



Fellow Practitioner Special Edition Plumbers Gasfitters and Drainlayers Amendment Bill Dated 3 April 2013

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Further comment

Tariana Turia



“We in the Māori Party have been very keen to learn the ropes—mahia te mahi. We understand the importance of the rules. We know that it is expected of us if we are to be the best representatives we can be for our constituency. The best is to act with honesty and integrity and to uphold the notion of collective responsibility—that we must all take ownership of

The Plumbers Gasfitters and Drainlayers Amendment Bill

This is not the first Validation Bill to go before Parliament and it won't be the last. These comments, from Parliamentary debates (Hansard) related to the Appropriation (Parliamentary Expenditure Validation) Bill. They provide some real food for thought.

If you base the votes on honesty, integrity and standing by your word, then these people should vote AGAINST the Plumbers Gasfitters and Drainlayers Amendment Bill.

Phil Heatly



“This retrospective legislation will make legal what is illegal, so Dr Cullen thinks he can walk out of this Chamber whiter than snow. But it is not working, because Dr Cullen, Helen Clark, and the Labour Party have already been tried in the court of public opinion and found wanting”.

Hon Maurice Williamson: “Guilty!”

Phil Heatly: “They are guilty in the court of public opinion—absolutely found wanting”.

Maurice Williamson



“I am delighted to be able to take a call in this debate because I think the Labour members have been missing one very important point. Actually, they have been missing the truth the whole way through, but here is the key point. They are claiming they did not know. They are claiming they went along with the rules the way they were. They thought it was OK and now it has all turned to custard”.

“Actually, that is not right. The Chief Electoral Officer, David Henry, both phoned and wrote to the Labour Party several weeks before the last election and said that if it went ahead with the pledge card, doing it on the leader's budget would make the spending illegal—although I do not think David Henry was too fussed about that side of it—and it would be accountable expenditure. He told Labour very clearly not to do it. So when Labour members come into this House, shedding

our performance, our practice, and our behaviours. Collective ownership—the ability to think of the good of the team, over and above the individual impact—brings with it additional obligations and responsibilities”.

“But respect does not flow on as a consequence of prescriptive rules; it follows from the proper exercise of responsibility—of kaitiakitanga. The high standards we follow in working within the legal freedom of an MP’s role must be balanced by the application of common sense”

“We need to pay forward with consistent moral standards, upholding best practice, and abiding by the rules in pursuit of kotahitanga. We also need to value the capacity of the public service to deliver free and frank advice, and we should demonstrate the maturity to consider the advice in the spirit in which it is given. The Māori Party wants to be part of a Parliament that New Zealanders can indeed look at with admiration, so that they can tell us that they prize and respect our democracy and the values that underpin it. At this time of such turmoil and disrepute, we need to invest in a Parliament that can, once again, earn back the respect of the people whom we are elected to represent—a Parliament not for politicians or for the public purse but a Parliament for the people, doing the job in the best way we can”.

all the crocodile tears they can and saying they did not know it was wrong, as it is how the rules have always been, why do they not mention David Henry’s letter? David Henry has gone. I would not be surprised if Kevin Brady were not around for much longer, either. Labour will get rid of anybody who stands in its way. But that is what David Henry said. I challenge the Minister in the chair, Dr Cullen, to say whether that letter existed and whether that was what Labour was told. There is not a mutter, not a murmur, not a whisper”.

“So Labour members should not come into Chamber shedding crocodile tears and saying they did not know. They did know, and they went ahead and did it anyway. They stole the election. They became the illegitimate Government of this country, and now, like some Horn of Africa flight lieutenant who has taken over a country, they have decided to pass some legislation to legitimise their illegitimacy. It is absolutely unbelievable. It is unprecedented in the history of this country”.

(Comment from the guy with the ute, the cellphone and the dog – this is golden, just golden).

Dr Nick Smith



“But what is even more serious is why this Government chooses to break two of the most basic principles on which our democracy is founded. If we go all the way back to the Magna Carta, we see that there are two important principles.

The first of those is that no one is above the law. But these Labour Government members say that they are above the law. If they break the law they say they will just pass a bill to fix it up. The second important principle of the Magna Carta is the issue of public money not belonging to the king—one cannot help oneself to money unlawfully. This Government has torn up those two fundamental principles of our society, and it has made this country look like a joke.”

Tau Henare



“It is a con, that is what it is. This bill should be called “The Sting Bill”, “The Con Bill”, or the “Cover Your Tracks Bill”, because that is what it is all about. There is nothing in here that needs to be done today—nothing at all. We

should be able to sit here for 6 months talking about how we are going to improve the system, because systems always need to be improved, and that is what they say this will do, but it will not”.

“When Helen Clark does things wrong, she does two things: she blames other people and says a law will be made that says that we did not do anything wrong. I know that, because clause 5 states: “To the extent that any expenditure under Vote

Simon Power



“The most important thing about Mr Finlayson’s amendment to this part is that it essentially requires that before validation can occur, repayment must have been made”.

Jacqui Dean



“I turn to the Appropriation (Parliamentary Expenditure Validation) Bill, which we are debating today, and I ask who it is designed to benefit. Is it designed to benefit, as those other bills are, the people of New Zealand? No, it is not. Of course it is not. It is designed to benefit the Government of the day. There is the difference. This bill is designed purely to get the Government out of a very, very tight spot, and I do not buy a single, solitary word of it”.

Parliamentary Service was outside the scope of an appropriation or was not made in relation to an appropriation,—(a) the expenditure is validated;”. What does “validated” mean? It means that before being validated, it was illegal and unlawful. Those members stole; they are corrupt. This is all about making right what they did wrong. But in whose eyes? It is in the eyes of the members of the Labour Party caucus, because people out on the streets, when they have been reading about this in the newspapers and watching television, are saying around the fire: “Mum, I think they’re a pack of crooks.”, or, “Dad, I think those guys have taken us for a ride.” That is what this bill is all about”

“I say that, come the next election, this item will be the major item. It will be about honesty, it will be about credibility, and it will be about reliability. The fact of the matter is that if Labour members took the time to read my colleague’s amendment, and I hope they have, they would see that if we had something like this in law, we would make real and significant progress. It would make people think before they go and spend what is not theirs, and then try to get away with it by bringing in legislation—“

Gerry Brownlee: “What’s it called?”

Hon TAU HENARE: “I do not know what it is called. In my language, I call it theft”.

Chester Burrows



“The only problem with sitting here and watching these events unfold today is that faeces splatter. Every one of us, in time, will recount the process that we have been going through over these days and hours as we sit in this Chamber now. Some of us may recount this process over a glass of whisky, and some of the really honourable members may recount it in black and white print as they write and publish memoirs.

But every one of us will have to recall this process, because what is happening here today is a salient point in the history of this country”

“It will be interesting, too, to note members’ various responses to this process. I will be able to stand, sit, or whatever and say: “Yep, I was there. I remember the day.” I will be able to say I voted against this legislation. Other people sitting around the Chamber today will have various explanations as to their part in this seedy business, as well. Dr Cullen will be able to say: “Yep, I was there, and it was my idea. I moved the bill.” I wonder how that will be received by those who are listening to him. Maybe his grandchildren, when they are talking to him in years to come, will ask him why he moved the bill. He will have to fess up and say: “Because we were in the poo.”

“I rise to speak to the title and commencement clauses of the Appropriation (Parliamentary Expenditure Validation) Bill. It surprises me that the term “money-laundering” is not in there, because that is exactly what is going on here. Here is money

Colin King



“I would like to consider the purpose clause in Part 1. It is quite interesting when we look at a reasonable definition of the word “purpose”. It is the reason for which anything is done, created, or exists. So that is a fair definition of the purpose clause. I would also like to draw members’ attention to the definition of validation. A fair meaning of validation is to give legal force for the purpose of confirming an action. What we are talking about here is making an illegal act legal”.

“In Part 1 we are talking about validation, in a bill that will try to make straight something that was terribly wrong. There is a proverbial saying, that once something has been made crooked, it cannot be made straight”.

Past MPs Stated:

Dr Wayne Mapp



“So what are we seeing here today? We are seeing a Government shoving this

that has been unlawfully appropriated and we are putting it right by passing this legislation today—I am expecting it will be passed, given the voting record of those who have shown their flag earlier in the day, and no doubt it will happen again.”

“Let us look at ways other people appropriate money—in the Crimes Act, for instance. There used to be a crime called theft by misappropriation. That was when people were given money for a certain purpose and they used it to do something else. That was a misappropriation. Well, some people would say if we are given money to complete our duties as members of Parliament and we use it for something else—campaigning, maybe—that is theft by misappropriation. There was another crime called theft as a servant. That was where someone employed by an organisation or a person used money, without authorisation, to do something else that was not in line with the immediate task. In 2002, the Crimes Amendment Bill renamed this to “theft by a person in position of trust”. I think that pretty clearly defines what has been going on here.”

Gerry Brownlee



“So there are two things. There is the issue of whether they should pay it back and whether they should pay interest to the taxpayer. The answer is yes. There are thousands of New Zealanders today who are a day or two behind on their tax payments, and they will pay interest on that. They will pay penalty interest at a high rate. If Labour were to pay penalty interest today on the 14 months it has had this money available to it, it would add another \$150,000 to its bill, topping a million dollars robbed off the taxpayer. I simply ask the Labour members why they cannot treat themselves the way they treat other New Zealanders.”

“We have been told that without this legislation today parliamentarians are virtually shut down and cannot operate. Dr Cullen gave the ridiculous example of members of a party in here being told by the Parliamentary Service that they cannot send out Christmas cards this year. The absurdity is that if they chose to send a stamped letter to each of their constituents, there would be no problem. If they chose to put “Merry Christmas” on that letter somewhere, that would be no problem. But Dr Cullen asserts that sending out a card—something that in the corporate world is quite normal, and MPs will find that out through their letterboxes in the coming weeks—is outside the law. Utter rubbish! Dr Cullen would also make an argument that everyone in this House today will have to ask the Parliamentary Service whether it is OK to travel home at its expense tomorrow. Let me tell Dr Cullen that members of Parliament, properly elected, have rights and we are not about to trade those rights away to make their very big wrong seem a little bit less than it is”.

“But Labour members do not want that because they think that over the passage of time this legislation will be forgotten, and if anybody brings up the pledge card, they will say: “Oh, no, no, go and have a look, it was legal.”, because that is what this

bill through in urgency with no consultation with the public, and using a cynical manipulation of parliamentary procedures to put through retrospective legislation validating its thievery at the election. I find that abhorrent”.

“I have amendments to Part 2, and they relate to saving and allowing the courts to hear the case of Darnton v Clark filed earlier this year. What is Mr Darnton seeking? He is seeking the fundamental right of all citizens to hold the Government to account. We do not do that just through elections. As citizens, we also want to know whether Governments and parliamentarians are lawful—whether they obey the law.”

“That is one of the fundamental checks in our democracy, and there is no more powerful a case on that than Fitzgerald v Muldoon when, back in 1975, the Government of the day sought to overturn superannuation by a non-legislative procedure”.

“Surely that is a fundamental right of citizens in holding the Government to account. So what does the Government say? The Government is saying: “No, we don’t want the courts to judge our actions. We’re going to pretend”—because that is what we are actually doing today; let us not fool the public here—“that what was unlawful is now lawful, as if it never happened.” I find that reprehensible, because Western democracies—countries we model ourselves on—are, we say, countries of laws. Our actions are judged by independent courts. But in

legislation does. It lets them off the hook, and it also is a misuse of Parliament. It is an abuse of the trust that we have as parliamentarians sent here to be leaders in the country, and it is a reason why New Zealanders are turning away from the Labour Party in their droves.”

“If we are going to have a Government that says the ends justify the means, then we are giving away all of our democratic rights and we are allowing Helen Clark to establish herself as some sort of potentate dictator, which is totally unacceptable in a country like this”.

Christopher Finlayson



“Litigation rights should be preserved”.

“This legislation is an abuse of parliamentary sovereignty, and I venture to suggest that it is so odious that were Lord Cooke still sitting in the Court of Appeal today, he would be sorely tempted to pick up the words he said in Taylor v New Zealand Poultry Board and have it struck down, because it is an affront to democracy and it is an affront to the rule of law”.

“My third objection is that the bill is odious. It does not comply with fundamental common law principles. In 2003 the Legislation Advisory Committee republished its guidelines on good legislation. Part 1 of section 2 asks a very important question: does the legislation in question comply with fundamental common law principles? Let us look at some of those principles. Does this bill satisfy the principle that the citizen is entitled to have access to the courts? Well, no, it does not. It will remove litigation rights in the Darnton case—and this is even before the litigation has been heard in the High Court. Secondly, there is the principle that everyone exercising public authority must act legally, reasonably, and honestly. This legislation grants one standard for the Labour Party and a much stricter standard for members of the public”.

“So there we have it: there is one rule for the Labour Party and another for the public, who are held to much higher standards. It is no wonder that this place is held in such low esteem”.

“The Government’s actions have been opposed throughout all stages of this bill by the National Party, the Māori Party, and ACT. That opposition continues through this third reading. National will fail to prevent the passage of the bill this afternoon, but we will succeed in the end. I can assure the House that I, for one, and, I am sure, my National colleagues, will be zealous to ensure that any party that has not repaid any unauthorised expenditure will be held to account—perhaps not this afternoon, but one day, for sure. I can promise those people that justice will prevail”.

this case the Government says no. It is going to reduce this country to the level of a Third World democracy, where courts are routinely browbeaten by the lawmakers of the day, and that is, of course, what this legislation does. The Government is saying to the courts and to the citizens that their rights do not matter. It is saying that it has absolute power and will use it ruthlessly to its own end. Well, I say to Mr Deputy Prime Minister that the public will judge it harshly for that”.

“This will be the last debate in the Committee stage. It is a shame, is it not, that this Government, using its majority, is ruthlessly putting through validating legislation. Government members seem to think that this legislation is absolutely vital for the health of the nation and, indeed, for the lawfulness of this Government. What arrant nonsense that is, I have to say”.

Sandra Goudie



“There is absolutely no way that the majority of the New Zealand public will see this legislation as being anything other than a con job. The New Zealand public are not silly. They know what is going on here. They know that the legislation is designed to get members of the Government, the Labour Party, and Helen Clark off the hook.”

Bill English



away with it. So what will happen next election?”

“I want to move to a probably more disturbing issue, which has not been canvassed extensively in this debate—that is, what happens now? Let us say that this legislation is passed. It does not alter a fact of history, which is that a Government—in this case, the Labour Government—overspent in its election campaign by half a million dollars, and possibly more, and got

The Final Word

“Mr Harawira, in his excellent second reading speech, commented that all members of Parliament are privileged men and women. Those in public life have been given much by the people of New Zealand. But of those to whom much is given, much is expected, and at the end of our time in this place, whether we are to be regarded as successful or as failures depends on whether we are seen as people who have integrity—on whether we are people who are seen to be dedicated to serving the public good and the interests of all New Zealanders. This legislation does not serve the public good. It does not serve New Zealand’s interests.”

It amazes us that the Minister of Building and Construction is going to the extent of changing laws to provide cover for an incompetent Board and CEO that did not even approach the industry as recommended by the Ombudsman to reach a resolution to the situation.

Isn't this the same Board that said they valued transparency, honesty and creditability and wanted to work with the industry going forward? Instead this Board has not approached industry as the Ombudsman suggested they should, but have put all their efforts into working hand in glove with the Minister to avoid paying that which they took illegally from us.

The industry is wanting change, to become more productive, but are trapped in a time warp where the systems of the last decade, that have been proved to be a failure, are being adapted - putting band aids on a gushing wound.

The industry is stuck with a Board so full of itself that wasting time and money doesn't come into the equation - as long as they look good, clip the ticket that we are paying for – then the rest can be put down to collateral damage.