

\$10 million a quarter is being wasted while this project is suddenly paused—despite all election promises, it’s paused.

It needs to be a tertiary hospital. That is, it does all the tricky stuff for people throughout Otago and Southland. It needs to be a teaching hospital. We have a wonderful university, the University of Otago, that teaches not only doctors—and it can teach more doctors, that’s an easy thing for it to do, much cheaper than Waikato—it teaches nurses, it teaches physios, it teaches dentists. And they use this hospital as well as using the units in Wellington and Christchurch.

We had the National Party campaign on delivering this hospital but now they've come and said, “Oh, maybe we'll go back into the old building”—that is leaky. When we have floods, it leaks. So all that is happening is this Government is taking us backwards. They need to build it once, right, and now.

The debate having concluded, the motion lapsed.

DEPUTY SPEAKER: I declare the House in committee for consideration of the Citizenship (Western Samoa) (Restoration) Amendment Bill.

CITIZENSHIP (WESTERN SAMOA) (RESTORATION) AMENDMENT BILL **In Committee**

Parts 1 and 2 and clauses 1 and 2

CHAIRPERSON (Greg O'Connor): Members, the House is in committee on the Citizenship (Western Samoa) (Restoration) Amendment Bill. We come first to Part 1. This is the debate on clauses 7 to 10, “Amendments to Citizenship (Western Samoa) Act 1982”. The question is that Part 1 stand part.

RICARDO MENÉNDEZ MARCH (Green): Point of order. I hope I’m getting the language right. I move that the bill be taken as one part.

CHAIRPERSON (Greg O'Connor): Leave is sought. Is there any objection? There is no objection. The question is that Parts 1 and 2 and clauses 1 and 2 stand part.

TEANAU TUIONO (Green): Thank you, Mr Chair. I’m about to experience what it’s like to be on this side of the microphone; on this side of the bench. Let me begin by acknowledging everybody at home. Talofa lava, kia orana koutou katoatoa, tēnā koutou katoa. I know that this has been a journey for the community—an important journey—a journey of which my part in that journey has been a small part and this Parliament has been a small part of that journey as well, but nonetheless a significant part as well.

Let me also acknowledge the former members of Parliament of Samoan descent who have come out to support. I note that Anae Arthur Anae is with us once again, and may I extend a kia orana and a talofa to him as well. Also noting we’ve had the Hon Luamanuvao Winnie Laban with us at the last time, Terisa Ngobi, Aupito William Sio as well. So being the Samoan-adjacent Pacific Islander supporting my Samoan aiga, it has been incredibly humbling and a privilege to support those communities.

In the second reading, we had unanimous support for the bill. For me, that points to an acknowledgement from the House that we are dealing with a legacy issue; that this is a legacy issue that we are dealing with, an acknowledgement from the House that this is a wrong that we want to right. For many years, the Samoan community have been trying to push this Parliament to do the right thing. I want to put on record my thanks to all of the parties who have gotten us this far—and noting this is as far as we’ve ever got as a Parliament to getting some form of restitution; some form of restoration for our Samoan aiga. The emotion was palpable amongst many of the speeches, and I want to acknowledge that.

But I also want to acknowledge that, of course, with the communities, they want us to go further. So just to clarify for the communities that are listening: there are a couple of stages that we go through. There's the first reading; the select committee process, and so grateful of the large number of submissions from both here and in Samoa and abroad that brought their concerns to the select committee; and then we had the second reading, which received unanimous support and now we are at the committee of the whole House.

In the select committee, we didn't agree on everything, but we did agree to locks and braces and belts on the legislation—I think that's what the language was used—to move the legislation forward as well. So I do have a couple of Amendment Papers on the Table just to highlight—and just to test, actually—to see if there has been movement for different political parties.

I note and acknowledge, first of all, as a first-term MP that put this bill into the biscuit tin, I was unaware of the complexities of what that might mean as well—but more aware as a second-term backbench MP in the Opposition—that it requires a conversation across the House and a conversation for those who, if I could put it this way, are closer to the levers of Government in order for us to actually get some movement. So there are opportunities before us in order to actually see if we can go further.

I also note within the select committee, there were many, many, many perspectives; many other issues which are actually outside of the scope of the bill that the community brought up as well. I think it would be interesting for the community for us to touch on that. But, of course, I will defer to Mr Chair to make sure that the committee doesn't wander off the garden path and get lost in the taro patch. But I think in the wider context of what we are trying to achieve, it's important to touch on some of that.

For example, clarity on how this might impact access to superannuation. Those were some of the concerns, issues that were brought to the select committee. Frustrations—absolute frustration—with the visa conditions, with the quota system as well, frustration with the visa system, visa processing times, and that as well was also expressed. I recall one submitter who talked about how he fell into the cohort that we have identified within this current form of the bill. But he lives in America, and he had to travel through New Zealand in order to get home to Samoa, and he's got to jump through all these visa hoops as well—which is, of course, I feel, unacceptable.

That stuff falls out of the scope of the bill, but I think if the opportunities that we are presenting that I'm bringing back from the select committee don't have enough support around the committee of the whole House, there is other opportunities. I would encourage parties to look at that—particularly Government parties—to think about what we can do to make that legacy more meaningful, what we can do to make that legacy impactful and important. As has been expressed to me on a number of occasions, members' bills are limited; Government bills are more expansive, but also because of that, it does require us to have a conversation as well.

My Amendment Papers that I have on the Table, one of them is around the discussion that we had around access to fees. I note that usually with this type of bill, you wouldn't actually specify application fees within primary legislation. The point—and I expect that other members, particularly who were in the select committee, will possibly articulate a view: and that is one of the reasons why it ended up there was that it could delay the commencement date. I note that justice delayed is justice denied, and the original cohort that we are trying to support here are not getting any younger. So that's important to note.

However, I reflect on the convincing arguments of Lemauga Lydia Sosene—she actually swayed me. She did, I think, really some powerful convincing around certain issues with that type of approach. If I can summarise that—and others will, I expect, do possibly a better job—it's that if you have been denied citizenship; if you had something

taken away from you, why should you have to pay for it? Why should you have to pay for it as well? I get the balance on the other side of that is that operations cost money, delaying of the commencement date, and so on and so forth. But on the balance of that, I sided with Lemauga Lydia Sosene and that's what one of the Amendment Papers features as well.

One of the other very strong submissions that featured in a number of submissions was around widening the scope to direct descendants, particularly those born before 1962. This was a very strong view that was expressed, so I have another Amendment Paper to that effect on the Table. It'd be interesting to canvas different perspectives from different political parties as well. As I said, there are some opportunities which could exist outside the scope of this bill. But before us, we have a couple of opportunities within the scope of the bill that I'm hoping that we can explore today.

RACHEL BOYACK (Labour—Nelson): Thank you, Mr Chair. I appreciate the opportunity to take a call. I may need to take two calls on this bill because I do have some questions for the member in charge, relating to his amendments, and they're two separate pieces of the legislation and two separate clauses to talk through. So I just do want to talk through the amendments that are on the Table and ask some questions of the member.

I'll start with Amendment Paper 139 in the name of Teanau Tuiono, the member in charge of the bill, which specifically amends clause 10. Now, can I just note on the record that the Labour Party will be supporting this amendment in the committee today, and so I thank the member for putting forward this amendment.

During the select committee process, we heard from members of the community who wanted to see the scope of the bill in terms of whom it applied to extended, so that, essentially, the first group of descendants who were born before 1962 would be covered. Now, members who were part of the select committee process would also note that there were also submissions made wanting to extend it further. During the select committee process, Labour and the Greens both voted in favour of legislation that would have allowed for that first group of descendants who were born before 1 January 1962 to be eligible. So I just note that what the member's Amendment Paper does is it adds a new—well, there's already a new section 7A in clause 10, and it replaces subsection (1) so that it clearly refers back to the original Act that we are amending to include another section in there which would apply to people born before 1 January 1962.

I've got two questions for the member about this, and it's my hope, in listening to arguments in the committee of the whole House, that perhaps at least one other political party will consider supporting this. I'm interested to know if the member is aware of how many people this may affect, and, secondly, why he has specifically put in place that date of 1 January 1962 and why not later dates. So I'm interested to hear from the member on that.

Now, the slightly more complicated matter is two amendments that we have on the Table that are related to fees that, essentially, lead to those who are successful not having to pay a fee, but using different mechanisms. So just to again note on the record—looking at Amendment Paper 140—that the Labour Party will be supporting this amendment. We heard very clearly from members of the community that given citizenship had been taken away from them, they felt a huge amount of hurt about that and, for some, a significant amount of trauma. They felt very clearly that one of the ways the Government can honour that is by not requiring a fee to be paid, and it's a small fee—it's not a huge impact on Government revenue, at all. But symbolically, it would say to these people, "Yes, we acknowledge that the decisions made back in 1982 have caused you harm and we don't expect you to have to pay a fee in order to apply for citizenship by grant."

I note that the member from New Zealand First Andy Foster has an amendment on the Table that would achieve the same outcome. But my reluctance on this matter is that people would still have to put up the cost up front—they'd still have to come forward with the cash in order to apply. But it would require the fee to be fully refunded if the application were successful. So the Labour Party's position is that we support Teanau Tuiono's amendment and we are happy to have continued discussions around the amendment proposed by Andy Foster.

I do note that regardless of what is in the bill, Cabinet always has the opportunity through regulations to put fees in place. So one of the things that we noted during the select committee process was that to start with, there will be quite a number we expect to apply immediately who should be eligible and should be successful, and during that time frame, having no fee would be fantastic. At some point in the future, Cabinet makes regulations around all fees for the cost of applying for citizenship, so it wouldn't rule Cabinet out in the future saying, "Right, you've had your window to apply with no fee. Now it will become standardised, like any other application.", after three or six months, or something of that nature, and, yes, just like any other application, there'd be a fee. That was, essentially, what we were trying to achieve through the select committee process.

So I'm interested to explore some of these conversations throughout the committee of the whole House stage. I thank the member for his work so far on the bill and also his amendments put forward today.

ANDY FOSTER (NZ First): Thank you, Mr Chair. I just wanted, before speaking about the Amendment Paper which I've got on the Table, to talk a little bit about the context of it, because that's really, really important, and just first of all say congratulations to Teanau Tuiono for getting the bill through the process. It's not just getting it drawn, but getting it through the process. It's been a much more complicated bill than I think any of us anticipated. But I also acknowledge Rachel Boyack for chairing us, and all of my colleagues on the Governance and Administration Committee. I think it was a very, very collegial process, and I thought we worked really, really well together to try and nut out these issues.

I also want to place on record my thanks to all the submitters—25,000 people. So if you think this was a sizeable issue for our Samoan community, you betcha it was. It's a very big issue because people felt about these issues very, very deeply, and that's why it's important to reflect a little bit on that background.

I just wanted to reflect on why we're here. So why we're here is that New Zealand held Samoa—or Western Samoa, originally, as it was—as a protectorate under the League of Nations after the German occupation was removed, existentially, during the First World War, and, essentially, New Zealand held a role of looking after Samoa for good or bad—and often, sadly, it wasn't done well—right the way through until Samoan independence in 1961. There was a change in 1948 with the adoption of the New Zealand Citizenship Act, when, effectively, New Zealanders became New Zealand citizens, not British citizens, and that's a key point and time.

But in 1982, obviously, we had a backdrop there of Samoans, in particular—Pacific Islanders generally, but Samoans, in particular—being targeted by the New Zealand Government. We had all the issues around the Dawn Raids and so on, and so there's not a great history there. We had the situation where Falema'i Lesa was told "You're an overstayer.", and she took that all the way to the Privy Council, saying, "Actually, no, I'm not. How can I be an overstayer, because I was born in Western Samoa"—as it was known then—"during that period of time 1924 through to 1948, when we were British citizens. Therefore, if we were British citizens and New Zealand was looking after it, we were New Zealand citizens." The Privy Council actually overrode all the New Zealand

courts and said “Actually, we agree.”, and then, of course, what happened was that the New Zealand Government—and it was the Muldoon Government, but it was also supported by the other parties who were then in Parliament; so both Labour and Social Credit—said, “No, we’re going to overrule that.”

Parliament is sovereign, and so it had the right to do that, but it has left a longstanding grievance from the Samoan community. That is what this bill is about and is addressing, and that’s why it’s really, really important that we do that.

Now, to my amendment. My amendment is, basically, saying that at the moment, you have to apply—and we had a long discussion, as a select committee—for citizenship. It doesn’t just get granted, so you’ve got to apply and you’ve got to pay a fee. It’s a lower fee than if you started the process from scratch and you were applying from anywhere in the world, because, basically, it’s about confirmation of citizenship, not an application for it, but we still have a lot of people saying to us, “Hey, that’s not fair because these people already had citizenship.”

The Privy Council said they were entitled to citizenship and the Government of New Zealand of the day, in 1982, took that away, and so there’s a feeling of injustice. I’ve heard the argument of whether this sets up a precedent for anyone else. Well, I don’t think that the Government of New Zealand has done this in any other place at any other time to a whole nation, effectively, so I don’t think it’s going to cause a precedent in that way. Also, we’re talking about people who are between 76 and 100 years old—76 and 100 years old—so I don’t think it’s going to cause a precedent there.

There is another thing that I should say about immigration, and Teanau Tuiono has got the Amendment Paper on the Table about saying, well, let’s just waive all the fees altogether. We had very, very strong advice from Immigration New Zealand, the Department of Internal Affairs, etc., saying “Please don’t do that, because what we know will happen is that people will have a go, and you could end up with thousands and thousands and thousands of people having a go. That will put a significant burden on the administration system. And also, what it would mean is that there are other people who are legitimately applying for citizenship or residency from around the world who will get clogged up in the process and that would disadvantage them—not a good idea.”

So what my Amendment Paper says is that you pay the fee, but when you’re successful—and it can only be those 3,500-odd people who are aged 76 to 100 who were born between 1924 and 1948 are the only ones who would be able to be successful. If they are successful, then they will be entitled—not a judgment, but entitled—to having that fee being refunded. That, effectively, is a way of saying that we understand that you were citizens because the Privy Council ruled that you were citizens. We understand the longstanding grievance that is here. We are not going to penalise you for that, and we are going to give you the money back.

Look, if I might just finish off with a couple of other things, which I think were outside of the scope, but we did touch on them—and, Teanau, you’ve mentioned this. One was a very, very strong aspiration that people from Samoa are able to come and go more easily for family reasons, for special events, and all those kind of things. So while it’s outside the scope of the bill, we have said to the executive in the report from the select committee, “Please can you consider the visa situation, because there is no Pacific country which is visa-free. There are lots of other countries, and most of them are in Europe or South America or North America or Asia, but there are none in the Pacific. Can you have a think about that and whether that’s a good thing to do?”, and that was passed through the select committee.

The other thing which I specifically wanted to focus on, because it has come up from a number of sources, is the issue of superannuation. Of course, to gain New Zealand

Superannuation, merely being a citizen is not enough. There's a sliding scale there, depending on how old you are, but for people who were born before 1959, you have to have been in New Zealand for 10 years. Obviously, that's something which the member might want to consider in this context, but that is not something that is for now, and that is not something that is within the scope of the bill. So I would like to commend my amendment to the House.

TOM RUTHERFORD (National—Bay of Plenty): Firstly, congratulations to the member again—24,500 submitters really reiterates how well the community turned out, made their views clear on this piece of legislation. We sat and spoke in this House just two weeks ago in what was an emotive but also a really moving opportunity for the House to give perspectives on the submissions that we had heard through the select committee process.

You heard during that time how the National Party at the first reading didn't support the legislation for a couple of key reasons. But then through the select committee process, myself, my colleagues Cameron Brewer and Tim Costley, we were able to work with the other members of the Governance and Administration Committee to refine the bill to a place that we thought as a political party we could support it, hence why you saw us at the second reading change our position on the legislation and vote in support of it, to bring it to broad cross-party support from every political party in the House.

One of the key reasons why we as the National Party voted in support of it at the second reading was because we had got a change in the first place during the select committee phase around rather than a repealing piece of legislation, it was an amendment to the number one legislation of the Citizenship (Western Samoa) Act 1982. For us that was a big deal because it focused on what the implications would have been for the Treaty of Friendship, and what that would have meant for New Zealand's relationship with Samoa, and whether repealing the full legislation would have actually breached that Treaty of Friendship and what the implications of that may have been.

The other component that we in particular were pleased to secure on the select committee stage as well was around refining and defining who were eligible through this piece of legislation. Getting it to that cohort of the 1924 to 1948-49 and roughly around 3,500 people was really important to us as a political party to support the legislation.

I note that the member himself and members of the Labour Party as well have said that they will be supporting the Amendment Paper that's on the Table at the moment around broadening the scope of the legislation so that descendants are included as well. We here in the National Party won't be supporting that Amendment Paper, because we made it pretty clear through the select committee process that we needed to get the bill refined to a place that we could support it, and it was that initial original cohort and not the descendants of them for a variety of different reasons.

One of the other Amendment Papers also put up by the member in charge, Teanau Tuiono, particularly focuses on around the fee for application. As my colleague Andy Foster from New Zealand First stated, the advice we received from officials during the select committee process was clear: "Please don't do this. Please don't do it because of the burden it will put on those processing the applications as soon as the legislation is enabled and passed. But also, please don't do it because you just think that it's at the power of the executive to decide or through regulations to decide what the fee should be.", because what that may have done is created this no man's land between the legislation passing and no fee being set. You may have a cohort who had applied and got it for free. And then three, six, twelve months down the track, you had people then having to pay for their application. It created an in-between phase, a no-man's land, which would have

been, I think, detrimental to the impact of what this bill is actually trying to legislate and change.

We won't be supporting the amendment in the name of Teanau Tuiono around removing the fee for application, but we have considered the Amendment Paper put up by my colleague Andy Foster around clarifying that the fee may be refunded if their application is approved. We've considered it long and hard. I look at my colleagues Tim Costley and Cameron Brewer and our wider team here on the National Party. We've considered that and we think that is a pretty reasonable place to hit. We think that's a pretty reasonable place to stand on this.

We will be supporting that Amendment Paper on the Table, just to make it clear to our colleagues across the House. We won't be supporting the two in the member's name, but we will be supporting Andy Foster's around refunding the application fee to those that are successful in applying for and receiving citizenships through the Citizenship (Western Samoa) (Restoration) Amendment Bill.

I do have a number of other points I'd like to talk to. I want to talk to those, but I'm happy to allow my colleagues to go first. I will be seeking the call, so if you're happy to be gracious and to give it to me like you have to other colleagues, Mr Chair.

CHAIRPERSON (Greg O'Connor): Tom Rutherford.

TOM RUTHERFORD: Thank you very much, Mr Speaker.

Hon Member: Mr Chair.

TOM RUTHERFORD: No, he's giving me the call. Thank you. The couple of points in particular that were also really important were around the changing of the title for the legislation. We had many considerations that we talked about through that, and we'll have title and commencement come up further down the track. But it was particularly important to make sure that the title was reflective of what the legislation was aiming to achieve. We made some amendments through the select committee stage, and I'll talk about that a little bit later on as we go through.

I did think it was really important that we were very, very specific, and you'll see it in the report back from the select committee, so that if this were to be brought before the courts in the future, you could see what was quite clearly defined around who was eligible through the legislation and who wasn't. We needed to be really clear who the applications through the citizenship were applying to, because if the wording wasn't specific through the legislation, then I suspect there would have been a myriad of future court cases that would have been dealing with this legislation. I don't think that really would have served in anyone's interest.

I just want to acknowledge why we have been very, very specific through the select committee stage to make sure the legislation is fit for purpose and intending to receive and focus on those that we think deserve it. It is that initial cohort from 13 May 1924 to 1 January 1949. As rightly pointed out by a number of colleagues already, those people, they could be up to 100 years old, and so there are unfortunately, sadly, many who have probably passed on. But there are many families, and as we talked about many grandchildren watching this to be passed to see what it would have meant for their whānau and for their elders. Even though it's not applicable to them now because they've passed, it's actually really important that the legislation still gets across the line.

We're really supportive of it now for that initial cohort of 3,500, but we won't be supporting to broaden it because we just think we'll be opening up a lot more ramifications around the descendants' aspects and talking about what superannuation looks like, as my colleague Mr Foster talked about too. Around what that may be for around—we've got specific criteria ready to be eligible for superannuation, and then if you start to blur the

lines a little bit, where do you draw the line for other people who may be relevant to receive it too?

I just want to finish on a couple of key points. Let's not forget the relative importance of the Treaty of Friendship. Let's not forget how vital that has been throughout this process—the real relationship that New Zealand holds with Samoa, and the relationship we've held through the select committee process. We heard from the former Prime Minister of Samoa during the select committee process, and we heard from the Samoan government. Though they didn't necessarily want to present to the select committee, we knew what they were trying to say to us through the select committee process around what this bill may have meant for the Samoan community.

I think it's important in the sense that we have found a really good balance with this bill. We've found a really good balance in the sense that we've refined it to the 3,500. We've kept it down not through to the descendants, and the National Party will only be supporting it if the legislation fits in that mould.

I just want to put that to the member in the chair. I do have a question I would like to ask as well around the advice that the select committee received to the member around the application fee, and whether the advice was either in favour or against it and what the advice had to say about it. I'd welcome the member to respond.

Dr PARMJEET PARMAR (ACT): Thank you, Mr Chair, for this opportunity. I would also like to start by congratulating the member in charge of the bill, Teanau Tuiono. It's actually quite exciting to have a member's bill come to this stage, and a very special member's bill, I would say, because this bill is going to make a difference not only in the lives of people, those who will get citizenship through this bill, but the families and friends and the entire Samoan and Pacific community that is here in New Zealand, so I really want to acknowledge that.

In the second reading, it was also really good to see that the community was here in large numbers, and the member in charge hosted a beautiful event after that where we had a really good opportunity to interact and to talk about other issues that were on their minds. Based on that, I can see that we have the Amendment Papers put forward by the member in charge and also New Zealand First member Andy Foster. I am taking this call to support the Amendment Paper put forward by New Zealand First member Andy Foster on behalf of the ACT Party which is to amend new section 17A, inserted by clause 15, to insert new subsection (3) which says the fee must be refunded to the applicant if their application is approved.

I want to acknowledge the member in charge of the amendment which is actually to make a change that there is no fee for an application for grant of citizenship under new section 7A, inserted by clause 10. We believe that this amendment that is to refund the fee to applications that are approved is quite a balanced approach, and that's why we want to support this.

I also want to highlight that when the bill came through for the first reading, the ACT Party was the first Government party to stand up and support this bill because we assessed the bill and we thought that this bill must go to the select committee process and then very soon we were joined by New Zealand First. In the select committee, we heard from around 25,000 submitters. I would say that the select committee process is a much more powerful process than the committee of the whole House because there the wider community is involved, whereas in this process, the committee of the whole House is us members of Parliament that are involved in deciding what other changes should be made to the legislation.

So in the second reading, we supported the bill that was reported back and is now going forward, we believe, as I said in my first reading speech, that the ACT Party

believes in fairness, we believe in equality, we believe in justice. We also believe that when we talk about fairness, when we talk about justice, it cannot be delivered partially. There needs to be a comprehensive approach towards that and these people, those who would have had their citizenship anyway if it wasn't taken away, then for them now to apply, that's one step. Yes, they have to do that, but then to pay if their application is approved, we believe is something that we really need to seriously consider. That is why we have decided to support this amendment going forward.

It is also important that we address the issue that is in front of us in a fulsome manner to the extent that we can, while we are fair to everybody else as well, because when we look at the process of granting citizenship, that fee is actually a cost recovery system, so we want to make sure that it's fair, but going with this approach of refunding the fee for applications that are approved I think is going to be a practical approach because this will also put some personal responsibility on people to really consider and see that they do qualify before they apply. So we don't want to see that rush that just comes in only because they think that they might be able to get citizenship because of this bill going through.

I also want to say that going forward, it is going to make a huge difference in our local Samoan community, because I'm an immigrant myself and I fully understand that when the community comes from their birthplace to another country, makes another country their home country, which is New Zealand, they not only think about themselves but they also think about family members, those who are back home. This is what the community here is doing. They are advocating for the families there.

This is not the first time that this issue has been advocated. There was a petition before that had a huge number of signatures, and this now has come in the form of a member's bill, which we are having the opportunity to debate and it's really great to see that it has come to the stage where us in the committee of the whole House are able to analyse this bill and see if there was any other opportunity for us to improve, any other opportunity for us to make it fairer, and any other opportunity for us to ensure that this fairness and justice that we want to deliver, those wrongs of the past that we want to fix, that we do that in a comprehensive manner. So we will be supporting this amendment. Thank you.

TEANAU TUIONO (Green): Let me first of all thank all members for their very considered contributions. I thought I'd better get up and start giving some answers before I run out of pages. Just to the questions from Rachel Boyack, who made a very strong contribution in navigating us through the select committee process—and I want to again acknowledge her skill in guiding us through a complex process as well. Her question was around what the numbers are for people born before 1962 that this amendment that I've got on the table would apply to. The age range is 62 to 100 and it will be around about 19,434 people. That estimated figure was put in the table in the departmental report and was put together by Ministry of Foreign Affairs and Trade officials using data from the 2021 Samoan national census. They did do some extrapolation with the numbers and calculated against a number of variables. So it is an estimate, and it is a guesstimate. So from our perspective, in terms of having a pool of people that could actually apply for a particular citizenship path, it doesn't seem—at least from the Green Party's perspective—to be an exorbitant number. But I do take the points made by members.

The other question was around why 1962: well, that's the establishment of the Samoan State. If members haven't had an opportunity to have a read of the Governance and Administration Committee report, I would encourage members to do that. I've been on a number of select committees and this one was particularly thorough. There's a really important historical part in that select committee report along with the legislative bits and pieces as well. And the important thing here is, you know, it is Samoan history but it is New Zealand history as well. It is the history of New Zealand citizens who had their

citizenship denied. So just to underscore the importance of knowing that history and being familiar with that history and the importance—the importance—of that relationship with Samoa. It's the only country that we have a Treaty of Friendship with. So making sure that we do everything that we can to make that relationship as strong as possible is important and noting, as I think all members around the select committee noted, the comprehensive and rich contribution of Samoan communities to the fabric of Aotearoa.

Just to respond to my particular amendment and the reason and the rationale for proposing it—I do take the members point, Tom Rutherford as well. If you do go through there, there is some rationale why people voted a particular way, and I did mention that a bit earlier around not delaying the commencement date, certainty in operations, and so on and so forth. But as a backbench MP in an Opposition party, if you don't ask, you don't get. I'm pretty certain the community wanted me to ask; so I'm asking.

The rationale for change was I was proposing to amend the bill to reduce the application fee for citizenship under this bill to zero dollars—currently, it's set at \$177—because we don't believe that it is appropriate to impose an application fee on people who had a right taken away from them. And just to note: it is extremely unusual for a bill that addresses a historical wrong to require those who've been wronged to pay for an act of restoration. As we said in the committee's report, the bill does not provide redress for the history of the injustice, but it is a concrete response. So I guess the Amendment Paper is asking the House to take that one step closer to acknowledging that injustice and to making that path to restoration that much more solid.

Just to respond to the very good strong contribution by Andy Foster, member for New Zealand First, who made, I think, very considered contributions during the select committee process as well, and the very considered tabled amendment that he has on the table as well. I guess, Mr Chair, if I could put it this way: if people don't want to support my Amendment Paper, Andy Foster's one will be something we'll be thinking about supporting as well because it at least is on that path towards restoration. Thank you, Mr Chair.

RICARDO MENÉNDEZ MARCH (Green): Thank you, Mr Chair, and can I begin by acknowledging my friend and colleague Teanau Tuiono for the amazing work that he has done in shepherding this bill. I want to acknowledge the broader Samoan community here in Aotearoa and throughout the world and their homeland for their amazing contributions to the select committee stage, which I think has delivered a really, really big mandate for justice to be delivered.

So, with that in mind, I wanted to present the Green Party's view in support of my colleague's amendment. Particularly, I wanted to touch on the one around broadening the scope of who would be eligible for citizenship, including descendants.

I think that the member in the chair has already made a really important contribution that I wanted to echo, in that this bill is not for redress, but it is a response. To me, I think, if members across the Chamber are going to acknowledge that there was an injustice done in the past, the least we can do is genuinely commit to going all the way, as far as we can and within the scope of the bill, to deliver some sort of adequate response and justice. I want to acknowledge that if we were to go with the bill as it is and without the amendment, we would be subjecting some of those descendants from having to go through strenuous and often costly immigration processes to remain connected with those people who could be granted citizenship. So this is why it's critical that we look at how justice can be delivered fulsomely, and I think submitters at the select committee stage presented really compelling arguments for this to be the case.

The Green Party is backing our colleague's amendments in full, and I wanted to also touch on Teanau's amendment in relation to ensuring that there is no fee for an application

for a grant of citizenship under the new section 7A in clause 10. There are two reasons why I think that despite the advice in the select committee report, this amendment still stands. In the select committee report and in contributions from National Party members, we have heard arguments against it relating to the fact that the Department of Internal Affairs recovers its costs for persistent citizenship applications at the same time, and they also talked about the burden that all these applications would place on the Public Service. I would argue that, actually, the Government parties have a choice around whether they commit to adequately resourcing those departments to accommodate justice being delivered. I think, to me, if there is a commitment, then those resources should go in place to allow this amendment to go through. This can include things like even temporarily bolstering the workforce and having a task force that it is very specifically in charge of processing these applications.

So I think there can be accommodations that can be made that I don't believe would be costly, and, either way, would be relatively temporary to allow the bill to work in a way that doesn't create further financial duress for families. Through intergenerational injustices, many of them were dispossessed from their homes and workplaces, and, in this case, the citizenship that, actually, they had a right to. So this is why we think that Teanau's amendment in relation to not having a fee makes a lot of sense.

In saying that, the Green Party understands and hears the member Andy Foster's arguments for his own amendment, and we want to deliver what best we can for the community under the circumstances that we're working within. So we acknowledge Andy Foster's contributions and rationale for his own amendment, but in saying that, our preference is for justice to be delivered in full within the means that we have. So I want to commend Teanau Tuiono for lifting the voices of submitters and presenting amendments that I think genuinely honour the voices of Samoan community members who have asked Parliament to genuinely commit to justice.

Finally, on the point of broader immigration settings, I wanted to ask the member whether he had received any feedback around the additional stress that family members would experience in relation to those immigration settings being in place should, for example, one of his amendments not be accepted, and whether he's received feedback around, for example, the cost or the delay in visa processing times that could mean that people be split apart. So I'm interested to hear from the member if he's received any feedback around the immigration settings that we're working within that make a case for his own amendment.

TIM COSTLEY (National—Ōtaki): Thank you, Mr Chair. This bill, as it's worked its way through the various stages so far, has often been high in emotion. There's been a moderate amount of history, but very little in the in the technical. And I would like to just delve into some of the details and pick up some of the comments that the member in charge made earlier on, and particularly around both clause 10 in the bill as it stands today, but also the Amendment Paper that we've just heard a view in favour of from the Green Party. This is about the provisions as to as to whom this bill applies, who can ultimately gain citizenship, or a pathway to citizenship, because of this. It is actually very technical, and, as we heard from the member himself, maybe more technical than many realised at the outset. But this stems in its very title as it stood when the bill was introduced from the 1982 legislation in response to the Privy Council who identified two very distinct dates, one 13 May 1924 and the other 1 January 1949.

There are questions now whether or not we should extend these to different dates. I do want to drill into this, firstly at a very technical level: if the Amendment Paper 139 went through as written, it doesn't just award the path to citizenship to those that were born in this period and their descendants born in this period up to 1949. And the reason it's

important to include the descendants is, as we know, the case that perhaps someone was born in Samoa in 1924, qualifies for this, maybe moved to Australia, for example, after World War II, and had children there in 1948. Those children—they may have never lived in New Zealand; they may have never lived in Samoa—but as a result of the bill as it stands can apply for New Zealand citizenship. That may be surprising to some, but it was a very considered point in the Governance and Administration Committee and it was very specific that that was awarded—there was a discussion around that.

But as this Amendment Paper stands, it would then also award citizenship to any other descendants of that group out into 1962, which, conceivably, in the in the extreme case, could be the grandchildren of the original people that actually lived in Samoa or New Zealand, and may award rights of citizenship where no other class of citizenship would be awarded in that category. So I would just ask the member, has this been considered? Is there any advice about any precedent that would set for other grandchildren around the world, and whether or not that is out of kilter with extant citizenship laws?

Secondly, and more broadly, they are very specific dates that were chosen, and they were chosen based entirely on the Privy Council decision that this all hangs off with *Falema'i Lesa* back in 1982. It is no mistake they were chosen, and we know that the 1924 date actually stems from 1914, 1921, and 1923 legislation—it's not just a date that was plucked as an arbitrary marker. The 1949 date comes from legislation started, obviously, in 1946, under Fraser and Savage. And if we were to now say, "Well, actually, those dates don't matter. Let's consider other dates.", whether it's 1962, or there's another one in the select committee report for descendants of that period where they could be born either side of 1962. If we were to say, "Actually, the dates from the original Privy Council ruling are not important.", what does that mean to the fundamental premise by which this bill comes? That is to say that this is a group of people who had specifically their citizenship removed by the 1982 legislation, and, in effect, the member in charge, in his initial comment, said this was about justice for those who were impacted by the 1982 bill. But that bill is very specific, cutting off at the end of 1948. So I just wonder as to what the thinking is there.

Specifically, as I read the select committee report—I'm on page 10—it talks about two specific things. Firstly, under "Concerns about citizenship rights", it says that options were considered which looked at all descendants of Samoans—both giving citizenship to all Samoans. Now, now we heard one view that that could be a hundred thousand, but of course it would ultimately be almost all 200,000-odd Samoan citizens. But, equally, another one was talking about just the descendants, and the overwhelming feedback we heard in submissions was about all descendants: it was never really cut off to 1962—it was all descendants that so many people argued for that stemmed from that original group. But it was always framed on descendants of the original group bound at that 1948 and the 1924 date. And the select committee said—I'm quoting from paragraph 2 of that section—"we consider that either of these options ... go beyond the intent of the bill ... The updated policy intent [for] the bill [as] provided to us by the Member in charge"—was very clear—"... that it 'would not create new rights to citizenship for descendants of those whose citizenship rights were removed.'" In other words, it was very tightly bound around these specific dates.

I understand the emotive argument of why some might like to look to other dates, but I would just ask, what does that mean to those from 1914-1924? I know that's a very small, marginal group, but why would we not acknowledge them? What about other descendants? Why would we cut it off at one place? I believe that the correct thing to do is to adhere to the member in charge's original intent—very clearly articulated—to bound it to those who were directly impacted by that 1982 legislation, which hangs off that Privy

Council ruling and very specific dates, grounded in four or five key pieces of legislation that span half a century. So my question to the member in charge is really about clause 10 in the bill and in the para that the implication to grandchildren of descendants that may have no connection to Samoa and New Zealand in a legal sense, and, secondly, about the broader intent this divergence could mean.

The other point I guess I would make, just to get this done in one go as other people have: I hear the contributions from across the House on the application of fees. It hasn't been pointed out, but, again, on page 12 of the select committee report, one of the drivers for setting that fee was to set the lowest one possible so that it wouldn't be the \$470 that it could have been otherwise. And I do support that the amendment from New Zealand First in that it adheres to this lower setting and it provides a mechanism to get a refund, but it avoids delaying justice for others by swamping the system—and, again, quoting from page 11 of the select committee report, “the financial sustainability of that application process.” being so important.

The last aspect I guess I'd like to ask the member about is really about the change from a repeal bill. In some ways, this this bill as it sits in now looks fundamentally completely different to the one that we saw at first reading, and I think for good reason.

Teanau Tuiono: It's got a better name, though.

TIM COSTLEY: It's got a great name. Look, I think it is a huge step forward, but there are a couple of points I would just like to raise. Obviously the select committee report sums it up—I think very nicely—where it talks about how the repeal of the 1982 Act would remove the pathway to citizenship that was agreed in 1982; it would impact the Treaty of Friendship. But the other point I wonder if the member has considered is just around section 32 of the Legislation Act, which says that when a bill is repealed, it doesn't change or remove the impact or the operational effect of that bill from the time that it was enforced. So actually repealing that bill—as I understand, but I'd like to hear the members view—would not actually restore citizenship, that there would be no further mechanism for those people to gain citizenship because we would not be introducing what we have today. And further, it would remove the path to citizenship that the 1982 piece of legislation made for all Samoans, not just those from the target dates 1924-1948, but for all Samoans to have that fast track: if they can reside here legally, they can apply for citizenship; they don't need to pass the English language test. It's something that we offer no other country and I think is very special. I wonder if there has been thought that's gone into that or that we should capture now.

The reason I ask some of these questions, although they may seem obvious to some, is that I foresee, like we heard from Mr Rutherford earlier, a time when this ultimately may be challenged, when, when other descendants might say, “Well, what about those that were born in”—I don't know—“1975? What about those born in 2024?” What is the impact on them? I think it is worth capturing now, because I don't know that we'll have time in the third debate to go into the technical details, what the intent is, the reason that we have stuck to these dates. And fundamentally I guess my other concern is if we were to change dates and things now, the Treaty of Friendship requires that the New Zealand Government consult with the Samoan Government on all matters of foreign affairs, citizenship. So if we were to change it, would this create a legislative issues—[*Bell rung*]
Mr Chair, very short to finish this point.

CHAIRPERSON (Greg O'Connor): Very short, Mr Costley.

TIM COSTLEY: Very short, Mr Chair. Would this create legislative issues where we would then have to pause the bill or discharge it so we could go back and renegotiate with the Samoan Government. So in conclusion, I'd like to hear from the member about clause 10, about the implication of grandchildren, about changing away from dates founded by

the Privy Council, about any implication of repeal from the Legislation Act, and, of course, our relationship with Samoa. Thank you.

TEANAU TUIONO (Green): Thank you, Mr Chair, and thank you for the varied and considered contribution from the member—and a point taken about the treaty of friendship. It is so incredibly important that we treat that with the respect that it deserves. To note that that requires—you know, the diplomacy relationship is incredibly, incredibly important. I guess the way that I looked at the hard repeal of the bill—and you will note that there is no amendments on the table reflecting that—and I think it was captured very well by Rachel Boyack in the second reading about the symbolic nature of doing a hard repeal; about saying, “Look, we had this and now it’s gone and it’s over there.”

In the select committee we did have a debate, and the Greens and Labour went one way and there was an opportunity for us to move the operative clauses, which are incredibly important, around the protocol and making sure that those pathways still exist into other parts of legislation. That would have been, as the member has canvassed, a lot more complicated, but nevertheless the symbolism would have still been quite notable and quite noted as well. But I take the point around—I think what all members have been saying—not trying to delay commencement. So I think the opportunity to actually look at a hard repeal, in this context and this scope of this bill, has passed. Hence that’s the reason why there was no Amendment Paper alleys from us on that particular perspective.

I can also agree with the member around my initial intention. As a first-term backbencher MP, when I kind of really got into the details of this—and I think we’ve all arrived there as a House—you find out about the history. At that time in this House, we were going through the Dawn Raids process and I had a number of people contacting me and, “Well, have you actually had a look at this?” and when you have a look at it, it’s an incredibly painful history. It’s incredibly heavy history. You have people who’ve had their citizenships removed. They were New Zealand citizens and they had their citizenship removed.

As a first-term backbencher MP, I was like, “Well, this is terrible. This is absolutely not right. This is not fair, it is unjust.” My motivation was, of course, to support those elders, and that’s the rationale why I put that undertone in. Acknowledging all the Samoans that I grew up—Fa’anānā Efeso Collins, Te Ao Pritchard, Lotu Fuli, and all of those people. I grew up with them and came from the same neighbourhoods, and it seemed to me to be something that was my job to do.

However, the beautiful thing, I think, about the select committee process is that you get submitters that come in. In this case, many submitters that—you more than me—had more expertise than me and were able to offer other perspectives, other things that I had not considered as well. Hence the move from myself to actually, “Let’s look at what descendants look like. Let’s look about what the actual number was.”

So my amendment and the rationale for change—and it was through that select committee process we had varying interpretations of who was captured within the group—I was considering a scenario where the 1982 Act had never been passed. Those descendants born prior to Samoa declaring independence would have been eligible for New Zealand citizenship. That’s why this Amendment Paper at this stage is a way to get fuller restorative justice, and I want to acknowledge my colleague and friend Ricardo Menéndez March, who put that succinctly for us.

I also support the reflections on the impact of the Privy Council. If you go through the history and if you go through this legislation, the Privy Council case was a reaction to what happened with the establishment of New Zealand citizenship in 1948 and all the history prior to that post - World War I from when Samoa went from a German colony into a New Zealand colony, and then the 1982 Act was a response to the Privy Council

case. Just in the same way that this now amendment bill is a response to the 1982 Act. I think I can agree with the member, but then also still on behalf of the community push for more. I think that's what I'm attempting to do today.

Also acknowledging the important contributions from around the committee of stuff outside of the scope of the bill in the select committee—which got unanimous support and those comments, I felt—was around the frustrations with the visa conditions. I take—just responding to Ricardo Menéndez March's comments—the frustration with the visa conditions, processing times. You have people that will apply for the quota and then they won't get it, the sometimes rigid way of trying to actually get the forms together, so on and so forth. That is incredibly frustrating for many Samoan communities, Samoan people who we have talked with. I hope that is a live issue for the Government; a live issue about what we can do about making it easier for people from the islands, people from Samoa, to come to Aotearoa New Zealand. Many of us have Samoan relatives, Samoan friends.

It is one of the most important relationships that we have in the House, and if the opportunities presented via my Amendment Papers don't move forward, there are other opportunities that I would like Government parties to consider outside of the scope of the bill around supporting better pathways for residency, better immigration settings, making sure that it's easier for people applying for the quota to be able to come to Aotearoa and, of course, better movement for Pacific peoples to allow them to spend time with their family, friends, and communities.

DEBBIE NGAREWA-PACKER (Co-Leader—Te Pāti Māori): Kia ora, thank you. First of all, I also want to join in

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

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This is indeed a really significant kaupapa. I acknowledge, and did at the first reading, all that it took to get here.

I have a couple of bases to discuss, and I want to start at history, in the bill commentary, and, specifically for Te Pāti Māori, the history and the significance of w'akapapa, from the perspective of w'akapapa and the perspective of Moana-nui-a-Kiwa, from the flow of the tide that connects us, not only in toto but the connection to us as tangata whenua and Samoa, in the moana and the whenua and the pito, and the tūhonohono of that—I guess, the basis of that and the fact that even though the history starts at a moment in time which actually doesn't acknowledge our relationship as a Pacifica: one ocean, one people, multiple waka. Had we been able to start the bill in that context, I think we would probably have landed very, very differently. So I want to, I guess, put to the House that, for Te Pāti Māori, while we acknowledge the history in a contemporary sense, for us as tangata whenua, there is a much longer history—thousands of years for us.

That then brings us to this point of eligibility—eligibility; sorry, I've been to the dentist—in the bill commentary. For us, the eligibility should, and will always in principle, be noted on the basis of our w'akapapa. So while we acknowledge the bill and the restrained aspect that it has, from our perspective, the bill should have been extended to all descendants, for all connections to the Pacific, as should every visa and everything else.

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

[Authorised translation to be inserted by the Hansard Office.]

That is a mahi for the future. We note that National—not this National today; National in the past; don't give me those eyes over there—created this drama. We support the whakaaro—

Hon Member: Have you read the history?

DEBBIE NGAREWA-PACKER: Well, Muldoon. We support the kōrero that the Green Party—Te Pāti Kākāriki—and Labour had, that the bill should have been extended to a different time zone and different year. In noting that, we also note that there was also discussion and moemoeā for the bill to be extended for the citizenship of all Samoans.

A couple of things also very quickly. The superannuation—had the model of us as Pacifica nations, and the w'akapapa and whanaungatanga, been acknowledged, we wouldn't be discussing the visa settings, and, absolutely, superannuation should have been realised for all as well. So we support Teanau's amendment scrapping the fee, acknowledging that there has since been one and acknowledging that the comments of my colleague beside me in Te Pāti Kākāriki.

From our perspective, I guess what we do want to discuss and make sure is that we are acknowledging that this is a very small part of what needs to be realised for those of us in the Pacific. It does make me wonder—and this is a concern—while we acknowledge the support that our whanaunga have, that we perhaps haven't met also the aspirations of the Samoan Government, which is to make sure that their citizens can go out and come in as readily and as easily. Again, had the Tiriti—and I mean the Tiriti o Waitangi—been respected, not the Treaty of Friendship that's been quoted a lot, we perhaps would have landed at a different spot. So I also want to acknowledge that that silence is perhaps because we've got a lot more to do.

So, on that note, I do also want to acknowledge that with the amendments that are being discussed at the moment, we will take the vote on and support Teanau's amendments and then see how this rests. Kia ora rā.

TEANAU TUIONO (Green): I just want to take this opportunity to respond to the comments from Debbie Ngarewa-Packer, co-leader of the Māori Party, and thank her for being one of the first responders—if I can put it that way—in being supportive of this bill. We were in Samoa celebrating that friendship as well, and I mentioned this to the member and she was very, very supportive right off the back. I think she understood that really important connection between tangata whenua and tangata moana, and having a whole lot of Māori-Samoan mokopuna probably would have helped, as well. I note that many Māori stop me in the street to say that they are very, very supportive of this bill and supportive of supporting our whanaunga, our aiga, in Samoa.

Hon JENNY SALESA (Labour—Panmure-Ōtāhuhu): Thank you so much, Madam Chair. Fa'afetai tele lava, talofa lava. I do want to begin by acknowledging the author of this bill, Teanau Tuiono, who's a friend, not only for having this bill drawn but for actually working with all of the political parties to ensure that we have the bill in its form today.

Can I also acknowledge former MP Arthur Anae, because Anae Arthur Anae has not only advocated for this bill this time around but in 2003 there was a petition with over 90,000 Samoan people that was presented here in Parliament, and I remember reading the history of what happened at the time, seeing the many, many thousands just outside of Parliament presenting their petition and basically arguing at the time that this is something that should be addressed: the fact that Samoans who were citizens—and the Privy Council had ruled that they were citizens of New Zealand—had their citizenship taken away from them, that it is something that the Government should have considered.

I do also want to acknowledge the chair of the Governance and Administration Committee, Rachel Boyack. I was one of those members who was fortunate enough to sit

in through some of these submissions, and I could see just how well Rachel Boyack was, in ensuring that we were respectful of all the submissions. There were so many emotional submissions, so many people that came with their families, their grandchildren, their children, and they cried. They cried in front of us as they were presenting. It was really obvious that they themselves were still traumatised. Even grandchildren who were not born at the time when the 1982 Act was passed were traumatised.

Can I at this time just say that I do have a conflict of interest because I am Samoan adjacent. I'm married to a Samoan, a very good Samoan man. We do have two Samoan daughters and our youngest daughter is Mae Salesa. She actually worked with Anae Arthur Anae and his group and even though she was 18, she actually had a petition. She got nearly 7,000—especially young people between the ages of 18 to 24—to sign the petition on behalf of their grandchildren. The reason why our daughter did this is because her own grandfather here Iremia Salesa, was one of those Samoans who lived in New Zealand at the time and his citizenship was removed from him. It was really quite emotional. I wasn't at the select committee where she presented; she presented in front of the select committee that Hon Carmel Sepuloni chaired, but I do know that there were a few tears shed when she was presenting. She presented not on her behalf, but on behalf of the close to 7,000 young people, and they were basically asking “Can the New Zealand Government review the citizenship Act? Can we implement measures to offer legal pathways to those who are affected, and can we also look at engaging with the Samoan community?”

It is, of course, the engaging with the Samoan community one of the things that the Governance and Administration Committee did so well. Again, I want to acknowledge not just Rachel Boyack, but all the members of the Governance and Administration Committee. I do want to also acknowledge and thank every single political party in this House because it is not often that we have a private member's bill where we have unanimous support, and this is one of those bills.

Not only do we have unanimous support, but this is a bill that will actually give justice, actually has real meaning to a whole lot of people, to thousands and thousands of people. On this note, I do want to reiterate to the words of Rachel Boyack who said that Labour is in support of Teanau Tuiono's Amendment Paper 140; the amendment that there should be no fee for an application for grant of citizenship under this new Act.

I say this because, inclusive of GST, NZ\$204 may not be that much to us who live in New Zealand. Can I, can I please remind this House of Parliament in Aotearoa New Zealand that we're talking about between 76- to 100-year-old Samoans, many of whom still live in Samoa, and NZ\$204 is way more in Samoan dollars and it will be a huge cost for them. We are talking about a unique measure where we're trying to give redress to a wrong and not just this wrong. Can I just refer to the Governance and Administration Committee's report where they do have some of the things that happened during that time when New Zealand administered and controlled Samoa from 1914 to 1962, and just a few things: in November 1918, passengers from a New Zealand passenger ship carrying the Spanish flu were allowed to disembark in Apia, Samoa with no quarantine measures. The effect of that basically saw close to 25 percent of Samoa's total population at that time—over 8,500 Samoans—die. They were killed.

Many of the people that were killed that were inclusive of this number were parliamentarians, so the leaders of the country at the time, the leaders of the country. If you can imagine that many of our parliamentarians dying from something that could have been prevented and this was done under our administration and it was one of our ships.

Another: on 28 December 1929, the events known as Black Saturday when New Zealand police fired into a crowd of Mau supporters. Eleven Samoans were killed on that

day and including Tupua Tamasese Lealofi III, one of the leaders of Samoa at the time; he passed away. Now the Prime Minister at that time, the Rt Hon Helen Clark has apologized to the Samoan people for that event. But then there was the Dawn Raids, and then there was this bill in 1982 which basically stripped citizenship that was rightfully—you know, Samoans actually were New Zealand citizens according to the Privy Council.

We are saying in this bill—and I'm really grateful that it is unanimously supported in this House—yes, we will restore the citizenship for you; you have to first of all apply, which is also a barrier for some of these 76- to 100-year-old Samoans who are not so good on the internet. They will have to get someone to write that application for them, and in addition, pay for the restoration of this justice. So my appeal to my Government members: please do consider supporting Amendment Paper 140 by Teanau Tuiono. Fa'afetai tele lava, manuia le aso.

TEANAU TUIONO (Green): Thank you, Madam Chair. I just wanted to quickly respond to the Hon Jenny Salesa and thank her for her advocacy on this bill. I know that she has been quietly, in her way, talking with members and talking with Ministers to try to get that shared understanding, and so the consensus that we achieved on the second reading was in no small part due to her work.

I actually was in the select committee room with a number of us when the Hon Jenny Salesa's daughter gave a submission, and it was powerful—it was powerful. It was very emotive and many of our young people were emotive, and I think I saw a few hardened National Party members actually shed a few tears, as well.

So I think it's important for us to acknowledge the role of young people—and I acknowledge the role of Esmee and her work—and I saw that right across the country, as well. For me, it shows that our future is bright for Pasifika peoples. There are strong, capable hands and strong, capable minds that are following in our footsteps.

CAMERON BREWER (National—Upper Harbour): Madam Chair, thank you. I want to start off by acknowledging the sponsor of this member's bill, Teanau Tuiono, and the work that he's put in it and the ability that he's shown to work across the aisle with all parties across this House here in support of this. However, the sponsor did make the comment when he presented these Amendment Papers that if you don't ask, you don't get, which is fair enough. But I also put to you on these Amendment Papers: be careful what you wish for.

We as a select committee—and I ask the committee and the wider public to take our word across the House, as has been reinforced, that we have looked at this in an exhaustive manner. The report back from the select committee repeatedly and explicitly, Mr Costley, puts out that cohort from 1924 to 1 January 1949. That wasn't just something that we kind of went around the room and worked out what dates should be eligible. That was something that as Mr Costley has said, the Privy Council hung its hat on.

There was a comment earlier by Te Pāti Māori that it was all about Mr Muldoon. Well, let's also remember as we go into these Amendment Papers and whether we support them or not that this was a unanimous decision made across the House in 1982 after the Privy Council decision, effectively for those Samoans in New Zealand to be able to get citizenship and those elsewhere not. Unanimous as in Bill Rowling's Labour Party and unanimous as in Bruce Beetham's Social Credit. So I know there's one man in this House, a former Prime Minister, that seems to leave a long tail in this House, but at the end of the day it was a unanimous decision.

That cohort was one that we looked at carefully. We got Ministry of Foreign Affairs and Trade (MFAT) officials in, we got Ministry for Pacific Peoples, we had Department of Internal Affairs (DIA) officials, we had academics through with the submission process, and we had a lot of submissions too that we saw, both in Wellington and in

Auckland too. So we didn't arrive at these decisions quickly. It took from about 10 April that we had the first reading, which the National Party didn't support, as is well known, because we had some genuine concerns. So as my colleague Tom Rutherford said, we worked collectively and effectively across the political aisle to see if we could come to some compromise and something workable. Frankly, 10 previous Prime Ministers couldn't, and five previous Governments—three being Labour, two being National—didn't. So let's not look at this any other way than it being a progressive day for New Zealand as far as our ability to do something that no Parliament in New Zealand has done to honour the commitment that the Privy Council gave back in 1982 that was revoked unanimously by the New Zealand Parliament.

So with that in mind, we cannot support expanding the cohort because of all the reasons that the Privy Council gave as to those effective dates and the report back and how, again, our intent of this select committee and, effectively, this House is very, very clear. In fact, if you look through the report back, I think it's mentioned 10 or 12 times as to who's eligible, with even a very helpful question and answer and different scenarios. So we cannot support Teanau Tuiono's expansion of the cohort for those reasons.

As far as no fees, we cannot support that because we had DIA officials in panicking, talking about their cost recovery model suggesting—

CHAIRPERSON (Barbara Kuriger): Cameron Brewer.

CAMERON BREWER: Thank you, if I can have an extension. Thank you, Madam Chair—talking about their cost recovery model. Suggesting, I think, a number was \$450, and we landed at that \$204, including GST. But one thing that hasn't been mentioned is that for those that withdraw their application before initial processing is complete—Tom Rutherford, it's two-thirds?

Tom Rutherford: Yep.

CAMERON BREWER: I think from memory it's \$136.30—about two-thirds. So if they come in and think that they could be eligible, or their descendants that nana and poppa could be eligible, and they have a quick look and it's not, then they'll get their money back. DIA will not be grabbing the money off them and holding on to it tightly regardless of eligibility.

Again, we have made clear on page 12 of the report back that if potential applicants who think they're eligible withdraw their application before that initial processing was complete, then the funding would be given back to them—the payment that they made, two-thirds of it, \$136. So again, we looked at that as a committee, we listened to the DIA. I think Mr Costley's already said: the pressure that if there was a no-fee structure would put on the DIA—and we know when there's a no-fee structure that that does often see a lot of people putting their hands up to see if they're genuinely eligible and not. But if there is an ability to have a fee structure with a partial refund, people will check out their eligibility a bit more before they put their application in.

In saying that, we're very happy to support New Zealand First member Andy Foster's amendment. That is, "The fee must be refunded to the applicant if their application is approved." On balance of it, we think that that is in the spirit of a restoration and in the spirit of reconciliation that that offer should be put out there.

Frankly, in the big scheme of things, looking at the financial impacts and that, it's not a big impost on the State. That is somewhere I think my good friend Arthur Anae over here, who's been, as Jenny Salesa said, a strong advocate since 1905 on this—just kidding! Since probably 1982 at least, and brought that petition in 2003. Arthur, I hope you can see at committee stage that that is another win by this committee of the whole, and in turn in the third reading, whenever we get to that, that the fee as the Government MPs agree to, must be refunded—that \$204. Jenny Salesa made the point that that is a lot

of money, particularly if you're converting from Samoan dollars to New Zealand dollars. So we're not disputing that, but we agree to the amendment that the fee be refunded if the application is approved.

So on the balance of it, certainly happy to support that amendment by Mr Foster. But given the work and commitment and exploration and interrogation by the likes of Tom Rutherford, Tim Costley, Andy Foster, and of course led on the other side by Rachel Boyack, we believe that we, over six or seven months, have gone through this—man oh man we've gone through this every week and looked at it. So landing with a refund of fees for successful applicants is, I think, a good win out of this committee of the whole, and it's great news that the Government MPs are supporting that.

On the amendment, not repeal, I suppose that has been canvassed too as to why we the committee were keen to support the amendment and not the wholesale repeal, which would have had implications on the Treaty of Friendship. I'd like to put the question to the member as to if he's comfortable now—

CHAIRPERSON (Barbara Kuriger): I'll grant you another call, but in the interests of—I saw Tim Costley get granted an extra little piece before, but can we keep this next piece short? Thank you.

CAMERON BREWER: OK. I just want to get some comfort from the sponsoring MP as to whether he's comfortable—after listening to all that official advice from MFAT and the implications on the Treaty of Friendship—with it being an amendment bill, not the wholesale repeal bill that his initial bill proposed. Thank you.

TEANAU TUIONO (Green): Thank you, Madam Chair, and thank you for the very considered contribution from Cameron Brewer. He can rest assured that I am comfortable. I guess for me the opportunity to do a hard repeal was at the second reading stage. As we've noted previously, justice delayed is justice denied, so helping to move that forward is important, I think, and there has been a lot of symbolism that we've had over the last few months, as well. Losing the battle to win something else is, I think, probably how I'd try to phrase it, so there is definitely comfort.

I think the Governance and Administration Committee itself gave it a better name, as well. It was quite long.

Tom Rutherford: Oh, I haven't got to the title yet.

TEANAU TUIONO: We haven't got to the title yet; there might be some other contributions. But—

Cameron Brewer: Some suggestions.

TEANAU TUIONO: Just a suggestion, yeah. So I'm comfortable the title that we've got, as well. Thank you.

TANGI UTIKERE (Labour—Palmerston North): Fa'afetai tele lava, Madam Chair. Can I also congratulate the member again for progressing this bill. I don't intend to take a full call. My colleagues have identified our support for Amendment Papers 139 and 140. I do want to thank Dr Parmjeet Parmar for her contributions this evening. I think she's right. She's indicated that the select committee process is by far more important than the committee of the whole House process, which I think is a reason why we should listen to the overwhelming request from submitters to ensure that this is accessible, that there is no fee, and that there are no barriers. So I do hope that some of the Government parties will come on board with that.

My question to the member is really around the importance of communications. This was raised in the second reading and through the committee—that it will be really, really important for Immigration New Zealand, for the Ministry for Pacific Peoples, or the Ministry of Foreign Affairs and Trade to ensure that there are comms channels in terms of what is appropriate, what is not, who is eligible, who is not. Whether he believes that

the focus in that particular space is a way in which any concerns about a huge number of ineligible applicants, basically, flooding the system—that that won't be the case—is that the basis upon which he believes that not just rectifying this historical wrong but also the fact that if there are strong communications—that it would make the no fee for an application that much easier as well, because we're not talking about a huge amount of cost?

TEANAU TUIONO (Green): Just quickly, to Mr Tangi Utikere, I think that is exactly right. If you craft your communications in a way that people understand and in the language that they understand, and make things incredibly clear—and, you know, I would encourage all Government departments to be able to do that—then that mitigates any people that in this case were applying for citizenship who might not meet the specific requirements. I note also that this is something that's had very strong contributions made by Lemauga Lydia Sosene, who helped to guide us in terms of Samoan communities and those perspectives as well. I just want to put on record my support for the sentiments of Mr Tangi Utikere and, of course, the contributions made by Lemauga Lydia Sosene.

JAMES MEAGER (National—Rangitata): Thank you, Madam Chair. It's a real pleasure to make a contribution. I had the privilege of subbing in for Tim Costley on the committee when it was being ably chaired by Rachel Boyack, and I took a number of lessons in how to chair a collegial and well-functioning committee at that point. So congratulations to the work of the Governance and Administration Committee in bringing the bill to this point.

When I was substituting onto that committee we were considering the issue of the fee, and I do understand the member has his amendment to remove the application fee. I recall at the time raising the question to officials as to whether or not the fee that they had originally set would actually keep pace with the cost of processing those applications. Because, as a now former member of the Regulations Review Committee, we would often get fees brought to us that had had significant jumps because they hadn't changed in 10 or 15 years. We asked the officials there when was the last time those citizenship fees had changed, and it had been a while. I recall raising the issue of, well, given that the fees are being set in legislation this time—to direct what the regulation should be—in future they will be set by Ministers, and there would be an issue if we came to a point where there were a significant number of applications, to the point where the cost recovery needed to increase.

And what happens with the fairness aspect of a fee being increased by a Minister to take account of that, that would then disadvantage those who were unable to get an application in earlier, so perhaps those who were more distant or had to wait a while to gather the resources together—and we heard the honourable member Jenny Salesa talk about some of the cost positions—and whether or not there are some safeguards to be put in place to make sure that fees aren't significantly hiked one or two years after the process comes into place, at which point some of those who had taken longer to get their application together would be disadvantaged compared to those who were able to get their application in earlier. In essence, you'd be advantaging those with the resources and means now, and disadvantaging those who may not be able to do so as quickly—it might be those who are in slightly poorer communities or with fewer connections or who don't have the resources or capacity to put the applications in place.

So I had a question to the member about whether there were reflections on that, about whether there is anything in the bill or anything that could be done or signals that could be sent to Ministers who would be considering fees and requests to increase the fees for cost recovery purposes, to make sure that that inequity or that unfairness wasn't played

out and to make sure that you can protect those individuals who might take longer to make these applications in the future.

That was really my only question for the member. I wanted to commend him for the work done on the bill. Obviously, with the support around the House, you can see what can happen at a select committee when strong arguments are made and compromise can be reached.

TOM RUTHERFORD (National—Bay of Plenty): Thank you very much, Madam Chair. While we're on the topic of fees, raised by my colleague James Meager and raised previously by my other colleague Cameron Brewer, I do want to ask the member around—he's got a particular Amendment Paper on the Table around withdrawing the application fee from the get-go. Will he be supporting the Amendment Paper in the name of Andy Foster if his Amendment Paper is not to be successful?

So will he be supporting Mr Foster's amendment which says that the clause clarifies that the application fee for grant of citizenship under Section 7A will be refunded to the applicant upon successful application rather than no fee being set at the get-go? I'd just like to ask the member that question.

TEANAU TUIONO (Green): Thank you to the member, and—thank you to both members, James Meager as well. You have sent the signal to the Government Ministers as well; they can redo it at the secondary legislation, so well done. And to answer to Tom Rutherford: yes. And I want to thank, again, the member Andy Foster for a very considered Amendment Paper.

CHAIRPERSON (Barbara Kuriger): The question is that—

Tim Costley: Madam Chair?

CHAIRPERSON (Barbara Kuriger): Sorry, too late—I've started voting. The question is that Teanau Tuiono's amendments set out on Amendment Paper 139 be agreed to.

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

Ayes 55

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 6.

Noes 68

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

Amendments not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Teanau Tuiono's amendment set out on Amendment Paper 140 be agreed to.

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

Ayes 55

New Zealand Labour 34; Green Party of Aotearoa New Zealand 15; Te Pāti Māori 6.

Noes 68

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

Amendment not agreed to.

CHAIRPERSON (Barbara Kuriger): The question is that Andy Foster's tabled amendment to clause 15 be agreed to.

Amendment agreed to.

Parts 1 and 2 and clauses 1 and 2 as amended agreed to.

Bill to be reported with amendment.

House resumed.

CHAIRPERSON (Barbara Kuriger): Mr Speaker, the committee has considered the Citizenship (Western Samoa) (Restoration) Amendment Bill and reports it with amendment. I move, *That the report be adopted.*

Motion agreed to.

Report adopted.

ASSISTANT SPEAKER (Greg O'Connor): The House is now suspended until 7.30 p.m. Congratulations, Mr Tuiono.

Sitting suspended from 6.02 p.m. to 7.30 p.m.

CORRECTIONS (VICTIM PROTECTION) AMENDMENT BILL

Second Reading

Debate resumed from 23 October.

ASSISTANT SPEAKER (Greg O'Connor): The House is resumed. Members, we're on the second reading of the Corrections (Victim Protection) Amendment Bill.

CAMERON BREWER (National—Upper Harbour): Thank you, Mr Speaker. It gives me great pleasure to be able to support the second reading of our good colleague Rima Nakhle's member's bill here, the Corrections (Victim Protection) Amendment Bill.

Tom Rutherford: Call her Tina Turner!

CAMERON BREWER: In short, just to recap, Tom Rutherford, because it has been a week or two, this bill would amend the Corrections Act by creating an obligation on the chief executive and prison managers to protect victims from unwanted contact.

Frankly, this is the right sponsor for the right bill; it's one of those scenarios, because there's no stronger advocate for victims than Rima Nakhle. The Nakhle family have got a great reputation in South Auckland for the support that your in-laws have given, the likes of Sir Barry Curtis, in basically building Manukau City, in Takanini. Rima and Roger live in the heart of Takanini. They've also got considerable experience with transitional and emergency housing. So we salute you, Rima. Not only are you a Western Sydney University lawyer, a Sydneysider that's over here, but you've got that on-the-ground experience as well. So it's great that you've been able to pick up this bill and develop it further.

As we've said, and I think it's a favourite term of James Meager's—is he here? James Meager—can't comment, but it codifies what the Corrections management CEO and others are expected to do in the protection of victims. As you're seeing here, we looked at it as to how effective it would be and whether it was doable across those 26,000 people doing services in the community—community service—26,000; 9,500 serving custodial sentences, 26,000 in the community on community-based sentences, orders, or parole. Corrections said that will be difficult—that will be difficult to maintain, to protect those victims all the time from the correspondence and phone calls, unwanted correspondence and phone calls, from prisoners. But Ms Nakhle, as is reported in the report-back, requested, and she made it explicit—she made it explicit—that the relevant agencies continue to monitor the safeguards available to serve the protection of victims where offenders are serving community-based sentences, orders, and parole. So she's codified—through you, Mr Speaker, the sponsor, Rima Nakhle, MP for Takanini, has codified that