

Bob Harvey, Mayor of Waitakere, Lynne Pillay, John Edgar, Sandra Coney, ladies and gentlemen. I first want to say that in 11 days time I will be leaving New Zealand for three years to go to the United Kingdom, but you can't leave a country for too long a period of time, as of course as a committed Westie and a committed New Zealander, I am going to be watching with very great interest what is happening here over the next few years. When I return, I hope that I return to a city which has had enacted the legislation to protect the Waitakere Ranges in perpetuity. And that for me is the key point in what message I would like to give to you today.

I first became interested in this after I bought 11 acres in 1970, along Lone Kauri Road, and I remember thinking what a beautiful place the whole of the Waitakeres was. But we should remember that the Waitakeres itself has been subject to a great deal of change from its original times, with the cutting down of most of the kauri trees, with some exploitation, but with a pleasing amount of protection for the environment in so many parts of the Waitakere Ranges. I think the work done at Karekare Beach where you have people who were prepared to commit themselves not to having an enormous amount of development but maintaining some spectacular beach that I have had the great fortune to examine, to get to know, and to love over many years. In my office in London, I intend to put a photograph that was taken when I left my home, taken out of the harbour looking back at Karekare – a spectacular photo. And I intend to have that put there, not just to remind me of home, but to remind every person who comes into my office, of one of the most beautiful parts of New Zealand.

Now, this evening I thought I would be as practical as I could in what I wanted to say but I will be happy to answer questions at the end. But I am not going to go into the philosophy of all the reasons why the Waitakeres should be protected. I know all of you believe that anyway, and you all have slightly different reasons for it. But the reasons that you have can be summed up in the realisation that this is a unique part of New Zealand and that there are things in this area that should not be allowed to deteriorate into developed suburbia. In 1973, I was a young Government back-bencher, and I was approached at that time by a number of people, including Gary Taylor, who said would I be prepared to sponsor a Waitakere Ranges protection bill. And I said yes I would be. And the bill was drawn up. Tragically, there are no copies of it left in existence. I lent my last copy to someone about 20 years ago and it was never returned, because the bill never got more than a draft printing because I talked the Clerk of the House in 1973 and the first thing you must remember is that, for the bill to be passed, it must be sponsored by the local authority. The then local authority refused to sponsor it. And therefore the bill could not pass the first hurdle. And that meant that we had to do it another way. And so I was one of those who was a foundation member of the Waitakere Ranges Protection Society in 1974, all the time hoping that the result would be a bill that would be permanent and that there would be an act of Parliament to protect the Waitakere Ranges.

Now, with the present Mayor, who has been an outstanding example of someone that I think does believe in the principles of this bill, and with a number of councillors, I hope that we are very close to getting the next stage of this process. I want to emphasise that we have a very democratic country. We do not force things through overnight and we cannot impose anything on New Zealanders without them having their rights observed. So that all the nonsense that you've heard, and I've heard some

real nonsense over the last few weeks, is really just that. Let me emphasise just what has to happen for this bill to become an act of Parliament.

First, it must be supported by the local authority. Second, that merely enables the bill to be drafted and presented to Parliament. It does no more than that. And that is where the effort is going to have to come – after that call. So the first hurdle is to get the bill approved, drafted, and the local member would introduce it, as the local member to Parliament, and the bill would be given a first reading. If of course it is rejected at that point, that is the end of the matter. But very few bills are ever rejected at the start. It is then referred to a select committee of Parliament, the Local Government and Environment Committee, which at present is chaired by Jeannette Fitzsimons who is a member of the Green party, and the Deputy Chairman is David Parker who is a member of the Labour party from Central Otago, and there are a number of members from all sides of the House on that committee. That committee then meets. It has referred to it this local bill. The first thing it has to do is ensure that all the standing orders are complied with, the right and proper processes are gone into from a legal point of view, and that means that the Waitakere City Council lawyers have to be good ones – and I hope they are. And at that point, by our standing orders, any New Zealander on an electoral roll can then make a submission about that bill to that committee. Any New Zealander. You can either have a group of people like WRPS. You can have the ABC Family League make a submission. You can have Jill Smith of Oratia. You can have whoever you like. And there is always a reasonable time allowed for the submissions to be written – usually a couple of months, two or three months or so – and then the submissions are all collated, and I would imagine that the committee would then start to divide the submissions into two categories.

The first category - those that are merely written submissions expressing a point of view. Second, those people that want to be heard by the committee. And those people that want to be heard by the committee in New Zealand usually are. And, it is not necessary nowadays, for them to come all the way to Wellington. One of two things can happen, and I would think both of them would in this case. First, the committee would travel to Auckland, to the Waitakere City Council chambers, and hold submissions in open forum before anyone that was interested in hearing, and cross-examine the witnesses. Or second, we now have the facility, just in the last two or three years, where we have video conferencing which would enable a video conference from the west of Auckland, or from Invercargill for that matter, to Parliament buildings where we now have the ability to see the person we are submitting to, to hear them, to look at them. And that is actually a facility that is going to become increasingly used because of course it is enormously cheaper than flying up members of Parliament from outside Auckland who are on the committee and all the necessary expense that goes with it. But we still will allow people to make a submission. Right, the submissions are made.

Then, the committee meets to deliberate. All New Zealand committees in our Parliament have to reflect the membership of the House, and at the present time, the present Government are a minority government. And of the eight seats on the committee, four are held by the Government and four by the Opposition. There is no casting vote – there is no casting vote anywhere in Parliament. One of the big myths is that the Speaker still has a casting vote. The Speaker doesn't have a casting vote.

The speaker votes according to the result of the general election for the party which they represent. So that the four Government members who, if they are supporting the bill, in order to get it carried, have to have the support of another party in Parliament. Often, on this sort of issue, the Greens will support the Labour-Progressive minority Government. And that will give the numbers for a fifth person out of eight to be voting for the bill, and it would proceed from there. But what usually happens is that people such as the New Zealand Law Society, the Local Government Association, the Parliamentary Commissioner for the Environment, Morgan Williams, I hope he would be giving evidence, and they would then do so, and then at that point, the bill would be amended by the committee and a set of amendments would be proposed, and then within six months of the bill being introduced, it is then reported back to Parliament. Remember, a select committee never makes any decisions. It merely makes recommendations.

Then, it gets back to Parliament and Parliament on the next day they have local bills – once every two weeks – the second reading debate takes place. And at the end of the second reading debate of two hours, the Speaker says the question is that the amendments proposed by the select committee be incorporated into the bill. That means all the changes that have been made by the committee after consultation with all sorts of people. That is carried. The Speaker then says the question now is that the bill be read a second time, and if it is, that's the next hurdle through. Two weeks' later, the bill comes up for its committee stages, when the bill is gone through clause by clause, and any member of Parliament is entitled to move an amendment to any clause. And that has to be voted on. So that if there are any last minute changes that the minister, the member, the opposition party want to propose they can do so and they can have it voted on. And then two weeks after that, the bill after the changes, if any, are made by the committee, there is a third reading and the bill, if it passes that third reading, then it is sent to the Governor-General for the Governor-General's assent, and then the bill becomes an act of Parliament and it is enforced. Now, that serves to indicate to you that you have got quite a long road to hoe with this issue. But the steps are quite clear. I think you're at the stage – much further, than you have been, in all the course of the time I have been in Parliament. You're just about at the stage where the bill is about to be submitted to the local council for their approval, and at that point, it can then proceed to Parliament. But don't think that that is the end of the matter. There are all sorts of ways that the bill can be waylaid or shanghaied and there has to be constant vigilance in this whole area.

I want to conclude my opening remarks by saying to you this – obviously I have long supported protection of the Waitakere Ranges by legislation. The main reason for that is quite simple. In order for anything to be done which would attack the Waitakere Ranges, there would have to be another act of Parliament which would mean that you would have to go through all those procedures of consulting everybody and advertising. So it couldn't be a quiet little deal, swept under the carpet and passed through in a couple of minutes in a meeting. And that's why an act of Parliament is the safest way always to preserve any decisions that are made by people. And that's why we have a Parliament and we have the structure that we have in New Zealand. And so, I first of all think that this is an essential thing to be done. I offer you my full support but I know how hard Lynne Pillay and David Cunliffe and Chris Carter are working in this area, and I know the support that Bob Harvey is giving. I hope it proceeds – I think it is close. I don't think it's a certainty yet, but I do believe that the

Colmar-Brunton polls indicate that not just the rest of Auckland, but in particular also this area of Auckland, when you've got over 80% support I think you've got every justification for pushing ahead with what you believe to be right and what will be in the best interests of all this area into the future.

Question:

Jonathan, could you tell us what would happen if Parliament was adjourned while this bill has been presented to the House.

Hunt:

That is likely to occur because if the bill is presented and we have an election, there is what is called a carry over motion which merely carries the bill over into the next session of Parliament and of course, in this particular case, it is a local bill, it would automatically be carried over without any risk of it being defeated.

Question:

Your opinion on the bill itself.

Hunt:

No, I have not seen the final draft. I have seen some of the draft. If I could just say, in my opinion, I don't think that that is an important point and I think that the bill itself reflects the wishes of those that want to protect the ranges. But I do not necessarily think that the bill is perfect and of course, that is what you have a select committee process for. So that there can be submissions made and there can be changes made to the bill, so that it fits in with general legislation, and it fits in with the wishes of most people. I don't think there's too much difficulty about actual wording. The principles – I know what they are and I support them. The actual wording you leave to lawyers and Parliamentary Council, as long as you don't defeat the general purposes of the bill.

Question (Bob Harvey)

The Councillors were quite strong about the principle but weak on the national bill itself. They believe that the principles are okay ... and so the numbers were there. But then Morgan came out and wrote an article that seemed to say that the bill was messy and confusing and over-written. Within days I believe we lost numbers in Council and now it has been said that the bill is flawed. It's flawed because it's not clear, it's clumsy, and in jumps Arnold Turner, and in jump a whole lot of people .. and the councillors day by day have become more and more nervous. And I think right now, unless we can do some serious surgery – I would hate to say cut and paste – I think we need to do something on the bill or it will be simply lost and all our work will be down the gurgler because they've lost heart.

Hunt:

All I can say is, of course the bill is going to need changes. That's the classic case though of people saying, oh we like the principle, we like the details... but don't want to do anything. That's why it's been delayed for 30 years. All I would say is this – alright, what changes do you want? Because, remember the bill as it is presented in Parliament can be strengthened as well as weakened. And there are a large number of Parliamentarians who are in favour of this particular bill going through. And I would say, if you have to get the bill to a stage where it is changed slightly to meet some of

those objections of councillors, well just say, which part don't you agree with? Do that, then it is presented to Parliament. Once the bill is in front of Parliament you have the opportunity to get that properly passed. But if you do not have the bill there, nothing will be done.

(applause)

And I think the key thing you should be saying in letters, and I don't want to be quite ... that the bill still, is a bill that is important but deserves close submission and scrutiny by Parliament and by people who want to have it scrutinised and looked at. That isn't a reason not to have the bill there in the first place. And that's the important point that should be made. Because it is a classic way of not proceeding with something, to say we like it in principle but the practise is hard. Of course it's hard. That's just a given. But, that doesn't mean you don't do anything, and it really is going to need that sort of strength from people to ensure that something is presented to Parliament.

Question:

Yes Jonathan, just to build on what you've said, because you can clarify, because I know the bill's out in the arena. I have some caution. Not because of any fault in the draft but just because, I guess, the general public's understanding of the gobbledegook and how bills are drafted. And could you just explain to the meeting what normally happens. You talked about the select committee process, but generally, is the bill out for consultation for a length of time before it goes to the select committee?

Hunt:

No, because the bill ..put it this way, yes of course the bill is there for anyone to have a look and see what they want to do with it, but the key thing is the Council's motion as to how the bill will proceed through Parliament. And that has to be the key .. for submissions that will be made. Once that decision has been made, and it starts on its journey, then of course it can be changed And you should always admit that it won't be perfect, but that there can be changes made. Because you have to have that element of compromise. It also has to be written in language that is going to be consistent with other acts of Parliament, or else you will end up with that won't even matter. That's why we have a Parliamentary drafting office that ... The key thing to say, and I can't emphasise it enough, is that the bill itself must be got by the Council to Parliament, and if that means making a few changes, I don't think that's a terribly bad thing to do.

Question:

Jonathan, one of the changes that will enable it to go through immediately, would be if it were to say that the foothills were taken out of what is seen as the Waitakeres. Do you think that is too risky to run with that?

Hunt:

Well let me put it this way. If you run with that, it can't be inserted. The bill when it is presented – you can't provide amendments to the bill that aren't within the ambit of the bill. Let me give you an example. If you've got a sale of liquor bill that says you've have the age increase to 20 instead of 18, you can't ... in other little parts of the bill that you can't sell it anywhere in New Zealand. You can't extend it beyond what the bill actually says. So that if the foothills aren't there to start with, putting them in is going to be immensely difficult.

Question:

To what extent should Council do their homework before – how much time will Government spend on process?

Hunt:

As long as it needs to. It would be silly to do less. Government must spend the time. It won't be the Government – it will be the law draftsmen and all the other people concerned. This bill will not be hurried. It still won't be hurried through Parliament – it can't be. There is no way it can be – it's a local bill. If it's a Government bill, the Government can take urgency and pass it in a night. But you can't do that with a local bill.

Comment – Douglas Allen:

The first thing is with reference to the foothills, my experience in the Environment Court hearings, the foothills is actually what we're arguing about. We have And the real issue is what you do with that, how do you manage that. Oratia Structure Plan – how do you make that stick and not have another structure plan in 10 years' time when the first lot is done? So that's really where the focus is. So if you took the foothills out, forget the act – it's not worth it.... Secondly, another thing that needs to be said. in the House, but in discussion in the community there is so much misinformation out there as to what this bill is about. People are afraid they won't be able to change walls in their houses – all sorts of just lunatic things. There are probably some people out there who are just inventing it and other people who just don't understand it. They think heritage means Historic Places Act or something. But there is a real lack of understanding about what the bill is intended to do. So I think from people in discussions and people in correspondence and the Council - it needs to be very clear what the bill doesn't do. It also needs to be clear what it does do and what is intended, but what it doesn't do ... people out there worrying about what it might do And I don't know what that is doing to 70 or 80% of the people who support the concept when you say to them do you want to stop subdivision in Oratia so that it matches the Structure Plan. The answer is "yes", do you support the bill – "will I be able to shift the wall between my bathroom and my kitchen".

Hunt:

With that sort of invention and distortion is something I've lived with in Parliament for 38 years. You wouldn't believe some things that have been said about some pieces of legislation. In the end you have to meet misinformation with information. And there has to be concerted – I think the idea of ringing talk-back radio, much as I hate talk-back radio – sometimes it is necessary to ring when you hear some silly people who are inventing stories. And those people – as many of you here as possible, should have the ins and outs of the bill and the dos and don'ts, and you should be able to refer to it when you can. And I thank you for your contribution

Question:

John here is quite right about opponents of the bill preying on people's worries and so on, but I think it's actually the vagueness of the bill itself that is actually creating the opportunity to do so. And I would just ask why could it not be more detailed in what people can and cannot do ... just clarify what this bill actually intends to achieve.

Hunt:

Well, I don't know the answer to that question. But I would say that can be done quite easily and that of course, is part of the submission process to select committee. And it wouldn't proceed unless it did have these things a little bit more specific .

<Recording unclear at this point>

Hunt:

Well unfortunately I can't answer that question to this extent. If the Council are not of a mind – there are councillors there who just don't want to support it then you have no way of getting it through. And I don't know – in the end, they are democratically elected and they have a 3-year term. The only way to do something is at the end of that 3-year term. In the end you might have to try two or three times but you will eventually get there. I don't know how many times I had to try for my adoption act to get through – it took me eight go's but I was determined and you just ... until you got there. Now, I just that that it is a balancing act and there will be invention, but I think if information is always there to defeat disinformation, most people in the end are usually reasonable.

Colleen:

There seems to be a fairly small number of questions people keep asking and this misinformation keeps coming back. I think it would be quite useful in getting across to people that The questions that people are asking ... and then put the answers to them.

Hunt:

That's a very, very good idea. Say two or three things – no two things. First of all, keep the questions simple, keep the answers simple. Don't have more than four pages of stuff for people to read or they won't read it. If you just have “these are questions. Check the facts and nail the lies”, or something like that. Point one: this is wrong because - that sort of thing; simple and direct.

John talked about Graham Campbell and how he had explained points at various meetings and that some people do not want to hear.

Question (June):

There are many heritage areas in national parks throughout any trouble caused in the past or any national problems.

Hunt:

Usually not.

June:

There's your answer.

John Edgar:

That's a very good point June. People come to love these places, they come to identify with them and they become the heart and soul of the place and this will so in the Waitakere Ranges when we get there.

WRPS AGM 2005
Jonathan Hunt's Address

Hunt:

Could I say to all Westies here, when I'm in London, I would welcome visits. It keeps a High Commissioner sane.

Laughter & applause – ends.