

ACC Changes to Sexual Abuse Counselling - Questions for oral answer

Family/Whānau Violence—Preventative Initiatives

24th November 2009

[Advance Copy - Subject to minor change before inclusion in Bound Volume.]

9. HEKIA PARATA (National) to the Minister for Social Development and Employment: What is the Government doing to prevent violence within families and whānau?

Hon PAULA BENNETT (Minister for Social Development and Employment) : Today is White Ribbon Day. I am sure that I join with the rest of the House in our stand against family violence, particularly against women. This is an opportunity for all New Zealanders to stand up and show that they will not be standing for that sort of family violence. This morning, the Minister of Women's Affairs and members of the Families Commission joined with the police at the Wellington Railway Station to hand out white ribbons. I can say that it was a fantastic response from the New Zealand public.

Hekia Parata: What steps is the Government taking to reduce family violence?

Hon PAULA BENNETT: Much work has been done to raise awareness of family violence over many years. We have to look only at the increased reporting to see that New Zealanders know that it is not OK. But we are past talking about it; now we need to be doing what we can do, what the Government can do, what the community needs to do, and what families can do to stop violence. Minister Turia is focusing her efforts on the doing.

Sue Moroney: Why, then, has the Minister allowed her Government to increase the trauma of sexual violence by making it harder for victims of sexual abuse to get help through accident compensation, with 111 people having dropped out of the system already across New Zealand?

Hon PAULA BENNETT: As the House well knows, those matters are complex. Those decisions are made by clinicians, not by politicians, and that is exactly how it should be.

Sue Moroney: I seek leave of the House to table a document. It is the answer to written question—

Mr SPEAKER: Is this the answer to a recent written question?

Sue Moroney: Yes, and it demonstrates—

Mr SPEAKER: The House already has that information. The member will resume her seat immediately. Why did the member continue to make that statement to the House when I was on my feet? In what way was that assisting the order of the House? The member was seeking to abuse the position. I will not tolerate that in the future.

Hon Dr Nick Smith: I seek leave to table the statement by the Royal New Zealand College of General Practitioners welcoming the changes that the Accident Compensation Corporation has made in respect of sensitive claims.

Mr SPEAKER: Is this a press release?

Hon Dr Nick Smith: It is a statement by the Royal New Zealand College of General Practitioners. It is not a document that would otherwise be generally available to members, and given the debate there has been on this issue—

Mr SPEAKER: I will take the member's word for that. Leave is sought to table this document. Is there any objection? There is no objection.

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

Sue Moroney: I raise a point of order, Mr Speaker. I am unclear whether leave was sought for my document.

Mr SPEAKER: I am not seeking leave for that, because that information is readily available to the House. The House has answers to written questions.

Ministers - Confidence

29th October 2009

Hon ANNETTE KING (Deputy Leader—Labour) to the **Prime Minister:** Does he have confidence in all his Ministers?

Hon BILL ENGLISH (Acting Prime Minister) : Yes. They are talented people who are working hard for New Zealand.

Hon Annette King: Why would he have confidence in the Minister for ACC, who told this House yesterday that under Labour's 2001 Act sexual abuse claimants had to show a mental illness to be eligible for support from the Accident Compensation Corporation (ACC) when in fact the Act states "mental injury"; and is it not disturbing to have a Minister who either is prepared to mislead the public or does not know the difference between mental illness and mental injury?

Hon BILL ENGLISH: Yes, the Prime Minister does have confidence in the Minister for ACC. He is dealing with probably the biggest mess that the previous Government left, and he is showing admirable progress in the face of very complex and challenging issues.

Hon Annette King: What confidence can he have in the Minister for ACC, who continues to refuse to listen to experienced health professionals who are telling him that the approach ACC is taking to sexual abuse victims is unethical and, according to the Association of Psychotherapists, requires people who have been raped or sexually abused to be diagnosed as "mad" before they can receive help?

Hon BILL ENGLISH: I think the association is probably just getting carried away there. [*Interruption*] Well, that is a fairly old-fashioned kind of diagnosis, actually. But Opposition members cannot have it both ways. One day they are accusing the Minister of meddling in the affairs of ACC and in clinical decision-making, and the next day they are accusing the Minister of not stepping in to override clinical advice that he has been given.

Hon Annette King: Has the Minister for ACC informed him that up to 75 percent of the professional health workforce undertaking sexual abuse diagnosis for ACC may no longer be permitted to diagnose victims; and has he explained what impact that will have on victims who are waiting to receive help?

Hon BILL ENGLISH: It is not automatically the case that everything that has been said about this issue has been accurate. The ACC board has moved to make sure that the practices of the accident compensation scheme are consistent with the law passed by the previous Labour Government. Plenty of vigorous discussion is going on between ACC and the providers over whether the scheme does comply with the law. But the board has no choice but to make sure that the scheme complies with the law that Annette King's Government passed.

Hon Annette King: Is he aware that many counsellors who are currently undertaking accident compensation counselling work are refusing to implement the Minister for ACC's unethical guidelines;

and will he step in to require the Minister to reach agreement with clinicians before he implements the new system, rather than treating the victims of sexual abuse as guinea pigs in his experiment?

Hon BILL ENGLISH: The member's sincerity would be a bit more obvious if she did not try to make political capital out of this.

Hon Annette King: I raise a point of order, Mr Speaker. I take exception to that comment. These questions were put down in good faith and in honesty. He implied that I do not care about this issue, and I take exception to that.

Mr SPEAKER: I hear the honourable member. I make the point that the primary question that was put down did not indicate where the questioning may go. It asked whether he has confidence in all his Ministers. However, that being said, I accept the point of order the honourable member made. The Minister, in answering the question, should not in any way question the integrity of the questioner.

Hon BILL ENGLISH: As the member well knows, the guidelines are not the Minister's guidelines. They are ACC's guidelines, and they were formed on the basis of expert, clinical advice. The fact that the member calls them "the Minister's guidelines" tells us she is politically motivated over this issue when she should be trying to solve what is a serious and complex issue.

Lynne Pillay: As victims of crime are a priority for this Government, has the Minister for ACC informed him of what will happen to victims of sexual abuse and rape who do not want to be re-victimised by having to retell their horrific stories over and over, to qualify for counselling?

Hon BILL ENGLISH: The Minister for ACC does keep the Prime Minister informed about the consequences of policy decisions. Some of those decisions are made by the Government and some of them are made by the ACC board, but any clinical decisions are made on the basis of expert clinical advice.

Lynne Pillay: Is he aware that the new guidelines, which the Minister for ACC is supporting, will mean that despite the police, health professionals, and local sexual abuse experts supporting a victim, that a victim's right to accident compensation counselling can be denied by an official in Wellington who has not even met the person; if so, will he require the Minister to reconsider his policy?

Hon BILL ENGLISH: I am a bit surprised that the member raises that issue. It has always been the case with the accident compensation scheme—including during the 9 years under the previous Labour Government—that officials somewhere deny coverage for something that is not actually covered by accident compensation.

Hone Harawira: Does he have confidence in the Attorney-General and in the Minister of Māori Affairs to lead the repeal of the previous Labour Government's oppressive and discriminatory Foreshore and Seabed Act 2004?

Hon BILL ENGLISH: The Prime Minister does have confidence in the Attorney-General and the Minister of Māori Affairs on this particular issue. The National Government has listened very carefully to the case the Māori Party has put, and it has also listened to the many iwi around the country who were not listened to by Labour.

Rahui Katene: Does the Prime Minister agree that in working together the Attorney-General and Minister of Māori Affairs are demonstrating the willingness of the Crown to enter into respectful and mana-enhancing Treaty relationships with iwi and hapū, and does this give substance to the articles in the nation's founding document—te Tiriti o Waitangi?

Hon BILL ENGLISH: The answer to that is yes. But, of course, discussions about mana-enhancing policy do not always mean agreement. I have to say that the constructive tension that sometimes exists around that is much better than the bad blood that Labour obviously feels from seeing the Government work with the Māori Party successfully.

John Boscawen: What confidence can the Prime Minister possibly have in his own Minister of Finance, under whose status-quo projections New Zealand will owe over 200 percent of GDP by 2050; and why will he not agree to cutting wasteful Government expenditure and increasing competition in health and welfare to avoid this economic catastrophe?

Hon BILL ENGLISH: In the first place, the projections are based on no policy change. But, of course, the Government is making policy in those areas and is working with the member's party, which, of course, has more robust views than National does about competition in health and education. But we can learn something from his party, and I am sure that he can learn something from us.

Accident Compensation—Sensitive Claims and Sexual Abuse Victims

27th October 2009

LYNNE PILLAY (Labour) to the Minister for ACC: Is he satisfied new sexual abuse clinical guidelines will not further injure sexual abuse victims?

Hon Dr NICK SMITH (Minister for ACC) : Yes, because the guidelines have been put together by skilled clinicians. I have noted members' concern, and I have invited MPs to a briefing by Dr Peter Jansen, senior medical adviser in the clinical services directorate of the Accident Compensation Corporation (ACC), to brief members on the care that ACC is taking in the sensitive claims area. I am surprised that the member who has raised these questions has not accepted my invitation to be briefed by those clinicians.

Lynne Pillay: Does the Minister realise that the majority of the 4,000 petitioners calling for a halt to the new guidelines are the professionals who provide counselling, including the researchers who took part in the Massey guidelines upon which it is claimed the new ACC sensitive claims process is based?

Hon Dr NICK SMITH: I have been hesitant to interfere in what is clinical best practice. I acknowledge that there has been some professional debate between the view of counsellors and psychotherapists, and the view of psychiatrists and psychologists. I acknowledge that difference, but, as a politician, I simply say that we should be hesitant to interfere in clinical decisions.

Michael Woodhouse: What trend has there been since 2000 in the acceptance rates by ACC of sensitive claims?

Hon Dr NICK SMITH: It is very interesting, given all the noise that has come from the Opposition, that 5 percent of sensitive claims were declined in 2000, but this figure grew in every single year that Labour was in Government, to the point where 40.5 percent of sensitive claims were declined last year. In fact, last year, 2,378 sensitive claims were rejected by the previous Government. These facts show how the Opposition has crudely used this sensitive issue for political gain.

Lynne Pillay: Can the Minister explain the blowout in the number of pending claims and the rising proportion of declined claims with regard to the sensitive claims unit—for example, in Auckland in December 2008, of 114 claims, fewer than four were awaiting a decision, and in August 2009, of 110 claims, 103 are awaiting a decision?

Hon Dr NICK SMITH: I would note that during the period from 2000 to 2008, when that member was a member of the previous Government, the number of claims that were declined grew from 5 percent to 40 percent—an eightfold increase. That is why I ask members opposite to please not make politics out of people who are the victims of sexual abuse.

Lynne Pillay: I raise a point of order, Mr Speaker. My question was very, very specific. The Minister has made no attempt whatsoever to answer it.

Mr SPEAKER: The dilemma I have with the member's question relates to the fact that she made a very major assertion in her question. If I recollect correctly, she cited figures relating to certain cases in front of ACC that were waiting to be decided in a certain year compared with cases in another year. Strictly speaking, members cannot make that kind of assertion when they ask questions, because members are meant to ask a question. They could ask the Minister whether the figures are correct. But to make the bulk of the question an assertion like that leaves me with little opportunity to be able to ask the Minister to give any particular kind of answer, because the Minister can, if he chooses to, just dispute the figures. I do not see how I can assist the member on this occasion. I will briefly hear the member further.

Lynne Pillay: I raise a point of order, Mr Speaker. I think you may be able to assist me. I was seeking to table a response to my written question from the Minister—

Mr SPEAKER: Is the member seeking leave to table a document?

Lynne Pillay: Yes. I can quote from the document.

Mr SPEAKER: Hang on a moment. I just want to find something out. If the member is now seeking leave to table a document, I need to know what the document is.

Lynne Pillay: It is a response from the Minister to a written question, showing that the increases—

Mr SPEAKER: We get to the same difficulty. There are plenty of Speakers' rulings that make it very clear that answers to questions for written answer are outside the kind of material that should be tabled in this House, because they are already available to all members. I presume the member wishes to seek leave to table this document to make a political point. That is not the purpose of seeking leave to table a document. The purpose is to provide information for the House that the House does not have available to it. In this case the House has that information available to it, unless the question was lodged several years ago and it was something particularly unusual. But if it was lodged in the last few months, it clearly is totally outside the Standing Orders.

Lynne Pillay: I raise a point of order, Mr Speaker. I am sorry. I may not have been clear. What I want to table is the exact figures that I have just asked in my question.

Mr SPEAKER: Forgive me. If the figures are from an answer to a written question, I will not put the seeking of leave to table that document, because it absolutely wastes the time of Parliament. Parliament has that information. If the figures are from a different source, I apologise to the member, and I will be very happy to put the leave. But if they are from information that has been provided through an answer to a written question, I will not take the time of the House for that. The House has that information. There is no way it can be within the Standing Orders to seek leave to table material that the House already has available to it.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. First of all, I say "ibid." to my previous comments as to your moving the rulings without the support of the Standing Orders Committee. I think there is an additional point in this particular case. You said you would not follow up on the question because of a lack of authentication. Now, I am a realist. I do not expect you to follow every question for written answer or to keep all those facts and figures in your head. But the figures are before the House—

Mr SPEAKER: The member will resume his seat, because he cannot use a point of order to debate that. If Ms Pillay wants to go back to the Standing Orders, she will see that I could have ruled the question out. A member cannot ask a question in that manner. The member can ask the Minister about the figures on cases and the decisions that are waiting to be made on them in a certain year and a certain other year. It is fine to ask that question, but to make an allegation of information into a question is not the purpose of question time. If the member is looking puzzled, I suggest that she reads the relevant Standing Order. It is not very difficult. It spells it out very clearly. Now, I do not normally enforce that Standing Order, because it wastes too much time of the House to do so. Where I will draw the line is where members seek leave to table documents that are answers to written

questions. Members have that information. If the member is seeking leave to table information that members already have, that is out of order. That is clearly out of order, and that is why I am not putting the seeking of leave.

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

Mr SPEAKER: I have made a decision on the matter. If the member wishes to challenge me, there will be consequences, but I will hear the Hon Trevor Mallard.

Hon Trevor Mallard: I can understand that you will not be happy, but I want to take you back through your argument. You ruled something out for not being authenticated. My submission to you—

Mr SPEAKER: I will not listen to—*[Interruption]* The member will resume his seat right now. Supplementary questions do not require authentication, because they are meant to ask questions. They should not inject new material. I do not think I can put it in any more simple words than that. The Standing Orders require supplementary questions to ask questions. They should not inject new material at all. We do allow them, but when members put in new material, they cannot object when Ministers do not answer the question in the way members might wish. Arguing that material that might be before the House—*[Interruption]* I can hear that the member is muttering, which he should not be doing. Arguing that material has been provided by way of written question is still no excuse for seeking to inject material into a supplementary question that is not in front of the House either as part of an answer that a Minister has given to previous supplementary questions, or contained in the original question, because the original question has been authenticated. When members seek to inject new information by way of a supplementary question, I allow it, because I do not want to be ruling members out, but members cannot be too precise about the way Ministers handle such questions. I apologise to the member, but I will not permit leave being sought to table an answer to a written question when the House has that information. That is the end of the matter.

Lynne Pillay: Given that National MPs Nicky Wagner and Michael Woodhouse have today committed on the Minister's behalf to listen to clinicians' concerns, will he now delay the implementation of the guidelines due to come into effect today?

Hon Dr NICK SMITH: I have made it plain to this House that I am satisfied that ACC is using the best of clinical expertise in the development of policy in this sensitive area, and that I as a politician do not intend to interfere in clinical decisions.

Michael Woodhouse: What steps has the Minister taken to reassure New Zealanders that the clinical decisions in this area are in the best interests of those who have been victims of sexual abuse?

Hon Dr NICK SMITH: I acknowledge the concern from a number of genuine professionals around the sensitive claims area and the changes being made to the scheme. For that reason I have asked ACC to consider an independent clinical review of the new policy. I am pleased to advise the House that ACC has agreed to do that, and it will be done in 6 months' time, to ensure that what is being done in this area is putting to the forefront the needs of those people who have been victims of sexual abuse.

Lynne Pillay: I seek leave to table the copy of the petition to delay the implementation of changes to the accident compensation sensitive claims schemes, signed by 3,973 petitioners, as presented to National MPs today.

Hon Dr NICK SMITH: I raise a point of order, Mr Speaker. I seek clarification. There is a normal process for dealing with petitions that are tabled by the Clerk's Office, which is in respect of every petition that is presented to this House. It seems to be a strange mechanism for us to be asserting that through the mechanism of tabling a document. I want clarification as to whether the process that member is adopting will usurp the normal process for dealing with a petition before the House.

Mr SPEAKER: Before I take this matter any further, I will seek advice from the Clerk as to whether this document has already been tabled in the House. We are not aware that this petition has been tabled.

Lynne Pillay: This petition is not to the House of Representatives, but to the Minister for ACC, Dr Nick Smith.

Mr SPEAKER: I understand. The member has sought leave to table this document. This is a genuine document. It is a petition. Leave is sought to table it. Is there any objection to that course of action? There is no objection.

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

Hon Dr NICK SMITH: I seek leave to table the official figures from ACC showing that the percentage of claims that have been declined has grown from 5 percent in 2000 to 40 percent in 2008.

Mr SPEAKER: Leave is sought to table that document. Is there any objection? There is no objection.

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

Hon Trevor Mallard: I raise a point of order, Mr Speaker. When you ask members about documents they wish to table, I ask that you are consistent and that you ask Ministers as well as members on this side of the House as to whether documents are already publicly available. That document apparently was.

Mr SPEAKER: I do not need an argument on this matter. I say to members that where Ministers seek leave to be helpful by tabling official documents, or documents from officials, I believe that is helpful to the House. Now if a mistake is made and a document may already have been made public or tabled, members can object. It is perfectly within their right to object. But I believe that the whole process to table documents is to make more information available to members of this House. In respect of official documents, members normally go to a great deal of effort to try to require them under the Official Information Act. I thought it would have been helpful for members, where leave is sought, to provide those documents without that hassle.

Accident Compensation—Counselling

20th October 2009

[Volume:658;Page:7172]

5. RAHUI KATENE (Māori Party—Te Tai Tonga) to the Minister for ACC: What evidence does he have that victims of sexual abuse suffer from clinical mental disorders; and why is he insisting that victims of sexual abuse will have to be diagnosed with a clinical mental disorder from the American *Diagnostic and Statistical Manual*, version four, before their claims for ACC-funded counselling are accepted?

Hon Dr NICK SMITH (Minister for ACC) : The law requires that the Accident Compensation Corporation (ACC) can only accept sensitive claims from those diagnosed with a mental injury. This Government has made no changes, nor does it intend to make any changes in this regard. The changes that are raising controversy in this area arise from the implementation of new clinical guidelines based on comprehensive research from Massey University on the right care for sensitive claimants. I remain of the view that clinicians and not politicians should decide on appropriate treatments.

Rahui Katene: What was his response to the 200 protestors who marched on Parliament yesterday stating that the added stigma of a mental disorder would put off people seeking help; and what support will be available for sexual abuse victims who will require counselling that is not related to clinical mental disorders?

Hon Dr NICK SMITH: I would say to them, as I would say to all members of the House, that they should read the Injury Prevention, Rehabilitation, and Compensation Act, which requires a mental

injury to have occurred for there to be a valid claim. I quote section 27, which states: "Mental injury means a clinically significant behavioural, cognitive, or psychological dysfunction." [Interruption] Members opposite say that that is wrong; that is the law that stood in place for the entire time of the Act that they passed in 2001.

Lynne Pillay: What does the Minister say to the hundreds of counsellors who marched in the streets yesterday who say the new accident compensation guidelines are not best practice; is he saying that they are not qualified and not expert?

Hon Dr NICK SMITH: Firstly, I can say, as the Minister, that this Government has made no decisions in respect of dealing with sensitive claims. The changes arise from a piece of work by Massey University that occurred under the previous Government. The decisions have been made by clinicians on the basis of what is thought to be the best standard of practice, and as a Minister I am very hesitant to overrule the decisions of skilled clinicians.

Rahui Katene: What response does he have to the situation described in today's *New Zealand Herald* by an Auckland mother of three, who states that the psychiatric test set to be imposed on sexual abuse victims as a requirement for ACC support almost killed her?

Hon Dr NICK SMITH: I note that the person referred to was actually assessed last year under the previous Government. This reinforces the fact that the legal test for a valid claim has not changed. I have confidence that psychiatrists can professionally do their assessments without putting people's lives at risk. I stress again that we as politicians should leave clinical decisions to clinicians.

Accident Compensation—Child Sexual Abuse Victims

20th October 2009

[Volume:658;Page:7310]

4. Hon ANNETTE KING (Deputy Leader—Labour) to the Minister for ACC: What protocols and procedures, if any, are in place within ACC for children who have been sexually abused?

Hon Dr NICK SMITH (Minister for ACC) : The Accident Compensation Corporation (ACC) has protocols and procedures in place to refer cases to the Department of Child, Youth and Family Services. It has a dedicated child specialist in the Sensitive Claims Unit, and the corporation endeavours to ensure that it has access to expert clinicians with the required specialist skills to deal with those who have suffered from child sex abuse.

Hon Annette King: Is he aware that since July 2009 his instructions to ACC have led to well over 420 sexual abuse cases being held up—an increase of over 500 percent—as ACC waits for the new assessment tool to come into effect, and that 24 counsellors in his own electorate say they will stop doing accident compensation counselling because the changes will actually harm their clients; and how many counsellors around New Zealand will be available to do accident compensation work?

Hon Dr NICK SMITH: There are many questions within the member's supplementary question. I will answer just a couple of those. Firstly, I have given absolutely no instructions to ACC, except to say that this is a very sensitive area in which I have no expectations of savings, and that decisions need to be made based on what is in people's best clinical interests. Secondly, I met with 18 of those counsellors in my own area at the weekend, and had a very constructive meeting with them.

Hon Annette King: If he believes politicians should listen to clinicians when it comes to assessment of sexual abuse claims for accident compensation, as he states, why does he not take his own advice and listen to the New Zealand Psychological Society and the New Zealand Association of Child and Adolescent Psychotherapists who have written to him saying that ACC has misinterpreted the Massey guidelines to justify reduced treatment, and the new assessment tool is clinically unsound and not best clinical practice?

Hon Dr NICK SMITH: The first point I make is that the law in this area was passed in 2001 by the members opposite, and that it makes it absolutely plain that for people to be eligible for accident compensation they need to have suffered a mental injury. The second point I will make is that the decisions made by ACC have been led by a group of very skilled clinicians, including psychiatrists and psychologists, and, in my view, the group is making decisions that are in the best interests of those who have suffered abuse.

Hon Annette King: When he said last week there had been no change to clinical guidelines to date for the counselling of people who had been sexually abused, why did he not tell the public that the new assessment tool, which starts being used next week, is the reason many cases have been deferred and declined, including the case of the two little boys in Taranaki who were injured and sexually abused, and had their counselling stopped by ACC; and can he not see that the veracity of his statements is causing concern and confusion to very vulnerable people?

Hon Dr NICK SMITH: In respect of the individual case that the member has raised, the decisions in that case were made by a clinical psychologist. I, as Minister, will not override decisions made by clinicians. As I pointed out earlier in the week, as a consequence of representations from the MP for New Plymouth, counselling is being provided for that child, quite appropriately, through Child, Youth and Family.

Accident Compensation—Counselling

20th October 2009

[Volume:658;Page:7318]

12. LYNNE PILLAY (Labour) to the Minister for ACC: Does he stand by his statement last Thursday that “In respect of the member’s claims that people in Wellington are making decisions about such counselling, I assure the member that those decisions are being made by properly qualified psychiatrists and others who have the clinical skills to make them”?

Hon Dr NICK SMITH (Minister for ACC) : Yes, I do. The Accident Compensation Corporation (ACC) has registered health professionals, including psychiatrists and clinical psychologists, and that includes a wide range of health disciplines, including counsellors, psychotherapists, and psychologists who are on contracted peer review. All those clinicians are supported by the clinical directorate at the ACC.

Lynne Pillay: Is it still the case that the victims of sexual abuse are suffering from extensive delays in having their claims processed by the ACC, and how is this clinically acceptable?

Hon Dr NICK SMITH: The system by which people make claims is that they receive four counselling sessions, without any questions being asked. The counsellor then lodges an application with the ACC. It is reviewed by proper clinical specialists, and decisions are made from there. I think that the major difficulty, and where this issue has caused controversy, is that the legislation requires that in order for a person’s ACC claim to be valid, he or she has to meet the provision passed into law in 2001 by the previous Government that requires a mental injury to have been sustained.

Lynne Pillay: I raise a point of order, Mr Speaker. I do not think that the Minister has addressed the question. The question was quite specific. It was about the extensive delays that victims of sexual assault are suffering at the moment. He has not addressed that question.

Mr SPEAKER: I think, in fairness to the Minister, that the way that the Minister answered the question was by giving a very full answer, explaining how the process worked. In doing so I believe that he was actually disputing the assertion that the member made.

Lynne Pillay: Why is the Minister ignoring clinical advice that the guidelines that his Government is introducing next week are not clinical best practice and may potentially harm those who need counselling?

Hon Dr NICK SMITH: Far from ignoring clinical advice, the new guidelines for treatment arise from a study that was done at Massey University, and they have been approved by the clinical directorate of the ACC. I have no intention of overriding the ACC's clinicians in making decisions about what is appropriate for these very sensitive claims.

Lynne Pillay: Will the Minister instruct the ACC to reconsider imposing these guidelines, which have been described as clinically unsafe by the New Zealand Association of Psychotherapists, the Association of Counsellors, the Christian Counsellors Association, and the Association of Social Workers, or are the clinical skills of those people irrelevant?

Hon Dr NICK SMITH: I think that at the core of this issue is a professional tension between counsellors, psychotherapists and psychologists, and psychiatrists. If we read the Massey University study, we see that the changes that the ACC has made in this area are strongly supported by the research done at Massey University by some of the most highly skilled clinicians in this area.

Accident Compensation—Counselling

15th October 2009

[Volume:658;Page:7085]

4. LYNNE PILLAY (Labour) to the Minister for ACC: Does he agree ACC should tighten procedures to limit access to counselling for those injured through serious crime?

Hon Dr NICK SMITH (Minister for ACC) : The Government is not making any changes to the accident compensation legislation in respect of when people get counselling for sensitive claims arising from crime. The issue here is best practice. A substantive research project initiated and concluded during the last Government by Massey University recommended new guidelines to ensure better service for clients. The Accident Compensation Corporation (ACC) is implementing those changes, and I am very reluctant to interfere in decisions on clinical best practice in this area, or, frankly, any other.

Lynne Pillay: Why, then, did two young boys from Taranaki, who were sodomised and thrown out of a window, and whose case for counselling was supported by their counsellor and the police, have to resort to their stories being told in the media because ACC had declined the counselling they so clearly needed, in order to have someone from the Government listen?

Hon Dr NICK SMITH: The member for New Plymouth raised that specific and sensitive case with me—

Hon Annette King: Belatedly.

Hon Dr NICK SMITH: —actually, before the Opposition did, and raised it publicly. I have asked ACC officials to look into the specifics of the case. I ask the member and others in the House not to substitute themselves for clinical psychologists who appropriately make the judgment of whether people are eligible for accident compensation, and judge the appropriateness of the particular counselling or other care that is provided.

Lynne Pillay: Does this Taranaki example show that victims of horrendous sexual crimes now have to tell their terrible and personal stories publicly in order for them to get the help they need, and will he now guarantee that ACC will fund the counselling?

Hon Dr NICK SMITH: I think it is important for the House to note that there has been no change in the clinical guidelines, to date.

Hon Annette King: Oh yes, there has.

Hon Dr NICK SMITH: No, there has not. I have just answered a large number of written questions on this matter, and the answers show that the number of cases that have been turned down in recent months is no different from what it was a year ago—no different, according to those statistics. So I say to the member opposite that this case, tragic as it is, cannot be a consequence of any changes in practice, because those changes have not yet been made.

Sandra Goudie: Has the Minister or his associate Minister at any time since his appointment asked ACC to make savings in the area of counselling?

Hon Dr NICK SMITH: No, I have not. The changes regarding counselling for sensitive claims were well under way before my appointment. My only direction to ACC is to be cautious in this sensitive area, because I do recognise how vulnerable victims of sexual abuse are.

I seek leave of the House to table *Sexual Abuse and Mental Injury: Practice Guidelines for Aotearoa New Zealand*, dated March 2008.

Mr SPEAKER: Leave is sought to table that document. [*Interruption*] Order! The seeking of leave is being dealt with. Members need only reflect on who was interjecting while that was happening. Leave is sought. Is there any objection to that course of action? There is no objection.

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

Lynne Pillay: Why has the Minister claimed that decisions to limit counselling are clinical decisions, when the decision to cancel and decline counselling for people who have been raped and molested is being made by people in Wellington who have never met, or even spoken with, these victims and who are simply rubber-stamping cost-cutting initiatives being put in place by this Government?

Hon Dr NICK SMITH: The first thing I would point out, for the member, is that in the example she has given, and arising from the representations that have been made by the member for New Plymouth, Child, Youth and Family has appropriately decided to fund counselling for the boys who are affected. In respect of the member's claims that people in Wellington are making decisions about such counselling, I assure the member that those decisions are being made by properly qualified psychiatrists and others who have the clinical skills to make them.

Hon David Parker: I raise a point of order, Mr Speaker. Given that the Government does not have numbers for the reduction in scope—

Mr SPEAKER: I am listening for the point of order and there is nothing—

Hon David Parker: I seek leave to table—

Mr SPEAKER: I am on my feet. There is nothing that I can perceive to do with the order of the House that has anything to do with Government numbers for anything. I ask the member to come to his point of order.

Hon David Parker: I seek leave for my member's bill, the Injury Prevention, Rehabilitation and Compensation (Change of Date for Full Funding) Amendment Bill, which extends by 5 years the deadline for funding of the accident compensation tail, to be put on the Order Paper.

Mr SPEAKER: Leave is sought for that member's bill to be put on the Order Paper. Is there any objection to that course of action? There is objection.

Hon Lianne Dalziel: I seek leave to table the document that ACC prepared showing its new guidelines for victims of sexual violence, which do not bear resemblance—

Mr SPEAKER: Leave is sought to table a further ACC document on guidelines. Is there any objection to that course of action? There is objection.

Hon Trevor Mallard: In light of the Minister's reply to the last supplementary question—that Child, Youth and Family is funding counselling for young boys—what is the system now for counselling older, female rape victims?

Hon Dr NICK SMITH: A member asked a specific question about a case in New Plymouth that had been drawn to my attention by the member for New Plymouth, and I appropriately drew to the House's attention the fact that counselling has been provided by Child, Youth and Family. In respect of ACC's support for victims of sexual abuse, ACC will continue to provide support as per the clinical guidelines that were developed during the time of the previous Government, of which that member was part—and they were launched by the Hon Steve Maharey, I would note.

Accident Compensation—Proposed Legislative Changes

13th October 2009

[Volume:658;Page:6924]

7. Hon DAVID PARKER (Labour) to the Minister for ACC: Does he agree with the reported statement from the Prime Minister which says “the public needed to tell the Government how much they wanted to pay in increased levies, compared with an extension of the scheme”?

Hon Dr NICK SMITH (Minister for ACC) : Yes. I am advised by the Accident Compensation Corporation (ACC) board that increases in levies of the order of 50 percent or more would be required to fully fund the scheme, based on the current law and entitlements. Such levy increases are not tenable for families or businesses, so we are going to make changes to the law, to the regulations, and to the operations of the accident compensation scheme to make it affordable. There will be public consultation on the levies and on the legislative changes to entitlements.

Hon David Parker: Why should New Zealanders have faith in that promised consultation process when restrictions on access to counselling for victims of serious sexual crimes, cuts to orthopaedic surgery, and cuts to home-based care are already being implemented in advance of any such consultation?

Hon Dr NICK SMITH: The consultation process on the sensitive claims in respect of counselling actually started over 2 years ago and was launched by Steve Maharey as a member in the previous Government. In respect of the changes in surgery, I would note that the amount of surgery funded by the accident compensation scheme being provided this year is higher than last year. The Government is committed to consulting with New Zealanders openly and honestly about the very difficult balance that we need to make between levy costs and in terms of entitlements.

Michael Woodhouse: What response does he have to the claim by Labour Party President, Andrew Little, that the board's financial statements are false, that Mr John Judge's statements about ACC's financial difficulties are misleading, and that changes to the scheme are not required?

Hon Dr NICK SMITH: I would firstly note that ACC's books last year, under Council of Trade Unions President Ross Wilson and the previous Labour Government, showed a loss of \$2.4 billion. ACC's claimed liabilities this year were calculated by PricewaterhouseCoopers, the same actuaries as for the year before. The numbers were then checked by the Department of Labour's actuaries, Finity Consultants Pty Ltd. I also note that the \$23.8 billion liability and the \$4.8 billion loss have been signed off by the Auditor-General. Is Labour now telling the House that it distrusts PricewaterhouseCoopers and Finity Consultants, and also rejects the view of the Auditor-General? The real problem for the Labour Party is that it mismanaged ACC, that it is in a serious financial pickle, and this Government is trying to get it on to a sustainable financial path.

Hon David Parker: Does the Minister agree that cutting accident compensation entitlements and the scope of cover does not magically make those costs disappear but, rather, passes them to injured

New Zealanders and to the health system, and in some cases in the future, to the criminal justice system?

Hon Dr NICK SMITH: Can I give the example of physiotherapists, where the previous Government made it free. It was not free. It resulted in a fivefold increase in the cost of physiotherapy. The point the member seems to miss is this: if physiotherapists are free—

Hon Ruth Dyson: It's the same cost. Who paid it?

Hon Dr NICK SMITH: Ruth Dyson is the member who put it in place, and it was a mess. Ruth Dyson said that the physiotherapy changes were going to cost \$10 million; they cost \$100 million. Officials have advised me that there is absolutely no record to show there has been any improvement in the rehabilitation rates as a consequence. The simple answer, I say to Mr Parker, is that when there is a part charge it is my expectation that the growth rate in the use of physiotherapists will drop off.

Hon David Parker: What steps has ACC taken to reduce home support costs for seriously injured New Zealanders, as was reported in the *Dominion Post* last week, and how does he reconcile that step already taken, with John Key's promise to have a transparent conversation with New Zealanders before significantly reducing cover?

Hon Dr NICK SMITH: I think New Zealanders do understand that when ACC has made a loss of \$4.8 billion in the last year, when its liabilities that are unfunded in just 4 years have grown by \$13 billion, any responsible Government would be taking a more disciplined approach to its spending. Let me be very plain. Under the last Government, ACC's costs were growing at five times the rate of inflation. This Government does not believe that that is financially sustainable.

Hon David Parker: I seek leave to table a transcript of an interview between John Key and Larry Williams where Mr Key says that there needs to be a conversation with New Zealanders before cutting—

Mr SPEAKER: What date is this?

Hon David Parker: It is dated yesterday, I think—12 October.

Mr SPEAKER: A radio transcript, is it?

Hon David Parker: Yes, a transcript of a radio interview.

Mr SPEAKER: Leave is sought to table a radio transcript of 12 October. Is there any objection to that document being tabled? There is none.

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

Safety in the Home Campaign—Accident and Injury Data

8th September 2009

[Volume:657;Page:6027]

5. Dr JACKIE BLUE (National) on behalf of **MICHAEL WOODHOUSE (National)** to the **Minister for ACC:** What accident and injury data has led the Accident Compensation Corporation this week to run a high-profile campaign on improving safety in the home?

Hon Dr NICK SMITH (Minister for ACC): There are two worrying trends in home injury data. First, 573 New Zealanders died in accidents in the home last year. That is more than the 375 killed in road accidents and the 123 killed in workplace accidents combined. The campaign is intended to raise

awareness of home injuries, because public discussion tends to focus on those accidents on the road and in the workplace. The second worrying trend is the 36 percent increase in the last 2 years in the cost of people injured in the home, which now exceeds \$640 million per year.

Dr Jackie Blue: What are the implications of these sharp increases in accident compensation costs for accidents in the home for the Accident Compensation Corporation (ACC) and for levy payers?

Hon Dr NICK SMITH: Home accidents are paid through the earners levy, which is currently \$1.70 per \$100 of earnings. This increase and other increases across the scheme are putting huge pressure on the current levy. Although we can push out the full funding date to try to constrain levy increases in the work and motor vehicle accounts, that has very little effect on the earners account. Earners levy increases are inevitable, but the Government is doing everything possible to try to constrain costs. The campaign we are running is part of a broad strategy to better manage the scheme's costs.

Hon David Parker: How can the victims of sexual abuse receiving treatment through the scheme have any confidence that the Government is properly looking after their interests, given the conflicting statements made last sitting week, when, firstly, the Hon Pansy Wong confirmed on 25 August that there were new clinical guidelines—saying, indeed, this is a new guideline—and a day later the Hon Nick Smith said that no final decisions have yet been made?

Hon Dr NICK SMITH: I am surprised by the linkage the member makes between home injuries and the issue of sexual offending.

Hon David Parker: Where does most sexual abuse occur?

Hon Dr NICK SMITH: Well, they are different categories, and properly so. It is a sensitive area. The Government has said that the clinical guidelines for dealing with such sensitive claims will be addressed by clinicians, not by politicians.

Hon David Parker: How can the Minister maintain his assertion that no final decisions have been made, when ACC is already advertising for the triage clinical psychologist who will be “leading and coordinating the new triage process for sensitive claims”, and will the Minister or his staff be making an urgent telephone to the corporation after question time today to find out what really is happening?

Hon Dr NICK SMITH: I say to the member that, no, I will not. I note that the change in dealing with sensitive claims was launched by none other than Steve Maharey, now of Massey University, when he was a Labour Party member of Parliament. Frankly, I am surprised at members opposite stooping to the level of using sensitive sexual claims as an area in which to play politics.

Hon David Parker: I seek leave to table a copy of the ACC advertisement for the triage clinical psychologist for the sensitive claims project, which the Minister said has not started yet.

Mr SPEAKER: Leave is sought to table that document. Is there any objection? There is none. *[Interruption]* The dilemma is that I had actually said there was no objection, prior to the Minister saying he did object. Therefore I had ruled on the matter.

Hon Dr NICK SMITH: I raise a point of order, Mr Speaker. The reason I objected is that the member in seeking the leave made an incorrect assertion at the end. That was the reason for the objection.

Mr SPEAKER: We do not need to pursue this matter any further. I have dealt with it. The document can be tabled.

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