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WEDNESDAY, 25 JUNE 2003

Mr Speaker took the Chair at 2 p.m.

Prayers.

SPEAKER'S RULINGS***Independent*—Disclosure of Correspondence with Speaker**

Mr SPEAKER: A report has appeared in the *Independent* newspaper today concerning a matter of privilege that has been raised with me and that is currently under consideration. Members are at liberty to release copies of their correspondence with the Speaker if they wish. Speakers have deprecated the practice in the past, but this is certainly not the first time that it has occurred. However, I would remind members and news media that the disclosure of such correspondence is not a proceeding in Parliament, and is not protected by parliamentary privilege. This was pointed out as long ago as 1988, see *Hansard*, Volume 489, page 4436.

There is one further aspect of the public disclosure of the fact that a matter of privilege has been raised that I want to deal with. Where an allegation is made against a member of Parliament, Standing Order 392 requires that the member be given notice of the allegation. The member has an opportunity to respond and is advised of the outcome of any consideration of the matter. Where a non-member is involved, there is no requirement that that person be advised of the allegation, and up till now the practice has not been to advise him or her of the result of the complaint. Whether there should be an obligation to inform other persons is a matter for the Standing Orders Committee to consider, but I have decided that where a member publicly releases details of a complaint of privilege involving another person it is only fair that the Speaker should advise that other person of the outcome of the complaint. I will in future follow this course.

TABLING OF DOCUMENTS**Prostitution Reform Bill**

LARRY BALDOCK (United Future): I seek leave of the House to table this petition, which unfortunately cannot meet the requirements, but does contain the signatures of 4,624 individuals who are urging this Parliament to reject the Prostitution Reform Bill.

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

MOTIONS**Dr John Hood**

PANSY WONG (NZ National): I move, *That this House congratulates Dr John Hood on his appointment to the position of Vice-Chancellor of Oxford University, the first outsider to hold this position in the university's 900-year history; notes that Dr Hood has made a considerable contribution to New Zealand in both business and academia, particularly through his current role as Vice-Chancellor of Auckland University and as a result of his chairmanship of the Knowledge Wave Conference in which he has prompted a national dialogue on the future direction of our country; recognises that Dr Hood is a New Zealander who shows a real passion for and commitment to his country; and wishes him well.*

Motion agreed to.

SPEAKER'S RULINGS

Responses to Oral Questions

Mr SPEAKER: Before I call questions for oral answer, I undertook on Thursday to give consideration to the situation where a Minister promises to get back to a member with information in response to an oral question. In these circumstances the Minister has made a promise that should be honoured as soon as possible. This is the same as following up on a written reply—see Speaker's ruling 130/2. I am not going to try to define what is a reasonable time in terms of providing the following information, as each case will vary.

Members who do not get a follow-up reply should approach the Minister first. They can raise the matter with me if they feel the Minister has not responded within a reasonable time, but I want to warn members that I will not entertain complaints about whether the answer is satisfactory. Whether members are happy with a reply or unhappy with it is not a matter of concern to me. I will regard as a very serious waste of my time, and the time of the House, any attempt to raise the adequacy of a follow-up reply.

QUESTIONS FOR ORAL ANSWER

QUESTIONS TO MINISTERS

Myanmar—Aung San Suu Kyi

1. GRAHAM KELLY (NZ Labour) to the **Minister of Foreign Affairs and Trade:** What actions has he taken to protest at the arrest of Aung San Suu Kyi by Myanmar's military Government?

Hon PHIL GOFF (Minister of Foreign Affairs and Trade): Last week I joined Ministers from other countries at the ASEAN Regional Forum in Phnom Penh in condemning the actions of the military Government in Myanmar and demanding the release of Aung San Suu Kyi. I also met directly Myanmar Foreign Minister, U Win Aung. I rejected his explanation that Aung San Suu Kyi was being held for her own safety, especially since the attack launched on her convoy on 30 May appears to have been orchestrated by the regime itself. I called not only for her immediate release but also for the release of an estimated 1,200 other political prisoners held by the military regime.

Graham Kelly: Does New Zealand provide development assistance aid to Myanmar, and would that be withheld to place pressure on the regime?

Hon PHIL GOFF: New Zealand has not developed a bilateral aid programme with Myanmar despite extensive poverty in that country because of the nature of the military regime. Some assistance, however, is provided multilaterally through ASEAN programmes and also directly to non-governmental organisations. But I indicated to Myanmar's Foreign Minister that New Zealand would not engage more extensively with development assistance without clear progress towards the restoration of democracy, of which at present there is no evidence.

Hon Brian Donnelly: What actions has he taken to protest the genocide of the Karen people by Myanmar's military Government?

Hon PHIL GOFF: This Government has consistently opposed all human rights abuses by the military regime against particular minority groups, but also, of course, the suspension of the democratic process and then the refusal over 13 years to recognise the democratic election result, which would have seen Aung San Suu Kyi as Prime Minister.

Keith Locke: Will the Government be backing the strong actions by the United States against the Burmese regime and join it in implementing strong sanctions,

including denying visas to members of the regime, freezing their financial assets, opposing loans to the regime, banning investments in Burma and remittances to leaders of the Burmese regime, and limiting trade with Burma?

Hon PHIL GOFF: Normally, before New Zealand institutes sanctions it must have a UN mandate for doing so. That does not, however, stop us from informally implementing smart sanctions against the regime, and I can assure the member, given that visas are required for people to come here, no member of that military regime will be given a visa to come to New Zealand. In terms of the US sanctions, they are more wide ranging in the sanctions against trade than New Zealand would normally impose against other countries. What we want to do is to hurt the people responsible for the oppression of individuals in Myanmar, not hurt the general population itself.

Hon Peter Dunne: Where is the consistency between the position he has outlined to the House this afternoon of not favouring an extension of multilateral assistance to Myanmar while an anti-democratic Government remains in power, while on the other hand, with regard to the Tongan Government's moves to repress free speech in that country, he has in this House consistently ruled out using the aid weapon he now appears to favour in respect of Myanmar?

Hon PHIL GOFF: Firstly, the member has got it wrong. I said we were providing some multilateral programmes, but not a bilateral programme. I do not think there is any comparison with Tonga, which does things that we do not approve of and has a system that is not fully democratic, and Myanmar, where 1,200 people are political prisoners, and people have been murdered and denied basic human rights. I think one targets one's sanctions, and one's level of sanctions, towards the nature of the regime one is trying to deal with.

Foreshore and Seabed—Crown Ownership

2. Hon KEN SHIRLEY (Deputy Leader—ACT NZ) to the Minister of Māori Affairs: At what time on what date did he learn that the Government proposed to introduce legislation extinguishing any customary title Māori might have over New Zealand's foreshore and seabed?

Hon PAREKURA HOROMIA (Minister of Māori Affairs): No such decision was made.

Hon Ken Shirley: Did he advise the Prime Minister and the Hon Margaret Wilson of the consequences of legislation overriding Māori customary title; and if he did, on what date did he offer that advice?

Hon PAREKURA HOROMIA: No decision has been made to extinguish anything, so there was not a need for any advice at that time.

Hon Dr Nick Smith: Noting that all our main daily newspapers have reported both the Prime Minister and the Attorney-General saying that the Government has decided to advance legislation to make it plain that title in the foreshore and seabed rests with the Crown, how can the Minister say credibly in this House that that has not happened?

Hon PAREKURA HOROMIA: It does not exclude customary title.

Mita Ririnui: What is the Government doing to address Māori concerns?

Hon PAREKURA HOROMIA: We have formed a high-level committee—*[Interruption]*—led by the eloquent Deputy Prime Minister of this country, and the goal is to ensure that on the way to nationhood we get a positive result.

Mr SPEAKER: From this moment I am not warning any members again about interjections during question time.

Dail Jones: Will the Minister support any move to ensure that the Crown has legal title to the foreshore and the seabed, as opposed to any Māori claim to the foreshore and the seabed?

Hon PAREKURA HOROMIA: The Government is working out how to reconcile customary rights with all New Zealanders' ability to access the foreshore and seabed.

Nandor Tanczos: Is the Minister aware that there is widespread concern, both inside and outside Parliament, about the intended legislation, and what steps is he taking to ensure that the Government engages directly with Māori before it makes any moves to legislate?

Hon PAREKURA HOROMIA: Yes, and I have been able to assure Māori, through the Māori media and the several contacts we have, that there is a process to deal with their concerns.

Hon Dr Nick Smith: Did he inform the Prime Minister of his view, released publicly last night: "... the consent of tangata whenua is required before customary title can be extinguished. Otherwise it is confiscation,"; if so, what was her response, and does that statement amount to Government policy?

Hon PAREKURA HOROMIA: The Prime Minister is well informed of my views.

Hon Dr Nick Smith: What does that mean?

Hon PAREKURA HOROMIA: That is what I said.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. On a very serious matter the Minister was asked what his advice—as Minister of Māori Affairs and, indeed, the Māori Minister in that Cabinet—was to the Prime Minister. He said: "The Prime Minister is well informed of my views." That is not advice to the House on any matter that we are seeking information on. I ask you to ask him to answer the question—as one would expect in any Western democracy.

Mr SPEAKER: I do not need the last comment being made.

Rt Hon Winston Peters: I do.

Mr SPEAKER: I do not—and the member is warned. I will not warn him again, or he will be going. I want to say to the Hon Parekura Horomia that perhaps he might like to expand on his answer just a little bit further. If the question is required to be asked again, it can be. [*Interruption*] Please ask the question again.

Hon Dr Nick Smith: Did the Minister inform the Prime Minister of his view, released last night publicly: "... the consent of tangata whenua is required before customary title can be extinguished. Otherwise it is confiscation," and does that statement represent Government policy?

Hon Dr Michael Cullen: I raise a point of order, Mr Speaker. That was not the question he asked. The last part is different.

Mr SPEAKER: That is not the question that was originally asked. I listened to the question. It followed very closely the question that was asked before, but the very last part was slightly different. I will let the Hon Dr Nick Smith re-ask the question now.

Gerry Brownlee: I raise a point of order, Mr Speaker. It would be helpful to Dr Smith—given that some of us think that he did ask that question as it was asked the first time—if it was pointed out which bit differed.

Mr SPEAKER: I do not need any assistance. I will make that decision. I will have Dr Smith asking the question.

Hon Dr Nick Smith: I did try to make it brief, to save the time of the House, but I will read the question exactly as I originally stated.

Mr SPEAKER: That is right. That is what I asked the member to do.

Hon Dr Nick Smith: Did the Minister inform the Prime Minister of his view, released last night publicly: "... the consent of tangata whenua is required before customary title can be extinguished. Otherwise it is confiscation,"; if so, what was her response, and does that statement represent Government policy?

Hon PAREKURA HOROMIA: The Prime Minister saw the statement before it was released, and it is not Government policy. It was a collective decision come to by the

Māori caucus getting together.

Rt Hon Winston Peters: If, as Judge Hingston said in 1993, customary title is not extinguished, and the Prime Minister says that she intends to have that overturned by legislation, what will the Māori caucus be negotiating—a decision having already been made by the Prime Minister’s announcement?

Hon PAREKURA HOROMIA: No one has said that, and most certainly in 1993 not too much was done about this issue, and we are trying to do something about it as collective Māori members in this Government.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. The Minister’s answer was “No one has said that.” Well, I have; it was in the question, and it is a recitation of what the Prime Minister said when she came out and announced that she intended to have this law overturned. So for the Minister to begin his answer with “No one has said that.”, when the Prime Minister has, and I have repeated her statement, is simply not answering the question in any way at all.

Hon Dr Michael Cullen: I think the member may have missed the early part of question time, and therefore perhaps missed the earlier answers that no such decision, as referred to in the principal question, has been made. The Prime Minister did not make that statement. The fact that it has been reported as such is neither here nor there.

Mr SPEAKER: That is perfectly correct. The member’s point of order is invalid.

Hon Dr Nick Smith: Given that chapter 3 of the *Cabinet Office Manual* requires that all statements of Ministers be consistent with Government policy, and further states: “Ministers whose opposition to a Cabinet decision is such that they wish to publicly disassociate themselves from it, must resign from the Cabinet.”, how can his statement last night be anything other than a statement of Government policy, or a resignation?

Hon PAREKURA HOROMIA: No decision has been made to extinguish anything—and I do not intend to resign.

Rt Hon Winston Peters: Why did the Associate Minister of Justice and Minister in charge of Treaty of Waitangi Negotiations, Margaret Wilson, tell the Holmes show yesterday morning that the Government intended to overturn this law, if that is not the Government’s intention; and, that being the case, where does he stand on the issue of Cabinet collective responsibility? [*Interruption*]

Mr SPEAKER: The member is about to be expelled from the Chamber. A question has been asked, and the Minister is entitled to give an answer.

Hon PAREKURA HOROMIA: I was distracted. Could the member ask the question again, please?

Mr SPEAKER: Yes.

Rt Hon Winston Peters: Why did his colleague Margaret Wilson, the Minister in charge of Treaty of Waitangi Negotiations and the Associate Minister of Justice, tell the Paul Holmes show yesterday morning on ZB radio that the Government intended to overturn this law—and the issue then about what the Māori members would be negotiating was the real point of that debate—when he claims now that no such decision has been made; and where does that leave him on the issue of collective Cabinet responsibility?

Hon PAREKURA HOROMIA: No decision has been made to extinguish anything. Furthermore, for the first time for a long time the Māori caucus is in clear negotiation with the committee set up by this Government, which takes this issue very, very seriously, on the way to better nationhood.

Rodney Hide: Could the Minister tell this House, and tell Māori people in particular, what Government policy is—is it what the Prime Minister announced at 3 o’clock after Cabinet on Monday, or what he signed and put out to the media last night?

Hon PAREKURA HOROMIA: Customary rights are a public issue, and policy can

be determined and defined in a whole lot of ways, planned, and progressed forward. That member should learn about that.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. The Minister put his finger on it at the end of that answer when he said that members should learn about it—and that is what we are trying to do. We are trying to learn what the Government's policy is, and that is what he was asked. He has not answered that question. Frankly, if we go to other democracies we will find Ministers who have been asked questions, answering them. We can watch channel 13 on Aussie television after 4 30 p.m. and see questions answered in the House, but here—

Mr SPEAKER: Please be seated! The member has come to the point of order; I understand what it is. He is now using extraneous matter, which has nothing to do with the particular point he is raising. The Minister did address the question. The last sentence was unnecessary.

Rodney Hide: I raise a point of order, Mr Speaker. I realise that I am treading on dangerous ground raising this point of order, but the question was a simple one: what is Government policy? The Minister, while he said words, did not address that question. I honestly ask you, in the interests of maintaining some respect and order in this Parliament, that Ministers be expected at least to address a question. I say to you that there is no way that the Minister's answers on that point could ever be taken to be addressing the question of what Government policy is, or what the Prime Minister said.

Mr SPEAKER: I judge the question and I listen to the answer. I am not here to judge the quality of the answer or the question. I am here to see that the question is properly asked, and that the answer is addressing the question. In this case, it did.

Rt Hon Winston Peters: I ask the Minister this question because his constituents would want to know, and so does the country: who does he believe—

Mr SPEAKER: Please ask the question.

Rt Hon Winston Peters: Yes, I will do that, and I will get an answer from it, too.

Mr SPEAKER: No. Please be seated. Now the member is in grave danger—he is abusing the question procedure. The question has to be a question. Please ask that question.

Rt Hon Winston Peters: Who does Mr Horomia believe owns the customary title to the foreshore and seabed?

Hon PAREKURA HOROMIA: Being one of the tangata whenua, I have some inherited rights. The Government is working out how to reconcile customary rights with all New Zealanders' ability to access the foreshore and seabed—end of story.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. When I raised the previous point of order you said I was raising extraneous matters. That was as direct a question as one could get anywhere. I asked him who he believed owned the title, and I do not have an answer. I want you to have the same specificity affecting answers as you demand in questions.

Hon Dr Michael Cullen: The member has had a number of answers, as have other members, that have clearly been towards the point. The Government is involved in a process around reconciling Māori customary rights with the traditional rights of all New Zealanders of access to the foreshore and the seabed. There is a process under way.

Gerry Brownlee: I take on board the comments you made right at the start of today's question time. However, I think Mr Peters does raise an interesting point when he says he was asking the Minister a specific question. You are not, as you have said, expected to judge that answer, but when it comes to replies, the Standing Orders are pretty clear that arguments, inferences, imputations, etc., are not acceptable from a Minister. Given the specific nature of the question to Parekura Horomia today, asking his personal view—accepting that as a Minister of the Crown he has told us already that

he is entitled to have those views outside his collective Cabinet responsibility—surely any answer he gives about a process being in place is simply an argument, and part of the political argument that we are trying to further in this question time.

Mr SPEAKER: The Minister is able to be questioned in only his ministerial capacity, not his personal capacity. He was entitled to give a Government view, and he did.

Rt Hon Winston Peters: Is it the case that the Minister does not know who owns the foreshore and seabed?

Hon PAREKURA HOROMIA: I understand taonga tuku iho left behind by my tūpuna. It has been my understanding that Māori have customary rights. I need a bit of a hand with this. I will ask that member who he believes owns it.

Mr SPEAKER: That last sentence was out of order, but the rest of it was in order.

Rodney Hide: We have a question directed to a right honourable member who is a former Minister of Māori Affairs. I seek leave of the House that that question be put and answered.

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

Gerry Brownlee: I raise a point of order, Mr Speaker. In his answer to Mr Peters, Mr Horomia referred to his understanding, and then he used a number of Māori words. Can we have a translation?

Mr SPEAKER: Would the Minister like to translate the words?

Hon PAREKURA HOROMIA: Mr Speaker—*[Interruption]*

Mr SPEAKER: I have asked the Minister to translate, as the member has requested. He can give his own translation. He is perfectly entitled to.

Hon PAREKURA HOROMIA: It is not too different from the Catholic inheritance of culture passed on by generations, over several centuries, that there is tuku iho left to us by our tūpuna, which is related in our waiata and songs, and the markings that are still there.

Hon Ken Shirley: Can he tell this House in simple terms, when push comes to shove on this issue, will he be lining up with the collective responsibility of Cabinet, or will he be backing the Māori caucus?

Hon PAREKURA HOROMIA: It is a role that Ministers of Māori Affairs understand at times. I am here to defend and support what Māori people want done, and at the same time I have a collective responsibility as a member of Cabinet, as a whole lot of current Opposition members had over 9 years.

Rt Hon Winston Peters: I seek leave to table the vote on the Te Ture Whenua Bill of 1993, which demonstrates that I did not support the legislation. The rest of the House did. That is the first one.

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

Rt Hon Winston Peters: I also seek leave to table the Marlborough Sounds decision by Judge Hingston, which points out that the issue was one of access, something that an ignorant person yesterday tried to deny was a fact.

Mr SPEAKER: The question is that that document be tabled. Is there any objection? There is.

Rodney Hide: I seek leave to table the document on customary rights, signed by the Hon Parekura Horomia and released last night.

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

Immigration—Cost to Taxpayers

3. Rt Hon WINSTON PETERS (Leader—NZ First), on behalf of DAIL JONES (NZ First), to the Minister of Immigration: Has she requested for any reports to be

undertaken detailing costs posed to the taxpayer by immigrants; if not, why not?

Hon LIANNE DALZIEL (Minister of Immigration): Yes, I received a report on 16 April 2003 on the fiscal impacts of immigration. I am pleased to be able to say that this report noted that migrants are fiscally positive to New Zealand. Although \$4.1 billion was detailed as costs with regard to Government expenditure, that was offset by the \$5.8 billion that migrants contribute to Government revenue, a net benefit of \$1.7 billion.

Rt Hon Winston Peters: Not wishing to offend any sub judice rule and not referring to the merits of the case, can the Minister tell me how much the Chinese nationals Qie Dong, unemployed, Shangbin He, unemployed, Jia Liang Hong, unemployed, and Jie Ou have contributed to New Zealand whilst they have been here; can she tell me just how much in legal aid this immigrant-hugging Government will spend on defending imported fraudsters?

Hon LIANNE DALZIEL: That comment was very unnecessary. To refer to immigrant-hugging by way of a desire on the Government side of the House to try to address some of the—

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. It is for you to determine whether the question is out of order, not the Minister. Last night one of her colleagues—namely, Mr Carter—was on the television, saying that he was going to hug immigrants. What I said was correct.

Mr SPEAKER: The member asked a question, and the Minister was giving a reply. Up to that point, the Minister was giving a reply. I will judge whether a question is out of order, but she is entitled to say what she wishes.

Hon LIANNE DALZIEL: Obviously, I cannot give details of the actual benefit for three migrants, of whom I have no information. I have absolutely no idea how long they have been in the country. I have no idea what they have done while they have been here. I have no information on them, other than a report from that member that they have been charged with an offence. I find it interesting that he has chosen migrants of Asian descent, when we had a recent case of an individual who was a migrant from the UK convicted—not just charged—of attempted kidnapping.

Georgina Beyer: Has the Minister seen any other reports on the beneficial effects migrants have on New Zealand?

Hon LIANNE DALZIEL: Yes, I have recently received a report from Venture Southland on the progress being made in the implementation of the regional immigration initiative in the Clutha-Southland region. In the past 15 months while the pilot has been operating, 29 new migrants and their families have been attracted to the Clutha-Southland area. A further 15 migrants and their families are expected to arrive over the next few months. Most of them are filling vacancies in industries facing acute skills shortages. The regional immigration initiative is a great success.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. When I submitted this question, it was in reference to the four people I named in my supplementary question. That does not offend any sub judice rule, because I was not referring to the merits of the case but to the facts of the case as published by the *Dominion Post* on 6 June 2003. I was told by the Clerk's Office that I could not refer to those people in any way, shape, or form because their cases were sub judice. That is not the sub judice rule. The sub judice rule relates to any reflection, conversation, or discussion on the question of merit, mens rea, or any other issue. As to the fact that there is a case and that people are involved in it, that is, surely, far too narrow an interpretation, and that was proven by the fact that I was able to ask a supplementary question in the form in which I had sought to ask the primary question in writing 4 hours ago. After a long discussion with the Clerk's Office, I was told that the sub judice rule prevented any reference to any

case, whatsoever. Frankly, I think that is nonsense.

Mr SPEAKER: I have taken some advice on this matter. The member did not submit the question; he was not able to do so this morning. This morning Dail Jones sought to lodge a question that made reference to a case currently before the courts. Standing Order 112 is quite clear: matters awaiting or under adjudication in any court of record may not be referred to in any question, including a supplementary question. This goes back over 100 years of rulings. The question as originally submitted was not in order. It made reference to a particular case, and asked about matters related to that case.

The sub judice rule is not intended to inhibit members discussing the law in general, but a particular case before the court may not be referred to. That is what Mr Jones sought to do in his question as originally submitted. The application of the law to a particular case may not be discussed because argument about it could prejudice the conduct of the case or its outcome.

The House is not in the same position as the media when reporting cases. Standing Order 112 seeks to ensure on the one hand that a judge or jury is not influenced by parliamentary discussion, and on the other hand it enshrines the special relationship between the courts and Parliament. It reflects a comity between Parliament and the courts. What is before one ought not to be discussed in the other. There can be no overriding public interest in allowing reference to a particular case currently before the court, when the House is not prevented from pursuing the general policy matters that question No. 3 as amended sought to address.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. Are you saying that the media has greater rights than members of Parliament? I understood the rule to apply to matters awaiting adjudication. The fact that people are unemployed is not a matter awaiting adjudication. The fact that they may get legal aid is not a matter awaiting adjudication. The issue awaiting adjudication is whether they are guilty and knowingly committed a crime. That is what the sub judice rule is about. We now have a situation where the rule is so narrow that the whole press gallery can refer to the case, but we in Parliament cannot.

Mr SPEAKER: I am saying that members of Parliament have special responsibilities in this case. That is an established ruling that has been made for over 100 years.

Justice, Associate Minister—Confidence

4. Hon BILL ENGLISH (Leader of the Opposition) to the Prime Minister: Does she have confidence in her Associate Minister of Justice the Hon Margaret Wilson; if so, why?

Rt Hon HELEN CLARK (Prime Minister): Yes, because she is a hard-working and conscientious Minister.

Hon Bill English: Following answers given by the Associate Minister yesterday and in public statements she has made, what matters does the Prime Minister believe the Government will negotiate with Māori over seabed and foreshore claims, given the Government's position that it, and it alone, has title to the seabed and foreshore?

Rt Hon HELEN CLARK: The Government will act to uphold rights of public access to, and use of, the foreshore and seabed. It will also act to ensure that the customary rights of Māori are upheld. We are looking for a win-win solution, where both sides feel that justice has been done.

Hon Bill English: What does the Prime Minister believe are the customary rights of Māori in respect of the seabed and the foreshore?

Rt Hon HELEN CLARK: It is not an issue of what the Prime Minister believes.

The issue is that the concept of customary land, up until the Court of Appeal decision, was held to apply only to what we understand to be land. The Court of Appeal has extended that understanding through its five decisions.

Hon Bill English: Answer the question!

Rt Hon HELEN CLARK: If the member would listen, he would know he is getting a detailed and proper answer. The Court of Appeal has extended that understanding of land to encompass foreshore and seabed. When the Māori Land Court determines that land is customary land, a process may then ensue that can see customary land transferred to title of Māori freehold land and then to general title, at which point an exclusive property right has been created. That is the situation the Government now wishes to work through.

Rt Hon Winston Peters: Has the Prime Minister read Judge Hingston's decision, which is a Māori Land Court decision, and does she not understand what he means when he states that customary title was never extinguished, and will she therefore now affirm her position as to whether the Crown owns the seabed and foreshore?

Rt Hon HELEN CLARK: I have not read Judge Hingston's 1993 decision. I have been focusing on the implications of the Court of Appeal decision in respect of what is land and what is not. That is what makes it unclear exactly what the status of foreshore and seabed is.

Stephen Franks: Does she now resile from the Attorney-General's guarantee to this House yesterday that all New Zealanders are to enjoy equal access to beaches and seabeds without privilege or discrimination on the basis of ethnic inheritance; if not, what exactly is the Attorney-General authorised to trade away to Māori by way of customary rights?

Rt Hon HELEN CLARK: The Attorney-General expressed the Government's desire to uphold the traditional rights of access and use in the foreshore and seabed area. She also expressed the Government's strong desire to uphold Māori customary rights. What we are working on is how to reconcile the two—and the law, frankly, is not clear in that area. I might say that in principle—and I am sure the member would agree with me—it is better to have Parliament-made law than judge-made law.

Hon Peter Dunne: With regard to the answer the Prime Minister has just given, is she confident that what she referred to as the twin desires can, in fact, be accommodated in the legislation that is being foreshadowed in such a way that, for most New Zealanders, there will be an unequivocal expression of the fact that they will continue to enjoy the rights of access and usage that they have traditionally felt were theirs to enjoy?

Rt Hon HELEN CLARK: With goodwill between what are two treaty partners, I believe we can achieve that.

Hon Bill English: Is it still the Government's position that it will bring in legislation to prevent Māori from pursuing claims for customary title, thereby extinguishing any customary title; and if that is still the Government's position, why does the Minister of Māori Affairs believe otherwise?

Rt Hon HELEN CLARK: The Government has not said it is bringing in law to extinguish customary title. What the Government is talking about is reconciling the right of public access to, and use of, the foreshore with Māori customary rights.

Hon Bill English: Does the Prime Minister stand by her statement that Māori would still be able to pursue claims about customary use though not customary title, and is she now saying that that does not amount to legislation extinguishing customary title? What a ridiculous position!

Mr SPEAKER: The last comment is out of order.

Rt Hon HELEN CLARK: What is in the province of the Māori Land Court is to

determine customary use, and then to designate land as customary land. It is not clear what customary title is, and that is one of the things to be explored.

Hon Dr Nick Smith: I seek leave—[*Interruption*]

Mr SPEAKER: The member will be heard in silence. The member who interjected will withdraw and apologise for the comment he made while a member was speaking.

Hon Bill English: I withdraw and apologise.

Hon Dr Nick Smith: I seek leave of the House to table the *Morning Report* interview with the Attorney-General, in which she said it was the intention to advance legislation that would clarify that the Crown had title to the seabed and foreshore.

Document not tabled.

Hazardous Substances—Regulation

5. RUSSELL FAIRBROTHER (NZ Labour—Napier) to the Minister for the Environment: What actions has the Government taken to streamline the regulation of hazardous substances?

Hon MARIAN HOBBS (Minister for the Environment): Today I released a strategy to improve the operation of the Hazardous Substances and New Organisms Act. The proposals will simplify the transfer of existing substances to the new hazardous substances and new organisms regime, reduce application costs for new substances, and improve compliance and enforcement.

Russell Fairbrother: How does the hazardous substances strategy contribute to the Government's goals of innovation and growth?

Hon MARIAN HOBBS: Overly complex regulation that is difficult to understand and comply with is a barrier to innovation. Under the strategy, the Environmental Risk Management Authority will be able to assess low-risk applications more quickly and efficiently, thus substantially reducing applicants' costs.

Larry Baldock: Will the hazardous substances strategy help to reduce compliance costs for private businesses in respect of the Hazardous Substances and New Organisms Act; if so, how?

Hon MARIAN HOBBS: The strategy will directly address the concerns that were raised in a survey of businesses and research groups, and in a number of letters written to me as Minister and to groups such as the Environmental Risk Management Authority. By giving the authority more flexibility to assess low-risk applications, the cost to applicants will be reduced substantially.

Genetic Modification—Sheep, PPL Therapeutics, Waikato

6. SUE KEDGLEY (Green) to the Minister for the Environment: How many sheep containing copies of human genes are currently in containment at the PPL Therapeutics Waikato facility, and what will happen to these sheep if the company withdraws from the project?

Hon MARIAN HOBBS (Minister for the Environment): I am advised there are just over 3,000 sheep containing copies of human genes currently in the containment facility. The Environmental Risk Management Authority and the Ministry of Agriculture and Forestry are in daily contact with the company, and the trial will continue to be operated in full compliance with the set conditions.

Sue Kedgley: When does the approval for the PPL Therapeutics transgenic sheep trial end, and is there any limit on the time that the company can keep its project on hold before it must decide what to do with it?

Hon MARIAN HOBBS: As long as transgenic sheep are being held under the responsibility of that company, it must meet the conditions set for the containment and

management of those sheep.

Dr Ashraf Choudhary: What assurances can the Minister give that sheep from the programme will not enter the human food chain?

Hon MARIAN HOBBS: The controls contain a strict prohibition against the entry of genetic material into the food chain, and the Environmental Risk Management Authority and the Ministry of Agriculture and Forestry will ensure that the conditions are complied with.

Sue Kedgley: Why did the Environmental Risk Management Authority approve the PPL Therapeutics trial of up to 5,000 transgenic sheep, before clinical trials had even been completed that would demonstrate that the human protein the sheep were intended to produce was a valid, effective, and safe treatment for various diseases?

Hon MARIAN HOBBS: It is the job of the Environmental Risk Management Authority to assess the benefits and risks of any application that comes before it, and, in this case, I am satisfied it assessed that application appropriately in allowing it to go ahead.

Ian Ewen-Street: Why is it that despite the large number of amendments to the Hazardous Substances and New Organisations Act, the Government has still not introduced requirements for a clean-up bond—a bond that would cover a situation where a company is unable to meet its obligations to carry out controls imposed on it at approval, as required for, say, a mining operation?

Hon MARIAN HOBBS: There are controls for managing the situation when those sheep die, or when the experiment is ended. The controls deal with the management of the sheep, and the sheep will continue to be managed in accordance with those controls.

Sue Kedgley: Who is responsible for implementing the controls set by the Environmental Risk Management Authority—which, in this case, might involve the disposal, killing, and incineration of up to 4,000 sheep—if a company goes bankrupt or does a runner, and who would meet the costs of doing so?

Hon MARIAN HOBBS: When we are talking about that particular company going bankrupt, we are talking about a hypothetical situation. I will repeat that the controls are to do with the management of the sheep. Someone will manage those sheep, whether that person is the receiver, the present owner, or a new owner. The controls are about the management of the sheep.

Foreshore and Seabed—Crown Ownership

7. Hon Dr NICK SMITH (NZ National—Nelson) to the Minister of Māori Affairs: What advice has he sought from his officials on Government legislation to extinguish any right Māori may have had to claim customary title to the seabed and foreshore following last week's Court of Appeal decision, and when did he receive that advice?

Hon PAREKURA HOROMIA (Minister of Māori Affairs): None, because that was not the decision that was taken.

Hon Dr Nick Smith: I raise a point of order, Mr Speaker. For me to be able to lodge question No 7, I had to provide verification to the Clerk's Office that that was exactly what had been publicly stated by the Government.

Hon Dr Michael Cullen: The member had to provide authentication, which usually comes in the form of a newspaper report. I think all members of this House know that newspaper reports are not always accurate.

Mr SPEAKER: The question was asked, and the Minister gave what I thought was the most direct answer of the lot. He actually said no. I heard the answer very clearly. The answer did address the question.

Hon Dr Nick Smith: Does the Minister of Māori Affairs agree with the statement by

the “Eternal-General” on National Radio, announcing the decision that “The legislation will be clarified so that the parties know that title to the seabeds and foreshore will be held by the Crown in the interests of all New Zealanders?”

Hon PAREKURA HOROMIA: As defined, the Government is working out how to reconcile customary rights with all New Zealanders’ ability to access the foreshore and seabed.

Darren Hughes: What advice have the Minister’s officials provided on the Court of Appeal decision regarding the Marlborough foreshore and seabed?

Hon PAREKURA HOROMIA: My officials provided me with a briefing paper on Tuesday, 24 June 2003. The paper sets out the history of the Marlborough foreshore and seabed case, and outlines the Court of Appeal decision.

Stephen Franks: What does the Minister think that Māori customary access and use rights mean, if Pākehā have been guaranteed by the Attorney-General to have exactly the same rights of access and use of New Zealand beaches and inshore seabeds?

Hon PAREKURA HOROMIA: That is what this Government is working on at this moment. We take this issue very seriously.

Hon Dr Nick Smith: Can he clarify whether he stands by the statement issued and signed by him yesterday that: “The Māori caucus is clear that customary use flows from customary title, and if the title is lost, the rights of tangata whenua become privileges granted by the Crown.”, or by the statement made by the “Eternal-General” that this Government would pass legislation—

Mr SPEAKER: The phrase is the “Attorney-General”; the member has twice said the “Eternal”—

Hon Dr Nick Smith: —Attorney-General—

Mr SPEAKER: I do not think that even the Attorney-General thinks that she will be eternal. I took no notice the first time, but the member should reword the question. I suggest he starts again.

Hon Dr Nick Smith: Does the Minister stand by the statement issued and signed last night that: “The Māori caucus is clear that customary use flows from customary title, and if the title is lost, the rights of tangata whenua become privileges granted by the Crown.”, or by the statement made by Margaret Wilson, the Attorney-General, that the legislation will be clarified so that the title to the seabed and foreshore will be held by the Crown—which is the correct statement?

Hon PAREKURA HOROMIA: The issue around customary rights is something that needs to be defined, and that is what the committee has been set up for—and I want to say that with eternal earnest.

Mr SPEAKER: I think bringing the Almighty into questions is always difficult.

Dr Muriel Newman: In what precise way on this issue have Māori been advantaged by having him as Minister of Māori Affairs?

Hon PAREKURA HOROMIA: I am a member of Te Aitanga-a-Hauiti sub-hapū. I am a very important Māori, where I come from. I am recognised as such—and more Māori people in this country know me than know you. [*Interruption*]

Mr SPEAKER: This is members’ day. Members are in their own time.

Rodney Hide: I raise a point of order, Mr Speaker. I do not think it brings this House into order for the Minister of Māori Affairs to pretend he is more well-known in New Zealand than the Speaker of this great House.

Hon Dr Michael Cullen: He’s the “Eternal Speaker”.

Mr SPEAKER: I am not the “Eternal Speaker”, either. I have just passed the mid-point in my career, I say. Will the Minister please address his remarks not to me but to other members of the House, by speaking in the third person. We will now carry on.

Hon Dr Nick Smith: Will the Minister of Māori Affairs support legislation that, as

announced by Margaret Wilson, would clarify that ownership title of the foreshore and seabed would rest with the Crown?

Hon PAREKURA HOROMIA: That legislation will reconcile the discussions that we are about to have as a joint group, between the Māori caucus and the committee set up by this very strong Government.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. We have had a disturbing trend here today. The Attorney-General has been on the radio and in the newspapers quoting one line of action, and so has the Prime Minister. Yet when we come to the House to ask for an affirmation in this House of that very position, all that we get is obfuscation and any old answer, to the extent that we have wasted a whole lot of questions—and no one in the House knows today what the Minister's position is or what the Government's position is. But they are out there in the public, of course, with a different spin. Frankly, that should not be allowed, and if that is the—*[Interruption]* The Prime Minister can laugh. She will laugh on the other side of her face in 2 years' time. The reality is that she said one thing out in the public—the evidence has come before this House and the Clerk's Office—and in this House she will not confirm or deny anything.

Mr SPEAKER: At the end of question time we have a general debate. That is when that issue can be raised.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. With respect, question time is when questions are asked, and one would expect them to be answered. Frankly, this House has been treated with utter contempt by Ministers refusing to answer simple, direct questions, and they are being allowed to get away with it. For my part and my party's part, we do not like—and we will not accept—that.

Mr SPEAKER: Please be seated. That is not correct, and the member knows it. As far as I am concerned, over many, many years, in this Government and, indeed, in previous Governments—and I have been here a long time, as has the member—there has been little change to questions and answers. I am not responsible for the quality of answers or the quality of questions. That is up to the members of this House.

Whaling—International Whaling Commission

8. DAVID PARKER (NZ Labour—Otago) to the Minister of Conservation: What were the key developments relevant to New Zealand's interests at the recent meeting of the International Whaling Commission?

Hon CHRIS CARTER (Minister of Conservation): An attempt to overturn the moratorium on commercial whaling was defeated. The proposed South Pacific whale sanctuary was co-sponsored by a record number of countries and received 58 percent majority support. Sadly, it fell short of the 75 percent required for its establishment, and a Conservation Committee of the International Whaling Commission was established.

David Parker: How will the conservation committee assist the preservation of whale species?

Hon CHRIS CARTER: The conservation committee will be proactive in addressing the many threats faced by whales that have not been adequately tackled by the International Whaling Commission to date. Those include pollution, boat strikes, entanglement in fishing gear, and developments that impact on whale breeding grounds, feeding grounds, and migration routes.

Rod Donald: What is the New Zealand Government doing to protect whales in New Zealand waters threatened by activities such as crayfishing and marine farming, given our strong advocacy for the cessation of whaling and our support for the establishment of a South Pacific whale sanctuary?

Hon CHRIS CARTER: My department is working with the fishing industry and the

Ministry of Fisheries to develop fishing practices that will not imperil marine mammals. The impacts on marine mammals are key issues to be addressed when areas suitable for marine farming, for example, are identified.

Defence Force—Attrition

9. RON MARK (NZ First) to the **Minister of Defence**: Did it concern him to be told by his advisers that the current attrition and personnel levels within the New Zealand Defence Force are such that it “may be put in the situation where it can either deploy on operations or train the next generation, rather than do both as it currently does”?

Hon MARGARET WILSON (Acting Minister of Defence): Since taking office in 1999, this Government has been concerned about recruitment and retention in the Defence Force. That is why it has embarked upon a programme of improvements in pay and conditions, including three funded pay rises in the last three Budgets. We have also instigated modernisation and upgrades of defence capabilities across the entire Defence Force.

Ron Mark: How can the good people of the New Zealand Defence Force possibly be expected to achieve their primary mission—that being “to secure New Zealand against external threat, to protect our sovereign interests, including the exclusive economic zone, take action to meet likely contingencies in our strategic area of interest”—or their duties and responsibilities as defined in the Defence Act, given the appalling staffing deficiencies that were brought to this Government’s attention by its very own officials?

Hon MARGARET WILSON: This Government values those members of the defence forces. That is precisely why in the last three Budgets we have funded pay rises, and have been addressing issues relating to recruitment and retention.

Luamanuvao Winnie Laban: Has the Minister seen any other reports relating to recruitment and retention in the New Zealand Defence Force?

Hon MARGARET WILSON: Yes, numerous reports have been published on the subject. Previous Governments have been aware that issues of recruitment and retention have been present within the New Zealand Defence Force for many years. The point is that this Government has consistently been addressing those concerns through improvements in pay, conditions of service, and the re-equipping of our defence forces after what has been quoted by a member of the Opposition, Mr Worth, as 9 years of neglect.

Simon Power: Can the Minister confirm that the real reason for staff attrition levels in the New Zealand Defence Force is that this Government does not value its defence forces, and has severely reduced capability in the New Zealand Defence Force by scrapping the strike wing of the Air Force, reducing the Navy to vessels of civilian specification, criticising our traditional allies, and continuing to refer to the current environment as a benign strategic environment; if not, why not?

Hon MARGARET WILSON: No, we do not agree with that assessment.

Hon Peter Dunne: In view of the concern she expressed in her first answer about current recruitment levels, does the Government consider that the Territorial Force has a role to play here; if so, what steps are being taken to boost recruitment for the Territorial Force?

Hon MARGARET WILSON: Yes, this Government does believe that the Territorial Force does have a role to play. Unfortunately, I am not in a position to give the member specific answers as to how we are addressing any questions there. I am not aware of any recruitment questions as such. However, I am happy to provide further information as it becomes available.

Ron Mark: If the Government does value those highly experienced Defence Force personnel—whom we now do not have—as highly as it says it does, why did it take 4 years to find the \$46 million necessary to redress the pay deficiencies, whilst, in contrast, it took about 6 minutes to find \$50 million for a yacht race?

Hon MARGARET WILSON: What the member said is not correct. We have been addressing the pay issues, in particular, over the past three Budget rounds. They are not being funded out of baseline, but out of increases. I am a little surprised at the member's concerns, since New Zealand First, when it was in Government, had no published defence policy.

Rt Hon Winston Peters: I raise a point of order, Mr Speaker. Why on earth would you allow the Minister to say that?

Mr SPEAKER: The Minister was out of order in doing so.

Painted Apple Moth—Aerial Spraying Campaign

10. LARRY BALDOCK (United Future) to the Minister of Health: What progress has been made on the Ministry of Health inquiry into the human health consequences of the painted apple moth aerial spray campaign and how much funding will this inquiry receive?

Hon ANNETTE KING (Minister of Health): A contract with the Wellington school of medicine will be signed within 2 weeks for a study into the health effects of the painted apple moth spray programme. It has taken longer than anticipated to get the study under way because of delays by the Wellington school of medicine. The cost of the study is estimated to be about \$160,000.

Larry Baldock: Can she confirm that the inquiry intends to look only at the health concerns of those claiming to be affected by spraying, rather than at the actual health effects of the spray; if so, does she agree that those concerns are already well known, and what is needed is some sort of clinical assessment of the actual effects of spraying, since that was surely the reason that her ministry became involved in the first place?

Hon ANNETTE KING: The first part of this project to be undertaken is to collect the health concerns of people, but then the school of medicine that is looking at them will review existing scientific knowledge relevant to those health concerns and recommend scientifically robust methods of further study.

Sue Kedgley: Given the previous questions, why will the Minister not direct that study to look at the clinical effects on the residents of Auckland, instead of looking just at theoretical researches of literature, and so forth? Why will they not talk with, meet with, and undertake clinical studies of the residents involved?

Hon ANNETTE KING: Because they have not been asked to look at theoretical issues; they have been asked to look at the health issues that are raised, and then review them in the light of existing scientific knowledge, not theoretical theories.

Larry Baldock: Is she aware that the delay in getting this inquiry under way is already the subject of a complaint to the Ombudsman, and that the community is still being denied the opportunity to voice its concerns for a widespread and well-publicised submission process?

Hon ANNETTE KING: There is concern at the delay. As I said to the member, I am pleased that the contract will be commencing in 2 weeks. However, I am informed that the completion date of September is expected to remain the same. Submissions from the public and meetings of other mechanisms will enable a wide range of people to have an input.

Larry Baldock: If the inquiry finds that the concerns of those claiming to be affected by the spraying have some validity, what actions will she recommend to the Minister for Biosecurity to assist or compensate those people who have suffered in the

national interest?

Hon ANNETTE KING: I could not answer that question at this stage.

Māori Affairs, Minister—Media Coaching

11. RODNEY HIDE (ACT NZ) to the **Minister of Māori Affairs:** On what dates and at what cost was he coached by Labour's media trainer, Dr Brian Edwards?

Hon PAREKURA HOROMIA (Minister of Māori Affairs): I attended training on 15 and 16 June. As there was no ministerial funding involved, there is no ministerial responsibility.

Rodney Hide: Can the Minister also confirm that last week, before each question time, Dr Brian Edwards was helping him?

Hon PAREKURA HOROMIA: That member needs some training in the truth.

Mr SPEAKER: No, no, no. The answer is to be given, and can be given quite specifically. Please give it.

Hon PAREKURA HOROMIA: No.

Gerry Brownlee: Is the Minister telling the House that the only times he has had any media training or advice from Dr Brian Edwards have been on 15 and 16—*[Interruption]* I am just wondering whether I should direct the question to the Prime Minister; she appears to be answering it—on 15 and 16 June?

Hon PAREKURA HOROMIA: No, I cannot recollect exactly, but I have been there two or three times before this year.

Rodney Hide: Does the Minister now think he has had enough training to go on Dr Brian Edwards' show and answer the tough, probing questions on Television One on Saturday night, or does he think he needs a bit more training from the host—or help from the Prime Minister, who is whispering the answers to him?

Hon PAREKURA HOROMIA: He who does not get skilled, does not progress. Can I tell the member that he needs some training in the Māori reo. Most certainly, I will go anywhere if I have as much time as he has to roam around in this country.

Gerry Brownlee: Subsequent to the training he has received from Dr Brian Edwards, does the Minister now believe that he is skilled at answering parliamentary questions?

Hon PAREKURA HOROMIA: My attire has to improve, but is it not obvious to Mr Gerry Brownlee that I have improved in the House?

Rt Hon Winston Peters: Does the Minister think it is appropriate and proper for him to get training from the Prime Minister's personal trainer and coach, as well—which shows a serious lack of learning ability on her part? Does he think it is appropriate for him to get training from someone who will now front taxpayer-owned television purporting to be independent of political bias?

Hon PAREKURA HOROMIA: Perhaps the Minister of Broadcasting should answer those questions. But I really would look to my Māori elder statesman in this House to help me with my attire.

Rt Hon Winston Peters: I seek leave to table my suit in the hope that one day—*[Interruption]*

Mr SPEAKER: The member seeks leave to table his suit—after the House has risen. Is there any objection? There is objection.

Rodney Hide: I raise a point of order, Mr Speaker. At the back of the Chamber there is a need for some clarification from the right honourable member. When he says he is going to table his suit, he means that he is going to return in a different one, and then table it, does he not? That might affect whether the ladies down the back of the Chamber grant leave.

Mr SPEAKER: No, the member is being facetious.

Rodney Hide: I raise a point of order, Mr Speaker. Given the answer of the Minister of Māori Affairs, I ask, through you, whether he is now saying that he will be fronting up on the marae at Tolaga—

Mr SPEAKER: That is an abuse of the question procedure, and the member was nearly asked to leave. He will not do that again. I will be listening to him for the rest of this month, and for next month, too.

Question No. 12 to Convenor

Hon DAVID CARTER (NZ National): I was very keen to ask this question of Mr Hodgson, the Convenor, and I wonder whether I can seek leave to hold it over until I can do that.

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

Agriculture—Agricultural Emissions Research Funding

12. Hon DAVID CARTER (NZ National) to the Convenor, Ministerial Group on Climate Change: Does he expect any theoretical improvements to farmers' productivity, made through research funded by a tax on livestock emissions, to benefit every farmer and the environment by 2008; if so, why?

Hon JIM SUTTON (Minister of Agriculture), on behalf of the Convenor, Ministerial Group on Climate Change: The research programme on agricultural greenhouse-gas emissions will give priority to measures that will bring the greatest production efficiency gain to farmers in the short to medium term. That approach could well bring benefits by 2008. We will find out by doing the research.

Hon David Carter: Is the Convenor conscious of his remarks on 16 November 2001, when he said: "I can offer you a personal viewpoint, which is that to tax cattle and sheep is a remarkably stupid thing to do. It is precisely the wrong policy approach."; and what changed between 16 November 2001 and today?

Hon JIM SUTTON: I am not familiar with the quote the member mentioned, so I take it that the member is advocating instead that farmers pay an emissions tax on their ruminant animals, which, if applied in the normal way, would cost them about \$925 million a year. I think the Convenor of the Ministerial Group on Climate Change has done farmers an enormous favour by offering them an opportunity instead to fund research to the value of \$8.5 million a year.

Hon David Carter: I raise a point of order, Mr Speaker. I want you to reflect on that answer. It shows the difficulty we get into when we put a question on the Order Paper, whereby we want to question the Minister about remarks he has personally made. As you know, I sought leave for the question to be moved to another day when Mr Hodgson could be present. We then had an answer from Mr Sutton, where he said he was not aware of the comments that Mr Hodgson had made and that had been printed in the media.

Mr SPEAKER: Yes, but then he went on to address the question and give quite a full answer to it.

Nanaia Mahuta: What expert advice does the Government have on the potential for improving farm productivity through this research?

Hon JIM SUTTON: An expert assessment on the current science identified a range of research projects with the potential to deliver productivity benefits, both in the short and long term. I quote just one remark from that assessment, which is publicly available: "A successful technology will deliver a win-win result with respect to methane reduction and increased animal production."

Hon David Carter: In question time yesterday, why did the Minister say that

“farmers do not have greenhouse-gas credits”; and does he not realise that many farmers have forestry on their land—the credits of which his Government has nationalised?

Hon JIM SUTTON: I had nothing to say about that yesterday, whatsoever. I was on my way back from Sharm el Sheikh.

Mr SPEAKER: The Minister now will give an answer to the question, please.

Hon JIM SUTTON: On behalf of my colleague, Pete Hodgson, the proposed plan of research is one designed with the best scientific advice available. The quality of that advice has been endorsed by, amongst others, the chairman of Meat New Zealand, a former chief whip of the National Party.

VOTING

Correction

GORDON COPELAND (Whip—United Future): I raise a point of order, Mr Speaker. I seek leave to alter three United Future votes that were taken in the Committee of the whole House yesterday on the Injury Prevention, Rehabilitation, and Compensation Amendment Bill.

Mr SPEAKER: Leave is sought to adjust votes from the Committee of the whole House. In actual fact, I think it makes little difference to the outcome. It is just that one vote was cast for the Ayes and should have been cast for the Noes. Is there any objection to that? Please read the three out.

GORDON COPELAND: On the question that Part 2 stand part, United Future voted for the Ayes. The vote should have been for the Noes. The result was announced as: Ayes 69, Noes 47. The result would now be: Ayes 61, Noes 55. On the question that Part 3 stand part, United Future voted for the Ayes. The vote should have been for the Noes. The result was announced as: Ayes 69, Noes 44. The result would now be: Ayes 61, Noes 52. On the question that the schedule stand part, United Future voted for the Ayes. The vote should have been for the Noes. The result was announced as: Ayes 69, Noes 44. The result would now be: Ayes 61, Noes 52. I would like to apologise to the House for the inconvenience.

Mr SPEAKER: The Journals will be adjusted accordingly. Is there any objection to the question of leave? There is not.

GENERAL DEBATES

Hon RICK BARKER (Minister for Courts): I move, *That the House take note of miscellaneous business.* I want to state right from the outset that the Opposition is a failure, an abysmal failure. The Opposition has failed in its basic reason for being, which is to oppose—not just to oppose by voting against motions, but to oppose by actions, ideas, and alternatives; in other words, to oppose with some policy. But, more important, the Opposition has to show some leadership.

Just recently, Bill English was overseas, and I have to ask—who noticed? It was really interesting before he left. Mr English was taunted by Matt Robson, who said: “When the leader is out of town, you’d better be worried if Mr McCully is in town and your polls are about half the level of the Labour Party.” We had a flurry of press releases from the National Party saying that there was no coup and there would be no coup. This is very ironic, because when Jenny Shipley was at 37 percent in the polls, the National Party acted. Here we have the leader of the National Party at 27 percent, which seems to be good enough for the brat pack, and the National Party is saying that it is good enough. This shows a remarkable turn-round by the National Party. I would have thought that members of the National Party would be saying that 27 percent was not good enough for them and they would have a coup because they want to do better. Instead, the National Party is saying it is good enough. They are saying they are ahead

of New Zealand First and ahead of ACT, and that is where they want to be—a niche party. Members of the brat pack, who have control of the National Party, see their own interests in holding on to the leadership positions in the National Party as being more important than the interests of that once-great, once-proud party—the National Party.

One of the reasons the National Party has such problems is that it confuses activity with direction. As long as the paddles of the waka are splashing around and making a bit of noise, the National Party is happy. It has no sense of direction. The National Party is becalmed, and it is becalmed in its most important part of New Zealand—Auckland. In Auckland, the National Party is down to about 20 percent in the polls. In Wellington it is down to 16 percent, and it is failing everywhere. It is failing in policy. The first piece of policy we have had from the National Party recently was released by Katherine Rich, who stands here in the House with “Dunedin” emblazoned upon her chest, and this serves two purposes: it shows to those who are disbelieving that she comes from this planet, but also, when people find her walking around airports lost, bewildered, and confused, they know which plane to put her on. All that Katherine Rich has done is recycle the old policy of the National Party and re-churn out the old words about growing national welfare dependency, and so on.

The National Party has ignored the facts. When the National Party left office after 9 years of misery, unemployment beneficiaries numbered 164,530. That was in 1999. In May 2003 the number on the unemployment benefit was 109,757. This Labour Government has created 123,000 new jobs in 3 years. I just want to repeat the figures: when Nick Smith was booted out of office for incompetence, the unemployment beneficiary numbers were 164,000, and 3½ years later they are 109,000. There is another very good figure, and Mr Nick Smith will like the facts behind this one. In answer to a question from an ACT MP relating to the number of persons dependent on a benefit, excluding superannuation, we found that in 3 years the total number had declined by 14.2 percent.

Darren Hughes: How much?

Hon RICK BARKER: There was a decline of 14.2 percent in the number.

Hon Dr Nick Smith: Rubbish!

Hon RICK BARKER: Mr Nick Smith says that is rubbish. He ignores the facts, and that is what gets him into trouble through the years. We offered to show Mr Brash and Katherine Rich around a modern Work and Income New Zealand office to show them what is happening, but they cancelled out. There are none so blind as those who do not want to see. The National Party does not want to let the facts get in the way of a good argument. We do have declining numbers on benefits in this country.

This Government is doing a great deal to ensure that New Zealand is working yet again. It is sad to hear the ACT party repeating the same mantra about benefit dependency. We know what the ACT party stands for—it at least has some policy. Its members are market fundamentalists. The market will answer everything—slash tax, slash Government services, and leave everybody to their own devices. At least the neo-Darwinists over there know what they are, but the scary part of this Parliament is that they are getting the point about—

Madam DEPUTY SPEAKER: The member’s time has expired.

Hon BILL ENGLISH (Leader of the Opposition): New Zealand has been deceived by its own Prime Minister on an issue that matters enormously to every New Zealander. Today in question time we discovered that the Government has not decided to pass legislation to settle the issue—[*Interruption*].

I raise a point of order, Madam Speaker. I draw to your attention that in other general debates and other speeches, the senior Government whip has taken it upon himself to interject continuously. On other occasions I have let that run for a while, but I do not

intend to let that happen today.

Madam DEPUTY SPEAKER: The member certainly has a point. I draw the member's attention to that and ask for order.

Hon BILL ENGLISH: New Zealand and New Zealanders have been deceived by their own Prime Minister on an issue that matters to them most deeply, because it is about the kind of country they live in. The Government has not decided to legislate to settle the issue of the title to the seabed and the foreshore. We know that because Ministers of the Crown have told us today. In fact, what is happening is that the Minister of Māori Affairs has told us that the new committee that has been set up is the committee that will decide what is in the legislation. All the media headlines were wrong. I came to the House with the assumption that the Government had decided to settle the issue over title to the foreshore and the seabed by passing legislation that would state that the title lies with the Crown. The Prime Minister has said that it would be the intention of that legislation to prevent further Māori claims for customary title proceeding and to cut across the Court of Appeal. I had thought she meant what she said. I had thought the legislation would be appearing, because that position was non-negotiable. I came to the House today to find out just what issues the Government did believe were negotiable with Māori. Was it fishing—the reopening of the fisheries settlement? Was it access? Was it compensation? Was it to do with minerals? Those are all things the Government has opened up to another never-ending process by its actions in the last few days. But I turned out to be wrong. It turns out that we can add to that list that the Government will be—*[Interruption]*

I raise a point of order, Madam Speaker. It is your job to ensure that the Standing Orders are obeyed. The Standing Orders are quite clear about interjections. They must be rare, witty, and to the point. I raised this point with you at the start of my speech in relation to the senior Government whip. You have now tolerated Mr Mallard's continuing and unbroken barrage of interjections, and I believe it is your job to prevent that from happening.

Hon Trevor Mallard: I raise a point of order, Madam Speaker. I want to make two things clear. First of all, the member pretended to be quoting from the Standing Orders, when he was not. He was entirely inaccurate in what he said was in the Standing Orders, and, given he is the Leader of the Opposition, when he quotes from the Standing Orders he should do so accurately. The other point is that, although my interjections might have been cutting the member, they were not constant. He has to be able to take it.

Madam DEPUTY SPEAKER: I remind members that general-debate speeches are 5-minute only, and members should have a fair go. Also, there have been interjections on both sides.

Hon Trevor Mallard: I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: I warn people that there should be silence while points of order are being heard.

Hon Trevor Mallard: That is exactly the point. There were three people interjecting, at least, while I was taking a point of order: the Leader of the Opposition, Dr Lynda Scott, and Dr Nick Smith. They all interjected. I think you know, Madam Speaker, that I have been tossed for that during recent debates, and I ask for some consistency and behavioural standards to be applied to both Opposition members and Government members.

David Benson-Pope: I raise a point of order, Madam Speaker. While I am flattered that the Leader of the Opposition objects to my comments, which were not frequent, I note that as this debate is characteristically a robust debate, I would find it totally unacceptable, given the interjections on our colleague Mr Barker that have already

occurred, if there were to be any expectation that the Government should sit quietly when provocative and inaccurate statements are being made to the House by the Leader of the Opposition.

Madam DEPUTY SPEAKER: That is not a point of order. The member's points are debatable. I remind members again that these are 5-minute speeches only, and members should have a fair go. I also remind members about speaking during points of order and when I am ruling on a point of order. The member did interject earlier. He was lucky, and it will not be tolerated again.

Hon Trevor Mallard: I raise a point of order, Madam Speaker. I very specifically named three members who had breached the Standing Orders in a way that has, according to recent Speakers' rulings, resulted in members being required, at least, to apologise. I request that you apply those standards to them.

Madam DEPUTY SPEAKER: I take the member's point. I have already ruled on that matter. Speaking while points of order are being heard will not be tolerated. All members have now been warned.

Hon BILL ENGLISH: It turns out that the non-negotiable position of Helen Clark has now become negotiable. The Government's legislation—which the Government stated it would certainly carry out—to settle the issue of title, will now be negotiated between the Government and the Māori caucus in the committee that has been set up. The Māori caucus position is quite clear. Its members say that customary title exists, and the Government stated the other day that it did not. Helen Clark has changed her mind in 2 days of pressure from the Māori caucus. She said that the Government would definitely introduce legislation to settle the issue of customary title, but we are now being told by the Government that, first, no decision has been made to extinguish customary title. That is the first we have heard of it.

It turns out that all those newspapers—the *New Zealand Herald*, the *Dominion Post*, the *Christchurch Press*—and *Morning Report* and the commercial radio stations were all wrong. The Government never stated that, apparently. That is the first point. The Government said it never actually made that decision, when it has been all over the news for 2 days. Secondly, it has now decided to negotiate it. Here is the question, asked by my colleague Stephen Franks: what is it that the Government plans to negotiate away?

What rights that all New Zealanders have now will be negotiated away in a backroom, in a committee set up by the Government, to try to settle the problems it has created with its Māori caucus? Helen Clark, the Prime Minister who means what she says, and who has backed down in 2 days, owes it to New Zealand to tell us what rights New Zealanders have that she will negotiate away. So much for the Prime Minister who means what she says. She said on Monday that she would settle the issue of customary title. We are told today that it will be negotiated by a committee of Government and Māori MPs.

Hon PETER DUNNE (Leader—United Future): In recent weeks in this House, a great deal of attention has been placed on events in other parts of the world, but this afternoon I want to refer to a rising arc of instability in a region much closer to home—namely, the Pacific. In recent years we have endured the consequences of a coup in Fiji. We now face considerable unrest in the Solomon Islands, with Tonga likely to go the same way if continuing anti-democratic trends prevail. The Geneva Small Arms Survey tells us that there are some 3.1 million small arms in the possession of citizens in the Pacific Islands, which is something like 14 times greater than the number of arms in the possession of the combined military forces of those islands. Over the last 30 years we have seen some \$50 billion of US foreign aid dedicated to the Pacific Islands, yet cumulative growth rates are around only 1 percent at the present time. The economic

breakdown in the Pacific is leading to a civil breakdown. That needs to be of concern to this country, because it is within our part of the world that this is happening.

I know that the tradition, which we are now seeing repeated, has been to let the so-called “Pacific Way” solve those problems. The Biketawa Declaration, which has been entered into, is an attempt to foreshadow, or forestall, the ongoing lethargy in terms of dealing with those crises, but, frankly, it is not working. I am concerned when I see the situation in the Solomons today, where there are warlords like Harold Keke running rampant, and the Government of Sir Allan Kemakeza almost on the point of collapse, and where we have New Zealand playing a role in terms of trying to restore some civil order.

I then look at what is happening in Tonga, where we see an anti-democratic and potentially corrupt royal family taking most desperate actions to retain power by subverting the constitution of that country by removing rights of free speech and the right of appeal to the courts in certain circumstances. New Zealand timidly says that it is not happy, but that it will not do too much more. I worry about the consequences of that instability so close to home, particularly when we see the Government of the People’s Republic of China making significant diplomatic approaches to Tonga, offering assistance and aid to bolster its position in this part of the world, while at the same time as its rival the Republic of China on Taiwan is making similar diplomatic entrées into the Solomons. The conflict across the straits of Taiwan does not need to be replicated in this part of the world, and I am concerned—very concerned, in fact—that in this country we are not doing enough to deal with the potential upheaval that lies ahead. I know that the Minister of Foreign Affairs and Trade is due to meet his Australian counterpart at the end of this week, or next week. It is important that action be initiated as a result of those discussions and that we do not simply rely on the Pacific forum meeting to be held in New Zealand in August to convey some diplomatic niceties to these offending states and basically to let things go on the way we are.

There has been controversy about whether our head of State should attend the birthday celebrations of the King of Tonga. The decision has been made that she should go. She goes with our blessing and our goodwill, and I hope she is safe. The point is that, in a symbolic way, that is giving succour to the anti-democratic provisions of that regime and to the intentions of this country to appear to stand quietly by while the instability around us mounts.

A few years ago New Zealand took a very strong stand against undemocratic moves in Fiji. At the time we were criticised by some for intervening; by others we were criticised for not going far enough. I believe we face the same dilemma today. New Zealand and Australia have a role to play. We need to be concerned about our well-being in a strategic sense. Some have referred to a benign strategic environment. I believe that is no longer the case, if it ever was. The situation that we face with mounting concern in the Pacific requires attention from this Government.

In question time this afternoon the Minister of Foreign and Affairs and Trade was quick to point out the steps that New Zealand has taken with regard to what is seen as an anti-democratic regime in Myanmar. That is fair enough, but let us come closer to home and recognise the threat that potentially exists on our own doorstep, especially if the economic and social breakdown in those countries leads to greater superpower involvement, greater rivalry. If we see the Chinese come in and start to play a significant role in Tonga, it is only a while before the United States joins in and it is all on.

Rt Hon WINSTON PETERS (Leader—NZ First): A wise man said recently that the only safe place for a sane person in a mad world is a lunatic asylum, and today I fully understand what that wise man meant. Policies of madness followed by Labour

and National Governments over two decades have led us to a constitutional crisis over who owns our foreshores, seabed, and other resources. This madness was the development of a befuddled series of laws relating to the Treaty of Waitangi, and the separation of the people of New Zealand into two groups of citizens: one group with special rights based on race, the other group with none. It is time to repeal the mythical Treaty of Waitangi principles in New Zealand laws. It is time to create a State in which all citizens are equal in the eyes of one set of laws.

Today Sir Paul Reeves, the chairman of the Bioethics Council, told the Education and Science Committee that the set of principles of the Treaty of Waitangi that he goes by are those set down by Cabinet. That will come as an alarming piece of information because Cabinet has not set down any principles whatsoever. Later on he claimed that politicians have been remiss for not having clearly established a set of principles of the treaty for the public to operate under. That comment was from a person who has been recommended to head the panel on who will choose our new Supreme Court judges.

All of us, Māori or otherwise, should be able to rely on the legal rights that British subjects have enjoyed—rights that go back to the Magna Carta. There must be one set of laws for us all. It is totally incomprehensible to any sane person that on 5 February 1840 Queen Victoria had one relationship with millions of her subjects throughout the empire and in England, yet the next day she had a different relationship with Māori. It is all based on a myth. The Treaty of Waitangi was part of the colonising process. It was drawn up in the dead of night by a naval officer, and was never, and must never, be seen as some sort of binding legal document. There is no legal partnership between Māori and the Crown. It is a myth, despite the comments made by some judicial activists and a whole lot of politicians on both sides of this House. We are not, in a strict legal sense, treaty partners. The idea that we are a partnership came from a 1987 decision that was not sound in law, and it has been taken up ever since by the National Party, and Labour, and carried on as though it is some sort of mantra that we must have as a guide for the future. It is unfair and unjust that principles ascribed to the treaty be used to advance the interests of one section of society as opposed to the society as a whole.

All Governments must be fair and neutral in matters of race. We have faced many decades of divisive arguments over Māori claims for environmental resources. These claims have been based on false hopes and expectations that have been built up by woolly-headed lawmakers. We in New Zealand First do not intend for those who are responsible for this mess, both in Labour and National and other parties, to get away with just washing their hands and walking away from the issue. They are all guilty—they should look at the *Hansard*—of, year in and year out, compiling this mess. The present situation, which is causing concern to all New Zealanders, has been caused by the policy that some citizens have special or antecedent rights and privileges extending over every natural resource in this land and the surrounding sea. We cannot function as a country if there is politically and legally sanctioned racial preferment for one racial group. It tore South Africa apart, it tore the south of the United States apart, and it will tear this country apart if we carry on the way we are going.

New Zealand First will support any move to ensure that the Crown has legal title to the foreshore and seabed. We also seek assurances that legal title extends to other parts of the environment where ownership could be disputed. The Prime Minister has made one public statement—editorial writers have said that she is doing the right thing—yet she came to this House today and wantonly denied what she said to the public of New Zealand, both in the media and elsewhere. Māori traditional rights of use must be protected, but those rights cannot be extended to property ownership on the basis of race. Wherever this has happened in the world it has caused racial disaster. Both Labour and National Governments have created this mess. They thought that they could

construct laws based on three Treaty of Waitangi articles that were never and could never be a basis for sound constitutional Government.

There is only one answer to this issue, and that is to repeal all these treaty principle - based laws, because not one of them can tell us what these principles are. We are all equal in this country, and we must all be equal in the eyes of the law. In my view, the Māori people would be happy to rely upon those ancient rights, which go all the way back to the Magna Carta, upon which the British people relied—and so should we. To have a separate series of laws being constructed by these people here, who are totally woolly in their approach, is very serious for this country's long-term future.

Hon CHRIS CARTER (Minister of Conservation): Leadership is about drawing people together, not dividing them. Leadership is about inspiring a country to aim for a community that grows together; where people are valued, not divided; where hatred is not fanned, but acceptance, tolerance, and the celebration of diversity are positive ambitions for our country. Mr Peters has just spoken about South Africa. He said that our country was becoming like South Africa. Actually, leadership in South Africa was about Mandela drawing races together. It was about stopping the division of people, and it was about ending racism, not promoting it.

Mr Peters spent the previous election campaign dividing people in this country, inspiring fear in migrant communities, telling some people in New Zealand that they are not welcome, and promoting dangerous stereotypes about people, and he has continued to do so in this House. Mr English spoke earlier in this debate. He has recently scuttled off to Washington. What did he do while he was there? He talked to his friends there. He talked about how New Zealand has played a role in the Iraqi war that has not been very positive. That is the message he gave. In the last few months this House has been subject to all sorts of comments about how the Government's foreign policy has compromised a supposed free-trade agreement with the United States. Mr English has not been loyal to this country. He has not promoted the interests of New Zealand. He has attempted to divide this community and divide our country internationally.

Just a few days ago, I returned from the fifty-fifth International Whaling Commission conference in Berlin. I was proud to speak on behalf of New Zealand about conservation. What I was doing was building on a tradition that this country has held on conservation for many, many years under a variety of different Governments. In this Chamber there are former National Ministers who went to these conferences before me, and we have spoken from the same lines. We have sung the same song, and New Zealand has achieved credit for that. We have worked closely with like-minded countries, and we have shown leadership in conservation. Members may contrast that with the behaviour of Mr Peters, who goes around dividing communities, and promoting anxiety and hatred in this country. He is fanning stereotypes about races. Members may contrast the behaviour at the International Whaling Commission conference, where people were working towards saving whales, with the actions of Mr English, who has done nothing but denigrate our country, denigrate this Government, and divide us from countries that we have worked closely with in the past. That says a lot about leadership. It says a lot about leadership from this Government, which seeks to draw communities together.

Tonight, at 6 o'clock, I will have the privilege of launching an advertising campaign, funded by McCann-Erickson, here at Parliament. The campaign seeks to dispel some of the stereotypes that Mr Peters has promoted in this country. The campaign challenges people to think about the fact that New Zealand is now a country of many faces. It is composed of different people of different cultures, and different ethnicities. What we say to those people is that every New Zealander is valued in this country, and every New Zealander should feel safe. [*Interruption*] We have heard some criticism from Mr

Peters. He has called the campaign “Hug a migrant.” Actually, if hugging a migrant leads to people feeling more comfortable, safer, and part of this country, then I am happy to do that. The campaign is sending a message that New Zealand is a place where all New Zealanders should feel safe. It is a leadership role that this Government is prepared to undertake. It is a message this Government is prepared to send out. The Government is saying that every Kiwi in this country is valued. We are in fact, all of us, the descendents of migrants—

Rt Hon Winston Peters: No, we are not.

Hon CHRIS CARTER: —some of whom came here a long time ago.

Rt Hon Winston Peters: No, we are not.

Hon CHRIS CARTER: Mr Peters is saying he is not the descendant of a migrant. [*Interruption*] He is Scottish. How did his ancestors get here? They were, of course, migrants. Some of them came very early, during the first Polynesian migration. Some of them came from Scotland much more recently. I, like everyone else in this House, am the descendant of migrants. Those migrants have contributed to building this wonderful country of ours, and to developing the strong economy we have, and we value the energy that migrants bring. They also contribute enormously to the development of our economy. Without migration we would not be able to meet the skills shortage that we have in our country, we would not be able to build a stronger economy, and we would not be able to have linkages with other countries. All those things are very important. But I come back to what I talked about at the beginning of my speech: leadership is about drawing people together.

GERRY BROWNLEE (NZ National—Ilam): We know the Government is in trouble when it sends the “B team” down here to try to defend its position. Why send the “B team”? Because today all the heavyweight Ministers in the entire Māori caucus are locked in a battle of dialogue up on the seventh floor of the Beehive. They are trying to sort out who owns the foreshore and seabed of this country. I tell members that this is a Government that, in 2 years’ time, will have a legacy of being shifty, two-faced, reckless with the truth, and hell-bent on destroying the social fabric of this country. Every major newspaper in this country, every major radio station in this country, and every major television station in this country is telling us: “Don’t panic. The Court of Appeal decision that is going to allow the Māori to claim all the foreshore, all the seabed, all the launching pads, all the fishing grounds, and all the marinas around this country will not have any effect because Helen Clark says that the Government is going to legislate away that entitlement.” What did we get today, though—the Government having solved the public’s concern to some extent over this? The Prime Minister scurried into the House, and quietly conceded that she and her Government are about to role over to the Māori caucus, and allow them in fact to make those very claims.

I want to speak on behalf of the thousands of New Zealanders who enjoy going to the beach, enjoy going fishing, and enjoy gathering a bit of shellfish from the beach, because those people are about to lose a right that they thought was their birthright as New Zealanders. My family have held the title to a property in the Marlborough Sounds for almost 130 years. There are now some 130 or more of us who would claim that that place is our tūrangawaewae, and everything that that might mean, and who would claim that we are tangata whenua for that particular piece of property. I say to Margaret Wilson and Helen Clark that for them to suggest that somehow 130 years of right in this country can be expunged on the basis of someone else’s customary claim is an absolute nonsense. Further, I say that that property in 1962 was subject, by a law passed in this House, to the relinquishing of a riparian right; the right to claim ownership of the foreshore of that particular property. My family did not stand in the way of that. They quite happily moved a small dwelling from the foreshore on the basis that they believe,

and I believe, that every New Zealander has a right to walk around the external parts of this country, and every New Zealander has a right to walk over a beach any time they like. Any New Zealander has a right to land their boat on any beach, anywhere in this country. For this Government to start saying that it will allow Māori to say: “We have a customary right to these properties.” is an outrage. It is an absolute outrage.

Government members need to know that in all sorts of bars, cafes, clubs, workplaces, and homes around this country, a discussion is taking place that is not favourable to them. Helen Clark, the Prime Minister, may think that she has been very clever, getting a shot away in every newspaper and saying that the Government is going to fix the problem, but one cannot deceive all the people all the time, as the great Abraham Lincoln said. It will be only a matter of time before people wake up and realise that we have a Government that is much more interested in preserving the Māori vote it gets than it is in the interests of all New Zealanders.

I say to so many Māori in this country who will get no benefit out of this, at all: “What is the point of supporting and promoting something as hopelessly divisive as this? Where is the progress for the country if Māori are going to stand up and attempt to take on the whole nation on this sort of basis?” I would have expected that a Prime Minister who wanders out there confident that she has such a huge amount of support and mana in the community, might take a stronger leadership role in making it very clear to the unfortunates who sit in the Māori caucus—who do not, frankly, give a toss about the rank and file Māori in this country—that they are not going to have a win on this one.

Hon Dr NICK SMITH (NZ National—Nelson): I raise a point of order, Madam Speaker. During the excellent speech from my colleague Gerry Brownlee, the Minister of Education saw fit to repeat, over and over again, the words “Tory scumbags”, and all sorts of other abuse. I want to have some reassurance from you, as the Deputy Speaker—and you sat there with a big smile on your face—that you think that is appropriate conduct within the House, noting that you were on a select committee when I used language far less robust than that and you and the Minister insisted on my being kicked out.

Hon TREVOR MALLARD (Minister of Education): I was making clear to the House that there is inconsistency in the behaviour of Mr Brownlee—his criticism of anyone who is brown and has rights to the foreshore, yet his condoning of the Riddiford family, major funders of the National Party, who have exactly those rights presently.

Madam DEPUTY SPEAKER: The member was getting into debatable points there. The point is that a comment was made and objection was not taken to it at the time.

Hon Dr Nick Smith: I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: I have ruled.

Hon Dr NICK SMITH (NZ National—Nelson): I raise a new point of order, Madam Speaker. You have had the point made to you by the Leader of the Opposition that the Minister of Education deliberately does this. The reason I did not interrupt is that if I interrupt a 5-minute speech, as occurred quite successfully by deliberate tactic by the Minister of Education on the Leader of the Opposition, one breaks up the member’s speech. That is why we have a Chair in the House. If you are not going to stand up for the Standing Orders of this House, I suggest you get someone else to do the job.

Hon TREVOR MALLARD (Minister of Education): The Standing Orders of this House are quite clear—that is, if members take objection they have an obligation to take objection at the time. Dr Nick Smith did make some very rude gratuitous remarks to you during Mr Brownlee’s speech. We heard them over here and we decided it was not appropriate to interrupt, on that basis.

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is it a new point of order?

GERRY BROWNLEE: Yes, it is. Just a few moments ago, in taking a point of order, the Hon Trevor Mallard made strong suggestions that my speech was in some way influenced by factors outside the House. I never mentioned the family that he spoke of. I made no reference to any other New Zealanders, and most certainly did not indicate—

Madam DEPUTY SPEAKER: No, no.

GERRY BROWNLEE: Well, I will take a personal statement, if we cannot deal with it this way, because I have taken offence and, on that basis, there is a requirement on the Chair to listen. I think it is highly offensive for Mr Mallard to suggest that, simply because I go into bat for the thousands of New Zealanders who want to retain ownership of the foreshore, I am in some way advocating an impingement of rights that might properly belong to the Māori people. My record is most certainly not consistent with that, and I ask that the Minister be required to withdraw and apologise for the insult.

Madam DEPUTY SPEAKER: The Minister certainly, when he spoke to that point of order, was making a debatable point. I ask the Minister to stand and withdraw that remark about the point that the member has taken offence to.

Hon TREVOR MALLARD (Minister of Education): I withdraw.

Madam DEPUTY SPEAKER: I call the Hon Matt Robson.

Rt Hon WINSTON PETERS (Leader—NZ First): I raise a point of order, Madam Speaker. He cannot withdraw by way of a whisper. Let us have it nice and loud, like he objected.

Madam DEPUTY SPEAKER: I have dealt with the matter. I call the Hon Matt Robson.

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: I have dealt with that point of order. Is this a new point of order?

GERRY BROWNLEE: Yes, it is. I would appreciate it, in the context of the insult offered, and for total clarification for all members in this House, if the Minister's withdrawal was now translated.

Madam DEPUTY SPEAKER: I have dealt with the point of order—

GERRY BROWNLEE: I am entitled to ask for anything to be translated. It is the official language of this House, and I would like it translated.

Madam DEPUTY SPEAKER: The comment was withdrawn, and that is the end of the matter. I call the Hon Matt Robson.

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is this a new point of order?

Gerry Brownlee: No, it's not.

Madam DEPUTY SPEAKER: Mr Brownlee, please be seated.

Gerry Brownlee: No.

Madam DEPUTY SPEAKER: Please be seated. I have dealt with that matter. I remind members that raising points of order when I have ruled on the point of order is, in itself, disorderly. I call the Hon Matt Robson.

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is it a new point of order?

GERRY BROWNLEE: With respect, Madam Speaker, you have not ruled on the question of the translation. My understanding is that, as a member of this House, I am entitled to ask for a translation, and I am asking for it.

Madam DEPUTY SPEAKER: I remind the member there is no right to ask for a remark in English to be interpreted.

GERRY BROWNLEE: Well, how two-faced is that!

Madam DEPUTY SPEAKER: I ask Mr Brownlee to stand and apologise for that remark. I am asking the member again to stand, withdraw, and apologise for that last remark.

GERRY BROWNLEE: I withdraw the remark.

Madam DEPUTY SPEAKER: I ask the member to withdraw the remark, and apologise.

GERRY BROWNLEE: With respect, Madam Speaker—

Madam DEPUTY SPEAKER: No, no—

GERRY BROWNLEE: I apologise, and I raise a point of order, Madam Speaker. Why was the Minister not required to apologise for his offensive remarks? Why is it that people on this side of the House get different treatment from the Chair, when there are different people in the Chair? It is not acceptable. If the Minister was required to withdraw a remark, he should be required to apologise for that remark. It was offensive, and it continues to be offensive.

Madam DEPUTY SPEAKER: The member, quite rightly, was asked to withdraw and apologise. I have ruled on the previous matter. I call the Hon Matt Robson.

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is this a new point of order?

GERRY BROWNLEE: No, Madam Speaker.

Madam DEPUTY SPEAKER: Please be seated. I have ruled on the point of order. That, in itself, is the end of the matter. It is disorderly to continue to argue with the Chair on a matter that has been ruled on. I so warn the member.

GERRY BROWNLEE (NZ National—Ilam): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is this a new point of order?

GERRY BROWNLEE: It is a point of clarification.

Madam DEPUTY SPEAKER: Is it a new point of order?

GERRY BROWNLEE: Yes, it is a point of clarification, and it is new. I am simply asking why a member was not required to apologise for an offensive remark.

Madam DEPUTY SPEAKER: The member will be seated. I have previously dealt with that matter. That is the end of the matter.

PETER BROWN (Senior Whip—NZ First): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is this a new point of order?

PETER BROWN: Yes. I am seeking clarification. Mr Brownlee's comment was a question, and he had to withdraw and apologise. We had a specific insult from the Government member, and he has not had to withdraw and apologise.

Madam DEPUTY SPEAKER: No, the Minister was asked to withdraw. That is the end of the matter. I call the Hon Matt Robson.

JOHN CARTER (Senior Whip—NZ National): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is this a new point of order? I will not tolerate continual points of order on this.

JOHN CARTER: Of course it is a new point of order. Since you asked the Minister

Mr Trevor Mallard to withdraw, which he did by way of a whisper, he has since uttered the same remarks, which I have heard and which I find grossly offensive. I have taken offence, and I ask that he be required to withdraw and apologise. While I am on my feet on this issue—

Madam DEPUTY SPEAKER: I ask Mr Mallard whether that is correct.

Hon Trevor Mallard: No, I haven't.

Madam DEPUTY SPEAKER: The member's word is accepted here. He said he has not uttered them.

JOHN CARTER (Senior Whip—NZ National): I raise a point of order, Madam Speaker. Now we find ourselves in a dilemma. I have heard the member—

Madam DEPUTY SPEAKER: Please be seated. I asked the member about that, and he said he did not repeat the comment. The member's word is accepted. That is the end of the matter.

JOHN CARTER (Senior Whip—NZ National): I raise a point of order, Madam Speaker. In other words, my word is not honourable, and the member's is. I am not the only one, I can tell you, on this side of the House who has since heard that Minister utter words that I find insulting. I have heard the words; I can repeat them. I do not want to, but, if you need, I will repeat them.

Madam DEPUTY SPEAKER: Please be seated. I asked the member and he said he had not repeated them. I must accept the member's word. *[Interruption]* There will be no interruptions when I am giving a ruling. I have given the ruling to Mr Carter. I asked the member, and he said he did not repeat the words.

Hon TREVOR MALLARD (Minister of Education): I think we should get absolutely clear what I did say. I did not repeat the comments after they were withdrawn. They were repeated several times before that, but not subsequently.

Madam DEPUTY SPEAKER: Yes, I know what the member is saying. I think to clarify the matter it would be better if the member stood, and withdrew and apologised, if he continued with those remarks.

Hon TREVOR MALLARD: I did not, subsequent to the withdrawal.

Madam DEPUTY SPEAKER: I realise the member did not comment subsequently. However, the words were repeated several times, and that is what the member has taken offence to. So I ask the member to withdraw and apologise.

Hon TREVOR MALLARD (Minister of Education): I raise a point of order, Madam Speaker. This is a matter—*[Interruption]* Can I ask whether you are requiring me to do that.

Madam DEPUTY SPEAKER: Yes, I am requiring the member to withdraw and apologise.

Hon TREVOR MALLARD (Minister of Education): I withdraw and apologise. I raise a point of order, Madam Speaker. We now have a really interesting situation. There was no objection taken during the speech to the comments, which were well supported by Mr Edwin Perry from New Zealand First, who knows the case that I am talking about. There was no objection at that time. I submit to you that your ruling has been totally in breach of the Standing Orders and the requirement to raise matters at the time.

Madam DEPUTY SPEAKER: No, the matter has been dealt with. Offence was taken. The member has withdrawn and apologised. The matter has been dealt with.

Hon ROGER SOWRY (Deputy Leader—NZ National): I raise a point of order, Madam Speaker.

Madam DEPUTY SPEAKER: Is this a new point of order?

Hon ROGER SOWRY: Yes, it is. I was listening to this debate on the radio in my office, and I came down because this has to be the third or fourth week in a row when

the Opposition has faced—and I faced it myself as I led off the debate last week—an absolute barrage right through the general debate. I am asking you and the other presiding officers, when you next meet, whether you can address the issue of the general debate, and the fact that there is just a continual barrage. Today has been worse in the personal nature and nastiness of the comments from Mr Mallard, but in other weeks we have had a continual barrage. I do not expect a ruling now, but I ask if you and the Speaker, at your meeting with the presiding officers, can consider perhaps making sure that the Government members are not allowed to disrupt the debate in the way that they have become accustomed to doing.

Madam DEPUTY SPEAKER: I tell Mr Sowry that a certain amount of leniency, as he knows, is always allowed in the general debate. There has certainly been a barrage from all sides. The points of order have been dealt with now, and they were dealt with when they arose.

Hon MATT ROBSON (Deputy Leader—Progressive): That time-wasting shows why the National Party is the preferred party for staying in Opposition, by a thumping majority in public opinion polls, and the Labour-Progressive Government is the preferred Government.

Madam DEPUTY SPEAKER: The member cannot refer to a ruling that has been given.

Hon MATT ROBSON: I apologise Madam Speaker. Last week ACT and the Greens voted together against our coalition Government on the supplementary estimates, just as ACT had earlier in the month voted to support the Greens vote of no confidence in the 2003 Budget. ACT and the Greens voted against the boy racer law, which makes our community safer. No doubt the libertarian ideals of ACT will see it line up with the Greens to vote against stronger action to combat the curse of methamphetamines. Strangely, our centre-left Government gets more consistent support from United Future than from the Greens.

But last week was a shocker, when only ACT and the Greens voted against the New Zealand Trade and Enterprise Bill, which will establish a one-stop shop for New Zealand business. These parties hate New Zealand succeeding so much that they vote against the agencies that are helping to build the capability and capacity of our firms, industry sectors, and regions to develop and create job opportunities for our people. It is irrational ideology that drives those parties.

I wish to outline how successful the Government agencies are with the efforts to assist local firms to prosper and create jobs. I could give a catalogue of successes, but will give only a few, as time permits. Everywhere people tell us that their region is doing better than it ever did under National-led Governments, which had no regional development programmes as a matter of principle. There are 26 regional partnership plans in operation up and down New Zealand. In each community, leaders in business are sitting around the table with iwi and local and central government. All work together to develop positive plans to build on this growth, and develop more jobs and opportunities. The Labour-Progressive Government is popular in the regions because we have reversed National's do-nothing policies.

Our coalition Government has provided \$30 million for fully funded regional roading to be built each year, much of it in one of our most neglected regions, Northland. The Far North District Mayor, Yvonne Sharp, has acknowledged the benefits that this funding is able to bring to the region in a newspaper column and in a letter to the Minister for Economic Development: "The announcement that the Far North District would receive \$9.7 million totally subsidised regional development roading fund for the current year is amazingly positive for the district. For years there has been a stripping of infrastructure from rural areas such as ours, and our communities have suffered

accordingly. The Government in 1999 gave a commitment to position regional development partnerships, and there was no way that Northland could have coped with the forthcoming 'wall of wood' without also having direct intervention from Government."

The enterprises flourishing because of the policy of regional and industry partnerships are numerous. Where does the best-designed chair in the world come from? It comes from New Zealand and is the Formway chair. It won a gold medal at the prestigious NeoCon international furniture exhibit in Chicago. The company received assistance from the Business Grow service of both Technology New Zealand and Industry New Zealand. Auckland-based Reed Publishing, New Zealand's oldest publishing house, has been working with Industry New Zealand to gain market information for a major initiative in South-east Asian markets through its links with other companies. It has expanded its product range, particularly in the area of educational publications. Palmerston North's Tomorrow Today International designs and makes hockey goalkeeping equipment. It has been receiving advice from Industry New Zealand. It now has 60 percent of the world market with its OBO brand. With Industry New Zealand advice, it is intending to expand its products into cricket equipment.

Another company that Industry New Zealand has worked with is Visible Results. It manufactures and supports retail loyalty card systems around the world. It is part of the Atlantis Group, which was judged last year as the second-fastest growing company in New Zealand. The revolutionary loyalty cards, which transfer information at point of sale, allow the company to sell its cards in Japan, Singapore, the USA, and Australia. Further markets are being sought in the Middle East, Africa, and Europe.

Another New Zealand success story is Fraser Fire and Rescue in Wellington. Three years ago the manager turned up at a public meeting to ask some hard questions, after being ignored by the previous Government. Industry New Zealand met with him. As a result of the meetings, the firm tendered for and won a contract to supply fire engines to South Australia. On the basis of this, and some more advice, the company's recent tender to the New Zealand Fire Service was successful. Recently, the company deservedly won nomination in the Wellington Gold Business Awards.

These are but some examples of how businesses and enterprises are being established and/or expanded, and are contributing to strong export growth. They result from an active regional and economic development policy whereby the Government, on a planned basis, works in partnership with regions and industry.

SUE KEDGLEY (Green): The news of the collapse of the multinational company PPL Therapeutics, and its decision to pull the plug on most of its genetic engineering (GE) experiments around the world, including those on its farm in the Waikato where it is breeding up to 3,000 GE sheep—sheep with a human gene inserted into them—raises many questions. The company has said in recent press releases that it will be liquidating all of its operations, including its New Zealand operation, but it has also said that it may just be putting its research on hold. The Environmental Risk Management Authority has said, in response to that, that if the farm were to close, the sheep would be destroyed—specifically, they would be incinerated, all 3,000 of them, or maybe 4,000 because there are 4,000 sheep altogether. But then the authority went on to say that the company had not notified it of what it will do with the sheep.

This raises questions—questions that we asked the Minister in the House and she refused to answer—as to what exactly is the status of this operation, and what exactly will happen to those sheep. When does the approval for PPL Therapeutics' transgenic sheep trial end? Is there any time limit, or any limit on the time that PPL Therapeutics can keep its project on hold while it decides what to do? If the company puts the project

on hold indefinitely, what will happen to the 4,000 sheep in the meantime? The sheep are breeding; they are about to breed some more within the next month. Is an Environmental Risk Management Authority approval for a project specific to the applicant, or can it be transferred willy-nilly to other entities such as, perhaps, AgResearch, which has fifty-fifty ventures with PPL Therapeutics for various other GE projects? The Minister implied in her answer today that another company could quite simply take over the operation, and it could continue. I think that is an extraordinary comment or statement that has very significant implications.

Who will be responsible for carrying out controls and for disposing of the 4,000 animals by killing and incinerating them, in the event that the company just goes bankrupt, does a runner, for example? Why was there not a requirement that PPL Therapeutics, and any other company engaged in this sort of research, provide a clean-up bond, to be used in the event that it went into liquidation and could not carry out all the controls imposed on its approval, and as would be required, for example, of a mining operation? These are important questions, and they have implications not just for this particular experiment, for these 3,000 genetically engineered sheep that are ambling around in the Waikato, but also for all other applications to the Environmental Risk Management Authority. We will be pursuing these questions until we get answers.

Some more fundamental questions are raised, as well. Why was this massive experiment, involving placing human genes into thousands of sheep to produce a protein in their milk, allowed to take place before the protein had even been tested to see whether it was medically successful—before clinical trials had demonstrated that the human protein the sheep were going to produce was a valid and useful treatment? Why did the Environmental Risk Management Authority not require the applicant to wait until clinical trials of the particular protein that were being conducted in the UK and the USA had been successfully concluded before it gave permission for the company to breed such a large-scale manufacturing flock? How could the authority say that the benefits of this project outweighed the risks, when the benefits had not even been demonstrated? They have now, of course, been shown to be completely illusory. If the authority had taken that precautionary approach, as it is supposed to do under its mandate, we would not be facing the prospect of 4,000 sheep in a project that has failed being incinerated.

Other questions include why the authority gave permission for PPL Therapeutics to breed a manufacturing flock—and the permission was for up to 10,000 transgenic sheep—as a so-called field trial, when it demonstrably was not a field trial.

HELEN DUNCAN (NZ Labour): This afternoon's debate has been quite interesting in that it has really shown up the deficiencies of the Opposition. There are so many issues to discuss and so many interesting things are happening in our country, and what do those members do? They raise pointless, picky points of order that go on and on and on. Members' day is one of those days when people come along here to listen to what they think will be good speeches and interesting discussion, but Opposition members can find nothing better to do than to make fools of themselves through their points of order.

It is interesting that today the Leader of the Opposition demonstrated just why he cannot seem to get any traction, either personally or for his party, in the opinion polls. He led his party's attack on the Prime Minister, and did his best to convince New Zealand that Helen Clark, through her principled stand against the Iraq war, has ruined New Zealand's chances of a free-trade deal with the United States. It is interesting that that campaign that Bill English led had no success, even though the National Party managed to get the media to put it on the front pages of newspapers a couple of weeks ago. What happened when the polls were taken? What result did the polls show? They

showed National going down, not up. National is going down again. The Colmar Brunton poll held on 15 June—after National had done its worst—showed Labour at 54 percent and National at 28 percent. Helen Clark, as preferred Prime Minister, came in at 44 percent. Bill English came in at 7 percent, which is not too good.

The reason is that New Zealanders know that the National Party is not consistent. After all the fuss about Helen Clark scuttling the free-trade deal with the US, what did Bill English say on *Morning Report* on Friday, 20 June? He said, talking about the Americans: “In fact they are often at pains here in any of the discussions we’ve had to say that both the Iraq war - type decision and nuclear policy are separate from how they treat trade. In fact, one of the things that has come through is that the US only does trade agreements where it believes there’s a net economic benefit to the US. They don’t do them as a favour to anyone else; they do them as a favour to themselves.” That is what Bill English said on Friday, 20 June, and it was absolutely in direct contrast to all the things he said in this House when he accused the Prime Minister of ruining, because of our principled stand against the war in the Iraq, New Zealand’s chances of a free-trade deal.

Well, the people of New Zealand did not believe him, and they showed that very clearly in their responses in the opinion poll. They showed that they did not believe that our Prime Minister had done anything to hurt our country’s chances for a free-trade agreement, and Bill English himself then admitted that what he had said and tried to put forward to the New Zealand people was in fact an absolute fabrication. It had no basis in fact, at all. Unfortunately, what happens when one tries to mislead the people is they realise they are being misled and they do not take kindly to it; nor do they take kindly to parties and politicians who do that.

It was interesting this afternoon to hear the leader of New Zealand First suggest that this nation should repudiate the Treaty of Waitangi—the foundation on which this country is built. That is typical of the man, who said in 1996: “Vote for New Zealand First—the only party that can get rid of the National Government.” And what did he do? As soon as he had the balance of power he went into coalition with the National Party and kept that National Government in power.

Mark Peck: Great success!

HELEN DUNCAN: Oh, that was a great success for both those parties—they have never looked back, have they!

PHIL HEATLEY (NZ National—Whangarei): Is it not appalling that we see on the front page of the *New Zealand Herald* eight Māori Labour members of Parliament, two Ministers amongst them, saying to Helen Clark “Stick it!”? They are saying that they are not putting up with what she has to say to New Zealand about foreshore and seabed, and that they will play tough and walk out on her. Of those eight Māori Labour members of Parliament, two are Māori Ministers, who, I understand, have Cabinet responsibilities, and they are saying to their leader, Helen Clark: “Stick it! We’re not accepting this.”

I will tell members why this has happened. As those eight Māori members of Parliament walk out on their leader, Helen Clark, she backpedals over public opinion, and that is what happens when you run the country on focus groups—

Mr SPEAKER: The member should not bring me into the debate.

PHIL HEATLEY: I say to New Zealand that this Prime Minister runs the country on focus groups, and it appears that the Māori Labour members of Parliament have had a gutsful of that.

Those Māori Labour Party members of Parliament—who will not show up in this House today—think that the Labour Party will lead a committee that will engage with the Māori caucus to explore the definition, application, and implementation of Māori

customary rights to the seabed and foreshore. They think there is going to be another hui. Well, I will tell them what Helen Clark's Minister, Margaret Wilson, said on the front page of the *Northern Advocate*. She said there would be no hui. She said that the Crown would clarify that the seabed and the foreshore were owned by all New Zealanders, in the form of the Crown. She said that everybody had always believed that that situation already existed, but the Court of Appeal ruling had shown that the law was unclear. What Margaret Wilson and Helen Clark are saying to the nation is that the seabed and foreshore are not under threat. The Māori caucus is hearing from Helen Clark and Margaret Wilson that there will be more hui on the matter. Whom do we believe? The Labour Party caucus is all over the paddock on this issue. Its leader is backpedalling again, against public opinion, and that is happening simply because she is trying to run the country on focus groups.

I do not know who is in most trouble—Margaret Wilson, Helen Clark, or the Minister of Fisheries, Pete Hodgson. I remember that he had eight hui throughout this country to establish with Māori their rights with regard to the aquaculture law reforms. Would they get a slice of space when it came to marine farming? He had eight hui around the country. In that process he promised, through a letter to Māori: “The process is to establish, with specific considerations, how appropriate Māori participation in the process can be ensured.” He said he “wanted to know a mechanism to preserve the Crown's capacity to protect Māori interests”. He held eight meetings around the country to talk to Māori, and I want to know whether he told them he was going to legislate over their rights. Did he tell them that, or did Māori come back to him at those hui and say that they would love him to legislate over their rights?

RUSSELL FAIRBROTHER (NZ Labour—Napier): The last member described the Māori interests in this country as a focus group. He picked up this morning's paper, which reports on one of the most seminal decisions from our Court of Appeal in recent years, did not bother to read it, but pointed to photographs in the paper of MPs in the Māori caucus who promoted the debate, and described them as a focus group. If that party listened to focus groups, then it would not be in the position of having a disappearing membership in this House. When that member asks where the Māori members are, I ask him where are those in his own party? The one Māori member stays out of this Parliament when that member discusses his focus group, alias Māori members of this party, Government, and population. That is a most important decision.

What is the National Party's position on that? It is easy to snipe. It is easy to interpret open discussion that is the feature of this Government, and say that there is division, when what we are discussing is a most serious issue, with sniping, ridicule, racist attitudes, and not one positive assertion of what the National Party, or its acolyte, New Zealand First, would do if they had to make the decision.

If the National Party listened to focus groups it would not have released its welfare dependency programme of several months ago. On top of that was its failed work-for-the-dole scheme that it experimented with in 1998, which was a dismal failure.

Who are the people on the dole in this country? They are people on the domestic purposes benefit, and who are they? The typical domestic purposes benefit client is a woman in her 30s with one or two children. She has been through a relationship breakdown and is likely to stay on the domestic purposes benefit for a year or two before moving off the benefit. Why kick people in that position? Why attack them for being bludgers when they are providing the upbringing of our young people who are the future of this country?

Then they attack that next hoary shibboleth—teenage sole parents. But what are the facts about teenage sole parents? They make up a very small percentage of all our domestic purpose beneficiaries. Fewer than 3 percent are under 20. Where were the

teenage parent education centres, which are now blossoming under our Minister of Education and this Government, during the National Government? They were nowhere to be seen. This Government is already well down the road to creating a welfare system that actively lifts people's capacity to live and get a sustainable job in an increasingly demanding world.

In opening this debate, my colleague Rick Barker mentioned that from June 1999, under a National Government, to 30 May figures for this year, there was a 55,000 decrease in the number of unemployed. That is no fluke. That reflects 3 years, nearly 4 years, of sound Government, and a Government that provides work, training, opportunity, and makes work pay; provides more assistance to youth, mature, and migrant unemployed; provides more active case management; provides more assistance for sickness beneficiaries to recover and return to work; and ensures that invalid beneficiaries are assisted to work where possible. However, a statistic that that fails to mention is that in mid-1999 under a National Government the economic forecast of the unemployed was \$900 million over the forecast now for this year. Nine-hundred million dollars has been saved by fine administration. So the public of New Zealand now has a very clear choice on welfare.

RON MARK (NZ First): It gives me pleasure to rise in this debate, but I have to say something about that speech. It is like looking at a pair of cattle horns, is it not? There is a point here and a point there, and a lot of bull in-between. I would ask that member to just reflect on some of the things that he has espoused in this House. We do think that the member talks a lot of bull, for a highly qualified person.

Mr SPEAKER: The member does not have to resort to that sort of comment. Please keep the language at least decent.

RON MARK: Talks a lot of cattle beast?

Mr SPEAKER: No, the member knows what I mean.

RON MARK: There are so many issues that I could talk about. I could talk about the debacle on home detention, and the debacle we have witnessed with immigrant crime being ignored, because, obviously, it does not happen. I could talk about the young lad in Dunedin who killed a woman on a pedestrian crossing and got 200 hours community work for it: cheap life.

However, I shall focus on an issue that is seriously important to this country, and one that is being ignored. With the debate that is happening in the House today, one of the tragedies will be that the media will not give this issue the coverage it deserves. I want to talk about the appalling situation that exists within our Defence Force manning, or personnel and staffing. I have raised the question in the House today and asked the Minister directly how the New Zealand Defence Force is meant to achieve its mission statement, as outlined in that Government document, the *New Zealand Defence Force Departmental Forecast*, when it is critically understaffed. We have seen a report in the *Sunday Star-Times* outlining the deficiencies, and that report has now been reproduced on the front page of the *Australian* in Australia for the whole world to read just how bad the situation is.

And how bad is it? I shall read directly from the documents provided to this Government by its own advisers—by the Defence Force. In relation to the Navy—and it is important that this be in *Hansard*—there are significant shortages amongst qualified seamen, marine engineers, and communicators. The diving support capability is also affected by the shortage of trained divers; the planned increase in the number of naval vessels will exacerbate the shortages. The Navy is 25 percent deficient in numbers of lieutenants and leading hands.

In relation to the Army: the Army continues to suffer acute shortages of staff and experienced personnel, and that is where the problem is. At the rank of corporal, 19 out

of the 34 trades have a greater than 30 percent deficiency. At the sergeant level, 16 out of 34 trades have a greater than 30 percent deficiency. Some \$750 million worth of light armoured vehicles have been bought. The Army is particularly concerned about the three soldier trade areas of crewmen, vehicle mechanics, and electronic technicians. The laugh there is that after the Government has boasted that it is buying all that gear, it now appears that there will not be the personnel to drive those very expensive gold-plated machines. In terms of captains, only 186 substantive captains are available out of 286 established positions.

Speaking of the Air Force, it is worthy of note that last year, for a period of 6 months, only three out of the required six crews were available to crew our maritime patrol force. That is appalling. The Defence Force is now telling the Government that it may well be that we are entering a situation where it can either deploy on operations, or train the next generation—rather than do both, as it currently does. What does that mean? It means that the viability of our Defence Force is questionable.

How did we get to that stage? It is very simple. The Government boasts that it has given three pay rises over 3 or 4 years, of something like \$46 million. But I say to this Government that had it recognised the problems that it was facing, and the seriousness of them, it would have found the \$46 million in 1 year, and so stemmed that outflow of critical, highly experienced tradesmen, tradeswomen, instructors, and supervisors.

This is an appalling situation that the Government is responsible for—no one else. It seems to be able to find endless amounts of money for the arts, and yacht races, but when it comes to finding the money upfront that it needs to keep our Defence Force personnel inside the Defence Force, it cannot find the money within anything less than 4 lousy years. I may be criticised by the Speaker and by other people for the opening of my speech, but I cannot think of a word that suitably, aptly, describes this Government's attitude towards its defence forces, other than "cattle beast".

The debate having concluded, the motion lapsed.

AUCKLAND WAR MEMORIAL MUSEUM SITE EMPOWERING BILL

First Reading

Hon JUDITH TIZARD (NZ Labour—Auckland Central): I move, *That the Auckland War Memorial Museum Site Empowering Bill be now read a first time.* As MP for Auckland Central I have been asked by the Auckland Museum Trust Board to promote this bill, which will enable the Auckland War Memorial Museum to expand and redevelop to meet the needs of the people of Auckland and of all New Zealanders, and of the over 70,000 schoolchildren and over 250,000 international tourists who visit the museum each year. This bill will repeal the Auckland Institute and Museum Site Empowering Act 1918, and will replace it with this new legislation allowing the leasing of land within the Auckland Domain, for the purposes of the Auckland War Memorial Museum, and for extensions to the museum. It validates the lease granted by the mayor, the councillors, and citizens of Auckland to the Auckland Museum Trust Board in 1920, and allows extensions and redevelopment of the museum.

This is only the second expansion since the museum moved to the Auckland Domain site in 1929. This project follows the extensive restoration of the fabric of the existing building done in the mid-1990s, which cost more than \$45 million, of which the Government contributed \$15.8 million. That ensured that the museum building is structurally sound and adequately serviced for its present functions. The proposed redevelopment of the museum is possible only if legislation allows an extension to the present lease area.

The area of land to be used has already been set aside by the Auckland City Council

district plan for the museum, and resource consent under the Resource Management Act has also been granted. The passage of this bill is the final step to ensure the project can proceed. The new bill will also correct lease provisions covering the existing building, as it has been determined that the north-east and north-west corners of the building were built outside the existing lease area. This bill will correct that earlier mistake.

This project has two major elements. The first is the construction of a new southern public entrance and an eastern goods entrance, and the excavation below and filling in of the present open central courtyard. This will allow construction of new onsite collections, storage areas, conservation servicing and workshop areas, a new special exhibitions area, and an education suite with classrooms, new studio and tutorial spaces, a theatre, curatorial and staff areas, an events centre, and various supporting amenities. This part of the project will add approximately 60 percent to the existing area of the museum.

The second element of the project is to provide an underground car-park alongside and to the south-east of the existing buildings. There is currently a serious shortage of parking, in spite of the good public transport that serves the museum, and this lack is inhibiting the use by all Aucklanders of the Auckland War Memorial Museum. It is proposed that the additional car-parking will be underground, and this will enable better use of the surrounding parkland. It will also provide level weather-protected access for the elderly and for people with disabilities, which is not currently available. The Government announced earlier last year that it would make a contribution of \$26.5 million over 5 years from the Regional Museums Fund towards the redevelopment of the Auckland War Memorial Museum. The total cost of the project will be double that, and the expansion project is scheduled to commence on 1 October 2003.

The Auckland War Memorial Museum is one of the biggest museum collections in New Zealand. It is one of the major cultural institutions in New Zealand that provide us with access to our heritage. It is a vital part of our cultural tourism circuit, which is important for the economic well-being of the country, as well as being a vital link in New Zealand's growing information network.

More fundamentally, the Auckland War Memorial Museum is the keeping of our treasures, our taonga, of our art and technology, our heritage and our stories, our scientific and cultural knowledge. It is a major and respected repository of Māori taonga, of artefacts and information. It is Auckland's major war memorial, recognising the service and sacrifice of New Zealanders overseas, from the New Zealand wars to the Boer War, to the recent peacekeeping work with which our armed forces are now involved. It recalls the names of all those servicemen and servicewomen who died in service of our country in war. It reminds us of where we have come from and how we came to be what and who we are. The Auckland War Memorial Museum provides a foundation for our sense of identity in an increasingly globalising world. It epitomises that foundation. The proposed extension to the museum's building will enable it to fulfil all of these roles better for the future.

The Auckland War Memorial Museum is an exceptional resource for the Auckland region and for New Zealand. It is widely supported, and this has been further demonstrated by the very strong community backing for the project, with funding for 80 percent of the total project already having been pledged.

As this is a local bill, it would normally be referred to the Local Government and Environment Committee. However, because we need to have this bill reported back to the House by 15 August so that it can be passed by 1 October, I propose to ask the House's leave to refer it to the Government Administration Committee. I thank the whips and parties in the House for giving me an assurance that they will support that. I regret that this relatively short timeframe is being forced upon us; however, the project

and the bill have had wide notification and consultation already, and the time is necessary to get the project under way.

The Auckland Museum Trust Board, which is appointed by the electoral college representing local councils from across the Auckland region, has satisfied the Clerk's Office that it has followed the Standing Orders in the preparation of this bill, and has given notices required to constituency MPs representing parts of the Auckland region. I recognise that other MPs, including list MPs, have interests in this bill, and I would urge all of those MPs to take the opportunity of the bill's referral to the select committee to satisfy themselves that this important project will add significantly to one of the most important cultural institutions in New Zealand. I want to congratulate everybody who has been involved in this huge redevelopment project, and in the bill. I urge the select committee to give it thorough and speedy consideration and return it to the House by 15 August.

JUDITH COLLINS (NZ National—Clevedon): It is with pleasure that on behalf of the National Party I support this bill. The Auckland War Memorial Museum is what a war memorial should really be. It is a substantial building. It is a very, very powerful building to visit, and it is a building that my family and I love to visit—and particularly my young son loves the treasures in the museum. I would like to commend this bill to the House and to commend the work of the management and staff of the Auckland War Memorial Museum.

JIM PETERS (NZ First): I am pleased to stand on behalf of New Zealand First to give support to this bill. The Auckland War Memorial Museum in earlier years was funded by all of the former local bodies in the Auckland province. While the modern funding base is provided by the seven local authorities in Auckland, there is, among the people in the Northland district, a feeling that that museum, the old museum, is part of their heritage. So, as one who hails from the north, I am pleased on our behalf to give support to this bill, as well.

The second thing that the Auckland Museum has is not just the unique collections on its three floors but also a unique library. Because of its earlier provincial origins, the library houses records and books that are not found anywhere else in New Zealand. If anyone is interested in education, it records, interestingly enough, all of the school records of every closed school in the old Auckland province. For those interested in social history it is a mine of information, which is available only there, and, for family histories, is unique. I understand that that old library, which used to be upstairs at the back, will, in the modern set-up, be much more readily accessible to all. So its stage 2 extension will make a unique difference to the memorial.

As already mentioned by the Minister, this museum was a memorial to those who died in the First World War. Subsequently the records were added to after the Second World War and other conflicts. Every name recorded there is cherished, because the names are of those who left and who did not return. People go there frequently to look at the records of those years.

The building is well sited. It is dominant. As a former teacher, I spent some time there—probably the best time in my teaching life—in taking classes. So the third thing I want to mention about the Auckland War Memorial Museum is the unique service it has given over the years to the schools of the district. In early years it had an interesting association with the teachers college; today, the funding, I believe, for teachers is from the Ministry of Education. About 65,000 students and teachers go through the museum annually. The actual work and quality of resources are unique. Anyone who has been there and seen the display of Auckland in 1866, or seen the exhibit of the “Scars of the Heart”, which I understand is about to be updated, will have seen very modern resources. In 1997 I was in Boston, went to the Boston Museum of Modern Art, and

saw its unique educational set-up; today's museum set-up in Auckland does not lose anything by comparison. Those 65,000 students and teachers are uniquely able to see something of our heritage in a presentable, modern way, which was not so in my day.

For Māori, the museum is unique. It houses the best collection, in this country, of our treasures—for those members across the House, of our taonga. It also does that as well for our people from the Pacific Islands. There is something of our maritime history in the waka there, which is interesting in view of comments here in previous days. I know that Sir Peter Buck is no longer held in high esteem, but the “Vikings of the Sunrise” was an adequate term for Māori in the past. The waka is a very visible and symbolic expression of that in the heart of the museum.

So, in conclusion, we are very pleased to support this legislation that enables stage 2 of the extension plan. The car-park, by the way, will be very much to the advantage of someone of elderly years. It will have an all-weather entrance, I understand. We will be able to go in, take the lift, and go upstairs, and that is a really big addition for the future. I was pleased to see in the drawings that the essential form of the buildings had been preserved, and the Auckland City Council, to its credit, made very certain in its consent that that was so. I wish the sponsors of the bill well, and I hope that it will be passed quickly.

Mr SPEAKER: I have been advised by the Green Party that it wishes to split its call.

MIKE WARD (Green): The Greens will be supporting this bill. We are not without some misgivings, but the extension is an excellent project. The 60-plus percent increase in floor area for display and for teaching and workshop space is a commendable commitment to this country's heritage by Auckland, by the museum, and by the Government. It is not just about displaying material; it is about educating, about exploring, and protecting that heritage. The thousands of youngsters a year do not merely wander around that place; they have an opportunity to go and explore it, and to create materials to take back to their own classrooms and schools. The museum staff teach at Auckland University. There are events and function centres at the museum. It houses a unique and interesting blend of cultures, and identifying what it is that makes us different and interesting as people has never been so important. Globalisation is not just a threat to our economy. Imported products, imported practices, and imported programmes have long since made our kids, our shopping baskets, and our television programmes look less distinctly “us”, or ours. Learning to take delight and pride in our culture is strengthened by this museum and this project.

My concern is about the additional car-parking that the redrawn boundaries provide for. In a city crippled by cars, in a city that refuses to acknowledge that too many cars and too many car-parks are the problem, this is just 290 more car-parks. So why am I picking on the museum? Well, I am not only picking on the museum. I pick on anybody who builds car-parks these days; I do not discriminate at all, but someone has to give a lead. I have been told that the elderly and infirm have to be carried into the museum on occasions. I say that working on the problems of mobility is admirable, but it is not necessary to deprive everybody else of the pleasure of using their legs sometimes, in order to make sure those people who do have difficulty in getting around can get to the front door. I think that is great, and I hope that buses make it to the front door as well, because currently it is a bit of a drive—or a bit of a walk, shall I say.

The issues of type 2 diabetes and cardiovascular disease are issues of people climbing into their cars all too easily. The motorcar is likely to kill vastly more people through our sedentary lifestyles than through fumes or crashes. Simply providing another car-park says: “Yes, the buses are there.”, and “Yes, you can walk there more easily now.”—and the museum is to be commended for that—but the message it gives is that one is still better off climbing into one's car.

To its credit, the museum has done well to preserve the integrity of its reserve by putting the car-parks underground. The museum is also to be commended for improving pedestrian access. The museum has a frequent and regular bus service, but it is a little bit too far off. Perhaps sometime in the future the museum is likely to be accessible by train, and that is a great move as well. The message given by making the museum more accessible by car, however, is that the buses are for the poor. I believe it is a great museum, with a great car-park. I am glad that it will be underground, but there are still too many car-parks. We have signed up to the Kyoto Protocol, and if we had not done that the oil was likely to run out fairly soon. Calculations show clearly that while demand is still climbing, supplies of oil are rapidly dwindling, and a transport future predicated on cheap oil has a limited future. Fortunately for the museum, it is well located, and when the motorcar finally outlives its welcome the museum will have space for displaying 290 of the 20th century's dinosaurs.

KEITH LOCKE (Green): As an Auckland Green member of Parliament I would like to congratulate the Auckland Museum's director, Rodney Wilson, and his team on the wonderful new expansion project that this bill will allow. As the Minister has just said, there is Government provision for \$26.5 million towards the project costs of about \$49 million, and there is still a bit of fund-raising to be done. I think that we Parliamentarians should support that fund-raising to complete this project fully. But the money is there now to begin the construction of this essential development, which will expand the exhibition space by 60 percent and allow the proper display of what is the premier museum collection in New Zealand. The museum has gone forward in leaps and bounds under its present leadership. I went there recently to see two excellent exhibitions—one of Islamic art, and the other of the series of Magnum group photographs. That exhibition was packed, as the museum often is. A huge number of Aucklanders, and people from around the country and around the world, go to that museum.

This new space will enable the museum's collection to be displayed properly. About 3 years ago, along with the Minister, I saw a presentation by Rodney Wilson on the project, and thought it looked impressive. As my colleague has just said—and Jim Peters referred to it, too—the museum also has an important teaching mission, with 65,000 curricular students a year going through it. The museum has been so cramped that it has not even had classrooms. This new project will enable it to have two classrooms and to do its teaching work in a proper way. That teaching figure does not even include the non-curricular students. The museum has a very interactive approach, as my colleague just mentioned. Already the "Weird and Wonderful" exhibition for kids is very interactive. I have taken many kids along there, and they really enjoy it. Building on that participatory, interactive model is very important.

But the museum is not only for the public and for teaching. It is a very important research facility, and is really part of our tertiary sector in that regard. The researchers at the museum exchange with tertiary institutes, and some of its people go and teach in tertiary institutions. Its library matches the Hocken and Alexander Turnbull libraries as one of our major research libraries.

The Green Party fully supports this development. My colleague has discussed some of the questions of parking, but I hope the underground park will enable the museum and Auckland Domain's main management, Auckland City, to tidy up the parking issue on the domain as a whole. It is rather dangerous at the present time on the northern and eastern sides of the museum, with cars everywhere, and it would be a step forward if the parking could be rationalised into an underground car park.

Of course, as my colleague has said, we want to see an improvement in public transport in Auckland that will help people to get to the museum. Already, as the

Minister said, there is public transport. The Link bus goes past it at two points—at the hospital and in Parnell Road—and a very good development is taking place with a local Parnell resident, Richard Simpson, leading the way in trying to establish a footbridge from Birdwood Crescent into the domain, close to the museum. That is important, not just for pedestrian access. There is a proposal associated with it to have a museum railway station there, so that people can go by train, get off, go across the footbridge, and get up to the museum. There are other proposals associated with the big regional rail development plan for Auckland—to have either an underground or a rapid rail service up through Auckland City with a stop at the hospital, close by the museum. Hopefully, with that big regional rail development, we can get people into the centre of the city from the outskirts quickly, so that they can travel to the museum by public transport, and by rail, in particular.

The Auckland Museum is a jewel in Auckland's crown. As Jim Peters said, it is wonderfully located in the midst of a domain that is very much used by Aucklanders.

BERNIE OGILVY (United Future): I rise as an Auckland list MP to support this bill. As the last speaker was saying, Auckland War Memorial Museum is an icon in the city. Not only are New Zealanders sufficiently satisfied with it—and Aucklanders, in particular—but many overseas people take home with them both the view and the interest they have gained from that place. This bill, as we have been told, allows the Auckland War Memorial Museum to lease land from the Auckland Domain. The land has been ceded to the museum by the Auckland City Council as if that has always been the case since 1920. We support that transaction, and I think the extension to the museum will be greatly used by future generations. It is there to create opportunities for more people to see what the museum can offer, and that can only be a good thing, in my understanding.

In terms of visitor numbers, I am told that the Auckland War Memorial Museum is the second-largest museum in the country. The museum has a very large collection but, as my family and I have known in the past, it has struggled to have sufficient space to display the material. If I am right, there will be about a 60 percent increase in display space, and that alone will interest my grandchildren, if not my great-grandchildren, immensely. They love being in that place. The museum holds items of national significance, as we all know, and it challenges the notion, dare I say it from Auckland, that Te Papa is our only national museum. I believe we need to recognise that some of the collections in Auckland are of national importance and value to the whole nation.

Having said that, the Auckland War Memorial Museum has not been without its controversies. The Minister will remember that a certain Mr Harry Corrin, a veteran from World War II, has for several years fought to stop the plans to build a restaurant on top of the museum, claiming that that would commercialise the institution when, in his mind—and in many minds—the whole thing is a war memorial. So it must be remembered that this is not just another museum, since it has very special connections for those who have served the country in the armed forces in many clashes over the years, beginning, I am told, from World War I. That means that major decisions relating to the museum must be handled with a degree of sensitivity towards those who also see it as a monument to the fallen. My uncle's name is there, as a result of his falling in the Second World War. I have been there many, many times for Anzac Day parades in the morning—and I wish they would change Anzac Day to a nice warm day, rather than having it in winter when it always rains. I take my children and my grandchildren there to benefit from some hot soup afterwards. I am sure the Minister and others are aware that as the generations pass on, the museum becomes even more important for remembering the sacrifices of those who have gone before us.

Clearly, this bill needs to be taken seriously and passed quickly, because of the time

lines. We in United Future look to the select committee to identify any potential difficulties that its enactment may create.

Hon JUDITH TIZARD (NZ Labour—Auckland Central): I want to thank all parties in the House, and all the members who have spoken, for their unanimous support for the institution that is the Auckland War Memorial Museum and for its redevelopment plans. I recognise that the museum is both architecturally and spiritually important to all Aucklanders and to all New Zealanders. I agree that it is also of deep significance to people further north and to many people around the country, and that it has a particular role as a treasure house and a house of learning for Māori. The role of the Auckland Museum Institute over many years has meant that it is also a research institution of great respect and width, and I thank Keith Locke and Mike Ward for their comments about that research and education role. I assure them that transport planning is a major aspect of the new redevelopment project and that all the comments they have raised have been taken into account, and will be considered by the select committee and the Auckland Museum Trust Board as the redevelopment is planned.

I particularly want to thank Bernie Ogilvy and United Future. I agree with them that there has never been an important project that did not have controversy. However, I believe the trust board has done a good job of balancing all those concerns—of recognising the spiritual and sacred value of this museum as a war memorial, as well as providing for all the other needs a museum must provide for. I thank all members of the House, and I look forward to the speedy consideration of this bill in the Government Administration Committee.

Bill read a first time.

Hon JUDITH TIZARD (NZ Labour—Auckland Central): I seek leave for the Auckland War Memorial Museum Site Empowering Bill to be referred to the Government Administration Committee, notwithstanding Standing Order 282, and that it be an instruction to the committee that it report the bill by 15 August 2003.

Mr SPEAKER: Leave is sought to move that motion. Is there any disagreement. There is not. The motion is considered moved.

By leave, Auckland War Memorial Museum Site Empowering Bill referred to the Government Administration Committee.

PROSTITUTION REFORM BILL

Procedure

Mr SPEAKER: I would just like to make a comment to all members of the House. It is a very difficult job when there are just 12 members who can be called, even if some members want to split their speeches. I intend to call one member from each party in order of size in the House, and the remaining calls will go to the larger parties. I can think of no better or fairer way to do it, and that is the practice I will adopt.

Third Reading

TIM BARNETT (NZ Labour—Christchurch Central): I move, *That the Prostitution Reform Bill be now read a third time.* The one thing that all MPs might agree on is that the end of this debate is upon us, and that is a relief. It will all have been worthwhile if we agree, at about 9 p.m. tonight, to remove outdated, biased, and largely unenforced law, which leaves real problems untouched and which nurtures harm, and pass the Prostitution Reform Bill into law.

Having spoken to most members of this House about the issues at the heart of this bill, I believe that we have, through this debate, been asking two questions. The House

has already answered question one, namely: what law best ensures the well-being of sex workers while responding to community sensitivities? That answer is the bill we have before us today. It may not be perfect, for laws rarely are, but it is the best this House has produced after 2¾ years of debate. The second core question is a conscience one. Given that there is prostitution in our society, should it be governed by law based on disapproval or on acceptance? After 32 months, 222 submissions, and 415 hours of debate in the Justice and Electoral Committee and the Chamber we are left today with that issue of conscience. Is disapproval of prostitution best expressed by sustaining bad law, or do we make the law as good as we can get it?

There are only three options for each member when he or she votes tonight: “for”, “against”, or “abstain”. Those who vote “for” accept that we can do better than the current messy law and that this bill is a workable improvement. Those who vote “against” are saying that the status quo, with all its faults, many of which have been accepted as such by all sides in this debate, is preferable. I say to my fellow members that the questions really are as simple as that. The choice really is as simple as that. The devil does not lie in the detail of this bill; the devil lies in the failure to understand that the choice is straightforward. An essential part of the opposition to this bill has been confusion and a complete misunderstanding of the limitations of a bill. A bill is not a group of social workers out on the streets of my electorate on a Friday night persuading teenage sex workers into a better life. A bill is not a drug addiction programme. Here in Parliament we do what we can by making the law as good and as workable as we can get it—making law that nurtures good social interventions.

The current law around prostitution was not designed to ensure the well-being of sex workers. It was planned around what I call a “kiwi prohibition”. The physical act itself is legal—possibly because it is so hard to define legally—but such varied conduct as running a brothel and procuring anyone for reward to have intercourse with someone a person is not married to are crimes. The State licenses massage parlours, knowing that they are fronts for prostitution. The State makes hotel receptionists and care workers for people with disabilities who seek the services of a prostitute for those in their care into criminals. Yet the operator who coerces a sex worker or creates an illegal contract to control his or her workers is not a lawbreaker. There is no morality and no consistency in that.

So, through the heat haze of rhetoric, what does the Prostitution Reform Bill actually say? How does it make things better? It is a decriminalisation measure, similar to our whole family of public health - related laws. It does not seek to label prostitution as normal, but it does accept its inevitability. As Dr Basil Donovan, Clinical Professor of Public Health, University of Sydney, wrote to all MPs this week: “With the sole exceptions of the Cultural Revolution in China and the Taliban regime in Afghanistan, the law surrounding prostitution has no effect on its prevalence. Laws seeking to restrict prostitution merely promote corruption, brutality, and sexually transmitted infections.”

Having accepted that prostitution is here to stay, like it or not, the next thing is to identify what problems it generates. There seems to be broad agreement on that. The list includes operators, usually men, using emotional or physical force to control sex workers; under-18-year-old sex workers being sought by clients; prostitutes being trapped in the sex industry; the absence of any buy-in to common health and safety standards; offensive signage; and brothels being located in sensitive places. The next stage is to work out the best way of controlling those harms. That is harm minimisation. We know that under-age sex is best controlled by stronger law against the client—law that can actually be enforced—and that is what is in this bill; whereas exiting from prostitution is best controlled by a combination of good social policy, such as the provision in the bill to minimise benefit stand-down periods to people leaving the sex

industry and some great on-the-ground social work projects. The law is then built. The rationale is not rocket science. It has been the basis of our public health law for the past 20 years.

So what will the world look like under this new law? It will look pretty similar to most of us who do not frequent the sex industry. There will be nothing much, in fact, except fewer risqué advertising signs, as the bill gives local bodies the power to control that signage. Members should remember that what we have here tonight is the best answer we can manage to the question of what law best ensures the well-being of sex workers. And for sex workers, the world will change dramatically if this bill passes into law. Key to this will be a transformation of their relationship with the State. At present their relationship is with the police, and that is occasional, at best, unless they are one of the 354 people arrested in the last 5 years for prostitution offences. Under this bill, they will be under a public health umbrella. They will have the opportunity for an employment contract, the certainty of an Occupational Safety and Health Service code, and a safer sex - focused environment to work in. They will have new protection from a stronger law against coercion. Workers aged under 18 will not be criminalised, but their clients will face longer sentences than under the current law, with less opportunity to successfully defend themselves.

My belief in this bill has been strengthened by the vitriol and inaccuracy of the opposition to it, and even more so by the sight of its enemies attacking it for completely contradictory reasons. When—and this is one of many examples—a member first calls for local bodies to have more controls over brothels in their areas and then, when amendments to the bill deliver exactly that, complains of it costing local bodies too much money, I sense that we are on to a good idea. Some accuse me of seeking to normalise prostitution. I have yet to hear a definition of normalisation that makes any sense in the context of a piece of law. A virtually unpoliced industry, where the core act of prostitution is not illegal, might be a definition of normal to some people. If the concern is that by taking practical measures to minimise harm we are de facto recognising the sex industry, I guess I would have to agree. But if we are tackling harm, surely there is no other way?

This is the most significant debate in this Parliament on a moral issue since homosexual law reform 17 years ago, and for most of us the most significant such debate of our parliamentary careers. Each member here has to live with his or her vote tonight for the rest of his or her life, and I know that some in this House have lived uncomfortably ever since with their “No” vote of 17 years ago. What we have before us tonight is a legacy of great parliamentarians and community campaigners who have gone before: Fran Wilde, who led the decriminalisation of gay sex; Helen Clark, who as Minister of Health, funded the New Zealand Prostitutes Collective; Maurice Williamson and Katherine O’Regan, who promoted the cause in the National Government in the 1990s; Georgina Beyer, who brings her unique personal experience to this House; and Catherine Healy, who has been the face of prostitution law reform for two decades. Will 61 members share in that legacy tonight? Will 61 of us vote to remove the last significant vestige of Victorian moral law from the New Zealand statute book? Yes, I believe we will.

Hon Dr NICK SMITH (NZ National—Nelson): I have opposed this bill from day one, and I will continue to do so because it is based on the flawed premise of harm reduction. The best way that this Parliament can minimise the harm of prostitution is to minimise prostitution—full stop, end of story. A bill that has this Parliament making prostitution a legitimate career choice will mean more prostitutes and more harm. The member who promoted this bill said that we should support it on the basis that the current law has flaws. The member is mistaken. We should support this bill only if we

are confident that it will make things better than they are now, and I do not have that confidence. The member also said that we should judge it on the basis of whether it will be good for sex workers. I say that no, we should judge it on whether it will be good for New Zealand society.

I know that passions in this sort of debate run strong, but I also have to say that I find the attack by the member of Parliament who promoted this bill on the churches of New Zealand to be inexcusable. His statement on the front page of the Christchurch *Press* that our churches have been ignorant and arrogant is not only false but totally unnecessary. It seems ironic to me that those who preach tolerance are so intolerant of those who do not share their liberal views. We then had the “feds under the bed” claim from Mr Barnett. His claims that there was a subversive campaign against this bill by some fundamentalist Christian churches from America were laughable. That was a sort of modern-day version of reverse McCarthyism.

I have news for Mr Barnett: this bill is opposed by ordinary New Zealanders, who reject the anti-family, politically correct liberal agenda of this current Government, and who want a Government that will stand up for basic decency and for standards. This bill is an affront to the values of ordinary New Zealanders. They are not judgemental puritans; they are common-sense people who know right from wrong. Prostitution is wrong because it cheapens the most intimate human relationship, by turning it into just another commercial transaction. I tell Mr Barnett that having sex is not the same as buying a beer or a latte. It is not the same as paying for a haircut or for some drycleaning. Sex is special, and it should not be for sale.

I represent a party that supports enterprise and markets, but I also know the limits of what should be commercially traded and what should not. This Parliament says that it is wrong to trade in babies or orphans—and nor should we; human life is too valuable for that. We also have laws that state it is wrong to have commercial trading in body parts and fluids, such as blood—we have a very unique blood service—and that is with good reason. Those who argue that prostitution is a victimless crime must resolve the moral dilemma of why selling blood, a kidney, or some other body part in life or in death is illegal. As a Parliament we say that those things are too sensitive to sell, and we should say that sex is, as well. Consenting adults may do as they wish, but sex should be an act of free will. That is why this Parliament puts such a high penalty on rape. We have high respect for human intimacy. Prostitution is nothing more than paid rape.

No amount of regulation and no amount of occupational health and safety inspection will make prostitution safe or healthy. I challenge this Parliament, after reducing the drinking age to 18, to ask how many people in New Zealand are drinking under the age of 18? Based on that experience, what confidence should this Parliament have that it will be any more effective than that in ensuring that prostitution is limited to those over the age of 18? Those who promote this bill have a naive view about the capacity of the State to enforce the detailed provisions of a law such as this. Those promoting this bill are taking us down the road towards normalising prostitution. We more or less had that assumption from the member who is promoting the bill today. He seems to live in a moral vacuum where marriage, de facto relationships, homosexual sex, and prostitution are just all the same. They are not, and long may this Parliament hold out and say that they are not.

The argument that prostitution will exist whether or not Parliament condones it is not the right way for this Parliament to write law. We outlaw theft, domestic violence, murder, and assault, knowing with every one of those that we will not be able to eliminate them. The real question that every member of this House must ask this evening is whether this new law would serve this nation better, or whether the nation would be better without these changes. The current law is not perfect. Personally, I

would make it tougher. It is an anomaly that a prostitute offering sex for money commits an offence, whereas the client does not. That is why I voted in the Committee stage to make both of those offences, and I am disappointed that that was not adopted. I am strongly of the view that, despite all the support for this bill, it will do more harm than good. We need only to look at the experience across the Tasman in Australia to know that there has been a substantive growth in both illegal and legal prostitution since Australia has gone down a similar road.

The most significant part of this bill is the laws that it repeals. I want to bring those into focus in this debate this evening. Section 147 of the Crimes Act makes it a criminal offence to run a brothel. That goes, under this law. I say the law of the land should make it illegal to run a brothel. Section 148 of that Act, which is repealed by this legislation, makes it an offence to live on the earnings of prostitution. That also goes. If we vote for this bill tonight, it will be perfectly legitimate to live on the proceeds of prostitution. With this legislation, section 26 of the Summary Offences Act goes—that is, it allows soliciting. Any person will be able to legally offer his or her body for prostitution. Let us not fudge that. It will become quite lawful anywhere—at any time or at any place—for people to offer sex for money. It will be quite lawful to go door to door. That is wrong; that is not the sort of society that this Parliament wants in our country. The international research is compelling. The facts are plain, and the argument is simple. This bill will do more harm than good.

May I conclude by thanking many of the organisations and individuals who put in cogent arguments for the defeat of this bill. I commend Sandra Coney for more of her insightful writing, the Maxim Institute, the churches of New Zealand, and organisations like ECPAT and others. May good reason prevail, and may this Parliament reject the proposition that prostitution is just normal and should be legitimised. New Zealand deserves better than that. I urge this Parliament to reject this bill and to stand for a better New Zealand.

Mr SPEAKER: New Zealand First is to have two speeches, each for 5 minutes. The first speaker is Mr Brent Catchpole.

BRENT CATCHPOLE (NZ First): This bill is a mishmash of band-aids, and it will not achieve the stated aims of its promoter, Labour's Tim Barnett. Mr Barnett would have us believe that under this bill the health, safety, and employment laws will protect prostitutes and sex workers. Under the current law, prostitution is not illegal, and therefore they already have those rights.

This bill is not about the health and well-being of prostitutes. Instead, it is about the decriminalisation of the peripheral businesses surrounding prostitution—such things as pimping, brothel keeping, trafficking in young women, and drugs. This bill prohibits the hiring of children under the age of 18. Current laws already prohibit that, yet if we look at the prostitutes who are working on the streets of the cities of New Zealand, we will find girls as young as 10, 11, and 12 years of age selling their bodies in order to feed drug habits. There is no evidence to support Tim Barnett's claim that this bill will improve the situation or make it any safer for sex workers. The exact opposite of that will occur, because the reforms will not be able to be policed, thus opening the door to organised crime. I include in that comment the New Zealand Prostitutes Collective, which is an organisation championed by the Prime Minister and funded by the Government. It is the prime target—the one organisation that is out there promoting prostitution and recruiting young people into it, under the guise of providing them with a service.

From the day that this bill was introduced in September 2000, New Zealand First and, in particular, my colleague Peter Brown have campaigned against these reforms. Peter Brown has seen prostitution first hand. Firstly as a ship's officer, and then while

running his own stevedoring business, he has seen the degradation of prostitutes as they flocked to the docks and to the ports to wait for the arrival of ships. He saw the degradation of those women, particularly the young women, and especially the young Māori women, and it saddened him. All the New Zealand First members have voted against this bill in all its stages before the House—during the first reading, the second reading, and the Committee stage—because we firmly believe that the bill will not help sex workers. Instead, it sends the wrong message to the young and the vulnerable.

I urge all members of this House to vote against this bill, and to support a member's bill that I have in the ballot. My bill would provide a real solution to the issues surrounding prostitution. My bill is based on the Swedish law, and prostitution has almost entirely disappeared from the streets of Sweden. Tim Barnett will suggest that prostitution has simply been driven underground, but there is no evidence of that. In fact, all the evidence shows that prostitution is no more underground in Sweden than it ever was. My bill, like the Swedish law, provides support programmes to help and encourage sex workers to leave the industry. It provides support, education, and real alternatives for them outside that industry. Other European countries are currently examining the same law, with a view to adopting it in the same way as the Swedish people have done, because those countries have seen that it has worked in Sweden. I will name the countries. Holland is one of them. Holland legalised prostitution, and it is now looking to change the law back. Holland has realised that it does not work when prostitution is legalised—and nor will it work when it is decriminalised.

I will vote against this bill, and I ask all members to vote against this mishmash of a band-aid bill called the Prostitution Reform Bill.

Mr SPEAKER: Before I call the next speaker, I want to advise the people who are listening to this debate that the only people who can participate in it are members of Parliament. I make that point very seriously. There is no contribution other than that from members of Parliament.

PITA PARAONE (NZ First): Tēnā koe, Mr Speaker, ā, tē nā koutou i tau mai nei i te pō nei.

[Greetings to you Mr Speaker, and greetings to you who have settled in tonight.]

Notwithstanding the amendments that have been made to the original bill, I wish to make the following points in support of my argument for continuing to vote against the bill. I want to focus on one or two issues.

First of all, I want to talk about youth. Youth face all sorts of problems, many of which we did not have to worry about when we were young. Those problems include the cost of education, which deters many young people from entering tertiary education, let alone from studying anything other than a vocational course that will provide them with a meal ticket. Whatever happened to the idea of youth being a time to explore and find out what one wants through trial and error, and of valuing education for its own sake? Many young people today cannot afford that luxury. The rising cost of housing makes even leaving home a mission impossible for many, stifling their need to be independent, and also putting pressure on their families, who did not count on having their children living at home until well into their adulthood. Then there are all the temptations and peer pressures that, for a lot of young people, involve risk taking, including taking drugs and drinking to excess.

Youth is all about taking risks. I am sure that even some of us remember a sense of being bulletproof. It is an exciting feeling, and the world can seem full of possibilities. But for some young people, it is all too easy to make a wrong move and to be lured into a lifestyle that seems easy, and even glamorous. Who cares what the job involves when the money and the hours are good, and many politicians in Parliament are saying it is OK? Well, I care. I have seen enough of our Māori young people destroyed by that

lifestyle, and I cannot in all conscience give my vote to something that is so ruinous to our young people.

One may say that it is a matter of freedom of choice, and that sex workers enter the industry willingly. That may be so, but how much information do young people of 18 really have? What can they really know of the realities of this occupation? How can they have the maturity to really think about what they are doing, in terms of the rest of their lives? For many, the reality is so horrific that they take drugs to dull the pain. The money becomes a habit, and they begin to wonder how they could survive without it. The social ostracism and disapproval become a reality, so they start to identify more with their colleagues, and before long the industry becomes a lifestyle. But it has its price, and that price is in terms of self-respect and self-esteem, the lack of which can be manifested in many ways—members can just ask any police or prison officer, or counsellor. I put it to members that a young person entering the sex industry will regret it later on, and that the experience will scar that person for life. I do not want that for our young people. I want to deter them from making a bad choice that will stay with them for ever.

Another issue for me is normalisation. The thing that worries me the most about the possibility that this bill will become law is the outcome of the normalisation of prostitution. That sends out a signal that it is OK to work as a prostitute and that prostitutes will be protected by the law, just as though one was working in a factory or an office. I am not saying that sex workers should not be protected from the exploitation, violence, and abuse that is a daily reality for most of them. What I am saying is that by treating prostitution like any other occupation, the message is that it is like any other occupation, when, to me, it clearly is not. How many other industries do members know of where taking drugs to cope with one's shift is the norm? How many employees do members know of who face the threat of rape and abuse on a daily basis? How can we condone our young people believing that selling sex for money is a reasonable career option? All too often, it is young women from disadvantaged and often abusive backgrounds who make that choice. Those women need help and guidance, rather than to be told that it is OK to be a prostitute. To me, prostitution is not OK. It is not normal, and I do not want to see any more young lives destroyed because of it.

SUE BRADFORD (Green): I stand here in Parliament this evening to make one last plea to my fellow MPs—whatever political party they come from—to consider having the courage to cast a vote in favour of the decriminalisation of prostitution. The bill before us, which we have so hotly examined and debated for the last 3 years, is a good one, aimed simply at improving the health, safety, and welfare of one of the most vulnerable and exploited groups of workers in New Zealand. All the evils of the sex industry, which the opponents of this bill talk about with such anger—such as coercion, child prostitution, and the blatant exploitation of women—exist now. This bill aims to help end these evils, not promote them.

I have grown entirely sick of the misinformation that has been deliberately circulated in our communities. That misinformation about the Prostitution Reform Bill makes it sound as though the bill itself was causing all these iniquities, rather than aiming to end them. Representatives of organisations overseas—such as ECPAT Australia, the United Nations Children's Fund, the World Health Organization, and the International Save the Children Alliance—call for the decriminalisation of prostitution, because they know that restrictive laws merely encourage violence, trafficking, rape, and the spread of HIV/AIDS—not the opposite. The way to combat these things is through the harm minimisation approach promoted in the bill before us today—through good public health and education; through strong penalties against coercion and the use of under-age

prostitutes; and through the creation of an environment in which sex workers, mainly women, are not obliged to become part of the criminal underworld in order to carry out their occupation.

To those of my colleagues in Parliament who profess to be feminists, I make a special plea that they consider voting in favour of the bill today. Many of our struggles in the 1970s and 1980s centred on women's right to choose—our right to take, and keep, control of our lives and our bodies. I therefore cannot understand why puritanical, 19th century concepts of abolitionism still have such a strong hold on women like Sandra Coney and others—for whom I have a very high regard, but who continue to believe that somehow continuing to criminalise prostitutes will help end the exploitation of women. That simply does not compute. How can the arresting of women empower them? How can putting them through the degrading processes of police custody and a court appearance, followed by the appearance of a conviction on their criminal record—which will dog them for the rest of their lives—free them or empower them? In what way will the arresting of women make it easier for women to exit the sex industry when a prostitution-related conviction is one of the major barriers to future employment or career advancement?

I do not know how many of the feminists and women MPs who oppose this bill have been through multiple experiences of strip-searching, arrest, imprisonment, police violence, and conviction, as I have. I would like to assure them that these are not experiences, in any context, that are likely, in any way, to improve one's self-esteem or ability to enter straight, upside employment. It is high time we moved into an era where the Victorian hypocrisy of convicting and condemning women who sell sexual services, while protecting the men who buy them, is discarded once and for all. Tonight is our chance to do that. This is not to say that we should move to the so-called Swedish model, in which it is the clients who are criminalised. An amendment to this bill, proposing the Swedish model, was thrown out by a hearty majority 2 weeks ago, showing, I believe, that many MPs have learnt from the experiences of places like the UK and Sweden, where all that happened was that much of the industry was driven further underground, with all the resulting negative impacts in terms of things like the spread of STDs, rape, violence, and other harms to sex workers themselves and those around them. As long as prostitution is a reality, is it not more important for those of us who identify as feminists to promote the rights and well-being of one of the most vulnerable and exploited groups of women, rather than to continue to allow the forces of the State to harass and criminalise them?

I would like to turn now from feminists to another group of my fellow MPs—the members of the ACT party, who, I gather, are quite divided among themselves about this bill. As avowedly the party in Parliament that is most dedicated to getting Government out of ordinary people's lives, I fail to comprehend how ACT members cannot support this bill. Decriminalisation of prostitution is all about getting the police out of the bedroom, when it comes to sex between two consenting adults. Why on earth do some ACT MPs think we should get the State out of education, health, housing, prisons, and everywhere else but not out of the bedroom—one of the most private places we can enter? There is a certain lack of consistency here, which is simply incomprehensible to me, and I appeal to ACT members to put their principles above their fear of the purveyors of certain brands of moral outrage.

On the other side of the House, we have a number of people from trade union backgrounds, who have, it seems, chosen to turn their backs on this particular group of workers. I am not talking about people like Lynne Pillay, or Helen Duncan, or Rick Barker, or a large number of other Labour people who have staunchly supported their colleague Tim Barnett's bill. Rather, I am talking about some others who seem to think

that workers' rights are something that are to be left outside the door, when it comes to a brothel or massage parlour. Of course, this has been the status quo for generations. Sex workers have been, and are, subject to bullying, rape by the boss, and other forms of sexual harassment, as well as arbitrary fines, forced sex with clients, withholding of wages, enforced overtime, and denial of any time off for holidays or illness. In the current setting, many workers are taken on as self-employed, independent contractors with no protection as employees and with zero employment rights.

The protections of the Employment Relations Act, the health and safety in employment legislation, and accident compensation legislation simply do not apply, yet some of these workers are suffering the most feudally oppressive treatment by management seen in New Zealand today. Employers can get away with this because prostitution currently takes place in the criminal world. If this bill is passed, the balance of power between employers and workers in this industry will gradually begin to shift. It will take time, but workers will have the law on their side for the first time. They will have the capacity to unionise if they want to, and they will be much more able to leave the boss behind and set up in a self or group employment situation should they so choose.

Anyone who understands and supports the basic principles of trade unionism should vote for this bill. In my role as the Green Party member of Parliament responsible for disability issues, I would like to address another matter altogether. In the 3 years I have spent working on this bill, it has become increasingly apparent that there is a whole subtext in this debate about which most of the bill's opponents are either oblivious or deliberately obtuse—that is, the situation that faces people with a major physical, mental, or intellectual disability. For those people, sex with a prostitute is the only way they will ever find physical closeness or release, for the rest of their lives, or for a major part of their lives. It is all very well to moralise about the so-called evils of prostitution, but I believe that the real evil comes when, as a society, we ignore the real needs of those less fortunate than most of us, at the same time as we condemn those who provide what is, in essence, a much-needed social service.

I would like to commend, in particular, IHC New Zealand for having the courage, as an organisation, to come out in support of this bill in the last couple of days. IHC is all too aware of the real needs of the many people it does its best to serve. On a broader front, I would also like to acknowledge Tim Barnett, the Prostitutes Collective, and all the MPs and church and community group representatives who have worked so hard for decriminalisation over recent months and years. They are the people who have had the nerve to step forward, in the face of a classic wave of moral outrage, to fight for a much-needed reform, which I am sure will happen whatever the vote tonight. Finally, I would like to say how honoured I am to have been the Green Party's representative throughout this debate. We are the only party in Parliament to have taken a clear position throughout in support of this bill, because we recognise that old union saying: "A harm to one is a harm to all." Until that harm is removed, none of us can be truly free.

STEPHEN FRANKS (ACT NZ): This is an odd debate—a conscience vote where the allocation of debating time is along party lines. I have considered whether I should be acknowledging, or trying to acknowledge, the arguments on both sides. In the end, one of the reasons for not doing that, other than the fact that I will be touching on the same issues, is that I do not believe that this debate has very often touched on the underlying law, or the bill, at all. This debate, in all the bill's stages in this House, has tended to focus on whether people want to be seen to favour prostitution, or to favour what is seen as being progressive. There has been very little analysis of what Parliament is actually doing.

After the vote, prostitution will be legal, whatever the outcome. Prostitution has not been illegal in this country in living memory. Pimping has been, and brothel-keeping was, until 1978 when the Massage Parlours Act came in, and in effect we got a form of licensed brothel industry. But prostitution—consenting acts between adults for money—and the privacy of the bedroom have not been touched by New Zealand law for many, many years. Therefore, the debate that goes on, as if people who take a position on one side or the other are actually addressing anything other than a moral posture, is in fact idle.

I look at this as a lawyer and as a person committed to the rule of law in a liberal State. I do not ask, as Nick Smith did, whether this law change will make things better than they are now, because I believe that the law has far less capacity to change outcomes in the direction we think it will change them than most of us here care to admit. I look at this law and, instead, ask whether it will be better law than what we have now, and I hope that if we have better law, there might be better outcomes. As I said, we are not voting for or against prostitution, or for or against brothels; we have them, and they will remain, whatever the outcome.

There is no nirvana. I listened to the speech of my sincere Green colleague who talked about getting the State out of the bedroom, and about oppression, and about the balance of power shifting because the workers will have the law on their side, and I say “Where?”, as I did in the Justice and Electoral Committee, and as I did at the second reading. There is a set of slogans in this bill that have absolutely no contact with reality, and never did. There is nothing in this bill that changes the protection of the human rights of any prostitute. There is nothing that protects them from exploitation. There is nothing that will counter the natural market force. When restrictions to entry to a profession drop, when the risks of a profession drop—if that is what happens—supply increases, prices go down, and there is, usually, more power in the hands of the brand owner. The only thing that will enhance the position of workers in an industry like this is their comparative performance. There will be a very large tail of people who find that their lives are harder and their money is harder to get, and who wonder why people claiming to speak on their behalf were so confident of their moral position.

This is not a political, philosophical, or religious statement. This is a statement of law. It is a set of instructions to the police, the courts, and the local authorities, and what does it tell them? It tells the local authorities that they will now embark on the sort of debate that has been tearing Parliament apart over the last few months. They are not given criteria by which to decide the location of brothels; they are simply given confirmation of a power to do that. So they will be dragged into this morality debate masquerading as a debate about public health, safety, nuisances, and offences to morals. The net effect will probably be that there are locations and cities where it is very hard to establish a brothel. The unintended effect of that will be that street prostitution is less expensive and less legally hazardous. But if there is one thing I learnt from the submissions before the select committee, it is that street prostitution is more dangerous, more unhealthy, more undesirable from a drug abuse perspective, and more susceptible to crime than brothels—as we have them—are. So this measure is likely to be an own goal. Even if I thought that the Hon. Phil Goff had been sincere when he put it forward as an answer to those who were concerned about there being no protection for communities that did not want brothels, I do not believe that the Minister, with all the drafting resources he had, can have been unaware that this was a simple smokescreen set of regulations likely to play into the hands of those who want to make political statements at the local authority level.

The other significant change will be the abolition of the law against pimping. When people tell me that this change in the law somehow enhances the power and the ability

of the prostitute to stand up to the boss, I am genuinely disgusted. If there is one factor of international experience, it is that prostitution is associated with brutal men who exploit women, who live off their earnings, and who keep them in a form of slavery—not all of them, of course; there are many who do not. But, in our current industry, the bad-employer elements that the Green member just mentioned are trifling compared with what they will be in an industry where the pimp is not afraid of any police action. Because that is what the change does. At the moment, the brothel-keeper and the pimp are well aware that they are breaking the law. They are breaking the law more readily than the prostitute, because the only liability that the prostitute faces is for hard-sell marketing. Anyone who looks at the back pages of their newspaper knows that advertising prostitution services is not illegal, and it has not been illegal for a long time.

So what do I think should have happened? We should have gone for a law that actually improved liberty, and that actually did get the State, or those who want to impose their views on others, out of this industry. We should have been looking at the evils that the law needs to combat. We have a law that says it protects young people. Clause 3, the purpose clause in the bill, talks about under-age prostitution. The Green and Labour members on my select committee rejected providing any practical means for enforcement of that. The police said they should be able to ask young prostitutes for proof of their age, and the majority on the committee said no. That was the turning point for me. That was when I realised that what I was dealing with was a bid for respectability, and not a genuine attempt to improve the position of the women or men in this industry. The bill says that it criminalises prostitution by those under 18. Well, that was already the law. That has been in the Crimes Act for some time. The real question about it was what resource and what capacity one was putting into the hands of those who must enforce it. The proponents of this bill decided that they not only would put no capacity in the police hands, but also would take away the existing powers that they have.

Finally, having become alive to the fact that this was a war of slogans, I became concerned about what would flow from it. There is a part of this bill that sets up a committee that is expressly charged with developing the law. We had submissions saying that prostitution should be a ground of non-discrimination; that, in other words, the Human Rights Commission should prevent people from speaking against prostitution, from refusing to rent their premises to prostitutes, and from refusing to maintain them in their employment if that was against their conscience. What we had was a series of thinly disguised submissions—some were not disguised at all—saying it is time for the law to move on from this decriminalisation, and to make prostitution a privileged position. I put forward an amendment that was designed to say that this measure was simply decriminalisation, and did not impinge on people's rights of free expression, or freedom of association or non-association, or freedom of religion. That was rejected. At that stage it became plain to me that true believers in our classical liberties, and in the sanctions that any healthy community has, could not vote for this bill.

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

LARRY BALDOCK (United Future): I rise to speak in the third and final reading of this bill, and I want to begin by thanking all of those across New Zealand who have taken the time to make their views known to us members of the House. To those who have lobbied and worked hard to try to convince us about the issues involved in this bill, I say that I trust they will not be disappointed tonight when the final vote is taken.

In standing to speak, I try to raise new points every time. I have had my share of speeches on this bill, as most members will know, but every time it is possible to come

up with new reasons that we should oppose this bill, because there are hundreds of reasons that it should not be passed into law tonight. In the very beginning the bill was promoted to New Zealand as decriminalisation of prostitution, and all the supporters of it were very clear in their opposition to any legalising of prostitution. They wanted to decriminalise. Legalisation, as in Victoria, Australia, is clearly acknowledged to be a disaster, but this bill's supporters decided and declared that the decriminalisation model, such as that in New South Wales, was a raving success, and that was why they wanted it brought here to New Zealand.

One of my concerns right throughout this debate has been our obligations under the Committee on the Elimination of Discrimination Against Women, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which is our obligation as a signatory to the UN charter. It has always been my concern that if we liberalise our laws here in New Zealand, we will invite the possibility of the trafficking of women and children for prostitution, which is occurring on a wide scale around the world. When I raised these issues with the Minister of Justice he told me that, no, it was perfectly OK to pass this law, because the more that this issue was out in the open, the more it would be possible to control the evil of the trafficking of women, which is nothing less than slavery of women.

Well, if that is the case, I want to draw members' attention to a recent article in the *Australian* newspaper: "Police lay their first sex traffic charges in Australia. The Australian Federal Police have charged a man and his mother with sexual servitude offences against three Indonesian women who claim they were held captive in a Western Sydney flat." Sydney, of course, is where prostitution has been decriminalised. "The charges are the first to be made by the AFP under laws to combat sex trafficking, and the Government Minister for Immigration"—similar, perhaps, to our Minister of Immigration—"said this rarely happens in Australia. But a 4-month investigation by the *Australian* has uncovered widespread trafficking, abuse, and exploitation of sex slaves, revealing that women trafficked from South-east Asia were forced to have sex with hundreds of men to pay off so-called contracts. Although some sources said there could be a thousand or more women under contract at any one time, Mr Ruddock continued to play down the problem."

I believe that is what we are about to unleash in our nation if we pass this decriminalisation of prostitution. There is no guarantee whatsoever that we will be able to better control the evils that occur in this industry if we bring everything out into the open. I have said on many, many occasions that in fact it is significantly in the open in New Zealand already, and I do not know how much more open it can become.

Another article from the *Australian*, talking about the famous King's Cross strip, which, of course, has been operating for many years under a decriminalisation model, states: "The future of Australia's most famous stretch of strip clubs, brothels, and adult shops is threatened after the Sydney City Council voted to prohibit new sex industry businesses from setting up in the heart of the red-light district. This sleazy, drugs-rife pocket of the inner city has been in the cross hairs of the council since it gained control of the suburb from the South Sydney local authority on May 8." I say to members that that does not sound to me like a success story from the decriminalisation of prostitution. That area is still referred to as a "sleazy, drugs-rife pocket of the inner city". There are enough problems with what we have already in this country without our opening the door to further proliferation of this problem.

I believe that if this bill is passed tonight, and even one extra woman is trafficked in prostitution—or even one more of our young women in New Zealand is enticed to go into prostitution—then this bill will have failed. No one has been able to give me a guarantee in this House yet that this bill will not do that. A lot has been said about it not

leading to a massive increase, but has anyone been able to promise me that this bill will not lead to an increase of even one? If one person were trafficked into New Zealand as a result of this bill, we would be failing our obligations under the UN charter, and, surely, that must be of concern to this Labour Government, which is so committed to the United Nations and to its obligations under those treaties. Clause 9.5 of those obligations says that member States should do everything they can to reduce the demand that leads to the trafficking of women and children—estimated to be 700,000 to 4 million every year around the world. But, no, we have our heads in the sand in this country, and, as some members have said with very great clarity, we are about to unleash market forces if we pass this bill.

The truth is that this measure is, really, no longer decriminalisation of prostitution; it is legalisation, similar to that found in Victoria, Australia. If we do a comparison between that state's legislation and what ours now looks like, we find some incredible similarities. There is licensing. There is zoning. There are health regulations, although we wonder where the army of occupational safety and health workers will come from here in New Zealand to do anything about trying to protect the health of our sex workers. We cannot find enough police now to inspect our massage parlours and to close down the ones that are operating without licences, let alone find the extra occupational safety and health workers who are to go around making life better for those in the sex industry.

The amendments to the bill that went through the House 2 weeks ago have, basically, passed the responsibility for taking care of the sex industry on to local government. If this bill passes tonight, this House will be delegating responsibility—we could say “passing the buck”—to our local city councils, and passing on to them the cost of regulating the sex industry, and I believe that is grossly unfair. I served for a time as a member of the Tauranga District Council. During that time, we had debates about some of the moral issues in our community. I believe that if every council throughout this country has to go through the process that is now required of it under the Local Government Act—to consult its communities over every by-law it passes—those councils will have enormous trouble enforcing what this Government hopes they will do under this law.

Interestingly enough, soon after those amendments were passed, the following appeared in the *Bay of Plenty Times*: “Sex workers fear red tape. Tauranga sex workers have rejected the idea of the local council regulating their industries, saying the move would only tie them up in red tape. Sex industry workers also fear that council workers will not have the right skills to successfully deal with them, and want the job to stay with the police.”

I believe that we in this House are meant to listen, and I think we have been getting mixed messages all the way through this debate. One of the very difficult things I found as I held public debates around the country was, on one occasion, to hear how terrible such a life is, and that therefore this law needs to be passed to make things better, and, on another occasion, to hear that the life actually is pretty good and “We don't need you interfering in it, at all”. It has become very difficult to know how we should address this situation, but I am totally convinced that this law is not good law. Those who look to it to try to save them from the misery they are in will be sorely disappointed. This law offers no salvation for them. I hope the House will reject it tonight. I believe we should embark on an inquiry that will look seriously into the situation of the sex industry in New Zealand, and come up with some real solutions that will not open the door to market forces, which will damage everybody involved with the industry.

Hon MATT ROBSON (Deputy Leader—Progressive): To change slightly the word order of Mark Antony's most famous piece, the funeral oration in Shakespeare's

Julius Caesar: “I come to praise Tim Barnett, not to bury him, for he is an honourable man.” He seeks to remedy a set of social mischiefs that surround prostitution. In particular, he is concerned about the health and safety of the women and men engaged in prostitution. But I have come to bury the bill, not to praise it. It does not remedy the mischiefs around prostitution. On the contrary, it will worsen those mischiefs. On the surface, the bill is progressive, and that is the intention of the author and many who support it—I know that. But, on going deeper, I believe that it entrenches practices that do enormous harm.

There are some who say that prostitution will always be with us. I have heard those words said about the poor. I do not accept that. It is not some dictum handed down from on high. Many socialists and social democrats in this House, if they follow that philosophy, should realise that they should look for the material roots of prostitution and work out a strategy for its elimination. Mesopotamia was the source, in slavery, of prostitution. It flourished in Athens as a State system, also under a slave system, and it has come through to us under this present market system that we exist in today. Neither the present market system as we know it, which goes to extremes, which commodifies people, nor sexual slavery has to continue to exist.

Those who argue that prostitution is another form of work, and that, at least, it is paid for, do, I believe, a great injustice to the goal that they should, in my opinion, if they are on the left, be aiming for, and that is free relationships between people on an equal basis. I ask those who argue that prostitution is a career what sort of career it is if, when one reaches old age—possibly 35, 40, or 45—there is nowhere for one to go, and those who run the industry do not want a bar of one. What sort of career is that? What sort of career for our children is it, when it is put on the level of other productive work in society? None of that is an argument that people who are involved in prostitution are less worthy, in any way, than any other member of a community. But it is an argument that if we are serious about what we tell our children is productive work, we should not use the euphemism “sex worker” to describe this work. It is a euphemism. It covers up a practice that none of us, including those who are proponents of the bill, say we want our children to enter.

There is a need for an exit strategy in this industry, and that is what we should be concentrating on. We should certainly not be concentrating on having the police or other agencies chase people involved in prostitution—either prostitutes or their clients. Let us, as a House and a Parliament, work on an exit strategy.

I went to colleagues in the Dutch Parliament who voted for a similar law. Their party is called the Dutch Socialist Party, and anybody can contact it at www.sp.nl, which has an English section. It has written an article that states that now, given the experience in Holland, its members would not vote for that bill. Why? Because the very people they thought they were going to help—the most oppressed women, particularly immigrant women and young women—are the ones who have been driven into the burgeoning legal industry. They have also seen the drug industry continue to climb, and those people involved in prostitution continue to be exploited. And Holland has a reputation as a liberal society that looks after its people.

To those who say that it is Victorian morality that entrenches prostitution, I say “Nonsense!”. It is actually post-Victorian morality, because those who are making this industry something that goes on the Stock Exchange long ago rejected the hypocrisy that did surround Victorian morality, but they are the same sorts of people who, if one gave them half the chance, would bring back exploited child labour and longer hours for workers. They are the very people who opposed my member’s bill promoting 4-weeks’ annual leave that I know has massive support from my Labour colleagues as well as from the Green Party.

The way forward is to have an exit strategy that deals with the needs of the people who are involved in prostitution, and it should include anti-drug strategies, counselling, and vocational guidance for people. We need that. I do not believe that this matter should be dealt with in a member's bill. These issues are ones on which the resources of the Government and Government policy should be brought to bear. The strategy should be to give people an exit; to allow resources and support to go to the agencies that keep our children out of prostitution, and that give social support to the women and men in the industry, to enable them to come out of it, not enter it—those are the resources that the Government needs to supply. A centre-left Government will need to address this issue when this bill fails—as I believe it will—and to put in place a proper strategy to deal with prostitution and its elimination.

JANET MACKEY (NZ Labour—East Coast): I am not going to try to predict what will happen if this bill passes tonight, but the one thing I do know, having sat on the committee that considered the bill in the previous Parliament, is that it does not achieve the aims it sets out to achieve, and that is of concern to me. I believe that this Parliament has one chance in 20 years to address this issue, to address it well, and to bring in a bill that provides real benefits. This bill does not do that.

We have heard people tonight talk about those who are opposing the bill as not being liberal, as being conservative, and as not caring for women. I am a woman and I object very strongly to voting for a bill that legitimises those people who traffic in women. This bill makes it legal for people to live off the earnings of prostitutes. If we were looking for something that, effectively, dealt to the people who probably cause the greatest grief for prostitutes, then this bill certainly does that: it legitimises them. It gets rid of pimps and turns them into managers. I find that offensive, and I ask people to think strongly about that.

One of the issues that has not been spoken on, regarding the bill, is the social impact this bill could have in small rural communities. We are asking our district council—the Wairoa District Council—to nominate the place where it is willing to have a brothel. These are communities that are very small and are transparent. They do not have industrial areas. It is very difficult to hide things in a very small community. I think this is another example of Auckland, Wellington, or Christchurch legislation that will have a totally different, more dangerous, and more severe impact on small communities. There is huge opposition to this bill in small rural communities. I ask those members who are making up their mind to give some consideration to how councils in Wairoa, Opotiki, and Gisborne will manage the effects of this legislation.

I hope that the bill does not pass tonight. I hope that the issue does not go away. I hope that we as a Parliament pick it up. I hope that the Government picks up this issue, and that we have a chance to discuss this matter fully with our communities, and to come up with legislation that does address the health and safety issues that need addressing.

Dr PAUL HUTCHISON (NZ National—Port Waikato): In choosing to vote against the bill, I am very mindful of the powerful argument put up by my colleague Katherine Rich in support of the bill at the beginning of this debate. In effect, she said she would be heartbroken if one of her children decided to enter the sex industry. But if he or she did, and I quote her: “I would want to know that my daughter had the same rights as my son. I would want to know that as far as possible the industry would be as safe as it could be, and above board.”

The major reason that I am not supporting this bill is that I do not believe that the legislative model proposed will enhance or protect the lives of the most vulnerable—the young men and women who prostitute themselves in the streets, and who are often the ones unable to obtain jobs in massage parlours or escort agencies. Nothing in this bill

reassures me that they will be protected, nor is there much visible evidence that this bill is underpinned by resourcing that will break the cycles of disadvantage that get them there in the first place, or help them find viable alternatives or rehabilitation. I am also mindful of the strong criticisms of this bill from the Police Association that recent changes to certify brothel operators are unworkable and naive. I note that the president, Greg O'Connor, has said that his association is not opposed to decriminalisation, but MPs need to draft a law that could be practically—and, I would hope, fairly—enforced.

I acknowledge the many people involved with the evolution of this bill, the sincerity with which they have been involved with it, and the huge work that Tim Barnett and other parliamentary colleagues have put into it. In particular, I thank the AIDS Foundation and the Prostitutes Collective, which, I believe, have already made a very significant contribution to enhancing public health issues.

But one of the pivotal concerns I have about this legislation is that there is very little underpinning to make sure that negative effects are minimised. Liberalising legislation that I have been involved with, and have observed more closely, is the development of abortion law in the Netherlands, as compared with New Zealand, which has an abortion rate four times that of the Netherlands. The greatest distinguishing feature of the Netherlands situation was a huge national effort in the 1970s by both sides of the question to resource relevant lifelong education, and ensure—before the legislation was enacted—that there would be resources and ready access to high-quality contraception, sterilisation, and safe abortion services. The same national effort has not occurred in New Zealand. What I do not see with this liberalising prostitution law is a determined national effort by people on either side of the equation to do everything possible before enactment to minimise the drivers towards prostitution and put extra resources in place to minimise the harm to public health—both physical and psychological.

This Parliament has seen a huge amount of passion and energy regarding this bill over the last few months. If only that passion and energy were put into ensuring that all New Zealand children had the opportunity of accessing first-class education and health from the time they were conceived, it would contribute hugely to breaking the cycles of disadvantage that so often lead towards prostitution. I agree that there is a strong need to remove the double standards relating to prostitution law in New Zealand, but the legislation model before us is quite inadequate.

JUDITH COLLINS (NZ National—Clevedon): I have spoken against this bill since it first came back into the House, and I do so again tonight, because, in my opinion, this bill does not achieve the worthy goals that its promoter, Tim Barnett, has sought to achieve.

For many, many years, and for many decades and many centuries, there has been prostitution, and I believe that there will be prostitution for many decades and centuries to come. Whenever there are people who are impoverished, disadvantaged, the victims of sexual abuse as children, or victims of domestic violence, there is a culture that encourages prostitution. People who become prostitutes are very seldom people with many choices. They are very seldom people who can say: “Shall I take that job or that job? Which university shall I attend? Which particular degree shall I achieve?” With some exceptions—but only a few—most prostitutes are the most disadvantaged people in society.

This bill we are debating tonight has the worthy aim of helping those people, but it does not actually do that, and that is what is so disappointing. After 2¾ years in this Parliament, and after thousands and thousands of dollars have been spent on it, with trips here, there, and everywhere, this bill does not achieve that aim. Does it do anything to stop abuse by pimps? No, it does not; it now allows pimps to be legal. At least under the current law prostitution is legal, but pimping is not, nor is solicitation. Do we really

want that to be legal?

When we visit Sydney and King's Cross and see young girls, as I have, who could not be more than 13 or 14, prostituting themselves up and down the main street, do we want to see that here? We do not have to go very far, do we? We can see it almost any night of the week in places like Manurewa and Papatoetoe, because we have a law that, with exceptions, is currently not enforced. When the current law is not even enforced, what hope is there for these people in this bill that it will ever be enforced? What hope is there for prostitutes that safe-sex practices will be enforced? What possible hope will there be? None! This bill allows pimps and soliciting. It is an attempt to normalise what is not normal.

Prostitution is not something that has to be. It has been brought about by people being disadvantaged, and by other people being more powerful and using that power over them. Anyone who thinks differently need only look at history to see that one of the first things that conquering armies do is set up brothels. That is exactly what they do, because it is all about the powerful taking from the powerless.

GEORGINA BEYER (NZ Labour—Wairarapa): I rise to make my contribution to the third reading of this bill, which I support. I would like to begin by expressing my gratitude to the members of this Parliament for a considered and varied debate from both sides and both points of view. Along with that, I congratulate supporters of both sides of the argument for their contribution, which expresses a fair view from both sides of the nation. I particularly congratulate and pay great credit to Tim Barnett, who has had the courage and commitment to see this bill through to this most important point.

I support the bill, because, as everybody knows, I have had experience in the sex industry—and I am the only member of this Parliament to have had it. If I had had a law like this to protect me and give me some teeth for redress when I was 16 and 17 years old—even on entering into the sex industry—then I might have been spared the 5 or so years I spent in that industry. Barriers would have been created against people who would coerce those under 18 to enter the sex industry in the first place. I support this bill for all the prostitutes I have ever known who have died before the age of 20 because of the inhumanity and hypocrisy of a society that would not ever give them the chance to redeem whatever circumstances made them arrive in that industry.

This bill provides some of that protection. It provides people like me at that time with some form of redress for the brutalisation that might happen when a client pulls a knife. The horror of that situation is that it could be a life and death one—one does not know—but it would have been nice to know that instead of having to deal out justice afterwards to that person myself, I might have been able to approach the authorities—the police in this case—and say: “I was raped, and, yes, I’m a prostitute, and, no, it was not right that I should have been raped, because I said no, and it was not paid attention to.”

I think of all the people I have known in that area who have suffered because of the hypocrisy of our society, which, on the one hand, can accept prostitution, while, on the other hand, wants to push it under the carpet and keep it in the twilight world that it exists in. We are bringing prostitution reform into the light with some of what is proposed in this bill, and the criminal element does not necessarily like to be standing in the glare of greater public influence over how an industry like this might be conducted within our society. It is about accepting that that occurs, and it is about accepting the fact that the people who work in this industry deserve some human rights. I plead with those members in this House who are wavering right up to the wire, to think, for heaven's sake, of the people of whom I have just spoken, including myself, who might be spared some of the hideous nature of the way society treats prostitutes—because that is here with us.

But if one does have fears, this legislation will be reviewed in 5 years to see how it is operating and whether it is effective. If this bill passes tonight, in 5 years we will be able to reassess its worth. That is something that those who are wavering should be comforted by. But to do nothing now would be irresponsible of this Parliament, because the status quo would remain, and that is unacceptable. This is our one chance in perhaps 20 years to do something. Whatever side of the argument we take, I know we all come from a humanitarian point of view, but I beg members to consider the side I am on, and the side many others in this House are on also. It is the side I consider to be right. It does not diminish, in my opinion, the opinions of those who are against this bill, because some valid points have been made, but not to address this issue now, with this possibility, is not right.

I will conclude by saying that right now we have a sex industry, and we have legislation based on an outmoded double standard. Let us change, please, the part we can.

Mr SPEAKER: There are two split speeches now from John Carter and Nanaia Mahuta.

JOHN CARTER (NZ National—Northland): I understand the emotion that was expressed by Georgina Beyer. I have taken an interest in the issues and done what a number of MPs have done. I have spoken to a number of people who have worked, and are currently working, in the sex industry, to try to get an understanding of the issues. I respect those points that have been put to me by the likes of Katie Deckie, and a whole lot of other people with whom I have had the opportunity to debate these matters.

I have also had the opportunity to be on the streets with Mama Tere Strickland to see what the impact actually is on some of the people who live in a different zone to most of us here in Parliament. I say to members of Parliament—and, indeed, to the many people close to us tonight who are listening to this debate—that there are a group of people who do not even know where Parliament is. The people who are here in our presence tonight, and who are involved in the sex industry, are generally clever and capable people. Although they experience difficulties in the area they are involved in, they are able, in the main, to look after themselves, and they do so through the collective with which they associate. I refer to those who do not have any contact with the collective, or with other sex workers.

I want to draw the House's attention to a group I saw, because this bill will do absolutely nothing for them. If I make no other point tonight, I want to make this point about a group of five people, of whom two were mothers, two were related and in their early 30s, and one had a 14 to 16-year-old daughter, but claimed the daughter was over 18. The other mother had two sons—one was 17 and one was 7. They were all out on the streets working. The two mothers and the daughter were in and out of cars. The elder son was there looking after the group, and was there to look after the 7-year-old, as well. When I asked Mama Tere about them, she said: "They don't live in our society. They are not part of us. They don't have dreams and aspirations. They don't think about Christmas. They don't have holidays. They don't know about a future; they live now. We don't live in their zone, and they don't live in ours."

Unfortunately, we have people like that in our society, and it is sad and horrible. If these people in this House have not had the chance to experience those sorts of people and see how they live, or even to try to understand what they are like, I urge them to do so. It was an absolute eye-opener for me. When I looked at this legislation to see how it was going to help those people, I saw that it did nothing for them at all. I was one of those members who were uncertain about whether they wanted to support this legislation. Like others, I want to pay my respects to those on both sides of the argument. I digress to say that this has been a good, sensible debate—unlike the debate

on homosexual law reform, which got quite personal. At least we have kept this debate at a very good level.

But if this legislation were to be passed, what worries me is that that group of five is likely to grow. It will not just be that five, or however many of those people are out on the streets, it might well be a lot more. I am worried that if this bill were to be passed, there might be some advantages for those here tonight who can look after themselves, but there are a number who cannot. I say to this country, and particularly to this Parliament, that I do not want to be—and I urge this Parliament not to be—responsible for making life worse for other people we do not know about.

NANAIA MAHUTA (NZ Labour—Tainui): Tēnā koe, tēnā tātau katoa. Ā, ka tū au ki te mihi ki ngā hoa rangapū katoa i roto i tēnei Whare Pāremata e pā ana ki tēnei take, te mahi pūremu, te mahi kairau. Ā, tuatahi ka tū au ki te hoki ōku mahara ki ngā kupu kōrero o ngā mātua, tūpuna ko te wahine te whare tangata. Ko te wahine te whare kōrero, ko te wahine te whare wānanga. Koinā tētehi o ngā tohu rangatira ki a mātau ngā wahine, hei tiaki i ō tātau nei tamariki, kia kore, kia kore, kia kore e wareware ngā tohutohu a koro, a kui mā nō te mea, kei a rātau ngā whakatupuranga, kei a rātau ngā kākano a tōna wā ka puāwai.

[Greetings to you and to us all. I stand to extend greetings to all colleagues in this House of Parliament in respect of this matter of prostitution. And firstly, my thoughts return to the words of the parents and ancestors who said that women are the childbearers; that women are the house of knowledge and the house of learning. This indeed is one of the sacred vestiges belonging to women, who watch over our children, and never ever forget the teachings of our grandfathers and grandmothers, because they are the forefathers of future generations, and in time those seeds blossom in fullness.]

Briefly, I give greetings to all members of this House on this particular bill. I turn my thoughts to some of the sayings of our old people, who say that women are the whare tangata, and that they are the vessels of knowledge and wānanga for our people. They say that because women have the gift of being life-bearers, the gift of being nurturers, and the gift of looking after that which is most important: our children within our families. I acknowledge that, and that this is a difficult issue. It is one on which every member of the House has been challenged personally, has been challenged politically, and, most certainly, has been challenged by every constituent in his or her electorate. But I stand quite simply to reiterate that I will not be supporting this bill.

This is the third reading of a bill that deals with a most difficult and challenging issue that faces us all. A number of issues have been raised in the context of whether this bill will achieve what it sets out to do, and whether it will provide improved health and safety standards. Time and time again the people we are most concerned about are those who are most vulnerable in this part of the sex industry. I do not purport to know everything about the sex industry, and I wish I did, but what I have endeavoured to do is to try to go out and talk to people, and to try to understand things. I have visited Australia and seen the models in Victoria and New South Wales, and what has come up time and time again is that no amount of legislation will protect those who are most vulnerable in this industry. Those people will be those who work on the street—it is purely and simply that. It will be youth. And what are we to do? Speakers in this House have said that to do nothing is irresponsible. However, I say that not to do more would be irreversible.

What are we saying here? All those people who do not support this bill are not saying that the issue will stop here. We are not saying that if this bill is defeated tonight, the story will end there. We are saying that we must make a commitment, as parliamentarians in this House, to show leadership to the current generation of young

people, and to show that we are prepared to tackle the hard issues—and we will do so. We will not turn a blind eye, and I am disappointed in some of the statements that have been made in this House that imply that particular slant on the position that I represent. I have made no secret of my stance on this particular issue. Let me say something to people who are currently wavering, or who are not sure where they stand on it. In every Māori community that I have visited the social service organisations, alternative education organisations, and health services have all asked how, at a time when they find it really hard and struggle to provide good role models for youth, the decriminalisation of prostitution will improve the already difficult messages that really affect their young people.

We cannot let that situation continue. This is a serious issue. I ask any person in this House who has not yet made up his or her mind to think about the current and future generations of youth, and to make his or her decision accordingly. No reira, tēnā koutou katoa.

PETER BROWN (Deputy Leader—NZ First): There is an old question: “What did the bishop say to the massage parlour owner?” Actually, he did not say very much, because they were both on *Holmes* the other night, and Paul Holmes kept interrupting the bishop. So the question becomes: “What did the massage parlour owner say to the bishop?” And she summarised this bill in one short sentence. She said something along the lines that this bill enables the sex industry and the selling of sex to be treated exactly the same as the selling of food. That is what she said.

I cannot really quite see how the selling of sex will be the same as selling food if this bill comes in, but I can see that this bill will make sex a legitimate commodity to sell. Anybody who sells a commodity legitimately has an agent, a marketeer, and a public relations guy—and that is what a pimp will become. This bill will legitimise pimping. It will give huge incentives for pimps to have more and more young women under their wing, under their control, in order to sell their bodies. They will make huge money from that, and that is what this bill will allow. Pimps work in devious ways. This bill will make them legitimate business people, but they will coerce, entice, induce, and persuade people. The bill states that it is illegal to coerce someone, but it does nothing about persuading, enticing, and what have you, in order to get young women, in particular—but also young men—to become prostitutes.

This has been a very good debate, because no muck has been slung to any great degree between MPs on one side or the other. We have stuck, very largely, to the issue. Equally, the people opposing this bill have not been moralising. We have spoken honestly about the concerns we have for the people who are enticed into the prostitution industry, and for young people in particular. The people opposing this bill recognise that this industry will not disappear. We cannot legislate it out of existence; we know that. We are grown people, despite the antics of some of us from time to time. We know that the industry will exist, and will exist for quite some time, but we want it to be contained and controlled, and we want to encourage people to get out of it. This bill does none of that. It opens the door wide for people to get into prostitution—to be enticed and coerced into it. I know that is to be against the law, but who will police that when somebody puts a bit of pressure on someone to become a prostitute?

I have spoken to the mother and father of a young woman who was enticed into this industry, and I tell members it is a heart-wrenching situation. One does not know what to say to them. The young girl—I do not know how old she is; I have never met her, and I do not know her name—does not know where to go, in terms of her future. She does not know what lies ahead of her, and the parents do not know how to help her. They have no idea of how to help their young daughter.

If we want to do something for the youth of this country we should set examples that

are clean, honest, open, and legitimate. Passing this bill tonight will send the exact reverse message of that. This bill will normalise the sex industry to a very, very large degree. We will send a message to some people that it is OK to sell their bodies or someone else's body. It will be OK to pick someone up, meet them, and sell their body to somebody else for sex. That is all legitimate under this bill. Young people in this country need better examples than that sort of thing.

I am an ex-seafarer, as I have told this House from time to time, and I have seen prostitution first hand all over the world. I have seen it in places where the regime has been liberalised for quite some time, and I have seen it where countries have gone down the sort of road that this bill provides for. If this bill goes through, I say the industry will expand. Members should make no bones about that. It has done so in New South Wales, and I believe it will expand quite significantly here. There will be more drug abuse; the industry will be a front for that and for child prostitution. Why is that? It is because people will be able to make money out of it.

If we take the police out of the equation, we open the door to all sorts of sinister operations. There will be more trafficking of women—not only people coming into this country, but also women being trafficked from one area of New Zealand to another. That is what happened to the young lady I was talking about earlier. There will also be more violence against prostitutes. In my sea career, I have seen prostitutes fighting for a client on board a ship, in a hotel, and in a bar room. We should not pass legislation that opens the door to those sorts of practices. Why do prostitutes fight? They fight because there is a market out there, and in some cases there are not enough clients to fulfil the economic requirements of the prostitutes. There will be more criminal activity, because anybody who can make any money from this industry will get into it. There will be more degrading acts performed, for lower fees. That is what a lady from Australia told the Justice and Electoral Committee. Prostitutes will have to perform more and more degrading acts, for fewer dollars.

Russell Fairbrother: That doesn't say much about men, does it?

PETER BROWN: It does not say terribly much about men; the member is quite correct in saying that. But the member may also be keen to know that there are male prostitutes, and they will get involved. Young men will get involved in prostitution.

Russell Fairbrother: I expect they need protection.

PETER BROWN: They do need protection. If the member thinks this bill will provide it, he is not living in the real world. He has entirely missed the point of what I have been saying, and he has missed the point of some very good speeches in this House tonight if he believes this bill will provide that. I say to that member that we know that the status quo is not good. My New Zealand First colleagues would support a formal investigative inquiry into it—not a political inquiry, but a formal investigative inquiry. That member over there on the Government benches shakes her head.

This bill has been band-aided, as someone said earlier, with bits stuck in and bits taken out. Those things all came before the select committee, and they were all voted against. The proposer of this bill wanted to have decriminalisation and an open slather environment, to use blunt words. This bill is currently a mini-version of the Victorian model. It started out based on the Sydney model, and it has ended up like the Victorian model. The sponsor himself told the House, if I recall it correctly, that the Victorian model was not acceptable because it led to two tiers in prostitution: the legitimate and the underworld.

This bill is not good enough for the young people of New Zealand. I ask members to please vote against it.

DIANNE YATES (NZ Labour—Hamilton East): I will be opposing this bill, as I have consistently throughout its earlier stages, because I think that at the moment, the

bill is an absolute mess. I will also be opposing it, firstly, because I come from what I consider to be a feminist perspective that sees prostitution as exploitation, and, secondly, because I have gone out and spoken to many women's groups—I am a member of many women's groups—and spoken widely in my electorate. There are 58,000 voters in the Hamilton East electorate, and of that number of voters, only three people in the whole electorate have contacted me—I have solicited opinion—and asked me to vote for the bill. I have had hundreds of telephone calls and emails asking me to vote against it.

I believe that there are two ways of looking at prostitution through this bill and in this debate. One is that prostitution is a job, and if one does regard it as a job, then the arguments of people like Sue Bradford are valid. But I do not believe that prostitution is a job; I do not believe that it should be a legitimate job. I have been a schoolteacher for most of my life, teaching girls, and I have not taught them to seek that type of employment. I believe that those members who are voting for the bill are trying to have a bob both ways with the amendments that have been made to it, because it is not prostitution but soliciting that is illegal. Now the amendments are saying yes to prostitution, but people cannot have signs and advertising on the television or the radio, and brothels can be only in certain places in cities, which puts an awful burden on local government. Basically those are Nimby amendments from a bunch of members who say yes to prostitution, but not in their backyards or their suburbs, and nowhere near their kids, thank you very much. Let us hope that they realise that they are trying to have a bob both ways, and that it will not wear.

The other way of looking at prostitution is what New Zealand has signed up to through the UN Convention on the Elimination of Discrimination Against Women. Article 9 on the trafficking of women—which we have signed up to—states that prostitution is the exploitation of women, and we have undertaken to eliminate and get rid of prostitution. I do not believe that this bill will do that. Someone at the back of the Chamber asked about the men. Let us look at what this bill is doing, because if we go with its provisions we are saying that prostitution is a job. We are also going against what I believe is Labour policy, which used to state that we should get rid of the anomalies around prostitution. The anomalies are still in this bill, in that the onus is on the prostitution industry and the women, and not on the clients.

When I said in this House that we should make sure that the clients of prostitutes have a health test and a licence, people sniggered. But that is what we are asking of the women, and that is what makes this bill not only a Nimby bill but also one that states that what is good for the goose is not good for the gander. The bill still leaves the onus on the women rather than on the clients, which is why I promoted the Swedish law. What we find with the UN Convention on the Elimination of Discrimination Against Women and the countries that have signed up to it, particularly the European countries, is that those countries are working through their commitments under that convention to eliminate prostitution, not to legitimise it.

To those who argue that that approach will only drive prostitution underground, I say that, by its very nature, prostitution is an underground activity. We have heard from prostitutes themselves that most of their clients—75 to 80 percent—are married men. Their clients are not people who would go around and make that public. We live in a welfare state in New Zealand where women should not have to earn their money in that way. If anybody does have to make money in that way, as a local MP, I invite that person to come and see me. There is such a thing as a benefit system. The states of poverty where people have to earn money through that particular way of life do not exist in this country.

I thank those women's organisations—even those that are affiliated to the National

Council of Women—that at the branch level have worked to support women, and I also thank very much Denise Ritchie of ECPAT, Sandra Coney, and those people who came from overseas to point out the anomalies in this bill.

LUAMANUVAO WINNIE LABAN (NZ Labour—Mana): Kia ora, talofa lava, and warm Pacific greetings. I stand to speak on the final reading of this bill. I have not spoken during the previous readings of the bill, because I wanted to hear all sides and to come to a considered decision. I have been subject to vigorous lobbying from all sides. This has been particularly controversial legislation on an issue with social, ethical, moral, and religious dimensions. I have encouraged people throughout the Mana electorate to participate in the debate and to express their views, to assist me in determining how I should vote. One useful piece of advice I received was to remember that the conscience in the conscience vote was my conscience, and no one else's. I have kept my peace, and I have kept my own counsel.

I have thought long and hard about how I might vote on this bill. It has not been easy. There are arguments by feminists for and against the bill, and there are arguments by Christians for and against the bill. As a person who has been raised in the Church, I have been concerned about the polarisation of the Christian view on prostitutes and prostitution. I have received many judgmental and unforgiving communications from people calling themselves Christians. Many have provided scriptural justification to support their arguments. The Bible has many texts relevant to this issue. Personally, I am drawn to Luke's story of the prostitute who washed Christ's feet with her tears, dried them with her hair, and anointed his feet with perfume. The woman's actions were in contrast to those of the Pharisees, who rebuked Christ for forgiving a woman who lived a sinful life.

When I entered Parliament I said that I would pursue a permanent interest in advocating and promoting the interests of women, of Pacific people, of Māori, of the elderly, of ethnic minorities, and of all New Zealanders who are struggling to live a life of dignity. Over the last few weeks I have talked with, and listened to, many prostitutes and others working in the sex industry. I have been particularly touched by the stories of several Polynesian transsexuals and fa'afafines. Their stories tell me that the current laws serve to make their working life unsafe, and to increase the risk in a risky occupation. They are struggling to live a life of dignity. The current laws do not protect them. Whilst this bill has its imperfections, it does provide greater protection for prostitutes and affords them the same rights as other workers.

In a perfect world, there would be no need for prostitution. Good education, effective social development programmes, and high levels of employment can reduce the economic factors that push people into prostitution. But social and economic policies will not stop prostitution. We do not live in a perfect world. In spite of the moralising of the Pharisees and other well-meaning people, prostitution is still with us. Legislation and social and economic policies have not stopped prostitution; they have had a very limited influence on that very ancient trade. So we are faced with the dilemma of supporting an unsatisfactory status quo or supporting legislation that can make the world a little safer for those living and working at the margins of our society. In my maiden speech I said that our nation, New Zealand, needs a new politics of honesty, hope, and healing—a politics that brings our communities and nation together, so that all New Zealanders can fully participate and live a life of dignity. That includes all of our sisters and our brothers. We cannot deny a group of workers the protection that others have as a right.

I do not believe that passing this bill will lead to a significant increase in prostitution. I am committed to protecting the human rights of all citizens, whatever occupation they undertake. I will vote to support the third reading of the bill.

A personal vote was called for on the question, *That the Prostitution Reform Bill be now read a third time.*

Ayes 60

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

Noes 59

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

Abstentions 1

Choudhary (P)

Bill read a third time.

BUSINESS OF THE HOUSE

GORDON COPELAND (United Future): I would like to test the mood of the House. This has been a very emotional evening, I think, for all of us. The vote has been very, very close, and I wonder therefore whether the members might be prepared to consider whether the House should now adjourn. I am seeking leave that the House adjourn at this point.

Mr SPEAKER: The member can seek leave. Is there any objection? There is.

**SMOKE-FREE ENVIRONMENTS (ENHANCED PROTECTION)
AMENDMENT BILL**

Second Reading

STEVE CHADWICK (NZ Labour—Rotorua): I move, *That the Smoke-free Environments (Enhanced Protection) Amendment Bill be now read a second time.* I am pleased to speak today during the second reading debate on this bill. I would like to begin my remarks by saying how proud I am, as a New Zealander, of the leadership we provided for the world on the issue of tobacco control. New Zealand was a world leader when the Smoke-free Environments Act was passed in 1990, and that legislation achieved the following. It created the beginnings of smoke-free indoor workplaces, which we now take for granted. It replaced tobacco sponsorship with smoke-free sponsorship of sports and other community events; it regulated the sale, labelling, and advertising of tobacco products; and it prohibited the sale of tobacco products to minors.

Over the past 13 years we built on the policy framework of the Smoke-free Environments Act for a comprehensive tobacco control strategy. We have increased the excise tax on tobacco to discourage young people from taking up smoking, and we have encouraged smokers to quit and stay quit. We dropped consumption by 40 percent between 1990 and 2002. We have introduced smoking cessation services, such as the toll-free Quitline, and a world-first combination of phone counselling with subsidised nicotine replacement therapy. We focused on high-risk smokers, such as Māori and pregnant women in the provision of quitting services, and we have increased our investment by over \$26 million a year.

But it is not enough. We have some catching up to do to keep up with overwhelming public opinion that is calling for comprehensive protections from second-hand smoke, and we also have some catching up to do with other countries like our own that have continued to ride the international wave of putting in place more responsible tobacco control measures. That international wave has culminated in the international Framework Convention on Tobacco Control, which has just been finalised in Geneva.

This Parliament has the opportunity to kick-start and regain that leadership role for New Zealand by voting for the legislation we are reading today. The bill has a long history. It was introduced in 1999 by Tukoroirangi Morgan, and I acknowledge the work of the previous Health Committee, chaired by Judy Keall, during the last term. Judy and that committee heard 84 of the 112 oral submissions. The Health Committee has been considering the bill since 2001, and it has received nearly 400 submissions and over 7,500 form submissions. In the process we have travelled widely to Auckland, Hamilton, Christchurch, and Dunedin, and listened to the views of a very broad cross-section of New Zealanders about what kind of smoke-free legislation they want.

The bill has grown and developed from the original proposal and Supplementary Order Paper proposed by the health Minister in 2001. It represents a broad and incremental development on the Smoke-free Environments Act. The primary purposes are to extend the protection for workers, volunteers, and the public in the Smoke-free Environments Act of 1990 to reduce the harm caused to individuals by their smoking, particularly against exposure to second-hand smoke. It further restricts minors' access to smoking products and to the visual influences of smoking in front of minors, and it promotes a smoke-free lifestyle as the norm for all New Zealanders.

The bill also addresses influences on young people and the rights of smokers as consumers. It provides for smoke-free schools and early-childhood centres and other places of learning for young people, both indoor and outdoor, at all times. It further restricts minors' access to smoking products through restrictions on vending machines

and the public supply of cigarettes by friends and families. It bans co-packaging and other marketing inducements to encourage smoking by young people, and it further restricts the display of smoking products that reinforce smoking as the norm. It provides smokers with stronger and clearer information in health messages, about the impact of this addiction on their health, and the health of their loved ones. That includes pictorial warnings, and leaflets that provide greater detail about the harmful ingredients in tobacco products.

The Health Committee spent 40 hours scrutinising this bill, and we believe that a number of principles underpin legislation on tobacco control—such as addiction and the impacts on health and family, keeping tobacco legal so as not to further victimise smokers, public support for 100 percent smoke-free places, discouragement of the commencement of smoking, and also smokers' rights.

I would like to emphasise again just how serious the threat from tobacco is. This is not simply a consumer item of pleasure; it is the single greatest preventable cause of death, disability, and health inequality in this country. It has a devastating impact on our communities; an impact that makes other health and life-threatening issues—such as road crashes—pale into insignificance; and the statistics are chilling. About a quarter of adults still smoke, and comparable numbers of teenagers are taking up the habit, ensuring another generation of unnecessary addiction and harm. Those figures double for Māori, and that leads to tobacco causing one-fifth of all deaths for Māori.

Every year in this country about 4,500 smokers die from tobacco-related diseases. That is over 10 times the number of people who are killed on our roads. Many more suffer the harmful effects of tobacco—everything from heart and lung diseases, to low fertility, and blindness. The dangers of second-hand smoke are unequivocal, particularly for vulnerable people like children, asthma sufferers, and hospitality workers who are exposed to lungfuls of it in smoky pubs, and the like.

Second-hand smoke is not just an irritant that gets into our clothes, hair, and throats; it kills 380, or so, non-smokers every year. That is about the same number of people who die on our roads. The resulting harm to people's health, productivity, and relationships costs us an estimated \$22 billion each year. This is not something that, as a country and as legislators, we can ignore. We have a responsibility to do something about this.

The select committee recommends making all indoor workplaces completely smoke-free, with some limited exceptions around areas that are in the private sphere, such as hotel rooms. The bill as reported back includes all hospitality venues—pubs, bars, restaurants, cafes, casinos, and gaming-machine venues, and clubs that serve alcohol. This is a proposal that many people are interested in. We found there was support for a level-playing-field approach across the hospitality sector that protects all workers, regardless of who their employer is; treats all businesses the same, without fear or favour; and replicates experiences that have proven a level-playing-field approach results in more people going out and socialising, creating a positive economic impact overall for hospitality businesses and the community.

I stress that the bill is not an anti-smoking measure. The select committee heard smokers tell us they recognise, all too well, the risks of smoking, for themselves and people around them. We applaud those who attempt to give up their addiction, and we will give them the help needed. We hope that providing smoke-free bars, and other public places, will help to minimise the temptations and triggers to smoke, and encourage more smokers to consider quitting. In addition, we hope the bill's provision for future regulations to require warnings and clearer information about the contents and harmful effects of tobacco products will empower smokers to make an informed decision about smoking.

Let us remember that three-quarters of us do not smoke, and over 90 percent of us, including 85 percent who do smoke, agree that all workers have a right to breathe fresh air. I encourage us to put New Zealand on the map and lead the way with the passage of this bill, as part of a wider and comprehensive tobacco-control strategy. The work is not done, but this bill will take us a long way towards achieving the principles of the international Framework Convention on Tobacco Control. I challenge us to show the same leadership as those decision makers in places such as Ireland and New York. For if Ireland can rewrite its traditional pub culture to be smoke-free from 2004, and New York can similarly give a thumbs up for the health of all its workers and citizens, then why not us too? I invite the House to consider the bill, which, if passed as proposed, is important legislation to promote and protect the health of all New Zealanders.

JOHN CARTER (Senior Whip—NZ National): I waited until the member had made her introductory speech, to advise that the National Party is treating this as a conscience issue, which the rest of the House is not. Accordingly, I seek leave for us to cast a split vote when it comes time to vote.

The ASSISTANT SPEAKER (Hon Clem Simich): Leave is sought. Is there any objection? There appears to be none.

PETER BROWN (Senior Whip—NZ First): It is quite likely that New Zealand First will want to take a split vote, so I seek leave also.

The ASSISTANT SPEAKER (Hon Clem Simich): Leave has been sought. Is there any objection? There appears to be none.

Dr LYNDA SCOTT (NZ National—Kaikoura): As you have just heard, the National Party will be considering this bill as a conscience issue, because we have always treated this subject as such.

The Smoke-free Environments (Enhanced Protection) Amendment Bill began as a member's bill in the name of Tuku Morgan. That was three parliamentary sessions ago, so this bill has had a long passage to this point in the House. Members' bills represent the right of every MP to try to put legislation in place that he or she believes is needed. The original bill was markedly changed and expanded when a Supplementary Order Paper was added by the Labour Government. At that point, Judy Keall took over the management of the bill through the select committee process. As I mentioned earlier, this is the third Parliament that this bill has survived, and it is now before us in its second reading.

I need to say early in this speech that National has always considered legislation relating to alcohol, smoking, ethics and moral issues as legislation that should be decided via a conscience vote. Consequently, I am speaking for myself in this debate, and other members of my caucus will have their own views about whether this legislation should or should not become law.

Second-hand smoke is a serious health risk. The leading causes of death in this country—cancer, stroke, and heart attacks—are all contributed to by smoking, and that is not just active smoking but also passive smoking. Asthma and chronic obstructive respiratory disease are also contributed to by smoking. The first disease linked definitively to active smoking was lung cancer, and it is therefore not surprising that the first disease identified as being caused by passive smoking was also lung cancer. So it is a very serious issue, and we cannot take it lightly.

The original bill and Supplementary Order Paper contained what the Health Committee considered an unfair playing field. Separating pubs from clubs was seen to be grossly unfair, and the decision was made that there must be a level playing field. Whatever the standard was going to be regarding smoke-free environments—a totally smoke-free environment, or a ventilation air standard that could be chosen from—it had to be across the board, so that all were treated equally. Insisting that restaurants and

pubs should have 50 percent of their areas smoke-free, while clubs were exempt, would cause massive problems. We heard submission after submission from restaurant and pub-owners that that would impose huge compliance on them, and would not solve the problems—that is, their employees would still have to work in a smoky environment.

During the hearing of submissions substantial changes were made to this bill until it reached its current form. There is still a great deal of concern from pubs, restaurants, and clubs about the economic impact that this bill will have on them. That has to be weighed against the fact that cigarette smoking costs over \$2 billion a year in health dollars, due to the fact that the relative risk of getting lung cancer if one smokes is 20:1, of stroke 3:1, and of heart attack 8:1. Those are very substantial risk factors if one is smoking. Passive smoking has also been shown to contribute to those diseases.

As a doctor, I am well aware of the harmful effects of tobacco, which accounts for one in four deaths. There have been various estimates of how serious second-hand smoke is, and how much disease it causes, but 150 deaths per year was one of the figures quoted to the Health Committee. The effects of passive smoking hit one when one goes into a bar. If one passively smokes, it can make one's platelets stickier, so by walking into a smoky environment one is at risk of a heart attack if one happens to have clogged arteries. We have to remember that we have 10,500 deaths per year from heart attack and stroke.

Only 25 percent of New Zealanders smoke. Although we have heard that there will be an economic impact if this bill does go through, 75 percent of New Zealanders do not smoke. I would personally enjoy going down to the pub, but I find the smoky environment very difficult to take. I never stay very long, and tend to choose bars that are smoke-free. Those 75 percent who do not smoke are likely to spend more time out in a social environment, and it is highly probable that more people might frequent pubs and clubs if they were smoke-free. However, we do not know whether that would compensate for the loss of trade from those who like to have a smoke with their pint. That is undetermined, and something that we must consider.

The Health Committee agreed on some issues and did not agree on others. We all readily agreed that schools should be totally smoke-free. When the Supplementary Order Paper came in, the issue moved from having totally smoke-free preschools, primary schools, and secondary schools, to schools being able to have a smoking room. We heard a lot of submissions from schools that had already gone smoke-free, and they did not want to go back to that situation. Teachers, parents, and those who work in schools are role models for our young, and we would like to see totally smoke-free schools. That gives a healthy and very important message to our young that we do not normalise smoking.

I remember that both my parents smoked. In those days no one knew the health risks of smoking to the extent that we do today. I always remember my father saying: "I'll stop smoking when you can tell me it causes some problem." He would then put an anginine under his tongue for his angina, so there was not much point talking to some people! But we do want to send a message to our young people that because of its very harmful health effects, smoking is not something to be taken up readily. So we wanted that provision out, and we all agreed on that.

We also agreed that banning smoking in taxis was a good idea. The New Zealand Taxi Proprietors Federation wanted that. We also agreed that hotel rooms are private space and should be exempt from any smoke-free legislation. We were all of the one mind that we needed a level playing field, and that it was really important that we treated all of New Zealand's pubs, clubs, and restaurants the same. We also felt that vending machines should be able to be operated by staff via remote control, and that that would prevent under-age access to vending machines.

But there were things that we did not agree on. We did not agree on the economic impact. We did not agree on whether pubs and clubs should have to meet a ventilation standard, or whether a totally smoke-free environment should be an option. Ventilation does not remove all the carcinogens, but if this Government introduces legislation to change the level playing field, then it would be better to move at least halfway than nowhere at all, and a ventilation air standard would be halfway. It is important not to push people past a point of tolerance that will create civil disobedience. There is no point having a law that everyone will ignore.

We had a lot of debate about staggering the implementation of this law. In 1995 California made restaurants smoke-free, and it was some years later that it moved to make bars smoke-free—that is, once the people of California had become used to that environment. So there has been quite a bit of debate about how readily and fast this bill should be implemented, and whether the approach should be a staged one. We also had a disagreement about vending machines. There was an agreement that vending machines for cigarettes should show only 100 packets. Whether there are 100 or 150 packets makes no difference whatsoever. It is a huge compliance cost, and it is absolutely stupid, and it should be out.

Internationally we looked at Australia, California, and Norway. Australian territories have gone smoke-free, but they have ventilation standards. Australian Capital Territory does, for example, and the Health Committee visited Canberra and spent some time looking at that issue.

I mentioned California having a staggered approach, with restaurants being made smoke-free first. In the UK, Tony Blair has a charter. His Government supports ventilation in combination with the hospitality industry, and Norway has an air-quality standard. We looked at all of those options. Tonight I want to say that I am supporting this bill on the grounds that it will improve the health of all New Zealanders.

JUDY TURNER (United Future): I stand to speak to the second reading of the Smoke-free Environments (Enhanced Protection) Amendment Bill. The debate on second-hand smoke tends to revolve around several key issues: firstly, whether exposure to second-hand smoke is, in fact, harmful; secondly, whether we should take steps to protect workers and the general public from exposure to second-hand smoke, and, thirdly, what strategies best serve the interest of all parties—that is, smokers, non-smokers, and business interests.

The difficulty that this bill presents us with is akin to what psychologists often refer to as “cognitive dissonance”. Cognitive dissonance occurs when one is caught between two or more conflicting and seemingly contradictory sets of information. Problem solving when faced with opposing information is difficult. It has posed a series of concerns for us in United Future, and obviously for other members around the House—hence split votes in a number of parties. On the one hand, there is increasing evidence that links cancer, heart disease, respiratory problems, reproduction and developmental effects, and strokes to the prolonged exposure to second-hand smoke. It is the effect of prolonged exposure that has necessitated a closer look at environments where work is done in a smoke-filled, enclosed facility.

An increasing number of New Zealanders understand and support the notion that smokers’ rights should not infringe on the health and well-being of others. For instance, most of the smokers I know do not smoke in their own homes, as a way of protecting the health of loved ones. The difficulty therefore is not to do with the health risks associated with smoking and second-hand smoke. That is because although there are those who question the research that lays the blame for at least 388 deaths a year in New Zealand by diseases related to second-hand smoke inhalation, few would debate the fact that many of the concerning health statistics we face here in New Zealand—like

diabetes and asthma—are further exacerbated by the presence of second-hand smoke in the living and working environment. The difficulty comes when one balances that against the rights of business people to target their products and services at the smoking niche group. United Future has weighed those concerns against the health concerns of workers, and has measured them against suggestions by some that pubs and clubs could choose to give preferential employment opportunities to smokers. We consider the implications of that suggestion outrageous.

Others have looked to technology for solutions to this dilemma. It has been suggested that ventilation systems could be used to remove health hazards and create smoking and non-smoking zones within a facility to provide for everybody's needs. The problem has been that, as far as can be ascertained, no one has yet perfected a ventilation system that reduces levels of contaminants to an acceptable level. At this point, everybody seems to have given up—but not United Future, and, in particular, not the Hon Peter Dunne. So when the bill is debated at the Committee stage, we will be putting up an amendment that provides an alternative for businesses affected by this legislation, a challenge to the innovation sector of technology in this country, and a requirement of the Ministry of Health to give the New Zealand public some realistic guidelines. The Hon. Peter Dunne has drafted an amendment that would replace the ban with a clear-air standard. Smoking would be allowed in premises, or in designated areas of a premise, that met approved air standards.

The claims made by submitters in the select committee were that there were no ventilation systems in existence that would meet acceptable standards. However, the truth is that there are no clear standards for air quality, and this legislation is primarily about air quality. It is unnecessary for legislation to rule out the chance for future innovators to provide acceptable alternatives. This amendment accepts that the smoke-free provisions should be in place, but allows for the business community to partner with innovators to address the health concerns that motivate this bill, rather than locking everybody into existing ventilation limitations. It is clear that the hospitality industry welcomes this amendment, and understands that the onus would be upon them to meet the challenge. Claims that air-quality standards are difficult to set are acknowledged. However, because this legislation is all about air-quality standards, quantifying those standards is not an unrealistic request, and United Future requires in this amendment that the Ministry of Health provide such a measure.

If unamended, this bill establishes smoking bans in a range of facilities and environments. It introduces a series of marketing controls on tobacco products, and it sets in place enforcement powers and infringement provisions that would apply to those who blatantly disregard clear requests to comply. United Future supports the ideal of healthy work environments. It invites all those who shared our disquiet about the aspects of this legislation that locked us into a time warp to support this amendment at the appropriate time.

DAIL JONES (NZ First): I should say at the outset that I am not a smoker. At a Christmas party when I was about 17 we were handed out cartons of cigarettes and beer. I went home and opened up one of the cartons of cigarettes and took a very long puff. It was obviously too much, because that was the end of my smoking career. I should also say that I am an asthmatic, and I am very appreciative of all the support given to me by the preceding speakers about my condition. I have had asthma for 40 years - plus, especially since I came to New Zealand.

I see that Dr Proctor, one of the people concerned, said that passive smoking could cause problems for asthmatics, and there were people who did not want to be exposed to cigarette smoke, but there was no scientific basis for a ban in public. I take Bricanyl every morning and usually every night, and I take Flixotide every morning and often at

night. In the winter I often have two or three puffs of each. I do not support this bill. I do not need someone to tell me what to do. I am a grown-up. I do not have to go to a bar. If it is full of smoke—

Mark Peck: You're pulling my leg!

DAIL JONES: I listened to others in silence, but it seems that the people who support this legislation have been affected by things. I can make up my own mind. People aged 18 can go off to war, but now they will not be allowed to have a smoke in a bar. What sort of a country will we be?

Pita Paraone: You can now become a prostitute.

DAIL JONES: As one of the interjectors said, one can now become a prostitute, legally, but one cannot have a smoke in a bar. What sort of a Parliament is this? I just do not know what the world is coming to. As far as I am concerned—[*Interruption*] I will look after my own affairs, thank you very much. I appreciate all the concern from the other members of this House. I will not go into a bar that has smoke in it. It is common sense. I do not need Steve Chadwick or Mark Peck to shout across the House. I do not need their support, thank you very much. They are the last people I would seek support from.

I will not go into a bar that is full of smoke. It is common sense for me. I do not go to casinos at all, so if they are full of smoke that does not bother me, either. When I go to a restaurant—and I will let the Labour people, Darren Hughes and Mark Peck, cackle away—I go to a smoke-free area, and if there is someone next to me in the smoke-free area who is smoking I will complain and get him or her moved, and I survive. I occasionally go to a restaurant. I go to soccer at the weekends. I go to see Central United at Kiwitea Street, I have my slice of cake and tea at half-time with smoke flying around, and I survive. I go to North Shore and have a beer after watching a game there. It is not a problem for me. I do the same in Waitakere City. That is not a problem for me, either.

I can exercise self-discipline. I do not need those Labour members to shout across the floor of the House and tell me what to do. For example, I am concerned about all those people in the Returned Services Association. We have heard a lot about how smoking kills people, but all these returned servicemen from the Second World War must be aged 80-plus. They are still alive and they are still smoking. What does that tell one about the statistics? They are still alive and they are still smoking. They were given fags to keep them calm in the Second World War. I think Darren Hughes, Mark Peck, and Co. should have a fag. Maybe that will calm them down, from the way they are carrying on now. It is just a matter of choice. New Zealand First members will be voting according to their consciences. We will be taking various views on the issue.

I thought I would do a bit of research. I have heard about the programmes, the research, and suchlike, that have been done. I thought I would get on the Internet and find out, too. I saw a reference at the foot of page 2 of *The World Health Report*. On the Internet we found an article in the UK *Sunday Telegraph* dated 13 November 2002, which stated: “The World Health Organization, which commissioned the 12-centre, seven-country European study has failed to make the findings public and has instead produced only a summary of the results in an internal report. Despite repeated approaches, nobody at the WHO headquarters in Geneva would comment on the findings last week.”

Further down, the article states: “The summary, seen by the *Sunday Telegraph*, also states: ‘There was no association between lung cancer risk and ETS exposure during childhood. A spokesman for Action on Smoking and Health said that the findings seemed rather surprising given the evidence from other major reviews on the subject, which have shown a clear association between passive smoking and a number of

diseases.’ ”

I was interested to see that the select committee report did not refer to the World Health Organization report specifically. There was a general sweeping statement, because, of course, it does not have the World Health Organization findings. Clearly, the World Health Organization findings do not substantiate the points that are being made. I challenge any member who supports this bill to put the World Health Organization report on the Table of this House, and then we will see what it says.

Of course, the other report that is mentioned—and the Minister of Health can cackle away; I do not need her support, either, thank you very much—is “Woodward A, Laugeson M”. That report has also been the subject of an investigation, and this is a quote from 11 August 2002, in an article titled “Smoke claim disputed”, in FreeRepublic.com, a conservative news forum. “Public health experts Murray Laugeson and Alistair Woodward estimated 2 years ago that passive smoking was killing 388 New Zealanders a year, including 50 babies. Of that number they calculated 243 were dying of heart disease, 88 from strokes, 50 from cot death, and seven from lung cancer. But Dr Proctor said the overseas studies on which their research was based either showed weak findings, or findings that had no statistical significance. ‘A lot of scientists, including the US Surgeon-General, have said “We are not convinced at this stage that second-hand smoke causes heart disease.” ’ Dr Proctor said passive smoking could cause problems for asthmatics”—that is me—“and there were people who did not want to be exposed to cigarette smoke, but there was no scientific basis for a ban in public.”

It is also interesting from an email I have just received that it seems that Dr Laugeson is the chairman of Action on Smoking and Health (ASH). We have all heard of ASH. Getting a report from someone who is the chairman of ASH is like getting a report from someone who is the chairman of the Society for the Protection for the Unborn Child saying that we should reduce abortions to zero. That is hardly an unbiased viewpoint from Dr Laugeson if he is the chairman of ASH. I would suggest that the information on which the Health Committee has relied is horribly, horribly flawed.

I indicated that I was concerned about the situation for the returned services associations. Many members who smoke became hooked while serving their country in World War II. I look around this House and every so often a member says to look on the walls at this battle and that battle, or something else. Well, they are people who have been there and done that. All they want in the last years of their life is to have a quiet fag in the Returned Services Association, over a pint. This House is having a close look at the matter—and all the Labour Party members are the ones who are interjecting against me; I must say that no other representative of any other party in this House is creating a cackle, other than members of the Labour Party. They seem to be determined to stop the old blokes back from the war from having a fag.

Those responsible for establishing clubs do not expect to be told what to do in them. The Te Atatu Memorial Returned Services Association president, Ian Gibson, is reported as describing the bill as being “a challenge to our rights and to our self-determination”, and I must agree with him. By being an asthmatic, I am one of those people who are at the greatest risk in connection with this legislation, yet I am quite prepared to look after my own self. I do not support a paternalistic State. That is clearly why I am not a socialist in the Labour Party. I can look after myself. Mr Woodhouse, manager of the North Shore’s Cube Bar, has said about this legislation—and this really sums it up—“If it’s that bad, why don’t we just ban it altogether?”. That is what it boils down to.

Finally, I looked at the way in which this legislation is to be enforced, and really, the enforcement provisions are a joke. Smoking will continue. It will go underground, it

will be illegal, and it will probably make things even worse for people. I oppose this legislation. Other members of New Zealand First will be expressing their views later.

GERRY BROWNLEE (NZ National—Ilam): This may well be a members' day, and this may well be a member's bill, but it is typical of the determination the current Government has to change the social fabric of this country. What an extraordinary night it has been, where we find that we are not allowed to go into a bar and have a smoke over a beer, but we can go to a bar to sell our bodies to whoever is prepared to pay for it.

I want to make one comment about the irony of tonight. Here we are in a world of Osama bin Laden, Saddam Hussein, and various other terrorists, and the Christians have come into the House tonight—those largely of Christian persuasion—thinking there is a chance that we might defeat the Prostitution Reform Bill, only to find out that we are tipped up by the House's only Muslim MP. I am sure that the irony in that will reverberate around various parts of the country over the next few hours. But when it comes to this bill, I have to side with my colleague Dail Jones. I am not supporting it. If cigarette smoke or any tobacco smoke is so bad, then the Government should come into this House with a full ban. It should come into the House with a bill that takes it out completely, and that makes smoking as illegal as cannabis or any other drug. Until that happens, everything we hear from those speakers is little more than the hot air that is the smoke coming off the cigarette itself.

I notice that the Government is not prepared to give up its \$7 tax per packet of cigarettes in order to facilitate the health advantages in New Zealand. Rather, it wants to mount an attack on small business, which this effectively is, in saying that one cannot have a smoke in a club, pub, or a returned services association. In my view, that has to be some sort of an outrage.

I take the same view as Mr Jones. I do not like cigarette smoke. I get annoyed when I go into a smoky circumstance, and I leave. Vote with one's feet. Is it not staggering that this Government can crow on a daily basis about a surplus of jobs out there in the economy, that it is doing so well, that jobs are absolutely pouring out of the gunnels of this country—Mr Anderton comes down here day after day saying that one cannot go anywhere in the country where there is not a shortage of workers—and it wants to mount a campaign to change the law in this country, to seriously impede the freedoms of New Zealanders, because people might have to work in a smoky environment. If things are so good, that choice is not a compulsion. Obviously, those people have other options.

I want to speak also about those who ask: "What about the children?". I care deeply about children in this country. I do worry every time I see someone who is clearly pregnant smoking a cigarette. However, I do not believe for one moment that banning the option of smoking in bars and other public places, for people who are pregnant, will prevent them smoking overall. So I go back to my original proposition. If the bill is so good, and those members sitting over there are so pious and so strident in their view that tobacco is bad for New Zealanders, then they should promote a bill that bans it completely. [*Interruption*]

I tell Tariana Turia that if she gets the Government to promote a bill like this, I will back it. But that will not happen, and do members know why? The Government loves the \$7 that comes off every packet of cigarettes. It absolutely loves it. It will add that to the extra 10c regional tax it will take off our petrol very shortly, to the little bit it added on to the sherry and the Madeira and the port the other week, and to the electricity levy that is about to go on. Of course, it is a huge augmentation to the "fart tax" it is about to impose on the farmers of this country as well.

The Government is a tax-loving Government. I can only imagine the battles it had in

its caucus when Steve Chadwick from Rotorua said: “Helen, I’m sorry, but I’m going to promote this bill, because we don’t want smoking in this country.” Helen said “Well, look, would you mind paring it back from being a total ban on tobacco to just a ban on—let us say pubs, because we do not like publicans. They are small business and we hate small business. But we do want the tax. We do want that \$7 that comes off every packet of cigarettes. We want that tax going into the coffers.”

My colleague has asked a question that clearly is important, and I shall ask him to repeat it. [*Interruption*] There you are! The Minister of Health is in the House supporting this bill and telling me that I am some kind of strange person for pointing out that it is just another form of social control and just another choice being taken off New Zealanders. I am informed that if one has a separate room in a public hospital in this country, one is allowed to smoke. I cannot believe it! The Minister of Health is not on top of her portfolio when she comes into the House wanting to tell people they cannot smoke in a public bar, but if they are lucky enough to get a room in a hospital, they should go for their life.

That just shows the horrible convoluted logic of that dreadful Government that is hell-bent on changing the social fabric of New Zealand. One cannot have a beer with a cigarette in a pub, but one can sell one’s body outside and be congratulated for it; one cannot have a beer in a pub, but if one ends up so crook that one is in hospital—sorry, one can have a beer in a pub; but that will be next—one cannot have a cigarette in a pub, but one can go into a hospital and have a smoke.

Well, there you are. I have noticed that some speakers have said that this is part of a staged approach—we are slowly going to get rid of all the vices in society. I do not doubt that in a few years’ time we will see alcohol-free bars—that will be the Government’s new idea. The poor old publican will have to hang a sign outside, saying, “Come in for fresh air”, because all the smokers will be hanging around on the pavement outside. The other day as I was walking back down the Terrace—

Hon Annette King: That’s good for you.

GERRY BROWNLEE: Walking is exceptionally good for a person, except as I went past every public building, I got an absolute inoculation with cigarette smoke, because people have been forced on to the pavements. One comes back with cigarette butts stuck all over one’s shoes, because smokers have been forced on to the pavement. But what I did notice was the extraordinary number of coffee shops now operating on the Terrace. One cannot go 50 metres up the Terrace without seeing about 20 or 30 coffee shops. I suggest that it will not be long before some erstwhile Labour Party social revolutionary concludes that caffeine is bad for us, and we have a “Caffeine-free Bill” stuck in front of us, because that is where small business is heading, and wherever small business goes, this Government hounds it, because it hates small business.

I want to conclude my remarks this evening by simply repeating that if tobacco is so bad for us—and I believe it is; I do not like cigarette smoking, and it is not something I want to take up—why not ban it totally? The Government should not come in here with some half-hearted attempt to change the way in which society works by simply picking on some areas in New Zealand where people do make a choice. And I stipulate that they do make a choice. If I walk into a bar to meet somebody, and it is full of smoke, I walk out. If I go to a restaurant and anyone there is smoking, I walk out. If I go to any public gathering, and I do not like the cigarette smoke, I walk out. The people who run businesses make a choice about whether that is what they want happening there. I do not think New Zealanders need much more of this legislation that tells them how, when, and why they must do something. This is a very bad bill. In the context of the bill that has been passed tonight, it is a complete joke and a total irony, and I hope the House has the good sense to end its passage tonight.

HEATHER ROY (ACT NZ): I stand to speak on behalf of ACT New Zealand to oppose this bill. I think we are the only party that in its entirety is opposing the bill, although we would still all be opposing it if it were a conscience vote. That is because this bill is another nail in the coffin of freedom in this country. *[Interruption]* The Minister has just reminded me of another good example of the loss of freedom in this country with another tax that we discovered today: the “fat tax”. But we are here to talk about smoking tonight. Before we go on to discuss this any further, I would like to talk—*[Interruption]* I raise a point of order, Mr Speaker. If the Minister—

The ASSISTANT SPEAKER (Hon Clem Simich): I take the point. Members in the House wish to hear the person who has the call, so I ask for there to be less interjection, please.

HEATHER ROY: I would speak Māori if I were able to; it would probably be more effective than the Minister chipping in all the time. I invite her to take a call if she has so much to say. Anyway, we are back to the special report that I was trying to explain to the House a minute ago, before I was so rudely interrupted. I would like to explain that when the bill was reported back, it did say that all the amendments were passed unanimously. That was, in fact, not the case in the Health Committee: the ACT party opposed all the amendments. The special report that I would like to draw to the attention of the House goes on to describe that. I refer to the sentence at the bottom of the first page, which states: “We do not consider the House should take that to mean that all members of the committee voted in favour of any, or all, of the suggested amendments.” I bring that point to the attention of the House, because it has already been said in this Chamber that those amendments were passed unanimously, which was not, in fact, the case.

But I go back to the bill. In essence, the bill aims to ban smoking in all indoor places that are accessible to the public. It covers premises already covered by workplace legislation, but it goes much further than that. It does not allow for separate smoking and non-smoking areas in cafes, bars, and restaurants.

ACT New Zealand put forward a minority view in the select committee. We opposed this bill for a large number of reasons. Firstly, from a personal perspective, I would like to explain that as a physiotherapist I have treated a large number of people with smoking-related diseases—emphysema, and chronic bronchitis, to name just two. It would be fair to say that I am against smoking, myself. I dislike it, and would not from choice go into a cafe or bar that was laden with smoke—and if I never see another sputum pottle in my life, it will be too soon.

However, this bill is not just about health. Many people would say that this bill is not about health at all; it is about a breach of private property rights, and that is the main reason that ACT New Zealand is opposing this bill. Owners of premises will no longer have the right to allow smoking in their public premises, even if everybody in those premises—including the workers and the owner—are smokers. What sort of legislation are we putting forward in this country, when people are not allowed to smoke in their own premises, even with the agreement of everybody in the premises?

Secondly, we are very concerned that responsible employers who have created non-smoking policies and procedures will be fined if smoking occurs in their workplace. The penalties are quite interesting. Labour originally said that it did not want any penalties at all, and that it just wanted this to be an educative process—which prompts the question, why do we need a change to the law at all? The law now includes fines of up to \$400 for individuals who break the law, and up to \$4,000 for organisations that allow patrons to light up. There is a problem with that, because how will the law be enforced? I am told that 17 part-time smoke police are employed by the Ministry of Health to go around and find the few transgressors who can actually be caught.

Several pub-owners have come to me, asking how this will ever be enforced, and saying they do not believe it ever will be. They are responsible for imposing those regulations on their patrons, and they say: "We're going to lose all our patronage. What's going to happen to my business?". At the end of the day, they say: "We know that we're not going to be caught, and we're going to allow patrons to smoke, anyway." What sort of law is it that sets itself up to be broken in that way? It is no sort of law at all.

Thirdly, Mr Dail Jones from New Zealand First spoke at length about the scientific evidence. The scientific evidence that was presented to the select committee was, at best, inconclusive. Everybody who came before the committee used the statistics to best suit their own argument. Action on Smoking and Health and other lobby groups came along saying they had conclusive proof—which they were not able to give good reasoning for—to say how harmful second-hand smoke is. Then, at the other end of the spectrum, the tobacco companies came along saying that it is not very harmful at all. The truth probably lies somewhere in between, but we do not know exactly where that point is. ACT believes that the scientific evidence regarding the effects of second-hand smoke is inconclusive. We are concerned that honesty has not been involved in this decision-making process, and that the legislation has been based entirely on that evidence. We believe that that is not a good basis for legislation.

We also note that it will be illegal to smoke in public places even when there are ventilation systems to extract smoke. Many businesses believed that the bill would come back saying that ventilation systems were OK with a minimum air standard, and in some cases they have spent tens or hundreds of thousands of dollars in installing those ventilation systems, to find now that their patrons will not be able to smoke in those places anyway.

It is very interesting to note United Future's change in stance. In fact, one could say that it has done a bit of a U-turn really, with regard to ventilation systems. Certainly ACT New Zealand was the only party supporting ventilation systems. The National Party partly supported them, but had some reservations. We were saying that—*[Interruption]* I am glad that I have convinced the member. That is very good, but I would say that a little consistency would be good. Bar owners have spent huge amounts of money on ventilation systems and now find that the systems are not able to be used. ACT New Zealand says that those systems would have been a very adequate compromise, would have been a compromise between the rights of smokers and non-smokers, and would have been a happy conclusion. We will be supporting that amendment because it makes good sense.

Organisations and institutions such as returned services associations and tertiary institutions, which involve consenting adults, should be able to choose for themselves whether their buildings or grounds should be smoke-free. The returned services associations are a particular example. The Government gave many of their members cigarettes when they were young men and went off to war, and—

Steve Chadwick: They probably died.

HEATHER ROY: It is interesting to hear that member speaking up now, because she showed some concerns, too, for the people in the returned services associations. She had some sympathy for them. I sent out a letter to returned services associations and to workingmen's clubs asking them their views on this legislation, and I had an overwhelming response. There was an almost 20 percent response, and virtually all members were supportive of ACT New Zealand's stance on the smoke-free legislation. They said that they felt they themselves should have the right to choose. Many of them had been members of the clubs for many, many years. The non-smokers in the clubs also filled in the forms and said that the smoking did not bother them, and that, if it did,

they would stay at home. When consenting adults are put in this position, they should be able to make decisions for themselves. It is a very arrogant Government that seems to think it can make personal choices for the citizens of its country.

We also found evidence from the prison service very strong. Smoking in prisons should be at the discretion of the prison authorities. They have a very tough job, and they gave very strong and compelling evidence to the select committee to say that allowing smoking or not was one of the few ways they had, often, of controlling situations. Certainly ACT New Zealand is very supportive of the fact that the service should be able to make such decisions.

ACT New Zealand believes that if a person chooses to smoke, despite the risk that that poses to his or her health, that person must accept responsibility for the consequences. Legislation that bans smoking in public places will have a small to almost negligible effect on the incidence of smoking-related diseases, but will have a large effect on property rights.

Hon TARIANA TURIA (Associate Minister of Health): First of all tonight, I want to mihi to Tukoroirangi Morgan, who introduced the original private member's bill during his term in Government. I do that because I know that Tuku Morgan wanted to change the lives of our people for the better. I mihi to him for his foresight and commitment. I also take the opportunity to mihi to Judy Keall and to the Health Committee members who worked so hard on this bill. I congratulate Lynda Scott from the National Party for her support, and I thank all the people who work with our whānau, hapū, and iwi to assist them in quitting this very addictive substance, tobacco, that kills so many of our people.

I support this bill as a chronic asthmatic, as a Māori electorate MP, and as an Associate Minister of Health with responsibilities for the health of the tangata whenua. In my family, I have lost my mother and many of my cousins to smoking-related illnesses, so I have an absolute abhorrence of this addictive substance. The recent case of white powder found in a pouch of cigarette tobacco raised fears of cyanide poisoning by terrorists, and the threat was taken seriously. Buildings were evacuated and the staff was decontaminated. The powder was found to be harmless, but cyanide is the main toxin in side-stream smoke from the burning end of cigarettes. Smoking is insidious. Some estimates blame cyanide for 400 deaths per year, and cyanide is just one of the many powerful toxins in cigarettes. I understand there are as many as 36 different toxins in cigarettes, and that cigarettes are far more addictive than heroin.

Smoking places a very heavy burden on our people. The sad thing is that half the Māori adults smoke, which is twice the national average. There are plenty of studies that explain why the tangata whenua may smoke more, and why the prevalence of smoking may decline more slowly among our people. I do not have time to go into that issue tonight. The saddest thing for me is that smoking has almost become part of the culture of our people. Our young people are far more likely to have parents who smoke, so therefore they are more likely to smoke, too. The interesting thing, though, that I share with members is that I have six children, and although George and I have never smoked, all of our six children have smoked. So it does not always work when we think that parents provide the role model for their children. Certainly in the case of my children, it did not work.

Darren Hughes: Yet.

Hon TARIANA TURIA: I can say very happily that two of them have given up smoking, and I am very proud of them, because I know how hard it is to do that. I think one of them is trying to give up, and still has a bit of a sneaky smoke. One of the real concerns for me is that our young people start smoking younger than most others, and they smoke more heavily, so the addiction is serious. Quite clearly, our people's health

is at great risk.

The reason, too, that I particularly support this bill is that it is really clear that smoking in the workplaces, bars, and clubs that many of our people frequent, both as workers and as social participants, has a huge impact on their health and well-being. This particular bill restricts smoking in workplaces. It requires all workplaces to have a policy on smoking, and to review that policy annually. It restricts or bans smoking in restaurants, bars, and casinos, on public transport, and in certain other public places. I cannot see why we would believe that smoking is OK in those places simply because they are private businesses, when we know that smoking impacts on anyone else who enters those places, too. I acknowledge what people say—that people go there out of choice. However, because it has become almost the norm to have smoking in those places, people who go there then begin to accept that having second-hand smoke around them is normal, too, when it is, of course, not normal.

The bill regulates the marketing, advertising, and promotion of tobacco products, and the sponsorship by tobacco companies of products, services, and events. It bans the sale of tobacco products to people under the age of 18, and provides for control over, and disclosure of, the contents of tobacco products. There were 397 submissions on this bill and on Supplementary Order Paper 148, from interested groups and individuals, representing different views on the extent to which smoking and the sale of smoking products should be controlled. Many submissions were generally supportive of the bill, but sought to change some aspects of it. Others considered the measures contained in the bill were unnecessary and overly restrictive. All the evidence was carefully considered, and many changes to the bill have been recommended as a consequence of that consideration. It is not possible to detail those changes with regard to each issue raised by the submitters.

I know the effects of second-hand smoke at a very personal level, because I know how quickly it exacerbates my asthma if I go into environments where people are smoking—even, quite frankly, in an outdoor area. So I am very interested in smoke-free places.

The aim of this particular legislation is to educate the public and to promote a positive environment of compliance. We do not intend to establish a smoking police. Most New Zealanders will choose to comply voluntarily with this legislation, because they want to go to smoke-free places. Similar laws in Canada raised people's awareness of the risks associated with exposure to second-hand smoke in the workplace. Workers realised that smoking in the home was similarly harmful, and had similarly harmful effects on a smoker's children in the whanau. I understand that the proportion of smokers who have smoke-free homes jumped from 22 percent to 50 percent in Canada.

I close by saying how thrilled I am to see how marae have taken up the challenge, in terms of providing a smoke-free environment. In the rohe that I come from, almost every single marae dining-room and whare puni is smoke-free. Every kōhanga reo and every kura kaupapa is smoke-free, too. That tells me that the people in the rohe where I live are taking the matter very seriously. I know that marae in the north have a 96 percent smoke-free rate, which I think is absolutely wonderful. It is the same in the area of Ngāti Awa, where we have a 95 percent smoke-free environment. My people are taking the issue really seriously. It is really important that we get the very, very important message through to our families that smoking is not something that we should encourage or support, particularly in our young and particularly in those of our women who are hapū. Nō reira, tēnā koutou.

PITA PARAONE (NZ First): Tēnā koe, Mr Speaker, tēnā no tātou.

I rise to take a different position to that of my caucus colleague. As I do so, I should explain that while I agree with a lot of the sentiments that have been expressed by the

opponents to this bill, I support it. One of the reasons I do so is that, as health spokesperson for the New Zealand First caucus, I find it would be rather hypocritical for me to oppose the bill, given its intent. Therefore, I signal that I will be one of those within the New Zealand First Party's caucus who will support this bill. I note that in a speech made last week, the Minister of Finance expressed his failure to suppress the repeated calls for increased public health spending, when its share of overall Government funds is rising at the expense of everything else. I suggest to this House that the intent of this bill will go a long way towards addressing that particular issue.

Most people agree that smoking is not conducive to maintaining good health. Not only is it bad for the smoker's health, but research shows that it is also detrimental to the health of those exposed to second-hand smoke from smokers. Second-hand smoke is a carcinogen, and it increases the risk of cardiovascular disease and respiratory illness. The issue of the effect of second-hand smoke is vitally important to the health and well-being of all New Zealanders, including those who work in the hospitality industry. I fail to see why those workers should not have the same protection under the law that someone working in an office has. Instead, workers in that occupational group, many of whom are Māori, are subjected to extreme levels of cigarette smoke every time that they go to work. Is that fair? I think not.

I have already mentioned the fact that many Māori work in the hospitality industry. They are also overrepresented in blue-collar industries that are not covered by the Smoke-free Environments Act, meaning that they are 50 percent more likely to be exposed to second-hand smoke during working hours than others. On top of that, the sad fact remains that Māori women have the highest rate of lung cancer in the world, and are also more likely to smoke than any other demographic group. Those statistics clearly show that Māori are severely disadvantaged in terms of health, and to ignore that fact is to contribute to that inequality. This bill makes an attempt to address the disparity and to create a level playing field for all workers in all industries. It is simply wrong that occupations should impact directly on health outcomes in this way. It is high time that we did something about that.

Earlier this evening we heard reference made to freedom of choice. Opponents of the bill—and some of my colleagues are among them—argued that this is yet another example of nanny State telling us what to do, as if we were not capable of making our own decisions. In essence I may agree with that comment, because do we really want the State to control us in this way? Where is the freedom of choice, given that tobacco is a legal substance and smokers are engaging in a legal activity? Where will the State reach into next? Obesity is also linked to illness, so will our diets be the next thing to come under the State's microscope? Similarly, with alcohol the issue of individual rights is a serious one, and is not to be dismissed. In this case, though, legislation has been in place for 13 years to restrict smoking. This bill merely extends the restrictions in order to protect the health of all employees.

Let us not forget that around 75 percent of New Zealanders do not smoke, which leads me to wonder about the veracity of the statements made by bar, club, and restaurant owners that if this bill is enacted they will see their businesses decline. It may well transpire that more people will frequent their premises if they can rest assured that they will not be annoyed by second-hand smoke. Research also shows that interventions such as smoking bans and restrictions have the effect of reducing tobacco consumption and increasing smoking cessation. That should surely be an objective if we wish to improve the health of New Zealanders, as well as to reduce the health budget.

During the hearing of submissions comment was made with regard to the effectiveness of ventilation systems. We heard from people in the hospitality industry, who agreed on the need for ventilation systems but asked that the quality of air

standards should be set. While I support the bill, I say the failure to do that is one of its shortcomings.

Debate interrupted.

The House adjourned at 10 p.m.