to suggest you are sheltering other members. You are impartial in the way that you deliver your rulings, and all members have to accept those rulings.

Hon Ken Shirley: With reference to the point of order raised by the Rt Hon Winston Peters and his colleague Peter Brown, I say that the transcript has now become available, though the Opposition parties were blocked from tabling it yesterday. Mention is made of it in question 5. The whole topic of the Minister's interview was about the Dobson scheme. The Minister said: "This particular site". He went on to say: "this project has already been to the High Court." It was all about the Dobson scheme, yet yesterday in the House he said he was talking generally about the topic, and then referred to the Buller decision and implied that that was the court decision he was referring to. That was clearly misleading the House, and the situation has only been compounded by the comments made here today.

Mr SPEAKER: The member asked a supplementary question, and a reply was given that did address the question. It might not have satisfied the member, but that is why we have a question and answer session in the House.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. You put your finger on it when you said that is why we have a question and answer session in the House. We are in our second day now, and you are allowing the Minister to get away with treating this House with the greatest frivolity and contempt. Frankly, if that is what question time is for, then we are all wasting our time here, at enormous expense to the public.

Mr SPEAKER: All I can say is that in Australia a few years ago, if the Speaker allowed one supplementary question that was regarded as a revolution. In this Parliament members have ample opportunity to ask supplementary questions—that is how they can challenge Ministers. But the point is that the Speaker cannot put words into Ministers' mouths.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. You cannot put answers into Ministers' mouths, but there is a range of Standing Orders and Speakers' rulings—and we do not need to get into what Australia does with regard to this matter—that require a certain exactitude and honesty from a Minister. When a Minister has contempt for Parliament, then I think it behoves you to allow other members to reflect on his personality and on his degree of honesty and veracity. That is the only way we will regulate matters and get some control and disclosure in this House. Otherwise, it is a waste of Parliament's time.

Mr SPEAKER: We do everything in this House within the Standing Orders, not outside them.

Stephen Franks: Given the Minister's referral to the Buller case as if it governed a case under section 18 of the Conservation Act, does he still think that business closures, job losses, and public-spirited elderly folk shivering in the dark should not be relevant to his discretions over the use by a hydro scheme of a couple of hundred hectares of regenerating kahikatea, broom, and gorse; if not, what level of economic and social misery does he need before it becomes the "incredibly important and unique situation" he told National Radio he would need before seeking any change in his discretions?

Hon CHRIS CARTER: I have the privilege of being the Minister of Conservation, and my responsibility—and, indeed, my statutory duty—is to be an advocate for the

conservation estate, which is something that is very fundamental to the whole ethos of being a New Zealander. I am not prepared to see that estate die a death by a thousand cuts.

Hon Dr Nick Smith: Does the Minister now accept that his statement on National Radio that this particular site and project had already been to the High Court and had been rejected was wrong and a mistake, and will he apologise to National Radio listeners; and can he also explain to the House why he did not correct his statement at the time, rather than waiting for 2 weeks?

Mr SPEAKER: The Minister may answer the first part of the question.

Hon CHRIS CARTER: As I explained yesterday in this House, I was referring to the type of project represented by the Dobson dam. If that member had been listening properly right at the start of my answer to question 4 yesterday, he would have heard me say that if anyone had formed the impression that I was talking about Dobson, I apologised. I used the words "I apologise", and I stand by them.

Hon Dr Nick Smith: I seek leave of the House again to table the transcript of Mr Carter's interview on National Radio.

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

Hon Dr Nick Smith: I seek leave of the House to table the official Department of Conservation report that contradicts Mr Chris Carter's statement about the conservation status of the—

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

Hon Ken Shirley: In view of the fact that successive conservation Ministers have blocked access to the vast conservation estate for energy projects, including access to our extensive coal reserves, access for hydro schemes including both Ngakawau and Dobson, and access for the lower Clutha-Beaumont proposal, based on an obscure island in the Clutha River visited by deer and goats, does he as the Minister of Conservation accept any responsibility whatsoever for the lack of generation in this country and the looming power crisis that it is facing?

Hon CHRIS CARTER: There are a myriad of questions there, but I would like to address just two of them. First, I remind that member and all other members of the House that I have the privilege of being the Minister of Conservation and that is the area I am responsible for. Secondly, I have in front of me a document from the Ministry of Economic Development on current industry proposals for the development of energy resources totalling 1,624 megawatts. On that very comprehensive list there is no mention of the Dobson dam anywhere.

Hon Richard Prebble: I raise a point of order, Mr Speaker. I think that in this case the Minister just misunderstood the question he was asked. He said he was asked a myriad of questions, but he was actually asked only one question. He was asked, given the fact that the Department of Conservation has stopped numerous energy schemes, whether he accepts any responsibility for this year's energy crisis. That is the question he was asked.

Hon CHRIS CARTER: I would just like to say that I will be saying prayers for rain, as I hope everybody else in the House will, as well.

Mr SPEAKER: No, I think the Minister could try again with the answer to that question.

Hon CHRIS CARTER: I remind the House that my responsibility is to be the Minister of Conservation.

Hon Richard Prebble: In the light of that answer, can we take it that this Minister is publicly rejecting the concept of collective Cabinet responsibility, or is he saying this

Labour Cabinet as a whole does not care about the fact that we are to have an energy crisis this year?

Hon CHRIS CARTER: Like all New Zealanders, I am very keen to see that the people of our country have surety of supply with energy. At the same time, my specific responsibility is as the Minister of Conservation and I am very proud to be an advocate for that.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. I note that when you made a ruling on this question just a little while ago, you referred to Australia. I ask you whether, on the issue of ministerial answers, you would have regard to a recent question time in the House of Commons when, in relation to an oral question about Iraq, back-bench Labour members called their senior Ministers liars and deceivers, as being some sort of precedent for this Parliament.

Mr SPEAKER: No, I will not, because I do not intend to follow that Parliament's practice if members are saying that sort of thing.

Meridian Energy—Land Acquisition

6. JEANETTE FITZSIMONS (Co-Leader—Green) to the Minister for the Environment: Why has she conferred the power to compulsorily acquire land to Meridian Energy for Project Aqua when Meridian stated in April 2001 that land purchases would be on a willing-buyer willing-seller basis?

Hon PETE HODGSON (Acting Minister for the Environment): The Minister has not conferred upon Meridian Energy the power to compulsorily acquire land. The Minister has instead granted Meridian Energy requiring authority status. Before any compulsory acquisition could occur, Meridian must apply to the Minister for Land Information to have that Minister compulsorily acquire land, if any, affected by the designation under the Public Works Act of 1981.

David Parker: As a requiring authority, will Meridian Energy still have to apply to regional councils for resource consents?

Hon PETE HODGSON: It most certainly will. Resource consents are still needed for all matters that fall within the control of relevant regional councils, such as the taking of water and approval for any discharges that might be required. Those consents will also go through the normal assessment processes, including public notification hearings and rights to appeal.

Hon Dr Nick Smith: Can the Minister explain to the House the contradiction of supporting the giving of the power for compulsory acquisition of land from private landowners to the requiring authority for Project Aqua, while point-blank refusing to consider the use of 5 percent of one of hundreds of reserves on the West Coast for the TrustPower hydro scheme, or are this Government's priorities so perverted that the taking of land from private citizens is considered of lesser importance than using land that is—in the department's own words—an area of little conservation value?

Hon PETE HODGSON: The conferring of requiring authority status followed an earlier decision of according Meridian Energy the status—if I remember the language correctly—of network utility operator. That decision is based almost entirely on the geography of Project Aqua and nothing else.

Jeanette Fitzsimons: Given that the application to the Minister for Land Information is merely a technicality and will not be refused, can the Minister explain why there has been a change of policy, from Meridian Energy being perfectly willing to buy land from willing sellers at a price agreed by negotiation, to the Government now being prepared to grant Meridian the power to override that unwilling seller and acquire land compulsorily, once it has been through this next technical step?

Hon PETE HODGSON: I do not have responsibility for Meridian's statements.

However, in its latest statement, in the *Otago Daily Times* this morning, Meridian's preferred option was still to negotiate a settlement for the land needed for the proposed scheme.

Jeanette Fitzsimons: Have any studies been done for either Minister on how much energy-efficiency solar and wind generation the \$1.2 billion to be spent on Project Aqua could buy between now and 2008, when Project Aqua may come on stream; if not, how can it be claimed that that promotes sustainable management?

Hon PETE HODGSON: The Minister for the Environment has not undertaken any such study, as far as I am aware. However, the Minister of Energy has, and the long and short of it is that Project Aqua is cheaper than almost any other form of generation available to this country. The reason it has not gone ahead until now is simply that the engineering solution had not been worked out as well as it has now been done.

Energy—Resource Management Act

7. Hon Dr NICK SMITH (NZ National—Nelson) to the Minister for the Environment: What submissions or consultations has she sought or received from the electricity and energy sector regarding amendments to the Resource Management Act 1991 and the impacts these amendments may have on addressing New Zealand's energy shortages?

Hon PETE HODGSON (Acting Minister for the Environment): In relation to the energy and climate change amendments to the Resource Management Act, which have been announced but not tabled, consultation meetings were held with six renewable energy developers, Transpower New Zealand, the Electricity Networks Association, the Major Electricity Users Group, Business New Zealand, and a number of people working with Māori on energy issues.

Hon Dr Nick Smith: Noting that the Petroleum Exploration Association of New Zealand—representing 39 energy companies, including such significant players as Shell Petroleum Mining Co., Todd Energy, and the Government's own Genesis Power—has stated in its written submission on the Resource Management Amendment Bill (No 2): "The bill will impede the speedy exploration for, and the production of, this country's petroleum resources—in particular, natural gas—at a time when a looming energy supply crisis would logically drive in the opposite direction.", how will this bill help address the major energy crisis facing New Zealand?

Hon PETE HODGSON: I simply disagree. This Government is committed to improving the implementation of the Resource Management Act without undermining the Act's objective of delivering a healthy environment. The Resource Management Amendment Bill (No 2) will reduce costs and delays. As I said in my answer to the substantive question, we are soon to introduce legislation to smooth the path for renewable energy developments under the Resource Management Act.

Dr Ashraf Choudhary: What measures has the Government undertaken to reduce Environment Court delays for approval of energy projects?

Hon PETE HODGSON: There will be more money, more judges, and more commissioners for the Environment Court. Therefore, that backlog is shortening week by week.

Gerrard Eckhoff: Can the Minister for the Environment confirm that the Resource Management Act allows community groups, recreational interests, and individuals who have already expressed substantial opposition to Project Aqua, to hold up that development for years; will any amendment to the Act disenfranchise those people from expressing their legitimate opposition?

Hon PETE HODGSON: I refer the member to his own press statement. On 7 October 2002, he said that the Resource Management Act would cause a 4-year delay

for Project Aqua, and then on 11 February this year—when there was an indication that the Government would proceed with network utility status—he said that the Government was resurrecting the Muldoon era. On which side of this debate would the member like to find himself? At the moment, he is on both.

Jeanette Fitzsimons: Can the Minister confirm that two new thermal power stations currently have resource consents—and got them very quickly—but have no gas; has he seen any proposals as to how amendments to the Resource Management Act will refill the Maui gas field, or make it rain, or even persuade Genesis Power to order its coal earlier?

Hon PETE HODGSON: Yes and no, and that is precisely the point. The Resource Management Act is being trotted out by people who decide that they will take any opportunity to further originating prejudices that, in my view, they ought to leave behind.

Hon Dr Nick Smith: In the Minister's answer in which he referred to people who were prejudiced, would he include Meridian Energy—the Government's own company and the single largest generator of electricity—which said of the Resource Management Amendment Bill (No 2) that sections 7, 11, 18, 41, 54, 61, 63, 67, 75, 76, and 80 will "create additional obstacles to the granting of the necessary approvals for the construction or operation of power projects, and the bill should not be enacted at this time"; and can the Minister explain to the House why he has ignored this country's biggest electricity generator and his own company?

Hon PETE HODGSON: I happen to know the views of Meridian Energy very well. Meridian Energy wishes to have planning rules that are easier than they are, as does anyone who wants to get on with big projects. The problem that Meridian Energy needs to face is that this Government will always go for a balance, and the Resource Management Amendment Bill (No 2) reduces costs on the legislation as it is currently in the books.

Stephen Franks: Does the Minister for the Environment agree with the Minister of Conservation that the only concern and consideration of the Minister of Conservation in relation to the application of resource management law over Department of Conservation estate and the Conservation Act should be to freeze hydro generation out of the Department of Conservation estate; if so, has she made any representations to change a result that has us importing Indonesian coal to burn?

Hon PETE HODGSON: If I can get the two parts of the question right, the answers are yes and no.

Hon Dr Nick Smith: Can the Minister for the Environment explain to the House how the provisions in her bill, which require the protection of ancestral landscapes, cultural landscapes, and spiritual values such as taniwha, will help to get consents for new hydroelectric, wind, or geothermal power stations?

Hon PETE HODGSON: The House may be interested to learn of the history of this matter. There was a review into historic heritage in 1998. The review recommended the inclusion of historic heritage as a matter of national importance into section 6 of the Resource Management Act. It was included in the 1999 legislation introduced by a National Government. The really interesting thing is that that review—

Hon Dr Nick Smith: That's a lie!

Hon PETE HODGSON: It is not a lie. That review into historic heritage—

Mr SPEAKER: The member will stand, withdraw, and apologise for that comment.

Hon Dr Nick Smith: I withdraw and apologise. I raise a point of order, Mr Speaker.

Mr SPEAKER: The member may raise a point of order if it is not in relation to that matter.

Hon Dr Nick Smith: The Minister has alleged that the issues I raised of ancestral

landscapes, cultural landscapes, and spiritual values were in a bill that was introduced by National in 1999. That is not true.

Mr SPEAKER: I cannot arbitrate on that. My job is to see that question time—

Hon Dr Nick Smith: Would you like me to table the bill?

Mr SPEAKER: There are many other ways in which the member can seek to redress that matter.

Hon PETE HODGSON: May I continue my answer, which was limited to the issue of historic heritage, and say that the review into historic heritage was begun by none other than the Minister of Conservation when National was in office—the same person who asks that question now.

Hon Dr Nick Smith: I seek the leave of the House to table the submission by Meridian Energy in opposition to the Resource Management Amendment Bill (No 2).

Mr SPEAKER: Leave is sought to table that document. Is there any objection? There is objection.

Hon Dr Nick Smith: I seek the leave of the House to table the submission of the Petroleum Exploration Association of New Zealand with its opposition to the Resource Management Amendment Bill (No 2).

Mr SPEAKER: Leave is sought to table that document. Is there any objection? There is objection.

Families Commission—Establishment

8. LUAMANUVAO WINNIE LABAN (NZ Labour—Mana) to the Minister of Social Services and Employment: What progress is being made to establish the Families Commission?

Hon STEVE MAHAREY (Minister of Social Services and Employment): Legislation has been introduced today to establish the Families Commission. Supporting families—and parents in particular—formed a major element of Labour, Progressive, and United Future pre-election policies. To fulfil those commitments, 4-year funding of \$28.233 million has been allocated in this year's Budget for the establishment and operation of the Families Commission. The Families Commission Bill proposes that the commission be established as an autonomous Crown entity from 1 July 2004.

Luamanuvao Winnie Laban: What role will the Families Commission have in promoting parenting as stated in Labour's pre-election policy?

Hon STEVE MAHAREY: The parenting role of families is critical to the development of New Zealand as a successful and innovative nation. The Government therefore intends to ask the Families Commission to take an early interest in the issue of parenting. This work will include examining all existing parenting support programmes, both here and overseas, in the development, piloting, and promotion of effective specific parenting programmes—as asked for in our pre-election commitments.

Katherine Rich: When the definition of family groups is so broad that it basically encompasses all New Zealanders, why is this ill-defined bureaucracy—which will duplicate the work of other Government departments—anything more than a \$28 million election bribe to lock in the support of United Future?

Hon STEVE MAHAREY: The work of the commission will not duplicate anybody else's work. It will pick up a need right across all Government policy to focus on how we can promote the interests of the family. I regret that the National Party is so anti-family that it will not support it.

Gordon Copeland: How is it intended that the Families Commission will raise the profile of families in this country?

Hon STEVE MAHAREY: In its advocacy role, the commission will promote family interests and issues across Government agencies and the community; purchase,

promote, and disseminate research into family issues; and contribute to policy development across government as a key stakeholder in family-related issues. Those functions will ensure that the commission becomes an effective stakeholder in those issues, and an advocate in increasing understanding and raising the profile of New Zealand families. I repeat that the commission will be investing specifically in parenting.

Dail Jones: How can the Minister say that the Families Commission Bill is a bill about families, when in fact the word “families” is not interpreted anywhere in the bill, but family groups whose members have significant psychological attachment to one another are regarded as being within that concept? I presume that includes homosexuals and lesbians—groups that I thought United Future did not support?

Hon STEVE MAHAREY: The agreement between the parties involved in this policy is one that accepts a diverse interpretation of what a family is. For example, it allows for a reconstituted family where psychological bonds between people who have no biological relationship are the foundation of that family. Yes, it will accept gay and lesbian relationships, and in the 21st century I am sad to see that that member does not accept that.

Gordon Copeland: Is it not true that this bill has deliberately adopted a broad and inclusive definition of the family precisely to ensure that all New Zealand families and all New Zealand children will benefit from the commission’s work?

Hon STEVE MAHAREY: Yes. In every discussion between Labour, the Progressive Coalition, and United Future, all parties have stated their commitment to a broad and inclusive approach to the family. The legislation defines the interest of the commission in advocating for and strengthening all forms of the New Zealand family. That is why those parties represent the broad range of New Zealanders, and why parties on the other side of the House are so marginal to New Zealand life.

Dail Jones: Would not a common-sense approach to support for families suggest that the word “families” ought to be interpreted, and would it not be equally common sense for a family party supporting marital relationships and a good standard of values to oppose any bill including homosexuals and lesbians, withdraw supply from its coalition partner, and stand up for what it believes in, rather than running along on the coat-tails of the Government for the sake of jobs?

Hon STEVE MAHAREY: I think anybody who understands this issue would say that a family that provides love, nurture, support, and boundaries for the behaviour of children would represent a family. The obsession with structure by dinosaurs like Mr Jones is why he is a marginal politician.

Mr SPEAKER: The member will withdraw that comment please.

Hon STEVE MAHAREY: I withdraw that comment.

New Zealand Qualifications Authority—Performance

9. Rt Hon WINSTON PETERS (Leader—NZ First) to the Minister of Education: Is he satisfied with the performance of the New Zealand Qualifications Authority?

Hon TREVOR MALLARD (Minister of Education): Most of the time.

Rt Hon Winston Peters: With a remark that is a contemptuous answer to this House can I just say this—

Mr SPEAKER: The member should just ask the question.

Rt Hon Winston Peters: If the Minister wants to make a joke of it, then I think that is totally unsatisfactory, and my question is this—

Mr SPEAKER: Please be seated. The Minister addressed the question. The member has plenty of opportunity during supplementary questions to address the answer.

Rt Hon Winston Peters: How can the Minister be satisfied most of the time, when there is yet another example of the New Zealand Qualifications Authority and the Fernridge Institute of Training in Masterton having never been quality-audited in its 3 years' existence, despite ongoing concerns expressed to that authority by local residents and former students alike, and advice to the Minister of Education and the Minister of Immigration of an institute that is running a sham establishment founded to ensure that the owners of the company have a steady source of cheap labour in this country?

Hon TREVOR MALLARD: That institution was registered on 16 August 2000. It was, in fact, audited on 15 and 16 August 2002. It was put on a 1-year audit cycle. It is due to be audited again in May this year. Although I understand that Mr Peters has received a complaint about the organisation, he has not passed it on to the New Zealand Qualifications Authority.

Bernie Ogilvy: In terms of funding for the New Zealand Qualifications Authority's role of implementing the National Certificate of Educational Achievement, does the Minister agree with the finding of the select committee inquiry that the agencies involved appear to have continually underestimated the level of resourcing required for such a major shift in our senior school assessment and qualifications system; if not, why not?

Hon TREVOR MALLARD: I refer the member to the Government response to the select committee's report. I am happy to brief the member—as I would have yesterday at our meeting—on the Government's actual response to that, which I am announcing on Friday.

Rt Hon Winston Peters: I seek leave to table evidence from the approvals and accreditation audit of the New Zealand Qualifications Authority, which states that to date no audit has been completed on this organisation. That makes a total lie of the Minister's statements.

Mr SPEAKER: The member will stand, withdraw, and apologise for that comment.

Rt Hon Winston Peters: I withdraw and apologise. I raise a point of order, Mr Speaker. This is a disgusting situation. Firstly, the Minister has just told this House today that audits have been done, and I am holding a letter dated 26 March saying that no audit has been done. Secondly, I raised the issue in the House with the Minister of Immigration. Thirdly, the New Zealand Qualifications Authority has received complaints. That is three lots of complaints already made that are in his colleague's hands and his department's hands in terms of the New Zealand Qualifications Authority. Yet he gets up and makes those bald statements that are totally incorrect and you rule me out of order.

Hon TREVOR MALLARD: I am quite prepared to table my advice on this issue, advice received at 1.41 p.m. today, which indicates the date of the audits and the fact that no complaint about Fernridge has been received by the New Zealand Qualifications Authority. The authority does act on its complaints. The fact that the member has received a complaint does not necessarily mean that it has been received by the New Zealand Qualifications Authority.

Mr SPEAKER: First of all, the member asked for leave to table a document.

Rt Hon Winston Peters: I want to explain what it is.

Mr SPEAKER: The member has explained what it is, and the member seeks leave to table it.

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

Mr SPEAKER: The Minister also sought leave to table his particular document.

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

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. That Minister has just told this House that the New Zealand Qualifications Authority had not received a complaint. What on earth is this document in reply from the authority about if it is not answering complaints?

Mr SPEAKER: This is just debating material. We have a general debate coming up.

Dail Jones: I raise a point of order, Mr Speaker. The Minister sought leave to table a document. I would ask that he table the whole document, not the half that he has just cut off.

Hon TREVOR MALLARD: I sought leave to table a document as it came from the New Zealand Qualifications Authority, not my handwritten notes on the bottom.

Mr SPEAKER: Leave was sought to table that and nobody objected.

Prisons—State Management

10. MARC ALEXANDER (United Future) to the Minister of Corrections: Can the Minister justify and support the recent statement that “the management of prisons is a core activity of the State, involving the use of highly coercive powers against individuals, and that it is inappropriate for private sector organisations to exercise such powers”; if so, how?

Hon Dr MICHAEL CULLEN (Leader of the House), on behalf of the Minister of Corrections: Yes. Imprisonment involves deprivation of a person’s liberty 24 hours a day, 7 days a week, for the period of his or her confinement. By its nature, imprisonment is highly coercive. It involves the exercise of extensive statutory powers. This Government’s view is that there needs to be direct accountability for the exercise of such powers and that that is best achieved through a Government department, which is accountable to the responsible Minister.

Marc Alexander: Does the Minister not agree that seeking a Department of Corrections efficiency gain of \$29,000 per inmate per annum, with no corresponding reduction in services or standards, should also be a core State activity that must surely be in the financial interests of the taxpaying New Zealand public; if not, why not?

Hon Dr MICHAEL CULLEN: My understanding, and the advice I have, is that the ongoing cost of running the prison is likely to be marginally higher than the current price of the contract with Australasian Correctional Management, largely because of differences in staff ratios. That small difference would certainly not outweigh other considerations of accountability and the exercise of coercive powers.

Nandor Tanczos: Is the Minister aware of allegations reported on Australian Broadcasting Corporation television and in the *Guardian* newspaper of inadequate medical facilities, of brutality by guards, including beating prisoners and kicking them in the head, and of covering up child sex abuse at detention centres run by Australasian Correctional Management in Australia; if so, does that make him share Marc Alexander’s confidence in giving private companies the right to use highly coercive powers in this country?

Hon Dr MICHAEL CULLEN: I have heard of such accusations. I have heard similar accusations made about privately run prisons in the United States. I think they emphasise the fact that where a prison is directly managed by the State, there is a much greater degree of accountability.

Hon Tony Ryall: Is the Minister aware of prison officers bashing prisoners and of prison officers having sex with prisoners in State-owned prisons in New Zealand?

Hon Dr MICHAEL CULLEN: Yes, indeed, and in those cases the department and the Minister are directly accountable.

Marc Alexander: Can the Minister explain why the public should pay such a high price for imprisoning offenders, with no corresponding improvement in law and order

outcomes, simply to pander to an ideological belief that the public neither wants nor needs?

Hon Dr MICHAEL CULLEN: I admit I have had many questions from the public, but I have never had a single question from the public on that issue.

Marc Alexander: Given that the Auckland Central Remand Prison receives a fifth of the money allocated for remand services, yet accounts for more than 40 percent of remand prisoners, does the Minister agree that the State providers are grossly inefficient; and what proposals will the Minister advance to make them as efficient as the private providers that the Minister is trying to get rid of?

Hon Dr MICHAEL CULLEN: I repeat that in terms of the ongoing cost on the expiry of the present contract, it is expected to be only marginally higher than the current price of the contract. I suspect that the comparison is not being made on the basis of a full comparison of like with like, including full overheads.

Nandor Tanczos: I am aware that the Green Party has used its allocation of supplementary questions. I seek leave of the House to ask one more supplementary question on question No. 10.

Mr SPEAKER: The Green Party has not fulfilled its number of supplementary questions. There is one left. The member can ask one. [*Interruption*] If the member wants one he can have one, because he can have it from within the party's allocation.

Economy—OECD Forum

11. Dr DON BRASH (NZ National) to the Prime Minister: Did she tell delegates at the OECD forum on economic growth yesterday that she disagrees with the OECD's criticisms of her Government's economic policy; if not, why not?

Hon Dr MICHAEL CULLEN (Acting Prime Minister): No. Having read the speech, she was clearly far too busy explaining the success of the present Government in controlling New Zealand's economy, and also promoting the issues of multilateral trade liberalisation, which are dear to the hearts of many of us in this House.

Dr Don Brash: Does the Prime Minister agree that it is ironic for her to be chairing an OECD meeting on growth, when her own Government is actively pursuing economic policies that contrast with OECD advice on how to increase economic growth?

Hon Dr MICHAEL CULLEN: Yes. I note the membership's agreement with that advice, which includes reducing benefits, increasing the age for the pension, introducing privatisation of education systems, and, indeed, the introduction of a general capital gains tax specifically applied to housing.

David Cunliffe: What, in fact, did the OECD say about this Government's economic policy in its most recent 2002 survey?

Hon Dr MICHAEL CULLEN: The OECD, which more precisely in this context is the bureaucracy in the OECD, painted a positive fiscal picture and noted that our growth and innovation policy was in line with its growth work. It certainly did advocate further privatisation, but that is not the policy of this Government. We do not receive our policies on economics from the OECD, any more than our foreign policy is received from the State Department.

Dr Don Brash: Is the Prime Minister aware that the latest survey of New Zealand economic forecasters showed a downward revision in their long-term forecasts for New Zealand's economic growth, suggesting that the profession has little faith in her Government's pledge to lift long-term economic growth; if so, is that the reason she has now abandoned her Government's goal of lifting New Zealand's performance into the top half of the OECD within 10 years?

Hon Dr MICHAEL CULLEN: The latter is not a Government goal. In the case of the first part of the question, I think that all economic forecasters are certainly lowering

their short-term forecasts. I have to say that in a world surrounded by uncertainty, following a drought, and with severe acute respiratory syndrome, economic growth dropping in every other country, and an increase in the level of the New Zealand dollar, I would actually be on the pessimistic side with regard to conditions for the next 6 months.

Nutrition—Children

12. STEVE CHADWICK (NZ Labour—Rotorua) to the **Minister of Health**: What comments and reports has she received on child nutrition?

Hon ANNETTE KING (Minister of Health): I have seen a number of reports, including the Ministry of Health's public health legislation discussion document, the Healthy Eating - Healthy Action strategy, and a report in the *Sunday News* last week in which Nick Smith claimed that this Government intends to change the law to ban hamburgers for children and to restrict the number and size of fast food outlets. His report is absolute twaddle tarded up to sound like fact, when it is mere fiction.

Steve Chadwick: Is it the Government's intention for the Minister of Health to decide what a child can or cannot eat?

Hon ANNETTE KING: No, it is not the intention that the Minister of Health will tell parents what to feed their children, any more than it is her intention to tell Nick Smith what to put in his sandwiches.

Sue Kedgley: Given that up to 40 percent of advertisements shown during children's television viewing times are for food, and that most of those promote unhealthy high-fat, high-sugar, high-salt foods that contribute to obesity, when will the Government implement its 1999 pre-election pledge to "promote as a priority the elimination of advertising around children's programmes"?

Hon ANNETTE KING: The Government has no policy or plans to ban the advertising of food during children's viewing times. However, there was a proposal that we look at a range of measures in the Ministry of Health's discussion document, but that has not been accepted by the Government as policy.

Question No. 1 to Members

Question deferred.

Question Time

JOHN CARTER (Senior Whip—NZ National): I raise a point of order, Mr Speaker. I ask you to cast your mind back to the last sitting week before the Easter adjournment, when, on two of those days, we had an issue relating to the Prime Minister being questioned. On the third day of that sitting week the information the House had been seeking from the Prime Minister was given, in part anyway, by the Minister of Foreign Affairs and Trade. I raised a point of order at that time, and you said you would give a considered ruling on it.

Mr SPEAKER: I am sorry; I will.

JOHN CARTER: I raise the matter again now, because we have had a similar situation with Mr Chris Carter, who refused to give information that the whole House had. So it would be appropriate if you could give that ruling, because it may well get us over these predicaments that we find ourselves in.

Mr SPEAKER: I promise I will do that.

Question No. 12 to Minister

Rt Hon WINSTON PETERS (Leader—NZ First): I raise a point of order, Mr Speaker. It relates to a comment made by Annette King, who said of Mr Nick Smith's

analysis of the material that it was “tarted up to sound like fact, when it is mere fiction”. I want to know whether that was an accusation of lying, or what it was.

Hon TREVOR MALLARD (Minister of Education): I think that from the way the House has interpreted things in the past, that would not be the case, and that it might be described as “deliberately misleading”, or “misleading”. But if statements of that sort are not made in the House, they do not breach the Standing Orders.

Mr SPEAKER: I have been asked to rule on whether the Minister accused the other member of lying. I thought the Minister said the comments were fiction. That is, of course, an opinion, and does not mean that the comments were deliberately incorrect; it means she thinks they are incorrect.

Hon ANNETTE KING (Minister of Health): I seek leave to table Nick Smith’s column in the *Sunday News*, and the fiction in it.

Mr SPEAKER: No. The member can seek leave to table the document, without adding that comment to it. Is there any objection to that course? There is.

GENERAL DEBATES

Hon BILL ENGLISH (Leader of the Opposition): I move, *That the House take note of miscellaneous business*. The state of the Government’s approach to energy policy can be summed up by the simple statements that have been made today. Pete Hodgson told us that his much-improved scenario modelling says the Government has known since before Christmas that this energy crisis was coming. Dr Cullen told us yesterday that the Government did not expect a dry year in 2003. Falling business confidence, a severe acute respiratory syndrome (Sars) cover-up, an electricity crisis, and the revelation of the Government’s deeply ideological—

Hon Annette King: I raise a point of order, Mr Speaker. It is not acceptable for that member to accuse anybody of a Sars cover-up. It is not acceptable.

Mr SPEAKER: I have stopped the member’s time at this stage. That is a debatable point.

Hon Annette King: No, it is not.

Mr SPEAKER: The member will stand and apologise for disagreeing with me in that way.

Hon Annette King: I withdraw and apologise.

Hon BILL ENGLISH: We having falling business confidence, a Sars cover-up, an electricity crisis, and a revelation of the Government’s—*[Interruption]*

Mr SPEAKER: As far as I am concerned, I do not want to have to stop all interjection during general debate, because we can have an interchange. However, I think there have been too many interjections—a lot in the second person, which is totally out of order. There will be a lot fewer interjections. I have not penalised the member any time. He may start again.

Hon BILL ENGLISH: We have falling business confidence, a Sars cover-up, an electricity crisis, and the revelation of a deeply ideological treaty policy—and it is only Wednesday! It is only Wednesday, and that is just this week. The Prime Minister is out of the country, leaving Dr Cullen to drive this Government into a policy quagmire.

I raise a point of order, Mr Speaker. Earlier on today we took a point of order with you, because three times the Hon Trevor Mallard had defied your ruling from the Chair. You have now ruled twice about interjections. The Labour Party has taken no notice of the rulings and I am asking you this question: what are you going to do about it?

Mr SPEAKER: I will tell the member what I am going to do about it. There were further interjections from members of his own party, who shouted with an enormous amount of noise when he proceeded with his speech, but I ignored that. As far as the member is concerned, a couple of members did make interjections, and I tell the Hon

Trevor Mallard that he is not to interject again in this speech.

Hon BILL ENGLISH: The Prime Minister is out of the country, leaving Dr Cullen to drive the Government into a policy quagmire. Its transport legislation is an unworkable political compromise, and people who set out supporting it are now all opposing it. It will be interesting to see where United Future goes in that respect. The electricity policy of this Government is in a total shambles. No one knows what the rules are. No one knows whether it will be safe to invest in electricity in New Zealand as long as the Prime Minister says that she will intervene any time, any place. There is a Resource Management Amendment Bill coming to this House that is one step forward and 10 steps backwards. We have the sense of an old-style Labour Party starting to flex its muscles—regulate, control, and politicise.

And what is going on with Helen Clark overseas? Every New Zealand Prime Minister has the job of going to the European Union to defend our trade access; we expect her to do that. But members should listen to this statement: “What everyone’s looking at is whether there is going to be a Franco/German/Russia linkup with good links through to the Chinese against what we have which looks like a small Anglo/American group—it shifts the whole dynamic,”.

What is our very good friend John Howard to think of that? He came here just a couple of months ago, and was smooched all up by the Prime Minister. When he left she effectively accused him of trading soldiers’ dead bodies for a trade agreement, and then when she went to France she cuddled up to Jacques Chirac. Do members know who Jacques Chirac is? He is the man who said that he made the decision to repatriate Dominique Prieur. Members know who she was. She was the terrorist who carried out the bombing of the Greenpeace boat in Auckland Harbour.

Did Helen Clark raise that with Jacques Chirac? Did she raise with him the billions of dollars he has made out of the oil-for-food trade in Iraq? Did she ask him about the allegations that France has leaked details of the coalition’s operational planning for the Iraqi war, to the Iraqis? Did our principled Prime Minister do that? What does she mean when she says that we are part of a “small Anglo/American group—it shifts the whole dynamic,”? Is she being a commentator, or is she making policy?

GORDON COPELAND (United Future): Yesterday in this House I asked the Minister of Conservation, the Hon Chris Carter, whether he would be prepared to look at changing the provisions of the Conservation Act to permit the Dobson hydroelectricity scheme on the West Coast to proceed. To my great disappointment, his reply was in the negative. New Zealand is now in a critical situation with regard to the supply of electricity. I regret to inform the House that the supply shortage could continue beyond 2003, and possibly reach 2005. I have seen the graphs and they clearly indicate a gap between electricity supply and demand over that period of time. It takes a long time to bring new generating capacity on stream.

If I am right about that, then this is a matter of the utmost gravity for the people and economy of New Zealand. All facets of our life, from processing and manufacturing, right across to telecommunications, information technology, and the ability—particularly in the South Island—simply to keep warm during the winter, are heavily dependent on the reliability of electricity supply. I believe that time and research will show that a major part of the blame for this situation lies with the Conservation Act.

The Department of Conservation controls 33 percent of all New Zealand land. That includes all New Zealand rivers, lakes, and streams. The department has 13 conservatories, and each one of those has its own separate conservation advisory board. People on those boards have been appointed by successive Ministers of Conservation, and, for the most part, they can be described as people who are committed to preserving our rivers and lakes, plus their surrounding catchments, in pristine condition. They

appear in practice to have, virtually, veto powers. There is no overall national policy concerning how to handle requests for hydro schemes on Department of Conservation - controlled land. There is no standard manual. I am advised that for years now companies and individuals have approached their local conservatories and advisory boards, and have been given a flat "No". I believe that relates to hydro schemes set on the Rotorua lakes and the Mohaka, Motu, and Raukokore Rivers in the North Island, and in the South Island the same thing has happened concerning schemes at Karamea, Ngakawau, and Dobson, which are all on the West Coast. However, this may simply be the tip of the iceberg. We really do not know how many schemes have so far been declined.

All of that amounts to a major systemic problem. It is unbalanced, and it is unacceptable. Water constitutes cost-free energy for generating electricity that is perpetually renewable and sustainable. Many hydro schemes easily meet the criteria of conservation, which are the protection, preservation, and careful management of natural resources, having regard to environmental outcomes. Against those criteria, hydro schemes must rank well ahead of the generation of electricity by importing oil or burning coal. Yet, that is exactly what we are doing to get ourselves through this winter, and through the next couple of years.

Today I want to appeal to the Government, and to all members of this House on a non-partisan basis, to make the solution of this a No. 1 priority. If we have to change the Conservation Act, so be it. The people of New Zealand will be angry when they realise that the present electricity crisis could well have been avoided if we had had in place—as they have in Western Australia—proper policies and procedures to enable hydro schemes to be advanced, and to be advanced quickly. I have asked myself how this scandalous and serious situation could have been allowed to develop under successive Governments. It is because we have been burning Maui gas as if there were no tomorrow. Well, tomorrow has arrived, and we have foolishly failed to provide an alternative. If we do not sort this issue out, I predict come election day that the anger of New Zealanders will be expressed dramatically through the ballot box.

JEANETTE FITZSIMONS (Co-Leader—Green): In the last week or so several chickens hatched by the Parliaments of the last 30 years have come home to roost. To those with very short memories it might appear that those chickens flew in from nowhere, so I want to place on record, today, some of the facts of their very long gestation. This week we have the lowest inflows to the hydro lakes in the 71 years that records have been kept. That is entirely consistent with advice given several years ago by the National Institute of Water and Atmospheric Research Ltd that climate change was likely to reduce inflows to the hydro lakes and that we would start to see the effects of global climate change in the early years of this century. The Greens have been calling for some 15 years for policy change to protect the climate; only in the last 3 years has any real action been taken, and it is still too little.

Along with the low levels of the hydro lakes we are currently facing the loss of Maui gas, which has provided a quarter of our electricity and much of our industrial fuel for the last 30 years. Everyone acts surprised about that, but the 1973 gas contracts made the decisions to use the gas fast, to use it wastefully, to pay for it whether we used it or not, and to use it all up in 30 years. The Greens have been warning for 30 years that using most of that gas for electricity generation, rather than as a direct fuel, was wasteful. Two-thirds of all the energy value of the gas burned at Huntly goes up the stack or into the Waikato River; one-third ends up in the electricity grid.

We have been warning that that would lead to inefficient use because of the artificially low price of the contract, that it would lock in inefficient technologies and high demand, and that it would lock in an attitude that resources are boundless and that

we have a right—even a duty—to waste as much of them as we like and as we feel we can pay for.

We have been warning that that would leave a gap at the end of 30 years that would be very, very hard to fill when Maui gas ran out. Now it is running out a mere 2 years earlier than was always planned, and there is no plan to fill the gap. We have heard efforts to blame the current Minister. We have heard efforts to blame recent and previous Ministers. We have not heard many efforts to blame the 1973 contract. We have heard efforts to blame the Resource Management Act and weather forecasting models, and we have heard demands of every possible kind for new generation. But the fact is that only by managing demand for energy will we be able to keep the lights on, either in the short term or the long term.

For 30 years the Greens have been promoting the direct use of gas for heat rather than gas-fired electricity, insulation of homes and water heaters, refrigeration in industry, compact fluorescent lights, direct solar heating of homes and water, wind generation of electricity, industrial motors properly sized to their load, wood waste - fired boilers in the forestry industry, and a host of other measures. If the Governments of the 1970s, the 1980s, and the 1990s had done those things, we would not be talking about an energy crisis today, and old people would not be worrying about freezing in the dark this winter.

All of those measures are now starting to happen, and given time they can replace Maui. Thanks to the Greens we have an Energy Efficiency and Conservation Act, a strategy, and renewable targets, but they cannot happen fast enough now to save us from shortages this winter or even next. Neither can any of the power schemes that people have been ranting on about in the House today—not Dobson, not Project Aqua, not coal, and not even wind. It is outrageous that the conservation estate, our precious biodiversity, and our wild places should become the scapegoat and have to bear the brunt of our neglect and our ignorance over the last 30 years.

For this winter the only solution is to engage every business, every Government department, every family, every school, and every New Zealander in making sensible savings to the extent that we can. It gives me no pleasure to say: “We told you so for the last 30 years.” It is an unproductive sort of approach to take. What we can pledge is that now that the Greens are here in the House, things are changing and it will not happen again.

Hon TREVOR MALLARD (Minister of Education): Today Bill English proved, once again, why he should not lead a party of any sort anywhere, and certainly not in New Zealand. He will never be Prime Minister, and members opposite know that. All members opposite know that in their hearts. The only ones who are shaking their heads are Nick Smith and Wayne Mapp. They are the two people who know that when there is a change they will go to the back. They know that. They are the ones who are shaking their heads.

Today Bill English accused an independent committee of New Zealand’s top clinicians of covering up severe acute respiratory syndrome (Sars). He accused an independent committee of experts of covering up Sars. One of the things we rely on, especially from a former Minister of Health, is respect for people who put their reputation on the line. He said that they covered it up. Every one of those people will hear that, and I challenge Bill English to put something into his spine and say that outside.

Mr SPEAKER: That phrase—I want the member to move on now.

Hon TREVOR MALLARD: What a sad party we have over there. Two weeks ago Bill English promised to talk to Maurice Williamson; they would have a discussion and Maurice would get a real job, a full-time job that would be right for his talents. But

nothing has happened. He has dropped the ball again. He promised that he would do it. He promised that he would use the talent. Why? Because he would have to shift Nick Smith or Wayne Mapp back, and if he was doing it absolutely correctly, he would have to shift Gerry Brownlee back. Everyone knows that Maurice Williamson has more talent than every one of those people put together.

Despite promising to sort out the situation during the adjournment, Bill English has yet again dropped—[*Interruption*] Maurice was so embarrassed at being praised! He is such a modest character and someone who is so supportive of the National Party and its future. He could not stand to listen, because he knew that it was absolutely right. Bill English has failed to deliver.

Earlier today I talked about State sector leadership and the need for some of that from the National Party. I indicated that one does need to look beyond the current people who are clamouring, beyond the Gerry Brownlees and Don Brashes who are looking for the job. I have heard that there are people opposite who are about to approach Jim Bolger and that they are trying to find someone who will resign his or her seat to let him back into Parliament.

Hon Dr Nick Smith: Absolute rubbish!

Hon TREVOR MALLARD: Our leader is not coming fourth in the preferred Prime Minister poll in the way that the leader of members opposite is. I hear that they are looking around and thinking about sacrificing one of their members for Jim Bolger to come back into this House. To get the experience, knowledge, and leadership that they are so desperate for—and frankly, Jim Bolger looks even fitter than he did when he was here; he looks like he is ready for it, and it would not be a bad idea. To be a good Government an effective major Opposition party is needed, and we just do not have one at the moment. I encourage members opposite to think about that.

My other point is that they do need to look at where they can get some coaching. The Rt Hon Winston Peters has just come into the House. Could he just share 1 percent of his charisma with Don Brash? If he did that, Don Brash might have a chance. If Don Brash had 1 percent of the Rt Hon Winston Peters' charisma, he might have an appeal to slightly beyond the group that supports him at the moment. What a sad lot of contenders there are in the National Party!

Dr MURIEL NEWMAN (ACT NZ): The Labour Government is in denial. There is a crisis in policing in New Zealand, and it is trying to pretend that nothing is wrong. Well, it just does not wash. Just this week it has been revealed that the police are too busy for car-crash inquiries. They are telling victims to deal with offenders themselves, even though criminal activities such as dangerous driving could be involved. We learn today that the police are now too busy to prosecute serious fraud. Instead, they are sending letters to notorious criminals stating: "We're on to you. Clean up your act, or we'll lock you up." The police are too busy to investigate car theft or burglary, yet those entry-level crimes are often the breeding ground of hard-core criminals who are the perpetrators of serious violent crime in this country.

I would like to remind the Labour Government that when it came into power 92 percent of New Zealanders wanted the Government to get tough on law and order. What did we get? We got a Government that is soft on crime, and a Government that cut police-set prison sentences in half, and a Government that we now know lets prisoners stay free for months while they apply for home detention.

We have a Government that builds prisons that are more like holiday camps. We have a Minister who cancelled the police recruitment intake after he was elected, and that is the cause of the serious police shortage we have now. We have a Government that does not treat policing as a priority. It has slashed core spending on police by 5 percent since coming into power.

By cancelling the police recruit intakes and slashing core police funding, the Government is putting enormous pressure on the police force. Sworn officers are now owed 267,000 days of leave—that is more than 700 years. The stress is causing families to split up, it is driving officers out of the force, and the Labour Government does not care. Further, Labour's failure to sort out the problems associated with "perfling" is causing experienced senior officers to leave the force.

The problems do not stop there. Police paperwork is now out of control—for some offences, police have to write the name of the offender 17 times. Each day on the beat means the police have to spend a day in the office doing paperwork instead of being out there fighting crime. It is simply crazy, and this Minister is doing nothing about it.

In New Zealand, gangs outnumber the police by three to one. Yet in Auckland no one is dedicated to looking at the affairs of the ethnic gangs, even though the ethnic gangs are driving drugs and organised crime. There are no full-time, dedicated officers on the clan laboratory teams investigating methamphetamine manufacture, even though the number of those laboratories has increased by 300 percent in the last 12 months—and we understand they are now growing like mushrooms.

That this Government has allowed that to happen to policing in this country is a disgraceful state of affairs. The police have already admitted that "meth" crime is out of control. As a result of the increasing use of methamphetamine, the police are now struggling with an escalation in violent crime. Yet, Labour is ignoring the problem. It is trying to pretend that everything is okay. Labour members are intimidating the Commissioner of Police, demanding that he echo their claims. I suggest to the Commissioner of Police that he stand up for his police force, stand up against the bullies of the Labour Government, and tell them the truth—tell them that the police are short-staffed, under-resourced, and under stress. With this Labour Government, resourcing has now become the key determinant of justice in this country.

New Zealand is one of the most under-policed countries in the developed world. We would need 1,700 more police to match the numbers in Australia, 2,500 to match those of the UK, and 4,000 to match those of the United States. It is clear now that New Zealand needs more police, and that the police need more funding. Crime violates our lives, our homes, and our public places. People rightly need and deserve a safer community. New Zealanders should not have to fear crime, and that is why the core role of government is the maintenance of law and order. The Labour Government is failing.

Hon Dr MICHAEL CULLEN (Deputy Prime Minister): If the ACT member, Deborah Coddington were not swanning off to England for 3 months to get some kind of qualification at the taxpayers' expense, we might be able to do a bit more for the police.

I would like to turn to the National Party. I notice that Simon Power has already made it to the deputy leadership of the National Party—the coup must have occurred. They are now locked into the most extraordinary ongoing drama, day by day, week by week—especially Tuesday morning by Tuesday morning.

Hon Dr Nick Smith: Who knocked that?

Hon Dr MICHAEL CULLEN: Dr Smith, of course, whinges away on radio—whinge, whinge, whinge. But that will not cover up the incompetence of the National Party that we see at present. They have a dead man walking, as leader. Increasingly he is walking alone. He is on to his fourth chief of staff since 2002. When somebody leaves the National Party to go and join Tranz Rail, as their publicity officer did, we know that the National Party must be in deep trouble.

The latest episode of this ongoing saga is that Roger Sowry's head was offered on a platter to Don Brash. Don Brash made it clear that he was not interested in being No. 2; he only wants to be No. 1. Meanwhile, Mr English staggers on, treated as irrelevant by

almost everybody in politics in New Zealand.

But the basic issues about Mr English remain: his indecision, his lack of self-confidence, and his inability to communicate. Who saw him on Pam Corkery's programme, sitting there like a rabbit? Who was desperate to find a searchlight and rifle to put him out of his misery? That is what he was like on Pam Corkery's show.

Then we have had Iraq. What a fiasco Iraq turned out to be for the National Party. First of all they did not have a position at all; they said they would think about their position. Then their position was to support the Americans. When asked whether they would send troops, they said they would think about sending troops. When the war was over, Dr Mapp said, "We'll send some troops." Then Dr Mapp started saying: "Whatever the Americans do, we will follow to the point." But if they had been there, they would have marched on Syria before the Americans, once they were given a signal from the White House that Syria was next on the list. That is the way the National Party seems to have gone.

But now we have this peculiar position of the ongoing leadership struggle. By now Mr English should be starring in *Six Feet Under* as one of the corpses. Most of his colleagues want him there, but they are like a bunch of mice. They can see a bit of cheese, but there is a big, fat old tabby sitting by the piece of cheese. None of the mice actually wants to get out there and try to grab hold of it. The hungriest mice are either older than the present incumbent, or they look far too well-fed to need a piece of cheese in any case.

If Dr Brash is the answer, what on earth was the question that the National Party was asking itself? Every time Dr Brash asked me a question, I wondered why the tabby cat had turned into the mouse. I feel quite sad about the way in which we have questions from Dr Brash in the Chamber. He is the new decisive potential leader! What was his position on Iraq? When he was asked his position, he was "deeply troubled"—that was the potential National Party leader's position on Iraq.

He does not know whether he wants corporate tax cuts. He does not know whether he wants a common currency with Australia, and he certainly cannot be there to make a move for the centre, given his views on super, the dole, selling education, selling schools, and all the rest of it.

So, the National Party has a leader in place who has alienated the Auckland business community—he is regarded as a joke in Auckland by the business community. He is regarded as a 'hick from the sticks', who should stay down in Southland and never get further than the Clutha River, let alone going up to Auckland. Those in the business community are holding back their chequebooks in Auckland, unwilling to give their money to the National Party. We have a challenger who has already blown it. He turned up for the challenge and found that it was not actually going on.

So what is the drama that they are playing out here? It is not the *Young and the Restless* any more—it cannot be, with Don Brash challenging for the leadership. I think it is clear where they are heading. I found the programme on Prime Television: it is called *Party of Five*. That is where they are going.

Rt Hon WINSTON PETERS (Leader—NZ First): Today I want to again draw Parliament's attention to the prostitution of education and training in New Zealand—sanctioned, encouraged and condoned by this Government. Earlier this month I raised the issue of the Fernridge Institute of Training in the Wairarapa. The Minister of Immigration proudly told Parliament back then that her officials were investigating immigration issues related to that institute. In other words, this incompetent seat-warmer has shovelled the issue into the big, black hole of scams with the word "immigration" written on the door. The minister was told about these problems 5 months ago, and there is still no sign of any action.

Today I am asking the Auditor-General to investigate the use of taxpayers' money by, or for, overseas students attending Fernridge. Fernridge is one of a number of companies that we have included in our request. The others are Pineneedle Forestry Ltd, Pineneedle Property Ltd, Woodridge Investments, Greenridge Management, Fernridge Investments, Fernridge Forestry, and the Fernridge Institute of Training. They are all in these documents. Why would any legitimate organisation need all those companies to operate? It is strongly suggested that the Fernridge Institute of Training is a front for importing cheap overseas forestry workers into this country, infringing our industrial relations and payment laws.

Dail Jones: What is the member for Wairarapa doing about it?

Rt Hon WINSTON PETERS: Nothing. Doughnuts!

Dail Jones: Does she know about it?

Rt Hon WINSTON PETERS: Well, apparently no complaints had been made to the office when we made a complaint 5 months ago. We have been informed that at least 72 people have been brought to New Zealand from Nepal—from Nepal of all places—and Samoa as “students” to attend a 3-year training course at this institute. The students have complained that they have been used as cheap labour on forestry contracts, and that they have received little or no training at all. Fernridge charges \$13,500 for this training course. About \$6,000 of that is advanced to the students by way of a loan, which they have to work off at slave labour rates. It is hard to find out where the rest of the money comes from, but we have documents that show that payments have been made from Work and Income's StudyLink for both living and course-related costs. In a country with Māoris in the thousands out of work, we can nevertheless afford all this money for foreigners. That appears most unusual, because overseas students are not eligible for those entitlements. There has been a high turnover of students since that organisation started in 2001. Many have just disappeared, vanished—they say because of exploitation—and replacements are then brought in. A lot of public money has been expended in this case. We question whether it has been used for its intended purposes, and for the benefit of New Zealand taxpayers and this economy.

The circumstances and the operation of Fernridge appear highly irregular, and that is reflected in increasing public concern—both locally in the Wairarapa, and at Porirua, where some former students have sought assistance, and, of all things, refuge! This Government and its Ministers sit on their hands, while organisations like Fernridge, and the one up there in Auckland, and wherever else one goes—they are all over the place now—operate at the expense of the New Zealand taxpayer and at the cost of our fading reputation in education.

The Minister of Education said today that there had been an audit of Fernridge by the New Zealand Qualifications Authority. What sort of Mickey Mouse audit was that? The Immigration Service has let desperate groups of people enter this country to be exploited by unscrupulous operators. The Minister of Immigration received complaints and documents months ago. The people who laid the complaints have never received their documentation back. Those documents have also disappeared down a black hole marked “Immigration scams”.

Hon Trevor Mallard: I've got a copy here.

Rt Hon WINSTON PETERS: Well, give them their own documentation back, and give them an answer, Minister! He should not sit there like the buffoon he so clearly is. Another black hole has appeared and is marked “Education scams”. How many more of them are operating the length and breadth of this country? Between 1984 and 1990, that Labour Party earned New Zealand the title of the most corrupt country on earth in which to do business. This Government is again following that very unhappy tradition. We have Ministers who daily in the House—

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I am not, of course, going to defend inaccurate comments made about a previous Government, but what was absolutely inappropriate was the final comment.

Mr SPEAKER: If the member was suggesting that this present Government is corrupt, he will have to withdraw and apologise for that comment.

Rt Hon WINSTON PETERS: I did not.

Mr SPEAKER: Carry on then.

Rt Hon WINSTON PETERS: What we have in this House daily is a Government led by a Prime Minister who believes in spindoctoring and flim-flam, but where we have had more incompetent Ministers exposed over more days than at any time in my time in Parliament. Day after day, people like Lianne Dalziel, Chris Carter, and Parekura Horomia—

JILL PETTIS (NZ Labour—Whanganui): It does not matter how much is written about the tragic performance of the National Party, the most revealing thing is the body language exhibited in this House. A picture says as much as a thousand words, and when we sit on this side of the House and observe what is happening—particularly on the front bench of the National Party—it speaks volumes. Today in response to question No. 4 to the Minister of Education, the only ones laughing were Mr Brash, Mr Brownlee, Mr Power, and Mr Williamson. The rest of the National Party looked ashen. They were crestfallen.

I want to give the National Party some advice: for goodness' sake, take your leader aside and teach him a few political lessons! Teach him that when he goes into the Koru lounge or Copperfields café in Parliament, he should take somebody with him, so that he is not left sitting on his own. It is very obvious when the leader of the National Party walks into the Koru lounge—there is a bunch of National Party MPs sitting here, another bunch sitting there, and he goes and sits on his own, right in the corner. When he goes into Copperfields—that most public place—the same thing happens, and none of his mates join him. So poor old Bill “No Mates”—as my kids used to say when they were teenagers—cannot even find somebody to sit with him. Just give him some advice! His performance on Pam Corkery's show the other night reminded me of a mother whose child is on the far side of the room, and the mother is sitting there thinking: “For God's sake, shut up you little devil. Just wait till I get you!”. There he was on television blithering on, blathering on. It was so embarrassing—one wanted to put a paper over one's face because of embarrassment for the poor sod.

I want to give the member some more advice. I notice on page A9 of today's *Dominion Post* that Bill English is speaking on Massey University student radio tonight. He is speaking on *The Porritt Show*, which goes on air at 8 p.m. Nobody will be listening, but the station is 88.7 and 107.4FM. I say to members opposite, for goodness' sake, protect him! Tell him not to go on. Last week on that show the announcers got intoxicated—

Government Members: Ha, ha!

JILL PETTIS: —on air, it says in the paper, and it is in the *Dominion Post*, so it must be true. He is just walking into a minefield. We feel sorry for him; no one would treat a sick dog that badly. I do not know why they are sending him in there, because it is just like the Christians being fed to the lions. They should look after him, because he is all they have got. There is no one else; otherwise, he would have been replaced by now.

I want say to Roger Sowry: “I'm sorry Roger that you're getting such a hard time, and you're nowhere near as fat as you looked in that Webb cartoon in the—

Mr SPEAKER: I take offence at that, as everybody else does. The member will withdraw and apologise.

JILL PETTIS: I will.

Mr SPEAKER: The member will withdraw and apologise.

JILL PETTIS: I withdraw and apologise.

Hon Dr Nick Smith: I raise a point of order, Mr Speaker. I well recall that when a National member made that sort of remark about a Labour member, the member was instantly kicked out. So what is the standard, whereby it is now OK for women members to make such references about National members?

Mr SPEAKER: The member's recollection is wrong.

JILL PETTIS: Also, I am really surprised today about the untimely and inappropriate comments the leader of the National Party made this afternoon about our major trading partners. That was very unwise. I just wish the National Party would take him aside and counsel him about those kinds of matters. It was not very sensible at all.

Mr English's comments about his own colleagues just remind us of Mark Antony, who said: "I come to bury Caesar, not to praise him." It is very, very tragic. The irony of this situation is that here we have waiting in the wings a man who is only 5 years younger than the National Party itself—Mr Brash. He is not in his prime.

Rt Hon WINSTON PETERS (Leader—NZ First): I seek leave to table a letter to the Office of the Controller and Auditor-General on the question of the Fernridge Institute of Training, asking for a full-scale investigation.

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

Dr WAYNE MAPP (NZ National—North Shore): Is it not extraordinary that we have had three speeches from Labour that have been all about the Opposition—and why is that? It is because Labour knows it is in deep trouble. Who should we be feeling sorry for? It is Chris Carter, George Hawkins, and Marian Hobbs. They are in deep, deep trouble, and the economy will get worse and worse. I was listening to the speech from the junior Labour whip when she talked about trading partners, and it was remarkable, was it not?

Just 3 weeks ago in this Chamber we saw the excruciating situation in which the Prime Minister of this nation was not able to apologise. She apologised only for the offence that was taken, not for what had been said. Why did members on the Government side of the House not read today's *Wall Street Journal*? If they had, they would know the seriousness of New Zealand's difficulties right at the moment. Things will get worse from here, because the *Wall Street Journal* specifically picked out New Zealand as a country that has to watch itself. Why is that? It is because the Prime Minister insults people whom we have traditionally regarded as friends.

New Zealand has a clear choice: do we stand by the countries we have always stood with—Britain, Australia, and the United States—or do we go down a new path, and stand with France, Germany and the People's Republic of China? To quote the Prime Minister, we have "good links through to the Chinese". That is the path she would follow. The Prime Minister has no doubts; she is with Jacques Chirac all the way. We saw the kisses, the champagne, and the fancy lunches, and I tell the House that it will end in tears, because this is the sharpest foreign policy choice this country has had in decades.

The Prime Minister's balancing act right through February and March broke down at the first hint of a slow-down during the war in Iraq. Her legendary discipline broke down completely. She could not resist making jibes against the coalition, and when we saw that we knew that apologies would have to take place. Yet she has not given an apology, at all. For 3 days in this House we had a Prime Minister who was unwilling to admit her error. When the *Wall Street Journal*—which is probably the most respected financial journal in the world—picks that up in a lead item, this country has to be

worried.

And things could get worse, because the Prime Minister then decided to attack Australia, suggesting that it was part of the coalition only so as to get a free-trade deal. She had met Prime Minister Howard just a few weeks before, and this is what she had to say: “this Government doesn’t trade the lives of young New Zealanders for a war it doesn’t believe in, in order to secure some material advantage.” That would have to be the most gratuitous insult that our country has given to Australia in the history of this country. So it is not surprising that things will get worse for our country.

It should be clear to everyone that as long as Helen Clark is the Prime Minister of New Zealand, our foreign relations will be a disaster zone. No amount of desperate diplomacy will patch that up, because we have turned our back on the countries we have our deepest economic links with. Australia takes the highest percentage of our manufactured exports. I have heard Dr Cullen say that he anticipates that the United States will become our most important trading partner, yet we would turn our backs on that country. I tell members this: as long as Helen Clark is the Prime Minister, there is no chance of a free-trade agreement with the United States. I do not care how much work Minister Sutton, Dr Cullen, or the Prime Minister does, there will be no free-trade agreement. One cannot abuse traditional allegiances in the way that the Government has, and expect that to be—

Hon Trevor Mallard: Get on top of the facts, Wayne boy.

Dr WAYNE MAPP: That is exactly the point.

LYNNE PILLAY (NZ Labour—Waitakere): Yesterday was International Workers’ Memorial Day, which is a day when we remember those who have died at work, both in New Zealand and overseas. I attended a remembrance service in my electorate, along with workers, employers, my colleagues, and Waitakere city councillors. It was a sad day for New Zealand, for employers, for workers, and for their families.

Next week this Government will introduce improved health and safety legislation. The Opposition vehemently opposes it, but it is being introduced none the less. It is legislation that recognises the rights of workers and their representatives to ensure their safety at work. It will see the Accident Compensation Corporation and the unions working together in partnership. Under this legislation, unions have committed to train 10,000 health and safety representatives—10,000 workers working with employers to ensure that our workplaces are safe.

Things are getting better for workers, and there are more of us. Unemployment is at its lowest level since 1989. There will be 6,000 young people in apprenticeships across 25 industries through this term of Government. They are developing the skills we need for the jobs that we need. We are now also better paid. The minimum wage has increased from \$7 to \$8.50 per hour, and that did not wreck the economy. We now have paid parental leave, and it is working very well.

What else is on the agenda? The Employment Relations Act has been a success. We are working on protecting jobs when businesses are sold, or when work is contracted out. We are looking at pay equity and equal employment opportunities. We are improving the Holidays Act to make it more family-friendly—to enable a work-life balance. We are introducing improvements to our smokefree laws to protect workers. We are supporting our employers through industry development incentives, and through skills development. Is that good? Yes, it is, and, of course, it is all rubbished by the Opposition. We have heard the same sad old “hands-off, trickle-down, wage increases wreck jobs, unions wreck workplaces” diatribe from the same sad old party. Is National proposing a journey into yesteryear? It is more like a journey into yester-century.

But now National is refocusing. After our third MMP election, National has got it: it

is important to have a party vote strategy. National needs some bright new blood, bright new ideas, and new direction. Who is in the wings? Don Brash. Wow! As one MP put it, people keep telling us they do not know what National stands for, and I say that neither does National. To attempt to find a vision and to struggle within so much disunity is very sad.

I am relatively new to politics, but it is good to be in a party with a vision, in a party with my mates, and in a party that is getting it right. And we are getting it right—a 52 percent poll rating says we are getting it right, and only twenty-something percent says the Opposition is getting it right. But how will National fix it? Can it fix it? No, it cannot. The Opposition cannot change this Government, because this Government “ain’t broken”.

Hon Dr NICK SMITH (NZ National—Nelson): During the adjournment the Law Commission delivered a report on our Family Court system, which showed some of the huge delays and problems that there are for families. I do not want to talk about the trifling political games that Labour seems focused on this afternoon, but about some of the real, hard issues that do matter in this country. People rely both on the Government and on this Parliament to fix those issues, and they have been let down.

A family in my electorate—a husband and wife with three children—has been stopped from having access to its fourth child for over 3½ years. It is an absolute disgrace that, through delays in the Family Court and poor law, that family has been totally ignored. Its pleas to the Prime Minister, the Minister of Māori Affairs, the Minister for Courts, and the Minister of Justice have been totally ignored. As a parent, I have never had a case about which I have felt so emotional, or where such an awful wrong has been done.

I want to ask a number of questions. I notice that the Minister of Social Services and Employment is trying to interject. I ask him why a domestic purposes benefit is being paid to a person to care for a child, when the mother and father of that child are living together and are desperate to care for that child. The Department of Child, Youth and Family Services has never inquired into that family in respect of the care of its children.

Hon Mark Burton: Has the member ever raised the case with the Minister?

Hon Dr NICK SMITH: In fact, not only has the family written to the Minister of Social Services and Employment, the Minister of Justice, and the Minister of Māori Affairs but it wrote to them over 2 years ago.

I want to ask a second question. I ask Government members whether they think it is appropriate that parents who are desperate to support their child are being asked to pay child support for someone else to care for that child. I say that is wrong, as well. I also say that I find it extraordinary—[*Interruption*] I raise a point of order, Mr Speaker. For the last 90 seconds I have had nothing but continuous interjections from Government members. I can hardly hear myself think.

Mr SPEAKER: The point is well made. Members will now keep a little more quiet.

Hon Dr NICK SMITH: I also ask why the Government is providing legal aid for someone to fight those parents for the custody of their child. There is absolutely no evidence that there is any risk to the children.

Families are one of the most important things that hold this country together. Families are even more important than this institution—Parliament. That case brings to my attention nothing less than State-sanctioned child stealing, and I use those words carefully. I am appalled by that case, and I have asked for an inquiry into the matter because I think those questions are important and need to be answered. The Family Court is in such a mess that we have examples such as that case. We have parents who are desperate to be good parents and to be involved in raising their children. Those parents have the care of their other three children, and I ask about the right of that fourth

child to grow up with its siblings. For 3½ years that family has been struggling through the Family Court without being able to get a resolution of that matter.

I challenge Government members to tell us what they will do about the Law Commission's report on the Family Court. Is it acceptable to have parents blocked from being able to care for their own children? Is it acceptable that we pay a domestic purposes benefit for a carer when the mum and dad want to care for their own child, and are quite fit to do so? Is it proper that we provide legal aid for people to fight in the Family Court against parents being able to have custody of their own child? Those matters go to the heart of the sort of nation we want to be. I say the system has let people down something awfully.

My last point is that I believe that the fuzzy notions in our law that whatever is in the best interests of the child—whoever will determine that—must prevail should not override the fact that parents should have custody of their child, unless it is shown that it is inappropriate for them to do so.

Hon STEVE MAHAREY (Minister of Social Services and Employment): I am pleased to follow on from Dr Nick Smith, who began his short contribution to this Wednesday debate by saying he wanted to talk about the important issues. He did not want to talk about the side issues or the trivial issues. However, I say to Dr Smith that wherever I go around this country at the moment the big issue on most people's minds is the absolute failure of the National Party to make a contribution to a functioning democracy. I go to business groups, to local government groups, and to community groups, and they all ask: "What is the National Party doing?". We are supposed to have a functioning democracy with scrutiny of the Government by those parties, but Muriel Newman does more to scrutinise this Government on social welfare issues than does Katherine Rich, who has to fight with three other people in the National Party even to be heard on social issues. People ask: "What is the National Party doing?". I am told that the National Party is preoccupied with leadership and its failure to get decent leadership, and that shows in editorial after editorial in this country.

Members do not even need me to tell them the name of the person I am going to talk about now. This is from a *National Business Review* editorial: "His comments underscore his lack of understanding of business, especially Auckland business, and explain the strong feeling in the city of sails and among Auckland members of his caucus that he should be dumped from any leadership role." Who am I talking about? It is Bill English. Let me quote from the *Evening Standard*—from Manawatu, the heartland of the country. I have seldom seen that august journal get things wrong. What did it say? "He appears diffident on too many occasions. He is failing to make significant points of difference between his party and the Government." Who am I talking about? It is Bill English. Let us go to the Business Roundtable: "It is no secret"—says the very heartland constituency of the National Party—"that the business community has been questioning what National and he stand for." Who am I talking about? It is Bill English. Even the *Southland Times*—and members in this House know that when their backs are against the wall they can at least usually count on their own communities to say something decent about them—reports: "His own standing is distressingly low from the party's perspective." He should think about going. Who am I talking about? It is Bill English. If that man were a dog, given the dog debate we have had over the last little while, he would have been put down a long time ago. New Zealanders are compassionate people. They do not like to see wounded animals. They do not like to see the distress that goes on day after day around Mr English.

However, I bring good news to the country today in this Wednesday debate, because I have it on absolutely good information that within 2 weeks it is going to happen. That is why the National Party is not functioning. That is why National members cannot even

sustain a question time. That is why they are not putting up ideas. In the next couple of weeks, finally, National members will be getting their act together so that they can remove Mr English. Finally, this compassionate, supportive, sympathetic country of ours will see a new leader emerge from the National Party—Dr Don Brash. That will solve the issues I have just talked about, but will it solve the overall issues? No, it will not. What we will see with Dr Brash is the emergence of a niche National Party of extreme right policies and politicians—and that comment comes right from the lips of the man who calls himself the assistant tea boy, Mr Maurice Williamson. We know that the man who refers to himself as the assistant tea boy has been running a very successful line that the National Party must move back to its core constituency, to be a niche party and a right-wing party. He does not care if people do not belong to it. He says that the party should be narrowed down, and Mr Brash will do that for the party. He will turn the National Party into a niche party, leaving only one big party in this Parliament, the Labour Party, leading a successful Labour-led Government.

The debate having concluded, the motion lapsed.

**MASTERTON TRUST LANDS BILL
ANGLICAN (DIOCESE OF CHRISTCHURCH) CHURCH
PROPERTY TRUST BILL**

Procedure

Hon MARK BURTON (Deputy Leader of the House): I seek leave for the Masterton Trust Lands Bill and the Anglican (Diocese of Christchurch) Church Property Trust Bill to proceed from the second readings directly to the third readings.

Mr SPEAKER: Is there any objection to that course being followed? There appears to be none. It will be so ordered.

MASTERTON TRUST LANDS BILL

Second Reading

GEORGINA BEYER (NZ Labour—Wairarapa): I move, *That the Masterton Trust Lands Bill be now read a second time.* The Masterton Trust Lands Bill is very important for Masterton in my electorate of the Wairarapa. It has a number of key points that I would like to point out. As well, I would like to reflect on the report back from the Local Government and Environment Committee.

The Masterton Trust Lands Trust is a body corporate that holds certain land for educational and public utility purposes in the trust district. The purposes of this bill are twofold: the consolidation, amendment, and modernisation of the laws relating to the trust's lands; and the repeal of the Masterton Trust Lands Act of 1966.

The people of Masterton really do need this bill, because the current language and best business practice should be on the basis of the work of the trust and because the current governing legislation, the Masterton Trust Lands Act, is outdated and hampers the actions of the trust. This bill requires the electors and members of the trust to live within the trust district; it abolishes a redundant distinction between scholarship land and general trust land; it gives the trust more powers for the disposal and leasing of land, investment, and borrowing; and it modernises accounting practices.

The background is as follows. The Masterton Trust Lands Trust was established in 1889. Its origins date back to the formation in the 1850s of a settlement upon the principle of a small farm association, and the setting apart of that title of land for public purposes and for the service of the settlement. The trust is a body corporate that holds certain lands, primarily for the promotion and assistance of matters beneficial to the community in the trust district, which include, but are not limited to, educational

purposes. The purposes specified include: assisting educational establishments and educational activities in the trust district; assisting libraries in the trust district; the promotion, advancement, or encouragement in, or for, the trust district of education, science, literature, art, and other cultural purposes; and physical welfare.

Over many, many years, the trust has, as I have outlined, made a major contribution to the foundation of the town and district in the Masterton area. The Local Government and Environment Committee was under considerable duress with other legislation when this bill came before it in May 2002. I congratulate that committee, led by Jeanette Fitzsimons, on the relatively speedy—considering its workload—return to the House of this bill. The committee has suggested a number of amendments in its report back, and I support them wholeheartedly. They take a common-sense approach and bring the bill more into line with legislation such as the Local Government Act. It will allow for more public accountability with regard to the role of the Auditor-General as far as the public accounts of the business of the trust are concerned. The bill is compliant with modern business practice, and everything in it is accountable to that practice.

Without further ado, I thank those in the House who have supported this bill to date. I continue to look forward to the support of members. Apparently, there was no controversy during the select committee stage, and since all parties are represented on that committee, I take that as an indication that there may well be continued support.

JOHN CARTER (NZ National—Northland): I take a brief call to say that the National Party will be supporting the Masterton Trust Lands Bill through its second and third readings, and to say that this bill was supported by former member Wyatt Creech. If Wyatt Creech says the bill is good enough to support, then it is good enough to support. My understanding is that local people raised one or two issues at meetings of the Local Government and Environment Committee. The committee took their points of view and added them into the bill, which improved the legislation. The purpose of the bill is to modernise the trust. That is what the supporters and proponents of the bill require, and it needs to proceed.

EDWIN PERRY (NZ First): I will take a short call on the Masterton Trust Lands Bill, because it will pass through the House quite quickly. I want to thank the member for Wairarapa, Georgina Beyer, for her explanation of the purpose of the bill. Historically, this trust has performed well from its inception on April 24 1872, and it has always worked for the advantage of the Wairarapa and the Masterton district. When changes have been needed, it has made them. One of the current changes is the extension of the boundaries, and that was discussed in the Local Government and Environment Committee.

My fellow MP Jim Peters, who sits on that committee, asked me to speak on the bill because of my involvement in the Wairarapa. The trust members are well qualified and have been around a long, long time. They include Dr Owen Prior, who was elected in 1974. He is very well known throughout the Masterton district and is involved in a lot of other community activities. Mr Gary Daniels and Mr Sadler are another two members. They are only three out of the 10 board members, all of whom are well qualified to be on the board of the trust.

I want to mention how well the trust performs. It performs very well for the community, considering it is not part of the local district council. It is probably one of the few trusts throughout Aotearoa New Zealand that performs well for its local people. Currently, it owns the Gull Petroleum building and the Woolworths building in Chapel Street. Cafe Char Char and 403 Queen Street are also owned by the trust. The trust is very well heeled, and its financial and asset backing has proved to be a substantial provider of grants in the Masterton district. It also has involvement in the Repco NZ building, which has just been completed, and the Universal College of Learning. It has

purchased the building that belonged to Artel Industries, which closed down. It has been involved in Wakefield Radiology, which is an exciting development for the district, and it also owns the Radio House retail building. The most significant building it has involvement in, and that has just completed, is Aratoi. The trust's contribution to the museum building was \$1.3 million, which is a huge amount of money for a local trust to supply. I will touch on some of the grants. The Wairarapa Cultural Trust received \$280,000; the building bursary, \$13,500; and post-graduate study awards—a key thing for our young people today—\$12,600.

The Masterton District Library and Wairarapa Archive, which is another resource for local people, got \$10,000. Hiona Intermediate School, which has been struggling with regard to education, was also awarded \$10,000. Makoura College received \$20,000 for its Teen Parent Unit—a unit that provides real community activity, taking on young teenagers who have difficulty with the life skills they need to enable them to get on.

The select committee touched on the auditor's responsibility. The Auditor-General has appointed L H Desborough of Audit New Zealand to undertake the audit. He was to assess the judgments made by the board of trustees in the preparation of financial statements, and whether the accounting policies were appropriate to the circumstances of the Masterton Trust Lands Trust, and whether they were consistently applied and adequately disclosed, which is important for an organisation as big as this one, in terms of its assets.

I want to talk briefly about the grants. Eighty grants have been handed out to the local community. The trust provides a lot for the Māori community.

I just want to touch on a few of these: Hadlow Preparatory School, te Kura Kaupapa Māori O Wairarapa, Makoura College, which I have already mentioned, the Masterton District Brass Band, the Masterton fire service, Masterton schools, Te Kohanga Reo O Ngāti Hamua, Solway College, Sport Wairarapa, te reo language programmes—and Māori members should listen to what I said there: not television programmes—and teaching women to make tukutuku panels. I must say that it was a struggle to get money for that. I know that the whānau was involved, and here it is, this trust, which has been going for 130 years, has provided it with a grant of \$500. But \$500 is something that such an organisation would never be able to get from some other place. No doubt, it has applied for funding from all around the place, and it got it from this trust. There is the balloon festival, the skating rink, the Takitimu ki Wairarapa kapa haka festival, and the Wairarapa Forest and Bird Society. In my short reply on this bill, I wish it all the best and thank the member for Wairarapa for bringing it to the House.

Bill read a second time.

Third Reading

GEORGINA BEYER (NZ Labour—Wairarapa): I move, *That the Masterton Trust Lands Bill be now read a third time.* It is most gratifying to have the support of the House with regard to this bill. May I just comment on the remarks made by Mr Edwin Perry. He was quite eloquent, and he certainly summed up a vast range of the kinds of activities the Masterton Trust Lands Trust has been involved in for the benefit not only of the Masterton community but, more important, of the wider Wairarapa, because the areas that most of what the trust has been able to provide for—and this again was borne out by Mr Perry's comments—are broader and more diverse than just within the apparent trust district.

I would like to thank all of those who have been involved with bringing the bill to this point. I thank members of the Local Government and Environment Committee for the important contributions they have made and the Department of Internal Affairs, the

Parliamentary Counsel Office, and so on, for their considerations. All the select committee staff have done a brilliant job. I look forward to continued support for the remainder of the passage of this bill.

Bill read a third time.

ANGLICAN (DIOCESE OF CHRISTCHURCH) CHURCH PROPERTY TRUST BILL

Second Reading

TIM BARNETT (NZ Labour—Christchurch Central): I move, *That the Anglican (Diocese of Christchurch) Church Property Trust Bill be now read a second time.* I am delighted with the work done on this short bill of long gestation by our Commerce Committee. I am pleased to be able to commend the bill as now amended back to the House. The legislation has a simple purpose: to consolidate and modernise the legislation relating to the property of the Anglican Church in the diocese of Christchurch. As such, it really is a successor to a number of provincial government ordinances and 10 Acts of Parliament ranging from 1854 through to 1990.

The bill has three key features—to consolidate and amend the enactments relating to the Church Property Trustees, to widen those trustees' powers of investment, and to apply the variation of trust provisions in the Anglican Church Trusts Act to trusts under the Act. The select committee focused on what one could regard as the modern elements that we need to look at in any piece of legislation. It proposed a series of amendments, all of which have the support of the sponsors of the bill. Firstly, the definition of the term "spouse" is changed in order to ensure that it includes a de facto partner, secondly, there is an amendment to exclude the bishop of the diocese from meetings where matters in which the bishop has a personal interest arise, and thirdly, clause 51 is amended to acknowledge that the Church Property Trustees continues to be an authorised trust board. I thank the committee for its work, and on that basis I commend the bill as reported back from the Commerce Committee to the House.

JOHN CARTER (NZ National—Northland): I rise just to say that the National Party will support this bill through its stages.

DAIL JONES (NZ First): New Zealand First will support this legislation. It is quite lengthy for a private bill; I see that it goes on for 54 clauses and 6 parts. I thought that the member's speech was a little short. Perhaps in reply he could answer my question and indicate precisely why such a lengthy bill could be dealt with in such a short, almost pre-emptory manner. The House should be entitled to a little more information about it.

Jill Pettis: Procrastination is the thief of time.

DAIL JONES: I say to that member that sometimes there is a reason for it. I am also concerned that in a bill in the name of the Anglican diocese of Christchurch church property trust, obviously a Christian organisation, we should want to insert a definition of spouse that includes a de facto partner as defined in section 2C of the Property (Relationships) Act. I note that that was not in the bill originally. It seems to me that originally the Anglican diocese of Christchurch, which must be very well briefed in these matters, did not want that definition. I ask whether the Commerce Committee imposed that definition on the Anglican diocese of Christchurch, in keeping with the minority Labour Government's views on such matters and its support for such things as de facto partnerships in the Property (Relationships) Act. The House is entitled to a fuller explanation from some member. If that explanation does not come from the member who introduced this bill, because he may not have been on the select committee, maybe it will come from another member who was on that committee.

I ask why a Christian organisation that is asking the leave of this House to have a

private member's bill should want to insert a type of definition that, I am sure, was never ever in the contemplation of the people who originally set up the various trusts. I would be staggered to believe that when these trusts were first set up—and I think I am correct in saying that there is a Church Property Trust Ordinance 1854(C) in the sense of a number, or is it 1854 in the sense of a year, and also the Church Property Trust (Canterbury) Act 1879—in 1854 or in 1879 there would ever have been the contemplation by what were regarded as Christian people in those times of what is now commonly called a de facto relationship, but which may have been given other names in 1854 and 1879. I would be staggered to believe that those people would have ever contemplated a de facto relationship as coming within a church property trust.

We in the House should be very careful before we amend such trust deeds, which are set up by people who want to make money available to the community. A matter before the House a little while ago was in relation to St Kentigern College, which was set up as a boys college, and then in the fullness of time has now been changed by a private bill in this House to a boys and a girls college. I understand that the people who set up St Kentigern College would probably be turning in their graves to think that their original idea should have been changed in that way. I take the view that a similar situation would probably arise in this case—that is, the people who set up these endowments in 1854 and 1879 would be turning in their graves to believe that this type of definition could be included in the legislation.

Part 2, “Church Property Trustees”, sets out the membership of that body, the various functions of the trustees, and the way in which the trusts are administered. That part also refers to secondary trusts. This legislation is very complicated. We have primary trusts and secondary trusts. Just reading this bill as a lawyer, I believe that we need more clarification from the member as to what is meant by the primary trusts and the secondary trusts and the flexibility that seems to be given in terms of this legislation.

There is a reference in Part 5 to cemeteries, as well. There is yet another amendment in clause 51 about the Church Property Trustees continuing to be an authorised trust board. There are some amendments to that clause, and perhaps we need a better explanation of them from the member who is in charge of this bill, and who is doing a very good job with it. I have no criticism of him at all; I would just like to know a little more about the bill. As members of this House we are often asked to support something from a totally different area than our own that we know nothing about, and if we take our positions responsibly we should find out a little more about such issues.

I see that in schedule 2 there is a specific alteration to the bill about matters in which a bishop has a personal interest. That seems to be a fairly sound amendment, but perhaps an explanation should be given for that, as well.

GORDON COPELAND (United Future): United Future will be supporting this important bill on both its second and third readings, and this will be the only call that we will take on the bill. I have worked for an archdiocese myself for about the last 18 years, so I am pretty familiar with matters of church property and with church trusts. I think the bill makes very good sense, and I am sure it will enable the Church Property Trustees to continue their important work on behalf of the Anglican diocese of Christchurch, and to ensure that its funds are well invested. The bill generally updates the existing legislation and, if one likes, modernises it to represent the conditions that exist in 2003. All of that I am very, very happy with.

The only real comment I would make on the bill relates to a paragraph in the commentary on the bill as reported from the Commerce Committee that deals with the definition of the term “spouse”. The commentary states: “We recommend that the bill be amended to ensure the definition of ‘spouse’ includes a de facto partner as defined in section 2C of the Property (Relationships) Act 1976.” I think that is complete and utter

nonsense. We are talking here about the wife or husband of a bishop, of an auxiliary bishop, or of another member of the Anglican clergy designated by the bishop to benefit from the operation of this trust. I think that that amendment is an example of politically correct madness.

The Anglican diocese need not be intimidated if it wants to put the word “spouse” in this bill. The word “spouse” is used in many current Acts that have been enacted by this Parliament. I have no particular problem with the suggestion of putting that amendment in, but the trustees should not be intimidated by that, and if they want to use the word “spouse”, then that is great. I will continue to use the word “spouse” in this House while I am here. It has a meaning that is well defined; it relates to marriage. I think that particularly when we are dealing with a church bill, we need to remember that marriage has two factors. One is the civil union of a man and a woman. The other meaning is the sacramental dimension of marriage. One would therefore expect the Anglican church, of all people, to want to use that word, because it conforms not only to the civil law of this country but also, if one likes, to the canon law of the church itself and the high regard in which it holds marriage—defined clearly to mean a lifelong union between a male and a female.

That is my only comment on the bill, and I say United Future will support it.

Bill read a second time.

Third Reading

TIM BARNETT (NZ Labour—Christchurch Central): Mr Speaker—

Dail Jones: I raise a point of order, Mr Speaker. Is there no Committee stage?

Mr SPEAKER: No, the House has agreed that there will not be one. We took the leave of the House earlier today.

Dail Jones: But did we take the leave of the House to waive a Committee stage?

Mr SPEAKER: Yes.

TIM BARNETT: I move, *That the Anglican (Diocese of Christchurch) Church Property Trust Bill be now read a third time.* This is the fourth member’s bill that I have sponsored in this House in the last 6 years, and sometimes it can seem like quite a lonely furrow that one ploughs on those issues, so I was delighted in the last few minutes to hear a comparative explosion of interest in these issues from Dail Jones and Gordon Copeland. I am delighted and gratified about that; it makes the issues useful to discuss.

I will very briefly respond to the comments that were made. The bill is of such length because it is, effectively, a rewrite of a constitution of a complex organisation. The issue of the definition of “spouse” is one that the Anglican Church had not been alerted to prior to the bill coming into the House. However, prior to the first reading I was made aware that there was a human rights—a New Zealand Bill of Rights Act—issue. I think it is very proper that we should respond to those things. In my first reading speech I made it clear that the church was supportive of an amendment to the bill, and that is what we see before us today. In terms of Mr Jones’ concerns about Anglican bishops living in de facto, including same-sex, relationships, I wish to say only that time moves on, the law improves, and even the Anglican church accepts the reality of contemporary relationships. It is important that new legislation going through this House now should reflect that. On that basis, I thank those in the parliamentary structure who have helped the Anglican church to get this bill together, and I thank the Commerce Committee. Again, I commend the bill to the House.

RON MARK (NZ First): I will take a short call to indicate that New Zealand First will support the passage of this bill. But I do wish to remind the House and the Anglican

church—and, as an Anglican myself, I think I am perfectly entitled—

Dail Jones: And Mr Speaker.

RON MARK: Yes, Mr Speaker is an Anglican, as well—

Dail Jones: Myself as well.

RON MARK: So is Dail Jones, as he informs me, so we are in good numbers here. But I do wish to take the opportunity to put on the record again a concern that I raised when this bill came to the House.

I had hoped that between the time that this bill came to the House for its first reading and the conclusion of some activities down in Christchurch, and particularly in Rangiora, involving some Anglican church property, we might have seen a little more consideration being paid to the spiritual concerns that many Anglican people had down there in respect of what was happening in the cemetery in Rangiora. Although at the end of the day the Anglican church did move to take on board the concerns of the members of that particular church in Rangiora, its approach to the management and the use of that cemetery, to the subdivision of a property that lay beyond that cemetery, and to the decision that was made to put a road through the cemetery was absolutely appalling. It does not matter how many times I read this bill, because I say that while the Anglican church may well be legally tasked with being—*[Interruption]* I did not hear that, but the member might like to take a call and to say something sensible.

What concerned me about the management of Anglican church property in Rangiora was that the members of that church protested their concerns to the Anglican bishop and to the Christchurch City Mission that the part of the cemetery they were choosing to run a road through would mean the road would go straight over the top of a whole lot of children's graves. A lot of those people, who had lived there all their lives and were descendants of parents who had lived the bulk of their lives in that part of Canterbury, were simply dismissed. It was one thing for those people to be dismissed by the councillors of the local district council, who could not find any evidence or records to back up the claims being made by them, but it was something totally different for them to be dismissed by the leaders of their own church.

The property behind that cemetery was gifted to the Christchurch City Mission so that it could put an alternative school on it, but of course, because it was a landlocked section, approval and support were then sought to put a road through the cemetery. The concerns of those Rangiora residents were voiced loudly and clearly. This issue did not involve Māori people; it involved non-Māori. But Māori understand people who say they know there are no records, but there is an oral history. The members of that church told people that they knew for a fact that children were buried there, some of whom had been stillborn or had died in infancy. They believed there were also a number of adult graves there—graves of paupers, homeless people, or people who were not considered well off at the time they were buried, and therefore did not have marked graves. Their views and concerns were dismissed.

What happened then? When the bulldozers went in there, scraped off the topsoil, and started digging, they unearthed 13 graves. *[Interruption]* Jill Pettis is becoming a little “lemon-ish” on occasions. She sneers and snarls across the House. That issue might not be significant to her, but if that sort of thing had happened to a Māori cemetery, an urupā, this House would not hear the end of it. Māori people would most definitely voice their disgust and anger. But I guess that is the society we live in these days. Because the people concerned about that cemetery in Rangiora were Pākehā no one cared, and I find that very, very sad.

If that is an example of how the Anglican church will manage its property and real estate and the concerns of its own people under this legislation, I think maybe Parliament should rethink its support for it. Maybe Parliament should rethink the

amount of responsibility that it discharges to the Anglican diocese if that one example is to be the example its property management is moulded on, because the diocese did a lousy job. The only point at which the diocese started to reconsider the situation and went back into the community to talk to the people from the local Anglican parish was after there had been a lot of bad publicity. That was not the right reason to address the spiritual concerns of the members of that parish. That was not an appropriate mechanism for kicking into gear actions that demonstrate that, as an administrator, one clearly does take into consideration the views of the members of one's parish. On that issue the Anglican church failed, and it failed abysmally.

I am grateful that much later—regrettably after we had had the whole issue aired in the local community papers, after there had been meetings in halls, and after there had been a plethora of letters written to the bishop—the Anglican church moved to redress its errors. Unfortunately, the graves were dug up, the remains were reinterred, and the road is there now. But, quite frankly, the very concerns and objections raised by the members of that parish—not by other people—should have been taken into account right from the outset, not after the Anglican church had been given some bad press. I just want to have that recorded in *Hansard* as a warning. Nobody expects that the Anglican church will manage its property in that manner, and I sincerely hope that that is the last time we will ever see such action on the part of the church.

Bill read a third time.

PROSTITUTION REFORM BILL

In Committee

Debate resumed from 26 March.

The CHAIRPERSON (Hon Clem Simich): Before we commence this debate, I have a few announcements to make. The typescript amendments in the name of Stephen Franks have now been placed on a printed Supplementary Order Paper. It is Supplementary Order Paper 71. Supplementary Order Paper 70 in the name of the Hon Phil Goff has been withdrawn and replaced by Supplementary Order Paper 83. A list of all the amendments to Parts 1 to 3 and the schedule, together with a brief description of each amendment as at 2 p.m. today, has been prepared to assist members with voting. All those papers are available at the Table.

Clause 1 Title (*continued*)

PETER BROWN (Deputy Leader—NZ First): This is a botched-up bill and it should be thrown out. We have amendments by Phil Goff, and now we have just heard that they have been withdrawn and replaced by others. We have an amendment by Lianne Dalziel that bans people on temporary visas from sex work. We have an amendment from Stephen Franks, wanting to discriminate against landlords who want to rent accommodation to sex workers. We have amendments by Dianne Yates, who wants to turn the bill into a Swedish model, and amendments by Gordon Copeland, who wants to have a prohibition on advertising for sex. Sue Bradford wants to drop all that; she wants an inquiry into advertising. Wayne Mapp wants to bring in restrictions to say what the status quo is.

This bill is so mixed up and so full of holes and loopholes that nobody in this Committee really agrees with it as it is. Despite the rumour that the Prime Minister has given an edict that all Cabinet Ministers must vote for it—

Hon Mark Burton: Oh, rubbish! Absolute rubbish!

PETER BROWN: That rumour is circulating. Maybe the member could take a call

and explain that to us, but that rumour is certainly making the rounds. This bill should be dumped. If we want to address this industry, we should draw the New Zealand First bill out of the ballot and bring in legislation that protects women, along the lines of the Swedish model.

BERNIE OGILVY (United Future): I wish to speak on the title of this Prostitution Reform Bill. Although the title is three words in length, I think only two are relevant. When I went to the dictionary to look up the word “reform”, I found some interesting little meanings. There was “to form anew”. How does one form anew a prostitute? That is an interesting question. Then there was “to improve for the better”.

Peter Brown: The member’s getting all kinky.

BERNIE OGILVY: That is right. There was “to give up a reprehensible habit”, and I cannot understand how that can work, either. And “reform” means “to improve, or improvement of, morals”. That is the exact quote.

I would agree with the previous speaker that this bill is filled with contradictions and confusion, as the word “reform” also spells out to us. We cannot have “reform” if we are to make things in the entire industry worse. I cannot understand that, and neither can anyone else. If the endeavour of this bill is to decriminalise prostitution, we have got to a place where we have to take some of that back and criminalise some other parts of it. The confusion for everybody, and the difficulty of putting that into order, will be incredible. So as it stands, I see both the “reform” as well as the “bill” part of the title as bad law.

One of the questions I have been worried about is whom this bill is set up for. In other words, who will be better off, if that is the promoter’s intention? If I look at the history of New Zealand and just look at us, or if I start from the Māori people who came here earlier, I would very much question whether Māori people will be better off under this particular legislation. I do not think that even recent immigrants, later than the Pākehā influx, would have had prostitution on their minds when they came to this nation. I look at Samoans and at other Pacific Islanders like Tongans, Niueans, and Cook Islanders, and I ask them whether it was their intention to come to a nation that would have that industry as an open market programme. I do not believe it was.

When I asked the Asian people with whom I have contact in Auckland whether prostitution was on their minds when they came here, and when I talked to an Iranian doctor the other day, they said very certainly, “No”. In fact, the Iranian doctor is so concerned that he has taken his child out of a school in Auckland and put her into an Islamic school, so that she will not be exposed to this thought-line. I have talked to people from Thailand, Mainland China, Taiwan, and Hong Kong, and none of them have said that prostitution is why they came here. They are concerned about this bill. I talked to some Ethiopians the other day, and they are very concerned about it. I would have thought it was very important for the promoter of this bill to figure out which people it would make better off.

It is for me, at this point in the debate on the title, to say with clarity that I will vote against this bill. I am certain that as it stands, this bill will cause every ethnic group and everybody else in this nation both embarrassment and a sense of degradation and great loss, for this generation as well as for future generations.

BILL GUDGEON (NZ First): Members in this Committee today need to know that New Zealand First opposes this bill, as proposed by Mr Barnett. Prostitution, irrespective of whether it is decriminalised or legalised, is always incompatible with the dignity and worth of the human person, and endangers the welfare of the individual, the family, and the community. My entry into Parliament was stabilised by my swearing-in on the Bible and paying allegiance to the Queen, to my country, and to my God. It seems to me that this Parliament pays no respect to our God, the creator of all things on

this earth, for if it did, this bill would not be before us today.

Many, many parents work on creating an exciting atmosphere in their homes. They let their children be exposed to great minds and great ideas, to everlasting truth, and to those things that build and motivate for good. Where in this bill—I repeat: where in this bill—is there any motivation to do good, positive, and wholesome activities? I am astonished when I hear members utter words to the effect that they would not be happy to have their daughters involved with prostitution, and then turn round and support this bill. That goes beyond my comprehension.

Yes, we are living in a so-called democratic society, where we are all free to choose, to petition, and to demonstrate within the laws of the land. But let me remind us all that there is a consequence to the choices we make. In my inaugural speech to the House, I stated the precepts of Plato that we should forget personal interests and aim at the public advantage, making that the object of all our efforts. How will this bill advantage the public and the individual? I do not know whether those who subscribe to this bill understand what the word “wrong” means. To that end, I say that if this bill is passed—and I hope and pray that it is not—then we in this Parliament will be held accountable by a higher law for the corruption, the immorality, and the decaying of our society, and, if we are not careful, for the collapse of this nation.

I advocate to my fellow parliamentarians that this bill is not right for the social structure of our nation and its people. I say to those who are in the throes of introducing amendments that their amendments just gloss over the facts, and they will never hide the true picture. So let us get real and put our feet on the ground. I implore us all to consider honestly what the outcomes of this legislation will be. We should think about the repercussions that will eventuate from this legislation and about the effects it will have on our families and on society. Those who vote for this bill will be held responsible for the degradation and collapse of family structure, which good people are endeavouring to keep together in an unstable world.

This afternoon on the steps of Parliament, representatives from the Labour, New Zealand First, and United Future parties accepted petitions from many marae throughout the country, led by Mr Monty Ohia. Let me say this: the majority of Māori are against this bill, and they have expressed their reasons for that very clearly. Kei te pōuri i roto i taku ngākau i tēnei wā nā te mea, ētahi o tātou kei te pōti mō te pire nei. I am sad within my heart that some of us are voting for this bill. I ngā wā o mua, mai rā anō i te hekenga mai o ngā waka ki Aotearoa, kāore ngā mātua tīpuna i aua wā e tautoko ana ki ngā mahi kawau. Our ancestors, before and since their arrival in Aotearoa, have never supported prostitution.

MURRAY SMITH (United Future): I believe that this bill is setting a legislative direction that will cause huge harm to New Zealand society. If we are to make reforms in the area of prostitution, then there are other areas that are equally worthy for us to make reforms in. With regard to prostitution, the arguments in favour of this bill appear to be that, firstly, men and women are engaged in prostitution and are being exploited by pimps, and that therefore, by bringing this bill into enactment, we will reduce that exploitation. Secondly, prostitutes feel trapped in the industry. They feel coerced, particularly because the industry is dominated by gangs and also because they have a need for money.

The third argument is that prostitutes lack self-esteem. All those things inhibit them from leaving the industry. It is thought that passing this bill will make it easier for prostitutes to leave the industry, and prostitution will decrease. The fourth argument is that because prostitution is illegal, those proposing the bill say that that inhibits prostitutes from seeking help; and, again, that inhibits them from seeking to exit the industry.

Fifthly, working conditions are poor. Prostitutes do not have the same recourse to occupational safety and health, accident compensation, and other oversight agencies in order to ensure that their working conditions are at least as good as everybody else's. The sixth argument is that, realistically, prostitution will never be stamped out—that it is wasting police resources, that we are never going to get rid of prostitution completely so we might as well legitimise it. Seventhly, the argument is that it is a victimless offence engaged in through the willing consent of adults, and that we should not interfere with that.

Well, prostitution is not the only industry to which those seven factors apply. They apply equally to the homebake industry—to people who are trapped in the industry of manufacturing drugs in home kitchens for the use of other people. If we go through those same points we see that women engaged in the homebake industry are also being exploited by people who are drug dealers and drug pushers. We see that women often feel trapped in that industry by coercion because gangs are involved, by their need for money, and by their lack of self-esteem. Because the homebake industry is illegal, it inhibits such people from seeking help in order to exit from it. The working conditions are poor. Its workers have to work in houses, and have no access to occupational safety and health, accident compensation, or other agencies. Realistically we are never going to be able to stamp out drug dealing and homebake manufacture. That is a waste of police resources. So why, some might argue, should we continue to make it illegal?

Some would claim that supplying homebake is a victimless offence; the use of drugs is willingly consented to by adults. Homebake is manufactured and sold to people who willingly use it, so maybe the proponents of the Prostitution Reform Bill should now be advocating to us that we legalise its manufacture in order to decriminalise it, and so that people involved in homebake are better able to obtain help to get out of the industry. I see the same dangers in that as I do with this—that when as a Parliament we lower the moral standards within our country and accept things that are harmful to individuals and to society, there is no end to how low we can go. We, as members of a legislature, have responsibility for upholding those standards. If we do not do it, who will do it?

Now, if we were to decriminalise homebake, we would make it easier for people to get help to get out of the industry. We would allow occupational safety and health regulations, and hygiene and fire regulations. We would make people less guilty about being involved in homebake. We could put safeguards in place. We could try to stop gangs from owning homebake kitchens. We could license people, as Phil Goff wants to do, so that people who had committed serious offences could not be involved in the homebake industry. We could put advertising restrictions in place so that the homebake industry could not advertise in suburban areas or near schools. We could make it illegal to procure children to help in the homebake industry, or to sell homebake to children.

Will those patch-up remedies—which are what we are advocating for the Prostitution Reform Bill—remedy the essential problem? Will they lessen the occurrence of homebake and reduce the amount of drugs in our society? Certainly not! Society will change for the worse if we allow this bill. We will have advertising in newspapers, on television, and over the radio for prostitution, and we will see “in your face” signage on buildings.

PITA PARAONE (NZ First): Ā, tēnā koe e te Heamana. Ā, ngā mihi ki a tātou katoa. He mihi hoki ki te tuahine, mai i Tainui mō ōna whakaaro ki te whakahē i te pire nei. Kei te tatari mai i a au i ōna tungāne tokowhā i tautoko mai i tēnei pire. E aha ana te tino pūtake, i tautokongia rātou te āhuetanga o te pire nei nā te mea, kei te whakapae te nuinga o te iwi Māori. Ā, nā te mea kei te whakapae te nuinga o te iwi Māori, kei hea ngā mema Māori o te Kāwanatanga nei i runga tēnei kaupapa? E aha ana te take kei te noho wahangungu i a rātou? Tēnā pea, e tika ana te kōrero o tōku rangatira, a Winitana.

He toa rātou i runga i te marae, he rēme i roto i te Whare nei.

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

[Greetings to you, Mr Chairman, and greetings to us all. An acknowledgment as well to our sister member from Tainui for her thoughts about why she is against this bill. I am waiting here for her four brother members who supported this bill. What is the real reason they supported this bill and its effects, because the majority of Māoridom are against it? Because the majority of Māoridom are against it, where does that place the Māori members of this Government in relation to this policy? Perhaps what my leader Winston Peters has stated is correct: they are bold on the marae, but meek in this House.]

I welcome the opportunity to participate in this debate, and, in particular, to express my own views pertaining to the Prostitution Reform Bill now before this Committee. I should state from the outset that I do not support the bill, and cannot see my way clear to do so, even with the proposed amendments. I, like a great number of members of this House, came to Parliament with the hope of making a difference. That meant making New Zealand a better place for ensuing generations. I do not, for one minute, consider this bill to be in the best interest of our country and the people of New Zealand, irrespective of one's moral, social, and cultural background. However, in considering a cultural perspective, I should say that as someone of Māori descent, who has been fortunate enough to have been raised with values that have included Māori ones, the notion of any abuse of te whare tangata—in other words, any activity that debases women in the way that prostitution does—threatens the whole concept of whanaungatanga, and, indeed, of whakapapa. *[Interruption]* Engari, pai atu tēnā mema ki te whakahē waku kōrero engari ahakoa ko te iwi Māori i tautokongia i roto i tēnei Whare, engari kua hē rawa atu wana whakaaro ki ngā kaitautoko i a ia.

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

[But it is fine for that member to say that what I am saying is wrong, and that the Māori people were supported in this House. Yet to the ones who support him, what he thinks is absolutely wrong to them.]

Whanaungatanga is the deeply ingrained concept that requires the desire to unite or link individuals with one another. My observations of some of the consequences from the activities of prostitution have seen the numbers grow, albeit small in number, to my tribe.

I had a grand-auntie, who, as a consequence of the involvement of one of her mokopuna in this profession, was left with three children. That aunt and the rest of her tribe feel bereft of being able to link those children with the whanaungatanga I talk about. That imposed a burden on my aged auntie, in terms of the care and protection that she had to afford those children. This bill, however, will certainly lead to an increase in those who might choose, or be coerced into, this profession. Is this the direction in which we want to take our country? I believe that it is not, and that we should oppose this bill.

Does the bill make prostitution safer? I know that that member who represents the urban Māori of Auckland thinks that it does. In fact, it will increase the need for greater safety measures. I do not believe that those who have supported this bill are promoting the evils of child prostitution, or corruption, but I believe that the introduction of this bill has already signalled a possible increase in the numbers of those who participate in this profession. Already we have had a person with a legal background advocating the lowering of the age of consent for sex, and I need to say that that is as a consequence of

this bill.

LARRY BALDOCK (United Future): I rise to speak to the title debate of this bill, and, as has been said earlier, I do not believe that “Prostitution Reform Bill” is an adequate or fitting title for this legislation. I suggest that the more appropriate title would be the “Increased Profit and Control for Pimps and Human Flesh Exploiters Bill”, because that really is what this bill is about. This industry is, at the very least, a multibillion-dollar industry—possibly a trillion-dollar industry—in the world. I hesitate even to use the word “industry”, because it produces nothing of any benefit for society. But, worldwide, millions—billions—of dollars are made out of prostitution, and I believe that this bill is about the opportunity to increase the profit for pimping and for brothel keeping. It is those aspects of the bill that disturb me the most.

I wish to draw a little parallel with the legislation that went through in 1999 about lowering the drinking age. I had a personal experience at that time when I made a submission to the select committee, appealing to it—really pleading to it—to consider what that legislation would do to our society in New Zealand. And we have seen the fruit of it, not just the lowering of the drinking age, but the increased availability of alcohol and so on. We have seen what it has done to our young people. I remember Phil Goff, who is now the Minister of Justice, sitting in that select committee and I was very proud of him at that time. I considered him to be a man of integrity, because he had the wisdom to know that that bill would not produce anything good for this country, and he opposed it.

But now as he sits as the Minister of Justice and makes a decision on this bill, he believes that he can solve all the problems in this bill by just some amendments, even though the amendments keep growing day by day as they find more and more problems with each amendment they put forward. I believe that Phil Goff understood then that that bill was not about the rights of 19 and 18-year-olds to be able to drink, because they already were doing so, but it was really about the increased sales potential and profits for the breweries. One year after that bill was passed I remember very clearly the headline in the paper saying “Lion Breweries increase sales 13 percent”. That was 1 year after that legislation was passed.

I contend that it will be exactly the same if this bill is passed. We will see an increase in profit, not just for nice employers, but for black market employers, and gangs. In fact, articles are already appearing in newspapers about gangs already fighting over the turf that they will control when they can begin to operate more effectively. They already do operate, but they will begin to gain even a greater market share as they are able to operate with impunity.

This legislation opens the door for the increased control and commercialisation of sexual services that will benefit pimps and brothel owners, not the poor individual prostitutes at the bottom of the supply chain. They will continue to be exploited by those who trade in human flesh, and that is what it is all about.

Most people in the public who support the bill do not understand what this bill does. They say: “I think it’s a good idea, because it will make things better for prostitutes.”, and that is quite a reasonable response. We all want to make life better for those who are in this very dehumanising occupation. But when one asks people in the public how it will benefit them, they say “Well, that’s what it’s supposed to do, isn’t it? I mean that’s what we’ve heard in the press.” When one presses them a little further and asks them to tell us how it will accomplish that, they really do not know. When it is explained to them that this bill actually legalises pimping, and some of the implications of that, they are shocked and immediately change their minds and begin to oppose the bill. Nobody in their right mind would want to decriminalise pimping in our society, and to allow someone to profit from the sale of the flesh of someone else is to me absolutely

appalling. It is the worst occupation that anybody could be involved with.

I do not believe we are asking the right questions. Some of the concerns of those who support this bill have to do with the current complaints that some of the prostitutes who are working now in massage parlours—

Dr WAYNE MAPP (NZ National—North Shore): I have decided to take a call on the title, because I want to set out my general position on this issue. It would be of use perhaps to know that I chaired the committee for 18 months. I heard all of the submissions. I was part of the trip when members of the committee went to Australia, to Victoria and New South Wales. Of course, like every other member of the House, I have had hundreds of letters, and I have endeavoured to reply to each and every one of them. As I heard the evidence—and members have to recognise that we do not look at this issue in vacuum; there is already a fabric of legislation that exists in this country. For instance, prostitution is not a crime in New Zealand. Often that is not understood, but it is a fact. In 1978 this Parliament passed the Massage Parlours Act. Many of us would recognise that what goes on behind some of those closed doors would amount to prostitution.

Dail Jones: It wasn't the intention then.

Dr WAYNE MAPP: It was not the intention then, although I must say I have spoken to some members of Parliament who were present in the Parliament at the time and asked them why they voted for it. I suspect that Mr Jones was not one of those who voted for it. I asked those members what they contemplated they were doing. Most of the people I have spoken to said that they understood that in reality a degree of prostitution would take place in massage parlours. We have a rather odd situation in New Zealand where we have a law that in de facto terms—not in de jure terms—is quite similar to the law of Victoria. I believe that only some small changes are needed in the existing law.

So I make it clear that I am opposed to the overall focus of this bill, because I do not believe we should be legalising brothels, or living off the earnings, or procuring. All of those are serious offences under the Crimes Act and I believe they should remain so. I do not believe that when people think of brothels they imagine that that would encompass a prostitute's own apartment, or, indeed, an apartment rented for the purpose.

I believe we have an opportunity, essentially, to change the law in such a way that fits contemporary practice by the police. Every day of the week, police cars will drive past prostitutes who are soliciting and ignore them unless it is blatant, offensive, or something of that nature. Similarly, we know for a fact that prostitutes who use their own apartment, or another apartment, for the purposes of prostitution are not prosecuted. We heard evidence that prostitutes can go down to their local police station, be photographed, and those details supplied to the local newspapers, and then those newspapers will accept advertisements that—how can I put it—euphemistically offer sexual services. But anyone who reads those advertisements knows full well the intent behind them.

There is an informal arrangement, although it is not illegal, whereby there is a degree of facilitation by the New Zealand Police, by the newspapers, and by the men and women involved in prostitution—for it encompasses both genders—whereby it is controlled. So the point of the amendments that I have moved is that they work alongside the amendments opposed by Mr Gordon Copeland. Essentially, the amendments regularise current practice by changing the law. I believe that the country would see that as a reasonable measure.

I have polled the North Shore electorate, and they support these changes. We ran a scientific telephone poll where we phoned 150 residents taken randomly from the

electorate roll. We asked three questions. The first question was whether people thought soliciting should be a crime. The answer was fifty-fifty. The second question was whether people thought approaching prostitutes should be a crime. An overwhelming 80 people opposed this. The final question was whether brothels should be legalised. Surprisingly, the answer was 60-40 in favour of that. So there is a degree of intent to liberalise. Certainly the one thing that could be concluded—apart from a smallish minority in the community—is that there is no will at all to significantly tighten up the law. For instance the amendments proposed by Dianne Yates in particular, and Mark Alexander, would not have broad community consent.

Peter Brown: How do you know that?

Dr WAYNE MAPP: Because I polled the electorate by way of a scientific poll. If the member had cared to listen to what I just said, he would have heard that. This is one of those issues where we all get the right to exercise our own conscience. But I think on an issue like this, we have an obligation and a duty to consult the electorates. We should not be here simply to exercise our own conscience on an issue of this nature. We should be attempting to recognise community views. From what I saw, I do not believe that these modest changes that I am proposing would change the character of the way things are done at the moment. It would essentially be a confirmatory step, and I do not expect that prostitution would dramatically increase.

NANDOR TANCZOS (Green): I am very pleased that this Bill has come before the House, and I am very pleased to stand to support it. I again refer to the aims of the Bill, which I think are excellent. The Bill has stated aims to safeguard the human rights of sex workers, protecting them from exploitation; promoting the welfare and occupational health and safety of sex workers; creating environments that are conducive to public health, and protecting children from exploitation in relation to prostitution.

I agree with the comment by Gordon Copeland that this is a moral issue, and we have to make our decisions based on morality. He said that all laws going through Parliament have a moral dimension, and that we legislate from our morality every single day. I agree with that. I received the same emails that most members of this House did from Christians, telling me that I will burn in hell if I support this Bill. I get really angry with people who use the name of the Messiah—our king, my king—to put forward a point of view that is in total contradiction to everything He ever taught or lived by. I think He was referring to people like that when He said: “These people honour me with their lips, but their hearts are far from me. They worship me in vain; their teachings are but rules taught by men.” He was a man who lived a highly moral life, so let us follow that example; let our morality guide our decisions, and let our decisions be righteous decisions. But they should not be self-righteous decisions—there is a distinct difference. I am a man of faith; I read the Bible, I love my creator, and I have an obligation to follow the precepts that Jah has set down for I and I, but I do not have an obligation to try and force my morality on other people. When my decisions affect other people, my obligation is to minimise harm to those people, and to increase individual and collective self-determination as much as possible.

I agree with some of the things that Bill Gudgeon said—not with his highly romanticised views of Māori history, but about looking back to the Bible—and I agree with the words of Paul Adams in that regard. The Bible is very instructive when it comes to prostitution law reform. There is a very good illustration where a group of men want to stone a prostitute to death. The man says: “Let those who are without sin cast the first stone.” He then says: “Who condemns you? Neither do I condemn you; go and sin no more.” He does not lock her up in prison, and he does not call the cops. He says: “Go.”

Peter Brown: Don't selectively quote from the Bible.

NANDOR TANCZOS: Peter Brown needs to read the story again, I think. It is very instructive. Another example of His words is when he says: “Do not judge, and you will not be judged. Do not condemn and you will not be condemned. Forgive and you will be forgiven. For with the measure you use, it will be measured to you.” So let us look to the Bible, and let us go back to Christian principles when examining how we are going to vote on this Bill.

I would also like to mention the words of Marc Alexander. In his previous speech, he said: “The removal of legal consequences of prostitution is only a hop away from the ethical approval of prostitution. That is nothing more than political correctness dressed up in a whore’s skirt and hoisted above the ethical Plimsoll line.” He has an interesting taste in words. Again, when we apply those words to the example that the man himself, Jesus Kristus, gave us, I find such comments highly offensive, and anyone who calls himself or herself a Christian should also do so.

I would like to move to some of the practical issues associated with the bill. Some people who spoke previously said that the bill would make the situation worse for sex workers. I return to the comments of my colleague Sue Bradford, who pointed out that some of the strongest opposition to the bill has come from massage parlour owners, and there is pretty much unanimous support for it from sex workers themselves, so I do not see that that argument holds much water. Will this legislation expand the industry? The select committee report states very clearly that there is no evidence that prostitution law reform will do that. It might make the industry more visible, but that is part of it being illegal, and our not being able to know what goes on now.

Hon John Tamihere: I raise a point of order, Madam Chairperson. I am just alerting the Chair to the fact that today Standing Order 178 was suspended for the rest of the session up to December. I was quite interested in the conclusion to the member for the Green Party’s speech. In the event that he wants to seek a second call, it is over to you to give him the opportunity to do so.

The CHAIRPERSON (Ann Hartley): In order to finish, we have tried to do that with several members. If the member winds it up at 6 o’clock, we will not interrupt.

NANDOR TANCZOS: I thank Mr Tamihere for that contribution. I just wanted to finish with one small point, which is that one of the crucial aspects of this bill is that it makes provision for a prostitution law review committee. I think that is crucial. We have heard a lot of wild speculation about the effects of legislation in other jurisdictions, and it is crucial that we actually develop some real evidence as to the effect of this legislation. I totally support that. I would like to see more of the legislation going through this House being subject to some kind of review and evaluation.

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

BRENT CATCHPOLE (NZ First): Before the dinner break, I was reminding Nandor Tanczos that in debates on the bill, this House has not been standing in judgment of prostitutes. We have been debating a bill that legalises and decriminalises prostitution, and I am saddened that the member tried to say we were all standing in judgment of them.

With reference to the title, Dr Mapp said he had taken polls in his electorate. I suggest that he asked people the wrong questions. Had he asked whether they supported the legalisation and decriminalisation of trafficking in women and drugs, I think he would have got a resoundingly different answer. That is the real purpose of this bill. The words “Prostitution Reform” make the title a misnomer. It is not a reform. The report of the Justice and Electoral Committee states: “Prostitution itself is not an illegal activity in New Zealand. However, a range of offences can be committed in association with acts of prostitution and the law is such that for most forms of prostitution, it is likely a

law will be broken at some stage. The purpose of the bill is to decriminalise such activities and make prostitution subject to special provisions in addition to the laws and controls that regulate other businesses.”

Let us look at what that actually means. The promoter of this bill, Tim Barnett, tried to tell us that he and his Government want to see prostitution decriminalised, so that prostitutes themselves feel free to approach the law to get help. I suggest that this bill will not achieve that; it will automatically decriminalise all the peripheral businesses that surround prostitution. Those businesses include trafficking in women and children, and that activity will be decriminalised and promoted. This bill will also promote and decriminalise the other most serious of businesses surrounding prostitution—the drug business. Prostitution and drugs go hand in hand, and this bill decriminalises that activity. It saddens me that Tim Barnett would have us believe that the purpose of the bill is the well-being of the prostitute and the public at large. He says he wants to safeguard the human rights of sex workers and protect them from exploitation, but this bill misses the mark completely. It will ultimately legitimise other industries around prostitution.

It is important to note that there are a raft of Supplementary Order Papers on the Table of the House that are trying to soften the purpose of this bill and bring it back to the status quo. They will not do that. We will lose sight of the real purpose of this bill, which is the legalisation and decriminalisation of all the peripheral industries associated with prostitution. I mentioned at the beginning of my speech that decriminalising those businesses will be the downfall of this bill. Bringing in these Supplementary Order Papers to try to soften it will only cause us to lose sight of the real purpose of this bill. We will fall into the trap of voting for some of them, thinking that we are trying to bring legislation back to the status quo. They will not do that. We must follow our real purpose, look at the real reason behind this bill, and vote against it.

PAUL ADAMS (United Future): In speaking to the bill, I will come at it from a different aspect. I went into a shop the other day, and a young girl was sitting behind the counter wearing a T-shirt inscribed with the words: “It is all about me”. I smiled and asked her whether she really believed that. Life is not about “I”; it is about “us”. As computer experts tell us: “Junk in equals junk out”. I believe that humans are divinely made, yet to a certain extent all of us will be programmed by what happens to us in life. I believe that Governments are responsible for much of the programming of New Zealanders by means of the laws we pass. We effectively tell people what is acceptable and what is not. I believe that this legislation gives the wrong message to sensible New Zealanders.

Let me give an example of how life can programme us. We are all born of a mother, and I do not believe that there are any exceptions to that. Yet life does not produce the same results for each of us. Why is that? Life itself begins to programme us long before we ever reach the age of understanding. Take little children, for example; and I have two young grandsons. We pick them up, throw them in the air, and catch them. They laugh and have fun; they love it. Sadly, some children are picked up and just thrown. That produces a far different result—it brings fear into their lives. As adults we may get mugged in the street, and we think twice before going out alone. If we have been burgled, we think twice about leaving our doors open.

Life’s experiences affect our programming. A single breakdown can introduce a note of mistrust, which, if not corrected, means that we are never as free again as we should be. Betrayed once as partners, or children, we become reluctant to give ourselves wholly and unconditionally to another person. We keep our distance, lower our expectations, stay cool, aloof, and separate. When that happens, something of our world has been lost, and it is not something small or insignificant. Love freely given and freely received, the

sharing of a life, is the most profound experience to free us from loneliness. That is why I am a great supporter of permanent relationships. However, a family that is not working correctly—and we see many in this nation—can be one of the most damaging places on this earth.

That brings me to this bill. If it is passed, it will make it far more acceptable for somebody to cheat on his or her partner. Most people in a permanent relationship would not find that acceptable. Indeed, it could be the very thing that destroys the permanent relationship, bringing devastation to any children involved. Nothing has brought more destruction into people's lives in this nation than the destruction of relationships. Those who have had to live through that pain and heartache know what I am talking about.

So as we consider this bill tonight, my question to members is have they considered the children? In our culture, the many things that were once combined and enjoyed in a permanent relationship—sex, affection, friendship, love, bringing new life into the world, caring for that new life, and for one another—have all been separated, so that the one is no longer expected to entail the other. Because of that breakdown, children have been affected more than any other party. Many have lost the ability to love, trust, and openly share their lives with another.

If we want any hope of living in a civilised society, I believe we all have a responsibility to rebuild the family. Being unfaithful to our partners is not the way to build a family. If we can believe what we are told, over 60 percent of the male clients of prostitutes are married. What percentage is therefore in a permanent relationship? A family is a great challenge at the best of times, and this legislation will do nothing to build relationships and trust in one another, which is something we desperately need to see again in our nation. We must therefore build relationships and families. Our moral sense will not allow children to continue to be neglected. Humanity has survived because of its capacity to impose the necessary sacrifices to protect its young. I, for one, do not want to be part of a society that when judged by history will show that it has campaigned for the protection of animals, birds, rare plant species, whales, and rainforests, while failing to hear the cry of our own children. If we pass this legislation, I believe we will be ignoring the heart-cry of young children in this nation, who long to have a dad and a mum committed to each other and to their families.

The family will yet again prove to be the axis on which our moral world will turn. We have to learn to take the focus off ourselves, and learn that we are bound to others. Together, we are the co-authors of our world. Far from being the institution we can least affect, the family is the one that we can most affect, because it is made or unmade by our choices. This bill has the same ability to destroy as a car driving down the wrong side of the road. There is a line we should not cross, and this proposed law is one of them.

JIM PETERS (NZ First): It was not my original intention to speak in this debate, but when I heard the deputy leader of New Zealand First range through the suggested amendments and envisaged changes to this legislation this afternoon—and knowing his intense interest in promoting a sound member's bill—I went back and looked carefully at the bill. The reason that I stand is this: I have heard a number of eloquent and clear speeches given in advocacy for and against the bill, but the one thing that stands out for me quite clearly has come about from my recent teaching background, particularly in low-decile schools, where I have pointed young people toward a career choice for life on the basis of a sound educational system. This may cause smiles among those on the Government side of the Chamber, but I believe that this bill promotes prostitution as a desirable occupation. If I went back to the far north, to Kaikohe and, when my former students asked me whether I had voted for the bill to decriminalise prostitution I said yes, I would be defying all my years spent as a teacher and a principal who has tried to

achieve the very highest aims and achievements for students—both Māori and Pākehā.

I endorse the stand taken by Peter Brown, the deputy leader of New Zealand First, and by my fellow caucus members. In conclusion, I say that our caucus' stand was not taken lightly; we have discussed these matters at length within our caucus. This is a carefully considered stand taken by party members from throughout the country, but particularly by those from the Māori world, who have an understanding of the issues that are before the Committee.

I will digress for a minute to say that like Peter Brown, I worked for some years as a “seagull” as a youngster, and I saw those girls scurrying up the gangplank before it had even hit the deck, and I heard all the derision, calls, and language that one could imagine that went with it. That was my first experience of this activity, and I felt immensely sorry as I heard those seasoned wharfies call those girls—who were mainly Māori—all the names under the sun. That was the background almost 40 years ago, and ever since then that whole activity has been one that I have deplored.

There is a Christian background as well with regard to my personal attitude, but that has not been influential here. It really comes back to young people who are looking ahead, and to Māori students in particular—because I am talking about the far north—who are having to make choices, and having to decide for themselves and their whānau as to where they will go in the future. This is not an occupation that I would desire for my daughter, and I certainly would not desire it for anyone else's daughter. I have heard in a range of speeches the various ways by which people drop into, or become part of, this activity, but none of them meet the criteria for giving support to this bill.

RUSSELL FAIRBROTHER (NZ Labour—Napier): I rise to speak in support of this bill, and particularly of its title. I consider that in debating this topic we must be careful that we do not deal in sounds instead of sense, in caprice instead of reason, and in darkness instead of light. There can be no argument as to the fact that, for the majority of New Zealanders, prostitution is immoral. But because an activity is immoral is not, in itself, a sufficient reason to make that activity illegal. We can think of adultery, of promiscuous consenting sex, and of charging people in need the maximum price when the supplier can afford to charge them less than that. So what may be immoral is not always illegal.

What, then, is the morality of making the activities associated with prostitution illegal? It is drawing a long bow to say that the acts associated with prostitution are harmful to other members of society. Do we therefore justify making this activity illegal because it offends our morality? Or, to put it another way, is the preservation of an existing morality itself a value that justifies the use of coercion? I say “coercion” because we are dealing here with a criminal law. Criminal law works on the pain and pleasure principle—the principles analysed by the utilitarian school of Jeremy Bentham and John Stuart Mill. The theory of criminal punishment is that the punishment of an offender often and severely enough will make the individual turn toward pleasure, and thus modify his or her behaviour to avoid the consequences of painful enforcement.

Clearly, the present system is not working, because the scaremongering figures I have heard this afternoon quoted by opponents of this bill would see a huge industry of immorality, teetering on the edge of moral and social anarchy. Yet not one of the opponents of the bill has taken moves before this bill came to the House to seek to increase any enforcement penalties. Clearly the opponents of the bill either do not have evidence that the immorality of prostitution and its associated activities are out of control, or they believe that the status quo is the best of a bad job.

Let us talk sense instead of sounds. Sense tells us that if there is a problem that can be controlled by criminal sanction, then we would welcome the evidence on which to make a rational decision. Clause 9N of the bill provides us with the opportunity to make

a rational decision. The Prostitution Law Review Committee is empowered under this bill to gather the evidence and to place it before this House, to enable us to bring in considered legislation. That legislation may be to strengthen the laws against prostitution, but, equally—and more probably—it may be to bring in a rational set of decriminalisation, allowing prostitution to continue for those who favour that immoral activity, because it affects the activities of those who are not involved with it very little, if at all.

Let us talk reason and not caprice. It is a simple fact that the overwhelming majority of the many submitters to the Justice and Electoral Committee on the bill believed decriminalisation would be a positive step for the community good. To argue against that is to argue against the evidence. Let us talk light instead of darkness. If we are to analyse this problem, let us get away from the scaremongering and the quoting of numbers without justification. Let us avoid the moral deceit of justifying a moral outrage with invented figures. Let us see what we are talking about. We are talking about an industry and an activity that even our police force does not know the extent of. If the police force does not know the extent of it, then how can the opponents point to one reliable figure to justify their claim that this bill will lead to moral decay and social anarchy?

Let us talk light instead of darkness. Let us bring some rational sense to that industry. Let us bring some rational sense to that area of immorality. Let us find out what really happens, and we can do that by removing the laws that drive that activity underground—by removing the laws that the activity hides behind, such as the Massage Parlours Act. We should also remove the restrictions that apply to the activity under the Resource Management Act. Let us get a level playing field, and then see where we are going. A clear explanation of the issues will give us a light with which to debate this topic.

Larry Baldock: Mr Chairperson—

The CHAIRPERSON (H V Ross Robertson): The honourable member has already had three calls. If he wishes to seek another call he needs the leave of the Committee.

Larry Baldock: I raise a point of order, Mr Chairperson. I understood that I could have four calls.

John Carter: We may have to seek a wider leave than that. I think there was an understanding at the Business Committee and as a consequence of the motion that I put at the beginning of the Committee stage, which was accepted, that members would be able to take multiple calls beyond four calls. If you feel that there is still that restriction it might be useful for me to seek leave to waive it now, so that members can take more than four calls. Accordingly, I seek leave for that.

The CHAIRPERSON (H V Ross Robertson): I thank the honourable member for that clarification. The member has sought leave. Is there any objection to that course of action being taken? There appears to be none.

LARRY BALDOCK (United Future): I thank the Committee for that. I know that we want to move on to the substantive parts of the bill, but I do feel that I need to take this last call on the title in order to complete some comments I was making earlier, and also to respond to Russell Fairbrother's comments. Again we have heard a misinformation campaign being promoted in this Parliament. Russell Fairbrother and I had an excellent debate in Napier a few weeks ago, when we aired the topic quite well.

We continually hear the statement that somehow out of moralising against prostitution we are criminalising it. On behalf of those of us who are opposed to this bill I say again that it is not illegal for women to engage in prostitution in New Zealand. It is clearly not illegal, and I am astounded that we continually hear that statement. When the bill was beginning to be formed and the situation of prostitution in New Zealand was

looked at, it was noticed that there were some problems. One of the problems was in the massage parlour industry, where prostitutes were being mistreated by their employers. I ask tonight why nobody thought about making some amendments to the Massage Parlours Act to address those concerns, instead of going down the road of decriminalising the whole industry in order to try to solve some very minor problems.

One of the problems, of course, is that it was not made clear when the Massage Parlours Act came into force whether a room in a massage parlour was a public place. As a result some prostitutes have been harassed for soliciting in massage parlours. To me it would seem to be a very simple thing to propose an amendment to that Act, stating for the sake of clarity that a room in a massage parlour would not be a public place and that whatever activity went on in such a room between a woman and a man would therefore not be affected by the law.

The genius of the Massage Parlours Act, which we are really missing in this debate, is that that Act enabled women to work independently of pimping. While it was a nod-nod, wink-wink kind of situation for prostitution, that Act did provide greater independence for women working as prostitutes in the massage parlour industry. As their employers—massage parlour owners—were legitimate employers, it was entirely appropriate for those women to approach the Department of Labour and to address any of the concerns they have with such things as fines, bonds, and the things that we heard, through the process of the Justice and Electoral Committee's consideration of the bill, that they are complaining about. I understand that almost two-thirds of prostitutes work in that environment, and since 1978 that environment has given them some very useful protection. I warn the prostitutes of New Zealand that if they are exploited now, they will be exploited much more if this bill goes through and the full impact of legalised pimping is able to have an effect upon them.

Many other prostitutes are independent operators, and they have no legal impediments to their self-employed status, at all. In fact, the Inland Revenue Department currently has a booklet to help them know how to pay their taxes. That is why it is such a nonsense to go around saying that a prostitute cannot operate in this country without—

Sue Bradford: But what about the people who were arrested in Auckland last month?

LARRY BALDOCK: Women get arrested for street soliciting because it is illegal under the legislation. The police act sometimes because the soliciting is going on in places where it should not be, or because it may be going on inappropriately. The good thing is that the police are able to step in and act when they need to, often in order to protect either the lives of the prostitutes themselves or the public who are being affected. It is a very good thing to have that happen. If we decriminalise prostitution and the police therefore do not bother to intervene at all, there will be far worse consequences. I do not think that 12 prostitutes being arrested a few weeks ago in Auckland, out of the supposed 8,000 who operate in this country, is a major concern.

If we do have 8,000 prostitutes in this country we already have the highest rate of prostitution per population in the Western World. Would this bill lead to an increased number? No one knows for sure, though all the overseas evidence points to the very possibility of an increase. But maybe New Zealand is already saturated, because we have had a very liberalised environment here for the last 10 or 15 years.

They did do research on prostitution in Sweden. Russell Fairbrother made the comment that the problem in this country is that we do not know the real state of the sex industry, and said we should investigate that before we pass laws. In Sweden they investigated the situation for 4 years, in order to make sure they knew what the situation was and to monitor the changes that might occur after the law had been passed. That

would be a very wise thing for us to do in New Zealand. In Sweden, they discovered that one in eight adult men were using prostitutes. Let us just think about that. One in eight is quite a high ratio, but Sweden has only 2,500 prostitutes for a population of 8 million. We are constantly being told that we have 8,000 prostitutes for a population that is half that size. I hate to think what the ratio might be if those figures are true. I do not believe that there are more than one in eight men in New Zealand using prostitutes each week. I do not think we really know what the situation is. When this bill is passed it will be far too easy for the review panel to claim that things have not changed, because we really do not know what they are like before we pass this bill.

If massage parlour operators or workers have problems at present, the New Zealand Prostitutes Collective can do a very good job of helping them to address those concerns through the Department of Labour, because they are covered by current employment law. There is no need for this bill to be passed in order to give prostitutes protection from our current law. They already have protections under the Human Rights Act and our employment laws. One has to ask the question, though, of why we are doing all this for 8,000—if that is the correct number—women. We are all concerned for their situation, but we have to think about some other people in society, as well.

It is admirable in a democracy for the majority to care for a small minority, but very little has been said about some of the other silent majorities in this country. Prostitutes estimate that 75 percent of their clients are married men. Who is speaking up in this debate for the approximately 75,000 married women who do not know what is going on? What about the sexual health of those married women? We are focusing our attention on the sexual health of perhaps 8,000 prostitutes, but there are 75,000 wives who do not know where their husbands have been, and their sexual health is of concern to us. If I had to decide between the two, I would stand up for those who are in the dark and do not know what is going on, rather than those who know exactly what they are doing and can take steps to protect themselves, if they so wish. I thank the Chair for his indulgence.

The CHAIRPERSON (H V Ross Robertson): The amendment in the name of Marc Alexander to clause 1 to omit the word “reform” and substitute the word “perform” is ruled out of order, as it is not an objective description of the bill’s contents.

The question was put that the following amendment in the name of Dr Paul Hutchison to clause 1 be agreed to:

to omit the words “Prostitution Reform Act”, and substitute the words “Decriminalisation of Prostitution and Related Activities Act”.

Amendment not agreed to.

The question was put that the following amendment in the name of Gordon Copeland to clause 1 be agreed to:

to omit the words “Prostitution Reform Act 2000”, and substitute the words “Prostitution Solicitation, Pimping, and Brothel-keeping Decriminalisation Act 2003”.

Amendment not agreed to.

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

Ayes 61

Barker	Ewen-Street	Kelly (P)	Simich
Barnett	Fairbrother	Key (P)	Smith L
Benson-Pope	Fitzsimons (P)	King	Sowry
Beyer	Gallagher	Locke	Swain
Bradford	Goff (P)	Maharey (P)	Tamihere (P)
Brash (P)	Gosche (P)	Mallard (P)	Tanczos
Burton (P)	Hartley	Mapp	Tizard (P)
Carter C (P)	Hawkins (P)	McCully (P)	Turei
Chadwick	Hereora	Okeroa	Turia
Clark (P)	Hide	Parker (P)	Ward
Cullen (P)	Hobbs	Peck	Williamson (P)
Cunliffe (P)	Hodgson	Pillay	Wilson (P)
Dalziel (P)	Horomia	Rich	
Donald (P)	Hughes	Ririnui	
Duncan	Hunt (P)	Roy	<i>Teller:</i>
Dyson	Kedgley (P)	Shirley	Pettis

Noes 55

Adams	Donnelly (P)	Mahuta	Ryall
Alexander	Dunne (P)	Mark (P)	Samuels (P)
Anderton (P)	Duynhoven (P)	McNair	Scott
Ardern (P)	Eckhoff (P)	Newman (P)	Smith M
Baldock	English (P)	O'Connor	Smith N
Brown	Field (P)	Ogilvy	Stewart
Brownlee (P)	Franks	Paraone (P)	Te Heuheu (P)
Carter D (P)	Goudie (P)	Perry	Tisch (P)
Carter J	Gudgeon	Peters J	Turner (P)
Choudhary	Heatley	Peters W (P)	Woolerton (P)
Collins (P)	Hutchison	Power (P)	Worth, (P)
Connell (P)	Jones	Prebble, (P)	Yates
Copeland	Laban (P)	Robertson	<i>Teller:</i>
Cosgrove	Mackey	Robson	Catchpole

Abstentions 1

Sutton (P)

Clause 1 agreed to.

TIM BARNETT (NZ Labour—Christchurch Central): I seek leave for the remaining debate on this bill to be structured along the lines I intend to describe, with the sole intention of helping to put some structure in the debate for the remaining time we debate this bill in Committee. Would the Committee like me to go through that in some detail?

The CHAIRPERSON (H V Ross Robertson): Yes. The member can then seek leave of the Committee.

TIM BARNETT: This has been circulated to all members, and copies are available on the Table here. We agreed right at the beginning of the Committee stage to take the debate in two stages: firstly, the debate on the title, which has now been concluded, and, secondly, to then vote on the bill part by part. [*Interruption*]

The CHAIRPERSON (H V Ross Robertson): The member is giving a very

important speech. He is outlining how he wishes the debate to proceed. It is important that members listen. He will seek leave of the Committee very shortly to be able just that—so please, can we have silence.

TIM BARNETT: I remind members that at the beginning of the Committee stage of this bill we agreed that we would take the debate in two parts: firstly, a debate on the title, which has now concluded, and the title has been passed; and, secondly, that there would be a debate on the entire remaining parts. That means that potentially we have a wide variety of issues. I have identified maybe 11 major themes in the amendments and in the bill that could all be discussed at once. It makes it very difficult for members to focus on the issues one by one. I took that problem to the Business Committee yesterday and it suggested that I attempt to seek leave at the beginning of the debate following the vote on the title, in order to suggest an order in which we took the debate. This cannot absolutely tie members and cannot preclude members raising any matter at any time if they wish to, but it is merely meant to be a guide, in particular for the Chair of the Committee at the time.

I have broadly ordered things in terms of the bill, and they go through 12 points. First is the status of prostitution; in particular, that would focus on Mr Franks' amendments. Second are the definitions in the bill, which are quite important when it comes to Mr Goff's amendments on, for example, small, owner-operated brothels, and the definition of operators. Third is the issue of decriminalisation of clients and of prostitutes, which broadly relates to the amendments from Dianne Yates and Marc Alexander. Fourth is the issue of advertisement in relation to businesses of prostitution or commercial sexual services, which are partly Mr Goff's amendments and partly amendments from Mr Copeland and Sue Bradford. Fifth, there is the issue of the promotion of safer sex, which is relevant in Mr Goff's amendment that touches on that being the specific responsibility of operators. Sixth is the application of the Immigration Act to the issue of prostitution, particularly the amendments from Lianne Dalziel concerning permits being issued under the Immigration Act.

Seventh is the issue of under-18-year-olds providing sexual services. There are amendments on that in particular from Mr Franks concerning the test of reasonableness of belief that a prostitute was aged over 18, and also the production of the proof of age by the prostitute. Eighth is the issue of controls on soliciting, which comprise a range of amendments from Mr Mapp. Ninth are the issues of controls on brothels and massage parlours, depending on the terminology used. There are amendments on that issue in particular from Wayne Mapp and Gordon Copeland, such as the retention of the Massage Parlours Act, and amendments to the Crimes Act concerning brothel keeping and the size of brothels.

Tenth, we have the certification of operators, which is the real core of Phil Goff's amendments. Eleventh, we have the location of businesses of prostitution, and issues around the Resource Management Act. That is the other main part of Phil Goff's amendment. Finally, we have everything else in the bill—from the schedules, to the existence of a review committee, to coercion, and so forth. Mainly those are areas where the only proposed amendments are consequential.

I propose that it is not to absolutely impose a 12-stage debate, because we will not vote on any of this until the very end of all that being discussed. I am trying to help members to work their way through what will be a series of quite complex issues. I seek leave on that basis.

The CHAIRPERSON (H V Ross Robertson): The member has sought leave. Is there any objection to that course of action being taken? There appears to be none.

Parts 1 to 3 and the schedules

DIANNE YATES (NZ Labour—Hamilton East): I understand that we are now speaking on the parts in the bill. I find it a little difficult from those lists that Tim Barnett just read out, in that perhaps I should not be speaking until the third slot, because my subject was the third item on his list. Although he sought leave for that, I am not quite sure what we are supposed to do in terms of speaking order. Nevertheless I will take the call, because I have some amendments. The amendments are that we omit clause 5, which reads “No contract for the provision of, or arranging the provision of, commercial sexual services is illegal or void on public policy or other similar grounds.”, and that we insert new clause 9CA, “Being client in act of prostitution” which reads: Every person who is a client in an act of prostitution by any person commits an offence and is liable on conviction to—(a) imprisonment for a term not exceeding 6 months; or (b) a fine not exceeding \$5,000.” That means that in my amendment the onus in prostitution moves from the prostitute on to the client. It means that this is an amendment in line with what they have done in Sweden.

The CHAIRPERSON (H V Ross Robertson): There is too much talking going on. It is discourteous to the member who is speaking. It is also an affront to the Committee. I ask all members that unless it is absolutely necessary could they please take their conversations outside in the foyer.

DIANNE YATES: This is an amendment in line with what is called the Swedish legislation, and it means that the onus goes on the person who is requiring the services of a prostitute, rather than on the prostitute. It is based on the law of supply and demand. If we do away with the demand we will do away with the supply. Many people have said that they do not agree with prostitution; it is a matter of how we deal with it. New Zealand has signed up to United Nations agreements where we have said that prostitution is not a good thing, particularly in relation to women. The question is: what do we do about it? Our agreements with the United Nations say that we should be trying to get rid of prostitution.

The arguments against my amendment have been that it would drive prostitution underground. My argument is that it is underground, and will be underground. As we have heard already from Mr Catchpole, if there are 8,000 men using prostitutes, and most of them are married, they will not openly admit that they are using prostitutes, so it already is underground. I do not think the other arguments against my amendments hold water. A very good paper was presented to members from ECPAT New Zealand, the “end child prostitution” group, which has 10 arguments against this legislation. It points out that prostitution is not a desirable social phenomenon, and it is an obstacle in the ongoing development towards equality between men and women, which is a stance that I uphold. I do not think prostitution should be a legitimate occupation, which is basically what this bill makes it.

I have said before in this Chamber that as a teacher, largely of women, I do not think we should have prostitution as a legal occupation. As Harry Duynhoven has asked in this Chamber, are we really serious about this? Will we have a New Zealand Qualifications Authority qualification in prostitution? I have also looked at some of the accident compensation implications. I understand, and I have sought an opinion, that one would not get accident compensation if one happened to get pregnant as a work-related “accident” under prostitution, but one may be able to claim if one becomes infertile as a result of one’s occupation, which is a really strange thing.

There are a lot of issues around the bill that many people have not seen. I heard someone this afternoon saying that many people have not discussed the issue. I see that some women’s organisations have said nationally that they agree with this. I have spoken at many local branches of these organisations, and I found that even the heads of

those organisations have not consulted or engaged in a discussion with their branches. I notice also that we have been circulated by the Federation of Graduate Women with many questions to think about before we vote.

I notice that the position of the National Council of Women is somewhat ambivalent when one reads through its newsletter on the whole issue. It is not wholeheartedly in favour of this legislation. I would point out too that ECPAT New Zealand has said, in particular, that where soliciting has been legalised—which is what we are actually doing in this bill—prostitution has increased. Where there is increased prostitution, there is increased child prostitution, despite the provisions that have been put in this bill. If we are serious about getting rid of prostitution, then I ask members to vote for my amendment.

LARRY BALDOCK (United Future): I understand that at this point we are addressing the purpose of the bill and the status of prostitution, which is addressed in clause 3. It states: “The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that—”, and then it goes on to the other purposes of the bill. I want first of all to focus on the first part of that statement, that “The purpose of this Act is to decriminalise prostitution.” We have already had a great deal of comment about what this bill is doing, and as we are completely aware now of the truth that the act of prostitution is not a criminal activity in New Zealand, this bill cannot be decriminalising prostitution. The real purpose of the bill is to decriminalise the act of pimping and brothel-keeping. That is the intent of the bill, yet it is not reflected in the purpose clause. I believe that that is outrageous and deceitful.

Much has been made of the distinction between decriminalising and legalising. Even the promoter of the bill, Tim Barnett, has said in his explanation about the need for this bill that the decriminalised model implicitly rejects the position that prostitution *per se* needs to be, or indeed can be, controlled, and, instead, focuses on controlling the genuine harms that can arise in association with prostitution. There has been a huge debate right through this whole process about whether this is a decriminalising or a legalising of prostitution bill. The supporters of this bill made it very clear during the select committee process that they did not want to legalise prostitution in New Zealand, because the clear evidence from Victoria in Australia is that legalisation of prostitution does not work. It does not provide the safeguards for prostitutes that they hoped for and it does not achieve any of the goals of that particular kind of legislation. But we are faced now with at least a majority of members in this Chamber deeply concerned about the decriminalised model of prostitution, so we have a number of Supplementary Order Papers on the Table, all seeking to introduce some kind of control into this laissez-faire kind of decriminalisation of prostitution.

If we are honest with ourselves, we have to know that we cannot remove all controls from prostitution and hope that everything will work out OK. We would have to be absolutely from another planet to believe that. There is no evidence anywhere in the world that if this industry is left alone without some kind of regulation or control, or police action on it, human beings take care of each other.

The speech made by Georgina Beyer earlier on made very clear, from her own experience of this industry, that it is hugely exploitative, and that if it is left to pimps and brothel-keepers to make financial gain out of prostitution, the lot of a prostitute will be very, very dim indeed. So I believe that this Parliament has, first of all, to address this question: are we really decriminalising prostitution in the framework that was originally set by the framers of this bill, or are we really, in fact, legalising prostitution? If we honestly answered that question, I think many members of this Committee would know a lot more about how to vote, because it truly is becoming a legalisation of

prostitution, which overseas evidence shows us has been a disaster.

We heard that even the parties in the Dutch Parliament that supported legislative change there have since come to regret it. The president of the Police Association, after visiting Holland and looking at the situation there, has said in his submission that Holland found that it got exactly the opposite of what it expected. The changes did not improve the lives of prostitutes and they did not promote safe sex. Holland did not find the changes were conducive to public health. It had a nightmare.

In going on to talk about some of the other purposes of the bill, where we are to safeguard the human rights of sex workers and protect them from exploitation, I wish to ask the Committee how it is that prostitutes are not currently covered by our human rights legislation.

Dr LYNDA SCOTT (NZ National—Kaikoura): I thought it was time I came down to the Chamber. I have been so busy I have not been able to take a call on this bill up until now, but I do want to speak against it. In my job as a doctor I have worked at the sexually transmitted disease clinics and looked after people there. I understand some of the issues of this bill and the intention to try to improve things for the women who are working on the streets. I have met women for whom it has been a step up to be able to decide when they have sex, because they have been so sexually abused in their lives. People have been able to just walk into their bedroom at any time and have sex with them, so when they can actually choose somebody, and the time they have sex with them, that is an improvement in their lives. It is an incredibly sad indictment on our society that we have women living in that sort of situation.

But I cannot support this bill. I cannot support it, because I do not believe it will actually do anything for women on the streets, and women who are working as prostitutes. If we decriminalise brothel-keeping we take a group of people who are very easy to manipulate, who have often been abused, who often have alcohol and drug habits, and those women will be the victims of people who want to use them to gain money. I cannot in any way support that, because I do not believe that the bill will improve the lot of women in this country.

It amazed me when I came to Parliament to see how socially liberal it is—and New Zealand society is amazingly liberal. One travels to other countries of the world and when one comes back one is just astounded sometimes at how socially liberal this country has become. What has it gained us? We have the third-highest teenage pregnancy rate in the OECD, we have the highest youth suicide rate in the OECD, and we have one of the highest youth crime rates in the OECD. We cannot say that the social liberalisation of New Zealand society has benefited this country in any way, and I cannot stand here tonight and support Tim Barnett's Prostitution Reform Bill, because I do not believe that it will deliver anything that will benefit this society, despite what Tim Barnett intended.

I want to look at the under-18 issue, because we have seen in the past that having an age limit does not work. Let us look at the drinking age. We reduced that to 18. People thought this country had matured enough to cope with that. Has it? I do not think so. There are 12-year-old kids going into our accident and emergency departments now who are drunk. All it has done is lower the barrier. Having an age limit of 18 will not in any way prevent younger women being forced into prostitution, and we will see more people out there on the streets and in brothels, because there are a large number of people who are prepared to exploit that situation.

Certifying the operators of businesses of prostitution will not improve the situation for New Zealand women. Already, today, they can go to the sexually transmitted disease clinics and get good information and advice on how to maintain their sexual health. I would prefer that we were spending our time, our energy, and our money on

looking at alcohol and drug addiction services, and at all the things we need in mental health, to try to improve the lot of some of our young people who are in serious difficult situations because they have grown up in highly fragmented social circumstances and are paying the price for that. If we put this House's time, money, thoughts, and energies into finding ways to improve the lot of those children—whom we know we can identify by the age of 3—and doing something about that, we might do something about the situation in New Zealand.

BRENT CATCHPOLE (NZ First): The stated aim of this bill is to decriminalise prostitution, but let us look at why it is necessary, because I do not think it is necessary. Prostitution in itself is not illegal in New Zealand, but a range of activities around prostitution are illegal at the moment. The aim of this bill is to decriminalise prostitution, or, if one likes, decriminalise the activities surrounding prostitution, giving them the legal status of legitimate businesses. I am talking about pimping, brothel-keeping, and, if one likes to add to those—and this bill leaves it wide open—trafficking in women and young children. It also includes and encompasses the businesses surrounding drugs. Therefore I have a major problem with this bill as it is, because, as a natural part of prostitution and the industry associated with it, there are more sinister businesses—namely, the trafficking in and exploitation of young people, particularly young women, and the proliferation of drugs and organised crime that goes hand in hand with prostitution.

Tim Barnett would have us believe that the purpose of this bill is to protect the health and the well-being of prostitutes and the public as a whole—safeguarding the human rights of the sex worker and protecting him or her from exploitation. That sounds all very well and good, but decriminalising prostitution in the manner that this bill attempts to do also legitimises those peripheral businesses. That is the major difficulty I have with this bill. The question that must be asked is whether this bill is ultimately intended to legitimise those peripheral businesses and decriminalise the trafficking in and exploitation of women and drugs, because both of those activities have very serious health problems associated with them.

Since the introduction of this bill in September 2000, my colleague Peter Brown has done a lot of research into its background. He has formulated an alternative bill, which we have in the ballot at the moment. It is based on the Swedish model and is entitled “Prostitution (Client Liability and Prostitute Care) Bill”. That bill is based on the Swedish law, and it makes the client of prostitution the one to be prosecuted. It establishes a programme to encourage, assist, and support those people who are working in prostitution to get out of the industry. It also restricts the advertising of prostitution in the media. The bill that Tim Barnett is promoting is set to legitimise the other more sinister businesses associated with prostitution. That is not good enough. No matter how many Supplementary Order Papers we have on the Table, they will not change that part of the bill. Instead, they will detract from our real knowledge and understanding of the bill, and allow us to let it slip through, legitimising those peripheral industries and businesses.

The CHAIRPERSON (H V Ross Robertson): Just before I call the next speaker, I draw to the attention of honourable members that there has been an error in the voting on the question that clause 1 stand part. The result was announced as Ayes 62, Noes 55, abstentions 1. The correct result is Ayes 61, Noes 55, abstentions 1. I now order that the list be corrected under Speakers' ruling 59/7.

Dr WAYNE MAPP (NZ National—North Shore): We have been asked by the promoter of the bill to speak according to a list. That does not really work, because the core issue of the bill is contained in clause 10, the repeals provision of the legislation. In many respects, all other parts of the legislation are surplus, because the real goal of the

promoter of this bill is to decriminalise prostitution—to remove all legal sanctions against any part of prostitution, or activities related thereto. For instance, all the provisions of the Crimes Act would be repealed under this legislation. Those provisions relate to brothel-keeping, living off the earnings of a prostitute, and the procuring of prostitutes. Those provisions exist largely because it is recognised that people who operate brothels, who procure and live off the earnings of prostitutes, are essentially in an exploitative relationship. That is why the criminal law has deep and serious sanctions against them. By and large, the types of people engaged in those kinds of activities are invariably involved in other areas of criminality. That is the reality. In essence, what the promoter of the bill would have us do is to make legal a class of people involved in a range of criminal activities. I believe that is wrong.

The second prohibition, or repeal, is the Massage Parlours Act of 1978. A massage parlour would become a normal business, just like any other business—no regulations, no controls, no vetting of any description—just as is the case with brothels under the promoter's view. So the goal is normalcy; he is trying to deny that there is any sense of an exploitative relationship in it, and that is simply not correct.

The third repeal is section 26 of the Summary Offences Act. That is quite different, because it relates to the prostitute himself or herself. Under the current law, if one solicits in a public place, that is an offence that attracts a \$200 fine. However, the law is enforced in a haphazard manner. For instance, every day of the week police officers drive past prostitutes who are soliciting and ignore them. They know that unless there is some kind of offensive aspect to it, or harassment, then it can be ignored. I have therefore proposed two changes to the existing law. The first is to change the law around soliciting—and I will probably talk about that in more detail later on. The second is to retain the law on brothel-keeping because of its exploitative nature, but then to say that if a prostitute is using his or her place, or another place that is rented, that should not be deemed to be a brothel, because that, of itself, is not an exploitative situation.

So I believe that the promoter's fundamental thinking is flawed, notwithstanding all of the worthy objectives in the earlier clauses about safer sex and protections for prostitutes in refusing or not refusing contracts. Those clauses might appear to be quite useful, and I recognise also the strengthening of the law about prostitutes under the age of 18, but they are not the core of the legislation, and that has to be clearly understood in this debate.

TIM BARNETT (NZ Labour—Christchurch Central): I thought it might be useful at this stage to take some account of the list I presented to the House, and to talk a little about the concept of decriminalisation. I would like to refer to the bill, rather than to any imaginary activities about prostitution, which some people in the Chamber like to talk about.

The bill contains two key definitions. Firstly, prostitution means the provision of commercial sexual services, and, secondly, commercial sexual services are sexual services that involve physical participation by a person in sexual acts with, and for the gratification of, another person, and are provided for payment or other reward. So when we start to think about this legislation, we should begin with those two things—the word “prostitution” that means the provision of commercial services, and the definition of those commercial sexual services. If we are trying to design law in accordance with what is necessary and desirable, rather than starting off with what we have now, the first question we have to ask is whether commercial sexual services, as described in the bill, should be criminal activities. The fundamental point in this bill is that, no, there is nothing in those activities that should automatically mean that they are criminal. However, prostitution contains risks and threats that any sensible legislation should seek

to address, so when we build up the decriminalisation model, we take the risks and harms associated with prostitution one by one, and then work out whether the current law is sufficient to address them, or whether special law is needed.

We can, for example, look at the issue of sexually transmitted diseases, which has been mentioned already this evening. Yes, there are particular harms, and there is the threat that clients may pay more for unsafe sex. Therefore it is necessary to have the particular provisions that exist in this bill, which put increased responsibilities on operators in the sex industry to ensure that safer sex information is available.

Secondly, there is clearly a particular risk or harm associated with underage sex workers—sex workers under 18 years old. The bill addresses that risk by increasing the penalties for the clients of those workers.

Thirdly, there is clearly an issue of imbalance of power, and when we have an imbalance of power in this sort of area, we end up with coercion, so this bill increases penalties for coercion.

Fourthly, as the select committee heard repeatedly, there is a problem when sex workers are unable to exit easily from the sex industry. For example, they get criminal records from being sex workers, and from carrying condoms in the street. As a result, they cannot easily get other jobs. Under this bill, prostitution-related criminal records will cease, and therefore it will be easier for those workers to exit the industry. However, we also recognised that a lot of the issues about people being trapped in the sex industry are actually about social policy, the benefit system, and a range of other things, and that is why the bill establishes a review committee. One of its terms of reference is to look at why people enter the sex industry, and how best to deter them from doing that; and, secondly, how best to encourage people to exit that industry.

The fifth area of risks and harms is about environmental risks and harms. Offensive signage, which was a complaint made by a number of submitters, is dealt with in the bill. It enables local bodies, if they so choose, to ban offensive signage related to the sex industry. Under Phil Goff's amendment, rules respond to the concerns expressed by local bodies to enable them to consider amenity issues, as well as all the physical and environmental effects, when considering the location of brothels.

The other thing the bill does is to make sure that existing laws, which we have spent years creating through this Parliament, are there to apply to the sex industry. For example, other environmental nuisances such as parking and noise can be dealt with through the Resource Management Act and other local body regulations. Secondly, poor employment conditions in the sex industry and poor health and safety conditions can be met by exposing workers in the industry to the reality of our excellent employment relations legislation, and, secondly, to our health and safety legislation. Occupational safety and health officials explained to the committee how they would have to orient their services to understand more about the sex industry, and to intervene in order to improve health and safety for sex workers.

Harassment by street workers is a concern for some people, and we have a clear indication that the Summary Offences Act can deal with prostitutes working the streets who are harassing the general public, so there is no need for separate legislation to deal with soliciting. That is the essence of decriminalisation: we strip away the specific laws relating to that industry when they are unnecessary, but we tighten, if necessary, the laws that are specific to the real evils that exist. The decriminalisation model is contained here in the legislation.

There is one last point, which is pretty inherent in what I have just said. Lynda Scott said that there was nothing in this bill for women working as sex workers. I have already mentioned some provisions, but if she is listening, I will repeat them for her benefit. Occupational safety and health and safer sex provisions mean that health and

safety gets a greater focus in the industry. The Employment Relations Act and the exposure to the tax system will make those workers feel more part of our society. The fear of police action—a fear that has become a reality in Auckland with three police operations against prostitutes in the last 5 weeks; two, by coincidence, on nights when we were either discussing this bill, or planning to discuss it—is an indication of a waste of police resources that can be better allocated elsewhere. Removing that fear from sex workers, however, is pretty fundamental to this bill. Finally, the review committee marks the first time anywhere in the world that prostitution reform has been tied to setting up a body to look at some of the long-term effects of the law change and report back to the Government and Parliament within 3 to 5 years. Those are all absolute benefits that women working as prostitutes will receive from this legislation.

GORDON COPELAND (United Future): I think we have reached the stage where we can talk about the advertising of commercial sexual services. I was amazed that this subject was not mentioned in the bill. I am left with two possibilities in respect of its promoters: either their agenda and desire is to see prostitution flourish—in the way, for example, that I would like to see dairy exports or the knowledge-based industries flourish—or they are simply naive and have not thought through the consequences of decriminalisation without controls on advertising. There is no place in this House for naivety.

Should this bill be passed—and I hope it will not—let us at least ban advertising. Otherwise, there will be graphic quarter-page, or even half-page, advertisements in our daily newspapers, on television, radio, the Internet, and even in the Yellow Pages. Human nature being what it is, those advertisements will push the limits and borders of pornography. I predict that advertisements on the Internet will be hard-core porn, linked to the address or telephone number of the local brothel or hooker. After all, the single goal of advertising is to stimulate demand by each and every means, and the ingenuity of admen knows no bounds.

Do we want our children and grandchildren exposed to such material? My answer is no. What is the answer of members? For me, the protection of children is a bottom-line, non-negotiable given. Children deserve the opportunity to live the beautiful, God-given period of innocence that is the essence of being a child. In my view, it is evil, in any shape or form, to sexualise children. It is wrong and we must protect them. To do otherwise would be unconscionable.

My amendment is based on the smoke-free legislation. If this House of Parliament can pass law to ban the advertising of tobacco, then we certainly need it for prostitution. On any kind of moral scale, it is on a completely different level and is, to say the least, way down the scale on any decent measuring of morality. If my amendment does not go through, I would like to ask those members of this House who have voted in favour of the bill to date to think about changing their opinion. As I have said, if we do not put some restraints on advertising material in this bill, then we would be foolish in the extreme, and be risking that beautiful innocence that our children and grandchildren have a right to enjoy.

SUE KEDGLEY (Green): I want to address briefly the issue touched on by the previous speaker, and that is advertising. It is surprising that the bill does not cover that issue. That probably is a bit of an oversight, and it is one that Parliament would be wise to rectify in the course of the Committee stage tonight. The truth of the matter is that unless there are some prohibitions on advertising, once prostitution is decriminalised the newspapers, television, and radio will, I assume, be free to advertise sex.

Libertarians might ask why prostitutes should not be able to advertise their services. The issue we need to consider here is our children. Do we want to see advertisements such as the large advertisements in the Yellow Pages? Do we want to see

advertisements like that in the newspapers, maybe on page 3 or page 2, and maybe on television and in places where our children will almost inevitably encounter them? I have no problem if advertisements are tucked away perhaps in text only in the Yellow Pages, or indeed, in the classified section of the newspapers. However, I worry that if we do not have some prohibition in this bill, we will end up with the possibility of those sorts of advertisements appearing right through our newspapers, and on television and radio.

I have great sympathy with the amendment Gordon Copeland has put forward, calling for a complete prohibition on advertising. However, many people have pointed out that if there was a complete prohibition on all advertising of prostitution, we might very well end up inadvertently, and unintentionally, simply encouraging prostitutes to walk the streets as their only means of trying to solicit business. I do not think that any of us would want that to happen as an unintended consequence of what seems like a very sensible amendment.

So I propose an amendment to Gordon Copeland's amendment that would state that there would be a prohibition on advertising, except for the text-only publication of business details in business and telephone directories and advertising in the classified sections of newspapers and magazines. In other words, prostitutes could readily advertise in the classified section of any newspaper or magazine, but the advertisements would be quietly tucked away, and hopefully they would not be exposed to all our children who, I imagine, do not spend their days flicking through the classified sections of newspapers and magazines. Prostitutes would also be able to advertise in the Yellow Pages, but they would not be able to advertise anywhere else on television, radio, etc.

My colleague Sue Bradford has proposed a slight variation on my amendment. She has proposed that we set up—and she will introduce the amendment herself, but she is focusing on developing—a code of conduct around the commercial advertising of sex. My problem with that is that I have absolutely no faith in codes of conduct. I have spent many years looking at codes of conduct in respect of violence and all sorts of things. There are codes of conduct that state there should be no gratuitous violence on television, yet our television screens are filled with gratuitous violence. That code is absolutely meaningless because there is no enforcement and no monitoring. In my view, while Sue Bradford's amendment is very well intentioned, just simply developing a code would not be sufficient. While codes might make us all feel good and virtuous they do not seem to have any effect, and we can see that in every single code of advertising that we have in every aspect, whether it be food labelling, violence, or whatever else.

So I suggest my simple amendment to Gordon Copeland's amendment, which states we should have a prohibition on the advertising of prostitution except for allowing the publication of details in telephone and business directories and advertising in the classified section of newspapers.

Dr PAUL HUTCHISON (NZ National—Port Waikato): I would like to draw attention to three issues pertaining to the bill. Firstly, with regard to its purpose, the bill states that that is to decriminalise prostitution and create a framework that is conducive to public health. I have great concern that because this is a member's bill it does not have the appropriate resourcing and Government support services around it to ensure that that will, indeed, happen.

If one does go to the experience of the Swedes in the 1970s when they carried out decriminalisation, one finds that at the same time that that was implemented enormous effort was also put into a social and economic reform programme. I note that the commentary on the bill states: "Laws were tightened around procurement to discourage exploitation, and penalties introduced for procuring women less than 20 years old.

Outreach programmes were established to reduce the incidence of prostitution by social means, with government support for accommodation, money, emotional support, and alternative employment. The measures resulted in a 40 percent reduction in prostitution in the 1980s.” That certainly sounds like an impressive reduction, but with this bill we do not have all the extra Government resourcing that should be implicit with it being passed.

One of the hugely worrying things is the situation relating to street soliciting, and just decriminalising that. If ever there is a group of prostitutes who are vulnerable, it is those ones, and it is very unlikely that this bill will help them. I cannot see anything in it that will do so. Those prostitutes are the very ones who are unable to get a job in a massage parlour or with an escort agency, and it certainly does require huge support mechanisms with real resourcing to enable them to be constructively employed in other ways. I think that is one of the major gaps behind this bill. Prostitutes who work in massage parlours or escort agencies are not nearly as vulnerable as those who are down on Hunters Corner or Karangahape Road. They are often young men and women who have come from extremely dysfunctional backgrounds, who have drug and alcohol problems, and who need urgent attention to address those issues. I feel that introducing this bill without the extra resources that occurred with the Swedish model in the 1970s will create extra difficulties for those young people.

The second area that I want to talk about is what has actually happened with the public health measures in New Zealand over the last 10 to 15 years. I would like to pay tribute to the Prostitutes Collective, the AIDS Foundation, and the ministry in terms of the efforts they have made to ensure that the safe-sex message was inculcated in New Zealand. Indeed, the evidence shows that we have very low morbidity in terms of sexually transmitted diseases at this stage. I do not believe that those efforts will be diminished by decriminalising prostitution, at all. In fact, in many respects, the young people who are working on the streets are only likely to be marginalised.

Lastly, I want to focus on the amendment that I have proposed regarding the review of the operation of this legislation and related matters. Again, I must compliment Tim Barnett on ensuring that there will be a review of this legislation. Clearly, if one thing is needed with fairly adventurous legislation, it is to ensure that it is monitored carefully—qualitatively—so that realistic interventions can be made in response to deficits in it. I think so much is unknown about the decriminalisation model that a review of the operation of the legislation is all-important. I agree with that entirely, but I am concerned about the make-up of the review committee on this legislation. I think that 12 people are far too many. I am sure that that will diminish the committee’s ability to focus on the real issues, but that is only a minor point.

However, because of the significance and the unknown factors relating to this bill, I have added an amendment to Part 1, to insert after clause 2 the following new clause 2A: “This Act expires 5 years after the day in which it receives the royal assent, unless a majority of the House of Representatives resolves otherwise.”

I believe that if this legislation is passed, because it is so significant and has so many unknown consequences it would be only right and proper—and I am not in favour of this bill—for there to be a serious analysis of where it stands in 5 years’ time. There should be an endorsement by a majority of Parliament for it to continue. Obviously, that occasion would allow for appropriate amendments to take place. I think that because the social consequences of this bill, and the experience of the decriminalisation models overseas, are so unknown and so unsure, that would at least provide a very salutary mechanism to ensure that we did not continue with inappropriate legislation. If anything, it could increase the quality of the legislation at that time.

BRENT CATCHPOLE (NZ First): I mentioned earlier that the bill we have in the

ballot for members' bills is based on the Swedish model, and I would just like to expand on that. The Swedish Government views prostitution as undesirable, and has identified as a priority assisting prostitutes to leave the industry. Prostitutes have extensive support structures, including specific counselling services and retraining programmes. When the Swedish Government introduced the law in 1999 to criminalise the clients of prostitutes, there was a dramatic reduction in the number of women working on the streets.

Tim Barnett is being naive when he believes that decriminalising prostitution will not result in an increase in the number of people who enter the industry. Decriminalising prostitution and putting it on a similar footing to other occupations and businesses simply legitimises the entire industry and sends the wrong message out to the young and vulnerable, who will see prostitution as a genuine career choice. That would be a tragedy. The enormity of the sex trade throughout the world is overwhelming. I quote from Donna Hughes, the education and research coordinator for the Coalition Against Trafficking in Women: "The only way to proceed is to acknowledge the violence and exploitation for what it is and create remedies accordingly. Decriminalisation will only benefit traffickers and pimps, and compromise individual women's rights."

Tim Barnett states: "The experience of decriminalisation in New South Wales has been that the illegal sector has not developed." I have to compare that with a "Monty Pythonism": the way to reduce crime is to reduce the number of offences. If prostitution is decriminalised, of course there will not be an illegal sector—it is no longer illegal! Tim Barnett's belief is that the illegal sector will not develop, but how can it? It can no longer exist because it is no longer illegal.

When the laws on drugs were liberalised in the Netherlands a huge industry developed, and the Netherlands has now largely reversed those laws. The Netherlands now has grave doubts about the decriminalisation of prostitution. The decriminalising of prostitution will only leave an industry that will exploit women, because it will no longer be illegal to do so. This bill would decriminalise the whole activity of trafficking, and prostitution is a major industry that leads to trafficking in, particularly, the young and the vulnerable. This bill leaves it wide open for that industry to expand and develop as a result of that. This bill is fatally flawed, and I will be voting against all parts of it.

SUE BRADFORD (Green): I would like to make a few points at this stage of the debate. Firstly, in relation to the question of advertising, which Mr Copeland and my colleague Sue Kedgley have already talked about, I say it has become apparent following the process of considering the bill in the Justice and Electoral Committee that we should have paid more attention to that area. I have an amendment on the Table tonight that puts up an alternative to Mr Copeland's amendment, because if this bill does pass—and I certainly hope it does—it is important that we do something about the advertising situation. I certainly do not want to see the day come when there is full colour television advertising in prime time of brothels and so on.

My amendment seeks, firstly, to ban altogether the broadcasting of advertisements for commercial sexual services on radio and television, and, secondly, that the Minister of Justice, within 6 months, develops a code of practice for the advertising and print media regarding the advertising of commercial sexual services. That code would take into account things like a high standard of social responsibility—that such advertising should not target children and young people, that it should not in any way glamorise prostitution, and that it should not demean women or men. Of course, other factors should be taken into account as well. I believe that that amendment provides a compromise between what Mr Copeland wants, which is a complete ban, and what the bill does not provide for at the moment, and that is any indicative road forward on that issue, at all.

If we go Mr Copeland's way there will be very real problems and there will be

negative outcomes that he, perhaps, has not considered. For instance, if prostitutes cannot advertise their services at all, I believe we will see a proliferation of street soliciting and pimping, and it will also put all the power into the hands of the large operators who can afford to put up billboards and massive signage outside their premises.

The second area that I would like to address relates to the purpose of the bill and discussion around whether this bill sanctions or endorses prostitution. I would like members to note that during the select committee process we looked at that issue a lot. I do not think anyone on the committee wanted this bill in any way to convey a sense that somehow we thought this occupation would become normalised and sanctioned within the school system, the career guidance services, and so on. We amended the purpose clause to state that the bill does not endorse or morally sanction prostitution. That has been a critical clause to me. During the 1980s an incident occurred at the unemployed workers centre where I worked, when a young woman was asked by the then Department of Social Welfare to take up a job in a massage parlour. That was one of the most disgusting things I had heard of.

I would not like to see the day come when the Department of Work and Income, the Accident Compensation Corporation, vocational guidance services, or any such bodies would ever think that sending people to work in the sex industry is a job, just like any other job. It should never be that. That is why I have supported that change to the purpose clause: to make it very clear that in putting this bill together, we do not endorse or sanction prostitution. We were also careful to refer to that in the commentary on the bill, and to state that members of the select committee that worked so long and so hard on this bill were very clear they did not ever want to see careers advisers in schools advising young people that prostitution is an occupation that they should head for, nor that people within the structures of the welfare or accident compensation systems, similarly, should ever be required or even advised to take up such work as an occupation.

Thirdly, on a connected issue, we have the question of 16 and 17-year-olds in the sex industry. Although this bill aligns itself with the Crimes Act amendments that we passed a couple of years ago, and brings New Zealand into line with international conventions on children and young people under 18—that is, it will not be legal for people to have sex with prostitutes under the age of 18—I do think we have a real problem around 16 and 17-year-olds in this country. That has been an issue for a long time—since 1990, when the then Labour Government removed the unemployment benefit, and the sickness benefit was later removed as well, from 16 and 17-year-olds. At that time in Auckland there was an upsurge in prostitution—particularly among young women, but also young men—in that age group, because they suddenly had no means of support. What does the Government expect, when young people of that age have no means of support?

That is an ongoing issue, as well as a historical one. Just a few weeks ago we had a case of a young girl in Auckland, aged 17, who was trying to exit the sex industry—something one would think that a Government department would think was a good idea. The young woman attempted for weeks and weeks, with the aid of a community organisation, to get an independent youth benefit from the Department of Work and Income, but was refused over and over again. I could not understand that such primitive attitudes still exist. That young person who had been in the sex industry was trying to get out of it, and she wanted to look for training and/or work—something I think we would all agree is a good thing—but it was only after mighty efforts on the part of a number of people that she gained any support, at all.

I hope that the Government will look more closely at that, because this bill does not

stand alone. It sits in an environment where, in terms of the economy, we still have hundreds of thousands of people out of work, and in which young people, who are the people most likely to take up careers in sex work, are still the most economically disadvantaged people. Those factors must be taken into account, and this Government does need to look at changing the welfare system so that people in that 16 and 17-year-old age group who are without work or support from their families can have easier access to assistance from the State.

To turn to the question of criminalisation itself, among the many reasons that I strongly support decriminalisation is something that has not been talked about a lot in the course of the debate on this bill, and that is the question of people with disabilities in relation to the sex industry. For many, many years I have been aware of the problems faced by the people who care for people with major disabilities, in that their carers often know that the only way some of those people will ever have access to sex, or even to any kind of sensual or personal contact, is through working with a sex surrogate or a sex worker. Some of those disability providers have ended up in a very invidious and ambiguous situation of acting, basically, as a procurer to obtain sex for their clients. Those people have talked to me in the past and they are very, very unhappy about being in that position.

Yet it is a very real issue. I do not think many people in this House can understand what it is like for someone who perhaps faces life as a quadriplegic, for someone with a severe brain injury, for a severely intellectually handicapped person, and for many others who are in a situation where they may never have sex in their whole life, or may never have sex again. For those people, obtaining sexual services is a very fundamental human need. I believe that one of the real reasons that we must pass this bill is on disability issues alone. Those people should be able to access sexual services as a health service, and the people who provide care for them should be able to do that in as sane, as sensible, and as healthy a way as possible, without having to be contaminated by engagement with a situation that is illegal or semi-legal, as is the case at the moment.

Finally, the basic question has been raised already about whether we do need decriminalisation, because theoretically so few sex workers are criminalised at the moment. Well, as some people have already mentioned, last month in Auckland there were three separate sweeps on Auckland sex workers. Over 30 people were arrested, and one of them was a 39-year-old woman who had not been arrested for prostitution before in her life. My heart broke when I thought of the impact that arrest would have on that woman and on the rest of her life. There is a lot of nice talk about people exiting the sex industry, but once one has a conviction for soliciting or a similar offence on one's record, that is it. It becomes very, very difficult to ever remake one's life after something like that. There is the impact internally of that kind of arrest and court proceedings, and possibly other outcomes in terms of penalties, as well as the whole social stigma that goes with it and the effect on potential job opportunities. That is devastating for people. I hope that tonight, or very soon, we will see the day come in this country when women like that woman will no longer face that risk for having consenting sex with another adult.

JIM PETERS (NZ First): Speaking to clause 3, and following the last speaker, I say that earlier this evening I looked up the issue of occupation. I looked carefully at clause 3, and the sanctimonious language used. It states: "The purpose of this Act is to decriminalise prostitution". That is quite clear. We can disregard the stuff about: "(while not endorsing or morally sanctioning ...)". It states that it creates a framework that safeguards the worker, protects the worker, has care for the welfare and occupational health and safety of the worker, and so on. Is that not an occupation? To follow the last speaker, I say that one of the issues that would greatly concern me, and anyone who has

been in education, is that we have a shift here, and we have already heard a possible example of a massage parlour worker who was placed in the position of working in the industry, at the suggestion of Work and Income New Zealand—of making sex-work another occupation.

For anyone who has been in the teaching profession, I say again that what we have here is a not-too-subtle shift to a life-choice for career and guidance—believe you me, that is what it means. That is the first thing.

Secondly, I have heard some learned and lengthy discussion about certain clauses, but I want to bring an example to the Committee of something that was my lot just a fortnight ago. Unlike other members of this House, members of the Local Government and Environment Committee were meeting in Auckland. I stayed at the Sheraton hotel on the Sunday evening. I was awakened in the morning at half-past 2 by a commotion outside. I went to the window, to see a very demonstrative sex worker trying to get her fee out of the driver of a car she was in. Three other workers then appeared out of the bushes, just along from City Road, to give some help to that worker.

We have heard in this Chamber quite clear comments about health and safety requirements, signage, protections, and prohibitions, but, as has already been mentioned by the honourable member Dr Hutchison, not one of those issues affects, or will change, that worker's role at all. The workers on Karangahape Road, Hunter's Corner, and City Road will not be influenced one whit, or have a changed lifestyle in any way, because of any of the issues that are supposedly here for their protection.

They do not know about the issue as to what a brothel is. They are not aware what the business of prostitution may mean. They are independently and privately soliciting on the street, which, by the way, is their right at the present time.

I want to come back to the issue. Despite all the fine language we have heard around this Chamber tonight and on other nights, the purpose clause very clearly states that this occupation is one that is a work-style. On behalf of New Zealand First, I say again that we utterly reject that contention.

Dr WAYNE MAPP (NZ National—North Shore): I will speak specifically to the amendments I have proposed on Supplementary Order Paper 68. I have already dealt with the issue of brothels, so the amendments I will speak to at this point relate to the issue of soliciting. As I have indicated, under section 26 of the Summary Offences Act, soliciting is an offence, punishable by a fine of \$200, but it is not actually enforced. Police officers in their vehicles drive past Fort Street and Karangahape Road, and ignore prostitutes who are soliciting. So what this amendment will essentially do is put into law current police practice.

It does two things. On the one hand, it gives councils the power to regulate where soliciting would take place. It specifically says “except those areas where soliciting customarily takes place.” For instance, one would expect that the Auckland City Council would permit soliciting in Fort Street and Karangahape Road, because that is where it customarily takes place. One would expect the Manukau City Council to permit it to take place in Hunter's Corner in Papatoetoe. Of course, in North Shore City there would be no places where soliciting would take place, because there is no soliciting in the North Shore, which might say something about the nature of the society that I represent. I will go one step further, and also say that the soliciting that did take place would then be subject to further restrictions. It would be in a defined area, in which it customarily takes place now—

Dr Paul Hutchison: Customary rights.

Dr WAYNE MAPP: Customary rights. In addition, if it is causing a nuisance, or constitutes harassment, then that would be an offence, also, under the Summary Offences Act, which would be subject to a fine of \$2,000. It also criminalises the

clients—and that is an important point. If the clients themselves are harassing or causing a nuisance—and that does happen; we have seen evidence of that—then they would also be committing an offence. In that sense, the law is intended to be even-handed. The worst aspect of the current law is that it is not even-handed: the prostitutes can be convicted of soliciting—if the law is enforced, and that does not happen very often—but the clients get off scot-free.

I know there is a school of thought, typified by Dianne Yates and Marc Alexander in particular, that colloquially refers to the Swedish model; needless to say, I would prefer the phrase the “Swedish law”. That would make soliciting by the client a criminal offence. I have polled the electorate of North Shore by a telephone poll. It was scientifically conducted by a random survey from the electoral roll, and I can tell members that, of the 150-odd respondents, only about 20 percent favoured the Swedish approach to legislation. So I do not believe that if this Parliament went as far as that we would have community consent for what we were doing. For that reason, I will be voting against the Swedish approach to legislation.

I suggest that the amendments I have put up, which give local authorities power to pass by-laws and to then establish some new offences around harassment and the committing of a nuisance in public places, would provide the appropriate controls.

It has been pointed out to me by Dr Paul Hutchison that soliciting is undertaken by people who are totally marginalised, and that it ought to be discouraged by legislation. But, in my view, that is the reason we should not be compounding the marginalisation by the existing offences. I ask the Committee to support those proposals, because I think they are a constructive way of advancing New Zealand’s law.

LARRY BALDOCK (United Future): I will commence some discussion on aspects of advertising and the promotion of safer sex. First of all, I will refer to comments made by Sue Bradford at the end of her speech, when she said she was broken-hearted about a 39-year old woman who would be arrested on the street for prostitution; in actual fact, that woman would be arrested for soliciting. My heart would break for the fact that a 39-year old woman is on the street having to solicit and find a living in that kind of environment. If that is the kind of society we want to have in New Zealand, then this bill is the answer for those who want to promote that. I believe we should be doing all we can to help a 39-year old woman get off the street. She should not have to dehumanise herself through that kind of activity.

Sue Bradford talked about the advertising of commercial sexual services, and she said that it has just become apparent to her that this bill could lead to a proliferation of some pretty awful things. Although I do not wish to malign the motives of Sue Bradford in any way—because I actually believe she is trying to do the best thing for prostitutes—what she says reveals a very, very important thing about the process we are going through. Two select committees have already spent an incredible amount of time considering and deliberating on this bill, and most of the amendments that are now on the Table in this Committee have been discussed by those select committees as ways and means of mitigating the effects of this legislation going through.

The fact that at this late stage the select committee has to acknowledge—or at least one member of the select committee has to acknowledge—that we did not think about the possibilities, simply reveals that that is the nature of the difficulty of the task ahead of us. I believe that we will continue to discover things in this legislation that we did not think about—the ramifications upon society—if we seek to go forward.

Sue Bradford: There’s a review process.

LARRY BALDOCK: The review process may be just a little bit too late. It may be shutting the gate after the horse has bolted. If we look at what has happened overseas, once this industry is given an inch it takes a mile and it is very difficult to pull it back.

In particular if our police are under-resourced it will be more difficult to try to shut the gate after the horse has bolted.

The Committee has been discussing safe sex, and I want to comment on the remarks that Tim Barnett made earlier about safe sex. Safe sex is one of the important purposes of this bill. The bill has the stated aims of safeguarding the human rights of sex workers, protecting them from exploitation, promoting the welfare and occupational safety and health of sex workers, and being conducive to public health.

I will mention public health in a moment, because we need to remember the public at large. This is not meant to be about just the sexual health of sex workers. As they interact frequently with other members of the public, the broader public health issues must be considered, as well. Tim Barnett mentioned before, when he was giving an explanation about why this bill is so necessary, that a prostitute may, for the payment of additional money, be tempted to conduct unsafe sex. She may be tempted to disregard the use of a condom and engage in unsafe sex. I have looked in the bill to see how on earth that could be prevented and I cannot see anywhere where that could be prevented. How on earth will we monitor—

Stephen Franks: There's nothing.

LARRY BALDOCK: There is nothing. The bill requires a brothel-keeper to take all reasonable steps, but he or she is not going to be present in the room when the activity is taking place. If a prostitute decides, for additional money, that she will take the risk of unsafe sex, she will do so. We will not hire an army of health workers to run around the country and peep through windows—

Stephen Franks: OSH will be there.

LARRY BALDOCK: I think that is a pretty vain hope, somehow. Then the Occupational Safety and Health Service people will be arrested for peeping through the window to try to keep an eye on what is going on. It is just not possible to promote safe sex.

I refer to something that the New Zealand Prostitutes Collective said in its statements that I think is very revealing. It stated: "Those who assume that because money changes hands for sex so must sexually transmittable infections, money does not transmit sexually transmittable infections, unsafe sex does. In New Zealand sex workers have clearly not contributed to the spread of HIV."

That is a statement from the Prostitutes Collective. They say: "In fact, sex workers have introduced thousands of men to the mechanics of using condoms safely." So if it can be done without a law change, what on earth are we discussing here? In fact the Prostitutes Collective goes on to state: "Sex workers are motivated to look after their sexual health. A study of 303 Christchurch sex workers published recently found that the vast majority of sex workers from all sectors of the sex industry have regular sexual health checkups and practise safe sex."

We could not get anything more reliable than that. That is a statement from the Prostitutes Collective. Yet this bill is supposed to be promoting safe sex within the prostitution industry. By its own statement it already exists, and there is nothing that I can see in this bill that would take them any further. Ultimately the decision about safe-sex practices is left with the prostitute. Our health services, our sexually transmitted disease clinics, and our public hospitals are all there to serve the needs of all New Zealanders. I have spoken with those who work in hospital health clinics and sexually transmitted disease clinics, and they regularly see prostitutes. They make no bones about giving them the full range of services that are available. Therefore, it is entirely up to the individual to make the decision as to whether he or she attends.

The idea that having a poster promoting safe sex on the wall of a brothel will have an influence on either the client or the prostitute is absolutely absurd. They already

know about HIV and the kinds of sexually transmitted diseases that there are, and it is upon them to take care of that issue.

Let me talk about condom use. Much has been said about the fact that prostitutes have to conceal condoms and cannot use them, and that if condoms are in the room where prostitution is taking place, the police will use them for prosecution. I have here a search warrant for the Summary Proceedings Act, which was also included in the Prostitutes Collective submission. It states that the following things: namely, business records, documents, computer equipment, bank account documentation, money, and sex paraphernalia in the forms of condoms and sex tools related to the offence of brothel keeping, can be taken as evidence for conviction. The reason the police may take those things has nothing to do with the act of prostitution. It has to do with the act of brothel-keeping and pimping. The pimp or the brothel-keeper, not the prostitute, will be prosecuted with that evidence. Of course, in the case of massage parlours, they are not meant to be operating fully fledged brothels. They are supposed to be operating massage parlours where independent workers are able to make their own decisions within the confines of the rooms of that massage parlour.

I make one final comment about the issue of public health, because this bill is supposed to promote not just the individual health of the prostitute, but also public health. I talked earlier about the fact that, by prostitutes' own accounts, 60 to 70 percent of their clients are married men. No matter how many precautions a prostitute takes in order to conduct herself safely and to have regular check-ups, she can only be as sexually safe as her last client. That is the reality of the business she is involved in. Her next client can have no satisfaction that she will not pass on a disease. The bill makes it very clear that prostitutes cannot use that certificate to say they are safe. Therefore, this bill is not promoting public health at all. It is actually opening the door to the potential for the further spread of sexually transmitted diseases.

We already have a problem in this country. HIV may be monitored very well, but the instances of chlamydia and other sexually transmitted diseases are skyrocketing in some places. This bill will not help in that area.

John Carter: Partially through prostitution.

LARRY BALDOCK: It is partially through prostitution, as the member says, and it is partially through the rampant sexual involvement of our young people without adequate knowledge or restraint, but the point is that this bill is not promoting public health, because there is an element of risk inherent within the industry itself and the product it is trying to sell.

Hon CHRIS CARTER (Minister of Conservation): I have not yet spoken on this bill, not because I do not have an opinion, or feel that these issues are important, but because I have not had the opportunity. I am very pleased I have been chosen out of those members who have risen to seek the call. I strongly support this legislation. Like most members, I have received many letters on the subject. I have endeavoured to reply to every one of them, and not just with a sentence or a single paragraph. I hope I have sent out a reasoned response based on a lot of thought about the issue.

For many years before becoming a politician, I was a teacher, so the welfare of young people is very important to me. It was my professional background, and it is something that I am very concerned about. While I would be very unhappy to have seen any of my former pupils become sex workers, no doubt some of them have, because that is, unfortunately, a reality of society. It seems always to have been an aspect of human life. Prostitution is often referred to as the "oldest profession", and I am sure there is a lot of truth in that saying. It is a reality that is found in all communities and all countries.

How are we to deal with that reality? Do we hide our heads in the sand? Do we

ignore it? Do we just hope that, somehow, by ignoring it, it will go away? It will never go away. It has always been with us. It is a reality. If we accept it as a reality, how do we best treat it?

We have a dilemma. I am sure no one in this Chamber would want to send out a positive message that being a sex worker is both an admirable and a welcome profession. Many people have spoken eloquently in this Chamber about how they would not want their children to be prostitutes. I fully accept and understand that position. I imagine that every person in this Parliament accepts that position.

However, coming back to my earlier point, the reality is that some people do become sex workers. How do we make that choice? How do we make that reality better for those people? How do we make it safer for those people? How do we make it safer for the community? How do we keep crime out of it? How do we make it healthier, and stop the spread of sexually transmitted diseases, some of which are fatal—for instance, HIV/AIDS, which the previous speaker, Mr Baldock, spoke about? How do we deal with those issues?

This bill from my colleague and friend Mr Barnett is a step in that direction. It offers greater protection for young people. It seeks to make it easier for the police, the Children, Young Persons, and their Families Service, and the Department of Social Welfare to deal with the problem of young people getting into the sex industry. It increases the powers to stop that happening. It will not stop it completely, of course, but it improves it.

It also improves the ability of health professionals to monitor the health and well-being of sex workers. It allows local authorities to regulate and make safer the practices of people involved in the sex industry. Those are admirable, important, and positive things to do.

I know that many members of this Committee are concerned that this bill sends out a message that it is OK to be a sex worker or good to be a sex worker. I fully accept the view of the member for Christchurch Central that that is not the message he is wanting to send. The mission of the member who is promoting this bill is to try to protect young people in a better and more effective way. He is trying to make in particular the sexual health of sex workers better, to prevent the spread of sexually transmitted disease, and to keep young people out of this profession. By bringing this industry out of the twilight, he is also trying and attempting in a more successful way to deal with the issue of organised crime in the sex industry. The select committee that dealt with this issue, and people in this Parliament who have experience—in fact we have a member who was a sex worker—have spoken about the problems of organised crime and of gangs being involved in the sex industry. This legislation will help to address that question, which is very important. For all these reasons I support the bill.

JOHN CARTER (Senior Whip—NZ National): We are about 2 minutes away from the time when we would normally rise. Rather than your interrupting a member's speech, and giving him or her only 2 minutes, I wonder whether the Committee might be inclined to close for the night, 2 minutes early, and resume the debate on the next members' day in a fortnight's time when a member can then get full time. Indeed, I intend to give notice at that stage to seek leave of the Committee to allow members to have two or three calls on end, if they so wish, so that they can give a full contribution. We have been doing that tonight, and I think it is a good practice. But I think it would be useful if a member wanted to have more than one call he or she could do so, so his or her speech is not interrupted, and I intend to seek leave for that. But in the meantime, with now 1 minute to go, seeing that I have taken up 1 minute, I seek leave for us to rise 1 minute early, and it seems an appropriate time for you now to leave the Chair, and I seek leave for you so to do.

Progress reported.

The House adjourned at 9.56 p.m.

