



THURSDAY, 10 DECEMBER 2009

QUESTIONS FOR ORAL ANSWER

QUESTIONS TO MINISTERS

Vulnerable Citizens—Prime Minister’s Statement

1. **Hon ANNETTE KING (Deputy Leader—Labour)** to the **Prime Minister**: Does he stand by his comment “this Government is not prepared to turn its back on our most vulnerable citizens”?

Hon GERRY BROWNLEE (Leader of the House) on behalf of the **Prime Minister**: Yes.

Hon Annette King: Does he believe that women who have been sexually abused are vulnerable citizens; if so, is he aware that women have had their accident compensation - funded treatment stopped part-way through because of recent changes made by his Government to accident compensation guidelines, an action that has been described by clinicians as unethical and immoral?

Hon GERRY BROWNLEE: The changes that the member refers to were initiated by the previous Government long before the accident compensation scheme’s financial problems were revealed. This Government agrees, though, that clinicians, not politicians, should make decisions about sensitive claims. However, we have already signalled that there will be a review of the changes, and we will act if the review finds that the changes are not working.

Hon Rodney Hide: I raise a point of order, Mr Speaker. Even those of us who are sitting quite close to the Minister could not hear any of that answer, because of the constant barracking from at least a dozen Labour MPs. I think it is tough for this Parliament and for the acting Leader of the Opposition to ask a question and then have her colleagues scream down the answer so that no one can hear it. I ask how that helps Parliament.

Hon Darren Hughes: Speaking to—

Mr SPEAKER: I do not need further assistance on this. I accept that the members of the Opposition did not like the answer they were hearing, but they must be reasonable in their interjections so that members can hear the Minister’s answer.

Hon Annette King: Is he aware that both Massey University and now the Accident Compensation Corporation (ACC) have disowned the statement made by the Minister for ACC, Nick Smith, that the new accident compensation guidelines that affect victims of sexual abuse were developed by Massey University when, in fact, they were developed by the ACC under this Government, not a Labour Government, and that yesterday the guidelines were labelled by clinicians as a “rapist’s charter”; and will he now listen to the clinicians, even if his Minister will not?

Hon GERRY BROWNLEE: It is a very, very sensitive issue that we are dealing with, quite obviously, and it is not at all helped by the inflammatory language used by the member in asking that question. The Prime Minister is well advised on these matters and has stated that the Government has already signalled there will be a review of the changes. We will act if the review finds that the changes are not working.

Hon Annette King: Has he seen the list released by clinicians yesterday, which highlighted 54 individual cases of people who have been sexually abused, some as young as 12 years of age, who have had their treatment denied or stopped because of changes made to the scheme by his Government; and will he intervene to stop this roll call of shame growing?

Hon GERRY BROWNLEE: I am unable to answer as to whether the Prime Minister has seen that list, but I repeat again that the Government has signalled there will be a review of the changes. We will act to make further changes if we find that the system is not working. It all takes time.

Hon Annette King: Does he believe that Bill, a former railway engineer who lost his hearing from a workplace injury and who is now not eligible for a hearing aid under the changes that his Government has made to the accident compensation scheme, is a vulnerable citizen; and will he have the Minister for ACC intervene in Bill's case, as he did on television recently for war veteran Eric Brady, who had his dentures smashed in an assault?

Hon GERRY BROWNLEE: I would make it very clear that this Government inherited the accident compensation scheme in a dreadful state. The Prime Minister has every confidence that the Minister for ACC, the Hon Dr Nick Smith, is doing a great job in ensuring that New Zealanders continue to be well treated and served by the organisation that administers the scheme.

Hon Ruth Dyson: Does he believe that our elderly are vulnerable; if so, why has his Government cancelled the falls prevention programme, which keeps older people out of hospital and was researched to have saved \$2 for every \$1 spent on it?

Hon GERRY BROWNLEE: I do not have the details that the member wants to put in front of us—

Hon Ruth Dyson: I tabled it.

Hon GERRY BROWNLEE: The Prime Minister does not read every scrap of paper tabled by the Opposition, because that is what most of them are—scraps of rubbishy paper. The Prime Minister, though, has every confidence that the Hon Dr Nick Smith is doing everything that he can to ensure that the ACC continues to deliver excellent service to New Zealanders.

Lynne Pillay: Why does his Government believe that a 12-year-old girl who was coerced into a violent sexual relationship and who was declined counselling is not vulnerable enough to qualify under the National Government's accident compensation guidelines?

Hon GERRY BROWNLEE: I have already stated that those provisions were initiated by the previous Government. But we have said that as a result of the review, should the changes that have come about be found to be in any way wanting, then we will act upon that.

Lynne Pillay: Why is it OK for the Minister of Finance to have claimed \$900 a week to keep his family together when the National Government says that rape victims from dysfunctional families should get nothing?

Hon GERRY BROWNLEE: That is simply an untrue statement.

Hon Annette King: I seek leave to table the list of 54 individuals who have had accident compensation claims denied or stopped under this Government's changes to accident compensation policy.

Mr SPEAKER: Would the member mind telling the House the source of the list.

Hon Annette King: It was put together by clinicians and was released to the media yesterday, but obviously not seen—

Mr SPEAKER: That is sufficient. Leave is sought to table that document. Is there any objection? There is objection.

Urgent Question to Minister

PHIL TWYFORD (Labour): I seek leave to ask an additional oral question and three additional supplementary questions today to the Minister of Local Government, based on new information that has become available to members since the time for submitting questions. To assist the Minister I am happy to table my questions by leave to enable him to prepare an answer to them.

Mr SPEAKER: Leave is sought to ask an additional oral question accompanied by three further supplementary questions. Is there any objection to that course of action being taken? There is objection.

PHIL TWYFORD (Labour): I seek leave to table the questions so that members can see the questions that the Minister did not want to answer.

Mr SPEAKER: The member is seeking leave to table a document that is apparently a question. Is there any objection to that course of action being taken? There is objection.

Electricity Market—Ministerial Review Findings

2. PESETA SAM LOTU-IIGA (National—Maungakiekie) to the Minister of Energy and Resources: What were the main findings of the ministerial review into the electricity market?

Hon GERRY BROWNLEE (Minister of Energy and Resources): The ministerial review, which was conducted by a six-person expert panel, was a stunning indictment on the previous Government's management of our electricity system. The review found that the rate at which residential prices had risen over the last 8 years had been excessive. It found that they were way ahead of what is required to meet new generation requirements, and it found that the way in which dry years have been managed was deficient, and that governance arrangements needed substantial improvement. The Government is now acting to clean up this mess.

Peseta Sam Lotu-Iiga: What is the Government doing to address the problems found by the ministerial review?

Hon GERRY BROWNLEE: The Government will make a suite of changes to the electricity system. The changes will improve competition in the market, which should constrain future price increases. I am heartened by Consumer New Zealand's comments this morning that the reforms will improve competition and will benefit consumers. The changes will also improve security of supply and dry-year risk. One mechanism to do that will be to require electricity companies to compensate consumers in the event of national conservation savings campaigns.

Chris Hipkins: Will his proposals reduce the power bills of hard-working Kiwis already struggling to meet the increased cost of living, before next winter; if not, why not?

Hon GERRY BROWNLEE: Since the review of the electricity system began, there has been a very dramatic flattening out of electricity price. What we saw before that over 8 years of a Labour Government was power prices rising at three times the rate of inflation. I am confident we will not see that in the coming 12 months.

Chris Hipkins: I raise a point of order, Mr Speaker. The question was relatively straightforward and it asked the Minister whether the proposals that he has brought to the House will reduce the power bills of hard-working Kiwis. He did not address that in any way.

Mr SPEAKER: In answering the question, the Minister said that since the review had been announced prices had flattened out. I accept the point the member is making that that was not the question. I invite the Minister to answer the question that was asked.

Hon GERRY BROWNLEE: I will give this answer. The member asked whether this will see the prices of hard-working New Zealanders fall in the next 12 months.

Hon members: Power prices.

Hon GERRY BROWNLEE: Power prices, OK. I responded to him that those prices are excessively high now, because his Government saw power prices rise at a rate of three times that of inflation over 8 years. I tell him that our record, so far, is that we are nowhere near that level. So my response is that I expect power prices to be relatively flat in the next 12 months.

Chris Hipkins: Why should hard-working New Zealanders have any more confidence in his promise that more competition will lead to lower power prices than they did when the same promise was made by Max Bradford 12 years ago, only to be proved spectacularly wrong?

Hon GERRY BROWNLEE: What is most interesting is that although the power system that we currently have was put in place in 1999, for the next 9 years we had a Labour Government administering it, and it never ever got on top of it. In a short 12 months, we have.

Finance, Minister—Statements

3. Hon DAVID CUNLIFFE (Labour—New Lynn) to the Minister of Finance: Does he stand by all his recent statements?

Hon STEVEN JOYCE (Associate Minister of Finance) on behalf of the **Minister of Finance:** Yes. [*Interruption*]

Hon David Cunliffe: To the new Minister, given the Reserve Bank's projections—

Hon Rodney Hide: I raise a point of order, Mr Speaker. There is an appropriate way in this House to address a Minister, and that was not it. I ask you to have the Hon David Cunliffe address Parliament appropriately and not be a smart Alec.

Mr SPEAKER: I apologise to the member and to the House that I was not quick in remedying that situation. The Hon David Cunliffe will not do that again. He will ask his question correctly.

Hon David Cunliffe: Given the Reserve Bank's projections of a return to GDP growth, will he now commit to maintaining the level of health, education, and accident compensation services that were built up over the last 9 years and that hard-working New Zealanders once again deserve to enjoy?

Hon STEVEN JOYCE: We will of course continue to invest in improved health and education services, but I must point out that as a result of the very large expenditure increases made by the previous Government, this Government has very strong fiscal challenges moving ahead over the next several years, and will need to limit additional expenditure to \$1.1 billion per annum to bring fiscal expenditure as a percent of GDP under control.

Chris Tremain: By how much did core Crown expenditure increase in Labour's last five Budgets—that is, the 5 years to 2008-09?

Hon STEVEN JOYCE: By over \$20 billion, or 49 percent. At the same time our economy grew by 15 percent.

Hon David Cunliffe: I raise a point of order, Mr Speaker. I do not want to draw the Minister into debate on this matter, but I believe that it was established yesterday in question time that those numbers include the—

Mr SPEAKER: No, the member will sit down immediately. I say to the Hon David Cunliffe that he knows he cannot do that. It is totally outside the Standing Orders to debate an answer by way of a point of order. I invite him to just ask a supplementary question.

Hon David Cunliffe: Let me rephrase that as a supplementary question. Given that the Minister could not deny, and Treasury confirmed to the Finance and Expenditure Committee only yesterday, that the 49 percent number the Minister has repeated in the House today is complete nonsense because it includes the most recent Budget, which was run by his Government, why does the Minister persist in misrepresenting the reduction of Government spending as a percentage of GDP from 32.8 percent in 1999 to 31.8 percent in 2008?

Hon STEVEN JOYCE: I think it is important to point out that initially in Labour's term, during a period of strong global economic growth, Government expenditure did drop as a percentage of GDP. But in the latter years of Labour's Government period it grew substantially. Not only did it grow, but in the last Budget additional expenditure was appropriated, and a bow wave of expenditure increases meant that this Government inherited expenditure as a percentage of GDP heading to 35, 36, and 37 percent.

Hon David Cunliffe: When today the Reserve Bank confirmed that it is actively exploring new tools, such as liquidity policy, dynamic provisioning, and capital policy, to take pressure off the official cash rate, does he still stand by his statement that nothing more can be done to assist exporters and moderate our volatile and overvalued exchange rate?

Hon STEVEN JOYCE: The Reserve Bank is always looking to fine-tune its monetary policy framework. But I can tell members what this Government is not prepared to do, and that is what Labour suggests, which is to abandon 20 years of a monetary policy framework and not have anything to replace it. That would be the most vandalistic thing that we could do as a Government—to abandon it without even knowing what we were going to do next.

John Boscawen: Does he agree with Treasury's 19 August paper to him, which concludes that "There is little in the current policy mix that would make a material difference in terms of closing the income gap with Australia."; if so, has he a plan to achieve the Government's concrete goal of closing the income gap with Australia by 2025?

Hon STEVEN JOYCE: I cannot recall that particular paper. But I can say that the Government does have a plan. It is a very strong plan. I will not take up the House's time at this point by going through all six pillars of economic growth, but I can refer the House to this particular document that I am holding, which is available and is just one of many documents about what the Government is doing to tackle economic growth and close the gap with Australia.

Phil Twyford: How does he reconcile his Budget calls for more effective use of taxpayers' money with the Minister of Local Government's use of \$100,000 of taxpayers' money for a 12-day world trip, in which he spent only 13½ hours on official, portfolio-related meetings and 3 whole days on a wedding and a visit to an amusement park?

Mr SPEAKER: The House will come to order immediately. A point of order has been called.

Hon Rodney Hide: I raise a point of order, Mr Speaker. It is a requirement of the Standing Orders that facts and allegations in a question be validated. A series of assertions in that question are false, and the only validation that Mr Twyford has got is from Mayor Andrew Williams' madness. I am quite happy to table the document—

Mr SPEAKER: No, no—I am on my feet. The member is not actually strictly correct; it is primary questions that must be validated. In fact, for supplementary questions to be strictly within order they are not meant to contain allegations or statements of supposed fact, because they cannot be validated; there is no way of validating them. As personal objection has clearly been taken to the way in which the question was asked, I will invite the member to rephrase his question. Strictly, questions should not contain statements of supposed fact that cannot be validated.

Hon Gerry Brownlee: I raise a point of order, Mr Speaker. I accept that you are being generous in the circumstances, but the primary question to the Minister of Finance asked whether he stood by all his recent statements. How that links to this particular question, or to the intent of this question, is something I think the House needs to consider. We are getting less and less relevant to the primary question as we progress through the various supplementary questions. I say, Mr Speaker, that that has been happening over a number of days, and we have to be a bit careful about it.

Hon Trevor Mallard: Speaking to that—

Mr SPEAKER: I do not see why I need to hear anything further on that point of order. The point is well made that, in fact, the primary question asked whether the Minister stood by all his recent statements. I accept that that is a wide primary question, but in allowing Mr Twyford to restate his question, I ask him to make sure he reflects on the fact that the primary question does ask the Minister whether he stood by all his recent statements, and to be careful not to insert into the question, where there is sensitivity, an allegation of what is supposed to be fact that cannot be substantiated.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. Just to make it clear, I have consulted the acting leader of the Labour Party in the House today, and the Labour Party will not object if the Minister of Local Government wants to make either a ministerial statement—

Mr SPEAKER: The member will resume his seat. Well, that is an absolute abuse of the Standing Orders. If the Minister wishes to make a personal statement, then that is his prerogative; it is not the prerogative of the Hon Trevor Mallard to make such grandiose statements under the guise of a point of order.

Hon Trevor Mallard: Point of order—

Mr SPEAKER: I warn the honourable member that I will not be trifled with.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. The member indicated earlier to the House, by way of a point of order, that personal matters to do with him were incorrect—

Mr SPEAKER: I have heard all I need to hear, and the member will resume his seat. The Standing Orders on this matter are very clear: supplementary questions must not contain that kind of allegation. The Standing Orders are very clear on that. Often I allow it because it allows question time to flow more freely, offence is not taken, and it assists the good order of the House. But where a question clearly does reflect on a member of the House, and contains an allegation that cannot be validated, it is wise for the member to rephrase the question in a way that is more consistent with the Standing Orders. And that is the way we will proceed.

Dr Russel Norman: I raise a point of order, Mr Speaker. You may have missed it, but in the point of order that the Hon Rodney Hide raised, he talked about Mayor Andrew Williams' madness. You may not have heard it, Mr Speaker. In my view, for the Minister of Local Government to use a point of order to accuse the mayor of one of our largest cities of being mad is a totally unacceptable use of the point of order process, and I would ask you to rule it out. That is what he said.

Mr SPEAKER: I can only apologise to the honourable member. I did not hear that, at all. If the member, under a point of order—[*Interruption*]
—I am on my feet; there will not be any comment—did make some allegation referring to someone as being mad, I ask him to withdraw and apologise for that.

Hon Rodney Hide: I apologise—

Mr SPEAKER: I ask him to withdraw and apologise.

Hon Rodney Hide: I withdraw and apologise.

Mr SPEAKER: Thank you.

Hon Rodney Hide: I raise a point of order, Mr Speaker. I accept your ruling, but I suggest to you that it is wrong, because it is not possible in this Parliament to have to apologise for what one might have said to someone outside, and, secondly, I did not say—

Mr SPEAKER: No, no. The member is now starting to engage in a debate with the Speaker over the ruling. The simple matter is that the member said something that was clearly inappropriate under a point of order. Under a point of order one cannot abuse anyone. It is absolutely inconsistent with the Standing Orders. It does not matter who the person is; a point of order cannot be used for that. I am perfectly prepared to be told I have made a mistake, and I am prepared to apologise for mistakes, but I do not believe that was a mistake. I would like the House to make progress, and I would like Mr Twyford to rephrase his question in a way that does not cause offence and is consistent with the Standing Orders.

Phil Twyford: Does he stand by his calls for fiscal restraint, in light of the Minister of Local Government's report to Cabinet, released under the Official Information Act, that demonstrates that on a 12-day world trip he spent only 13½ hours on official, portfolio-related business and 3 whole days at a wedding and an amusement park?

Hon STEVEN JOYCE: The Minister has no responsibility for that particular portfolio, but what I will say is that the Minister of Local Government is doing a fantastic job of unifying Auckland local governance, which will have a fantastic benefit to the economic growth of our largest city. The previous Government took 9 years to think about it, and set up a royal commission. Labour members hate the answers the royal commission gave, and would not have done anything about it even if they had been in Government.

Hon Rodney Hide: I seek the leave of the House to table the itinerary of my trip, the report to Cabinet on the trip—all of which have been made public—plus the budget for the trip.

Mr SPEAKER: Leave is sought to table those documents. Is there any objection? There is no objection. [*Interruption*] Was there any objection? [*Interruption*] Let me put the question again.

Leave is sought to table the documents outlined. Is there any objection? There is no objection. *[Interruption]* I apologise to the honourable member; there is objection.

Hon Darren Hughes: I raise a point of order, Mr Speaker. I think the confusion arose because you had been very clear and very forceful about the ability of members to table documents that you judge are easily accessible to members. The confusion came about because Mr Hide in describing the documents said they were already public documents—they were available—and he was seeking leave to table them. I think the confusion was over trying to work out how many of the papers were publicly available. If they all were, then his tabling them would breach what you had told the House—and you have been very tough on the House—about seeking leave to table documents.

Mr SPEAKER: I hear what the honourable member is saying. Normally, Cabinet papers are not publicly available, and the member sought to table a report to Cabinet. I did not want to make a judgment on the spur of the moment about whether it was available, and that is why I sought leave. An offer to table Cabinet papers or reports to Cabinet is often a useful opportunity for members.

Hon Clayton Cosgrove: I raise a point of order, Mr Speaker. I respectfully suggest that you may wish to ask for clarification from the member, given that at the end of his leave application—and we all heard it—he said that the documents are all public. You may not have heard that, Mr Speaker.

Mr SPEAKER: That matter is now irrelevant. There was objection and I have ruled that the documents will not be tabled.

Te Reo Māori Examinations—Standards

4. TE URUROA FLAVELL (Māori Party—Waiariki) to the Minister of Education: : Kei te tautoko a ia i tā Ngā Kura ā-Iwi o Aotearoa kōrero e pā ana ki ngā mānukanuka mō ngā whakamātautau Reo Māori “E hē ana te pūnaha takirua e hoatu nei i te mana ōrite ki te ākongā whai reo Māori, ahakoa ko tōna reo taketake, ko tōna reo tuarua rānei tana reo Māori”; arā ka aha ia ki te whakatika i tēnei “hē kino”?

[Does she agree with Ngā Kura ā Iwi o Aotearoa’s concerns about te reo Māori exams that “A double standard prevails, one for te reo Māori pathway pupils for whom English is their first language and another for te reo rangatira pathway pupils for whom Māori is their first language”; and what actions will she take to correct what they suggest is a “horrendous wrong”?]

Hon ANNE TOLLEY (Minister of Education): I have seen Mr Bird’s claims, which he released on Tuesday, and I have asked the New Zealand Qualifications Authority for some advice on the claims that he makes. Until I have this advice, it would be premature to comment on the validity of his claims and any actions that would be taken.

Te Ururoa Flavell: He aha te whakamaherehere kua whiwhi i a ia mai i ngā rōpu mātanga o te reo rangatira pērā i a Te Taura Whiri i te Reo Māori, mō te whakapae a Ngā Kura ā-Iwi, nā te whakamātautau National Certificate of Educational Achievement o Te Reo Māori a New Zealand Qualifications Authority i takahi te mana o Te Reo Māori?

[An interpretation in English was given to the House.]

[What advice has she received from Te Taura Whiri i te Reo Māori and any other specialist advisers in te reo rangatira about the claims from Ngā Kura ā-Iwi that the mana of te reo Māori has been seriously undermined by the New Zealand Qualification Authority’s treatment of National Certificate of Educational Achievement te reo Māori?]

Hon ANNE TOLLEY: I have not received advice from the Māori Language Commission on this matter. As I have said, I have asked the New Zealand Qualifications Authority for some advice on the claims that Mr Bird makes. Until I have this advice, it would be premature to comment on the validity of his claims or any actions that would be taken.

Te Ururoa Flavell: I raise a point of order, Mr Speaker. In light of the responses from the Minister, the Māori Party has one supplementary question in hand and unfortunately they all go to

the same issue in respect of the ability of the Minister to answer the question. I seek leave of the House that one supplementary question be available to us in question time on Tuesday of next week in which to follow up on these issues, if that is OK.

Mr SPEAKER: Leave is sought to have a supplementary question availability today deferred until next Tuesday. Is there any objection to that course of action? There is objection.

Te Ururoa Flavell: He aha te pūtake o tā Bali Haque kōrero, kia rua ngā momo whakamātautau mō Te Reo Māori. Nā, mēnā kei te pērā, kei te whakaae atu ia ki te whakapae, “he nui noa atu te mana” o Te Reo Pākehā ki tērā o Te Reo Māori?

[An interpretation in English was given to the House.]

[*What is the rationale that the New Zealand Qualifications Authority deputy chief executive, Bali Haque, refers to when justifying the need for two sets of exams, and would she not agree that pitching the exams at the “lowest common denominator” in fact devalues the more sophisticated understanding required of students taking up the te reo rangatira pathway?*]

Hon ANNE TOLLEY: As I said to the member, I have asked for some advice and I am sure that that advice will cover the rationale for the current situation. Once I have received that advice, I will be very happy to discuss the issue with the member.

Kelvin Davis: Does the Minister agree that a double standard also prevails in that the national standards for Māori immersion schools are not due out until 3 years after the mainstream national standards, creating an anomaly and uncertainty for Māori immersion classes in mainstream schools?

Hon ANNE TOLLEY: I say to that member that that assertion is not correct.

Kelvin Davis: If, over the next 3 years, achievement in Māori immersion schools without national standards keeps pace with or exceeds the achievement of mainstream schools that have national standards, will the Minister be prepared to concede national standards were unsuccessful?

Hon ANNE TOLLEY: National standards will be in Māori medium schools from next year.

Mr SPEAKER: I accept that the question was hypothetical, but hypothetical questions are within the Standing Orders and the answer did not bear any relationship at all to the question asked. For certainty, I invite Kelvin Davis to repeat his question.

Hon Gerry Brownlee: I raise a point of order, Mr Speaker. The primary question asked about the way in which the New Zealand Qualifications Authority treats Māori language examinations or tests. It has nothing to do, in this case, with the specific content of the question asked by Kelvin Davis. I think the Minister’s answer has to be reasonable in that circumstance.

Hon Darren Hughes: I accept the point Mr Brownlee makes, except that the previous supplementary question asked by Mr Davis did link the primary question with the issue of national standards in Māori medium schools. His second supplementary question, following on from the Minister’s earlier answer, is a continuation of that line of questioning. I think he has followed a logical order. There was no politics in what he said. He has followed a logical order about the standards in schools and what that means with regard to examinations for Māori students who are taught in te reo.

Hekia Parata: I think you will find, Mr Speaker, that the second supplementary question asked by the member was prefaced on the possibility that the national standards would not be in place in Māori medium schools. The Minister replied that they would be. Therefore, it logically follows that the question should not be answered.

Mr SPEAKER: OK, I have allowed considerable contribution by way of point of order because what I was about to rule was challenged. I must say, having listened to the points made, that I will accept that it was obviously very much questionable whether the supplementary question relates directly to the primary question, and given the Minister’s answer that she disputed the assertion in the member’s first question that the standards would not be place, then I guess I cannot expect the Minister to give a precise answer to the second question, because she has already disputed the point

made in the first supplementary question. On that basis I think I do have to accept that the Minister has responded adequately to the question.

Accident Compensation—Proposed Increase in Levies

5. MICHAEL WOODHOUSE (National) to the **Minister for ACC**: How much has it been necessary to increase ACC levies, and how do these compare to those recommended by the ACC board?

Hon Dr NICK SMITH (Minister for ACC): Today I have announced levy increases for workers, for employers, and for motorists to help, alongside cost-saving initiatives, to address the accident compensation scheme's financial difficulties. The earners levy will rise from \$1.70 to \$2 per \$100 of earnings; the employers' levy increases from an average of \$1.31 to \$1.47 per \$100 of earnings; the accident compensation levy on vehicle registration for a standard petrol car will increase by \$30; and the petrol levy is to remain unchanged at 9.9c per litre. The board of the Accident Compensation Corporation (ACC) recommended larger increases, but given the cost impacts on families and businesses of the recession, which New Zealand is just starting to recover from, Cabinet decided that these lower rates were appropriate.

Michael Woodhouse: What decisions has the Government taken on motorcycle levies and on steps to reverse the trend of increasing motorcycle accidents?

Hon Dr NICK SMITH: The accident compensation levies on registration fees will rise to \$129 for mopeds or scooters under 50cc, to \$328 for motorcycles under 600cc, and to \$427 for motorbikes over 600cc. Of this, \$30 will be ring-fenced for a new \$3 million per annum dedicated motorcycle injury prevention fund. This will be modelled on the Victorian scheme where motorcycle clubs, in partnership with the Transport Accident Commission, have successfully reduced motorcycle fatalities by over 20 percent.

Hon David Parker: Why does the Minister not accept the view of motorcycle riders that the disproportionate increase in levies for some bikes represents a policy change by the current Government?

Hon Dr NICK SMITH: There is very clear evidence that the cost of motorcycle accidents for those very large bikes does go up significantly; it is about double in terms of the cost per bike. The levy announcements made today provide for about a 35 percent extra premium. I note that it was a decision of the previous Labour Government to introduce higher fees for motorcycles back in 2002.

Michael Woodhouse: What reports has the Minister seen on claim cost inflation in the last 4 years, compared with general inflation, and what steps has the Government taken to contain costs so that the full burden of fixing accident compensation does not fall on levy payers?

Hon Dr NICK SMITH: Claim costs have risen 57 percent in the past 4 years—five times the rate of inflation. The Government is working with the ACC to better manage these costs. We have initiatives under way covering physiotherapists, high-tech imaging, hearing, self-harm, rehabilitation, and criminal entitlements that will save over \$100 million per year. The Government's approach is a fair balance of levy increases and cost savings, so that we can get the scheme's finances back into proper shape.

Hon David Parker: Why has it taken the Minister 6 months to acknowledge that his levy increases never needed to be extreme as the figures he caused to be used earlier?

Hon Dr NICK SMITH: The books that were signed off by the previous Government last year showed a loss of \$2.4 billion. This year's audit accounts for the accident compensation scheme show a loss of \$4.8 billion. It is a huge challenge for this Government both to get costs under control and to provide for modest levy increases, so that we can secure the future of our unique, 24/7 accident compensation scheme.

Question No. 6 to Minister

Hon DAVID PARKER (Labour): I seek leave to hold this question over to another day when the Attorney-General is present.

Mr SPEAKER: Leave is sought to defer this question. Is there any objection to the course of action? There is objection.

Foreshore and Seabed Act—Threshold Tests Establishing Customary Interest

6. Hon DAVID PARKER (Labour) to the Attorney-General: Will the threshold tests for the establishment of customary interest in the foreshore or seabed be altered from those which currently apply under the current Foreshore and Seabed Act; if so, will those new thresholds be defined in statute or left to the courts?

Hon SIMON POWER (Minister of Justice) on behalf of the Attorney-General: Cabinet has not made a decision on these matters. The Government is taking a thorough, consultative approach to its review of the Foreshore and Seabed Act, and Cabinet will make final decisions on these issues next year, after that consultation has been completed, not before. In respect of the second part of the question, whether threshold tests are defined in statute or left to the courts is also yet to be determined.

Hon David Parker: If the Foreshore and Seabed Act 2004 is amended or repealed to allow a customary title to be sought for areas of seabed or foreshore, is legislation likely to be needed to prevent the conversion of such customary titles to alienable freehold titles?

Hon SIMON POWER: As I said in answer to the primary question, decisions by Cabinet have not yet been taken on this matter, and whether any consequent decisions will need to be made by way of statute or otherwise also remains to be determined by Cabinet.

Hon David Parker: Did representatives of Ngāti Porou ask the National-led Government to honour the Foreshore and Seabed agreement they reached under the existing Foreshore and Seabed Act with the previous Government, and to proceed with the resulting Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Bill?

Hon SIMON POWER: The member will be aware that there would be no need for such a request, because the Crown and Ngāti Porou have a binding agreement that can only be varied by the agreement of both parties. National's 2008 election policy undertook to honour agreements already reached under the Foreshore and Seabed Act. This Government keeps its promises.

Hon David Parker: I raise a point of order, Mr Speaker. My question asked whether representatives of Ngāti Porou requested that the Government continue with that agreement. The question was not answered.

Mr SPEAKER: With respect, I thought the Minister said there was no need for such a request, because of certain agreements. By that answer, I thought he had answered the member's question.

Hon David Parker: Will the new arrangements reopen claims to oil and gas royalties, or revenue for oil and gas, under the foreshore and seabed?

Hon SIMON POWER: The advice we have to hand is that they will not.

Summer School Holiday Programmes—Progress

7. Dr CAM CALDER (National) to the Minister for Social Development and Employment: What progress has been made on the Government's summer school holiday programmes?

Hon PAULA BENNETT (Minister for Social Development and Employment): We have announced the 26 community organisations that have been selected to run school holiday programmes as part of the Break Away package. These holiday programmes are free and target young people who would not otherwise have this opportunity. We have places for 15,000 11 to 17-year-olds. This Government is sending a clear message to our young people that we are willing to invest in their long-term potential.

Dr Cam Calder: Will Break Away reach those young people who can benefit the most from it?

Hon PAULA BENNETT: Yes, it will. Today 100 young people will get a letter from the Prime Minister congratulating them on being nominated for his youth programme in January. These young people have histories of low-level offending, but have made a real effort to turn their lives round. We know the Government does not have all the answers, and we do not pretend to. It is about working together. I want to say thank you for the strong support we have had from philanthropic groups, corporates, and high-profile New Zealanders who are giving their time and resources.

Question Time

Hon DARREN HUGHES (Senior Whip—Labour): I raise a point of order, Mr Speaker. I apologise to Jeanette Fitzsimons. I am raising it about the requirement for Ministers to answer questions. Obviously, when Ministers are outside Wellington or outside the parliamentary complex, another Minister answers on behalf of the absent Minister. We saw that with Mr Power answering for Mr Finlayson. But two questions are set down for the Prime Minister, one of which is about to be asked. The Prime Minister is in Copperfields having a cup of coffee, not in the debating chamber—

Mr SPEAKER: The member will sit down immediately. The member knows he cannot, by way of a point of order, make any reference to a member's absence from the House. It is simply not acceptable practice at all, and I ask him not to do that sort of thing. The member knows better than to do that. [*Interruption*] I am on my feet, and someone will be leaving this Chamber very soon unless there is some silence.

Greenhouse Gas Reduction—International Targets

8. JEANETTE FITZSIMONS (Green) to the Prime Minister: Which specific countries was he referring to in the House yesterday when he said in response to my question, “countries that will find it easier than us” should do better than 40 percent in order to offset New Zealand's “failure to act” on climate change?

Hon Dr NICK SMITH (Minister for Climate Change Issues) on behalf of the Prime Minister: The Prime Minister was not referring to any specific country. It is for individual countries to set their emissions targets and I do not propose to comment on what those specific targets should be. Independent assessments have reported New Zealand's target to be credible and in line with our commitment to New Zealand doing its fair share.

Jeanette Fitzsimons: I raise a point of order, Mr Speaker. I asked a very specific question. I asked: “Which specific countries?”. The Prime Minister volunteered yesterday that there were countries that could do more. I asked which ones they were. He has had that question for several hours. If there are any countries, surely he should be able to name them.

Mr SPEAKER: I do not need to hear further on this. The Prime Minister does not have to name them at all, because I think the answer was very clear that he did not have any particular country in mind. It is a perfectly acceptable answer to the question.

Jeanette Fitzsimons: Is the Minister saying that he cannot name a single country that could pick up the slack for New Zealand doing 10-20 percent rather than 25-40 percent, as he suggested yesterday?

Hon Dr NICK SMITH: The Government does not accept that the target New Zealand has set out is anything less than New Zealand's fair share. I draw the member's attention to some of the very comprehensive economic analysis showing that a 10-20 percent target for New Zealand is a very big ask if we take into account 50 percent coming from agriculture, the very large increase in emissions since 1990 of 24 percent—

Hon David Cunliffe: Oh, shame!

Hon Dr NICK SMITH: Members opposite say shame, and I say shame, too. It is a shame that during the course of the last Labour Government, emissions in New Zealand grew by record amounts.

Hon Pete Hodgson: I raise a point of order, Mr Speaker. I apologise to both colleagues. I do not think the question was addressed. The first question was inviting the Prime Minister to name specific countries, and you ruled that he need not. That is fair enough. Then the question was asked whether that meant that the Prime Minister cannot name any country, and that question was not addressed.

Mr SPEAKER: I do not need anything further on this point, whatsoever. The questioner asked why the Prime Minister could not name the countries that were needed to take up the slack. The Minister challenged that assertion in the second part of the question. The Minister challenged the fact that there was an allegation made that slack needed to be taken up. As I heard it, the argument was that there was not. That was a perfectly fair answer to the question.

Hon Rodney Hide: I raise a point of order, Mr Speaker. We have heard several points of order today, which have been ruled out on the content of Ministers' answers. If we went back over question time, we would appreciate that the problem lies with the questions that are being asked and not the answers. I ask members through you to reflect on the fact that they are not listening to the answers. They are asking questions and when they do not get the answer they want they raise points of order.

Mr SPEAKER: I hear the point the honourable member makes. I am sure members will learn that if they want to get good answers the quality of the question does matter. That is something I have been trying to encourage all year.

Hon David Parker: On what basis does the Prime Minister believe it is realistic to expect other countries to do more than New Zealand, when in New Zealand his Government has legislated to allow the agricultural sector, responsible for half of New Zealand's emissions, to increase its emissions at the cost of taxpayers?

Hon Dr NICK SMITH: On the issue of agricultural emissions, New Zealand has shown very considerable leadership. We are the very first country in the world to propose the inclusion of agriculture, at all, in an emissions trading scheme. I challenge the member to name a single country that is proposing to include agriculture. The second point is that the global alliance that the Prime Minister has advocated in respect of agricultural emissions is a very constructive contribution to this complex issue.

Jeanette Fitzsimons: Which countries does he think will find it easier than New Zealand to improve the fuel efficiency of their car fleet, given that New Zealand's car fleet uses much more fuel per hundred kilometres than those of the EU, Japan, or even of China?

Hon Dr NICK SMITH: The first point is that there have been a number of comprehensive economic analyses that show that in terms of reducing emissions the cost for New Zealand is considerably larger. In respect of transport, New Zealand is quite a thinly populated country that has less opportunity for public transport than some of the very intensely populated countries in Europe. In respect of vehicles, new standards are coming into place in respect of their emissions. The Government has taken the initiative of providing for no road-user charge, to encourage the development of electric cars.

Jeanette Fitzsimons: Which countries does the Minister think will find it easier than New Zealand to plant new forests on unproductive land, given that the Green New Deal package released by the Greens last week shows how easily we could accumulate 33.6 million tonnes of carbon from forests before 2020?

Hon Dr NICK SMITH: The Minister for Climate Change Issues has tabled a report from the Ministry for the Environment on the viability of the Green Party's plan. That report is quite critical and states that it is unrealistic.

Jeanette Fitzsimons: I raise a point of order, Mr Speaker. The Greens Party's plan was launched last week, and that report preceded it.

Mr SPEAKER: The member will resume her seat, right now. She cannot litigate an answer by way of point of order. She has further supplementary questions if she believes that the Minister has

given incorrect information. She can drill down into that with her further supplementary questions. I am sure the House would welcome it.

Jeanette Fitzsimons: Which other countries have renewable energy opportunities as good as ours in geothermal and wind, plus a dirty old coal-powered station just waiting to be closed?

Hon Dr NICK SMITH: New Zealand's position in having 70 percent of our electricity already being renewable actually makes the challenge for us of reducing emissions considerably more challenging than those countries, many of whom in the OECD or the developed countries have only less than 10 percent of their electricity coming from renewable sources.

Jeanette Fitzsimons: Does he stand by the statement to the House yesterday stating that although Cabinet had given him flexibility to negotiate our target above 20 percent, he had already ruled out doing so, regardless of the efforts of other countries?

Hon Dr NICK SMITH: The premise on which the member bases her question is incorrect.

Jeanette Fitzsimons: Is the Minister saying that if Barack Obama goes to Copenhagen saying "Yes, we can do much more.", the Prime Minister will reply "No, we can't, but can I still have a photo op?"

Hon Dr NICK SMITH: I note that the target set and tabled by the United States is a 3 percent reduction in emissions on 1990 levels, compared with a 10 to 20 percent that New Zealand is proposing. I invite that member, who said she is going to Copenhagen with a sign saying she is ashamed to be a New Zealander, to reconsider.

Education, National Standards—Professor John Hattie's Views

9. Hon TREVOR MALLARD (Labour—Hutt South) to the Minister of Education: When she named Professor John Hattie yesterday as an academic who supported both national standards and the Government's implementation methods, did she take into account the views he expressed to her with other academics in their letter of 25 November 2009?

Hon ANNE TOLLEY (Minister of Education): I took into account discussions that I have had with Professor Hattie, and, of course, his many writings. One very apt comment he has made is: "National standards offers the most wonderful opportunities for refreshing and reinvigorating an already top of the world system,". But to correct the basis of the member's question, I stated yesterday of Professor Hattie that he "invented them, so he should support them." We may need to introduce listening standards for members opposite.

Hon Trevor Mallard: Did she take into account Professor Hattie's statement that "There are many successful New Zealanders with unexceptional school records who would not have succeeded had they been constantly labelled as failures during their childhood. A better form of assessment and reporting would focus on the progress that children are making and we believe that this is the approach that should be being used.", before she gave his name in response to a question yesterday that asked her to name an academic who supported both the national standards and the Government's implementation methods?

Hon ANNE TOLLEY: I do not understand why Labour and that member are so against national standards, which will identify and support children in our schools who are struggling to learn to read, write, and do maths. Professor Hattie has said many things. I have just given one quote. In another quote he said that standards, if implemented well, can make a huge difference. I say to that member that we are on the side of children and lifting academic standards. I do not know why Labour members do not come on board.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I think you probably know what it is. I quoted a very specific statement and asked the Minister whether she had taken it—

Mr SPEAKER: I think I can save the member some time. In fairness, I say that the member asked a very specific question that related directly to the primary question, and the answer is not very difficult, I would have thought. It was a very specific question about whether the Minister took

into account that particular statement of Professor Hattie. I think it is fair enough that the House should receive an answer to that particular question.

Hon ANNE TOLLEY: Yes.

Hon Trevor Mallard: Did she take into account Professor Hattie's statement that "reporting of results at each year level will distort and impoverish the culture of teaching and learning and assessment within schools. It will undermine the new curriculum ...", before she gave his name in response to a question yesterday that asked her to name an academic who supported both the national standards and the Government's implementation methods?

Hon ANNE TOLLEY: Yes, and I also took into account his statement "we cannot defend a system with one in ten schools deemed failing".

Allan Peachey: What reports has the Minister seen that call for a discussion about national standards, other than the views of unions, which have always been opposed to them?

Hon ANNE TOLLEY: I have received this comment from a school principal about national standards: "I have found it difficult to get rational discourse when I disagree with those strongly opposed. However, I do know other principals who share the same view I have. I have decided to just get on with it, which I am able to do with teachers who also view the standards positively." I share that principal's desire for rational discussion, and I wish the Opposition would come on board to lift the achievement of students and to back parents getting good information. Let us make a big change to education in this country.

Hon Trevor Mallard: Did she take into account Professor John Hattie's statement that "the flaws in the new system are so serious that full implementation of the intended national standards system over the next three years is unlikely to be successful. It will not achieve intended goals and is likely to lead to dangerous side effects.", before she gave his name in response to a question yesterday that asked her to name an academic who supported both the national standards and the Government's implementation methods?

Hon ANNE TOLLEY: Yes, and I also took into account the fact that Professor John Hattie wrote *Directions for Assessment in New Zealand*, which recommended that standards be developed for both achievement levels and rates of progress. I also took into account that Professor Hattie is a member of the New Zealand Assessment Academy, whose members I met yesterday. They are working with the Ministry of Education on implementation methods, and are continuing to be extremely helpful and supportive in ensuring that we address the gaps in education by lifting the rates of reading, writing, and maths of those one in five children who are failing currently.

Question No. 8 to Minister

Dr KENNEDY GRAHAM (Green): I seek leave to table a document pertaining to question No. 8, and which was referred to by Jeanette Fitzsimons. The document is called *Green New Deal: Forestry, Pest Control and Wilding Conifers—Investing in a Permanent Future*. The document was released last week, not in May, which reflects a misunderstanding on the part of the Minister for Climate Change Issues. This is a new document that was released last week.

Mr SPEAKER: What is the source of the document?

Dr KENNEDY GRAHAM: The source of the document is the Green Party, and it is entitled *Green New Deal*—

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

Education, National Standards—Plain English Reports for Parents

10. LOUISE UPSTON (National—Taupō) to the Minister of Education: When will parents receive plain English reports against the national standards and why?

Hon ANNE TOLLEY (Minister of Education): This Government has heard the calls from parents for school reports in plain language that they can understand, and for school reports that tell

them how they can help their children to do better. That is why schools next year will report to parents in plain language, at least twice a year, on how their kids are doing and how the parents can help. That was a very clear message that we got from parents throughout both the election campaign and the consultation on national standards. That is what parents want and that is what we will make sure they get.

Louise Upston: What reports has she seen of parents being concerned about the school reports that they currently receive, and why?

Hon ANNE TOLLEY: Parents strongly supported getting good information from schools about their child's progress against the national standards, and we are delivering that for them. In the consultation round one parent said that schools need to provide "honesty, plain language, and no surprises." Another parent said: "Honest reporting; tell me how he is really doing. I want reality—the good, the bad and the ugly". We are very happy to be delivering that.

Hon Trevor Mallard: In taking into account the development of plain English reporting, did she take into account Professor Hattie's statement: "We advise that the descriptions and examples of the Standards are not sufficient, at this stage, to allow them to be applied consistently. Teachers will be forced to report to parents and principals to their Boards in ways that could not be trusted to be sufficiently consistent from teacher to teacher or school to school."?

Hon ANNE TOLLEY: Yes, and I say to the member that we trust parents with the information about how well, or not, their children are doing. Parents want the information, they have a right to the information, and we will make sure that they get the information.

Hon Trevor Mallard: I raise a point of order, Mr Speaker. I know that this is slightly technical, but I am sure you will understand. I asked a question about the quality of the information that is to go to parents, not a question about the trust of the parents. The question was about the trust of the standards.

Hon ANNE TOLLEY: Mr Speaker—

Mr SPEAKER: No, I do not need to hear any further on the matter. The member asked whether the Minister had taken into account that statement from Professor Hattie, and the Minister said: "Yes". That is an answer to the question.

Legal Aid—Review Report

11. Hon LIANNE DALZIEL (Labour—Christchurch East) to the Minister of Justice: Does he have any evidence to support the hearsay reported by Dame Margaret Bazley in her final report on the legal aid review that "up to 80 percent of the lawyers practising in the Manukau District Court could be gaming the system"; if not, will he apologise for any damage to their reputations this has caused?

Hon SIMON POWER (Minister of Justice): No, because Dame Margaret was clear in her report that although her findings were partially based on anecdotal evidence, it was the prevalence of these claims right across the court system that led her to conclude that widespread reform is required. Since the release of the report, a number of people have supplied my office with a range of allegations of improper practice across the court system. I will be writing back to those complainants to invite them to pass the information on to the Law Society, which will take whatever action it deems to be appropriate. In response to the second part of the question that the member raises, the answer is no. I am interested in the findings of the report and will not limit my attention to one line in a report of 120 pages.

Hon Lianne Dalziel: Will the Minister meet with members of the Manukau legal profession who have had their reputations damaged as a result of the statement that up to 80 percent of them have been involved in "gaming the system"; and since when did the prevalence of unsubstantiated claims make an unsubstantiated claim more substantiated?

Hon SIMON POWER: In respect of the question as to whether I will meet with the Manukau criminal Bar, sure. I have met with different members of the Manukau criminal Bar three times this

year. In addition, when I visited the Manukau District Court I spoke with a number of lawyers about their work there. Since the release of Dame Margaret's report, I am advised that I have received no requests for meetings from the Manukau criminal Bar, although I understand those lawyers met with the member and her colleague yesterday. I would be happy to meet with them.

David Garrett: Has the Minister considered providing lawyers who work within the legal aid system with an indemnity of some kind, so that the honest legal aid lawyers can provide information on crooked colleagues to the appropriate authorities, without fear of litigation; if not, why not?

Hon SIMON POWER: No; because that was not part of the recommendations in Dame Margaret's report, it is not something that is immediately on my work programme in response to Dame Margaret's report.

Hon Lianne Dalziel: Did the report address the role of the Legal Services Agency risk management committee in overseeing the legal aid system; if not, was it of concern to him that Dame Margaret Bazley was a member of that committee between 2005 and 2008?

Hon SIMON POWER: I cannot remember, off the top of my head, whether it was referenced exactly, but I have great faith in the independence of Dame Margaret—as the last Government did, when putting her in charge of a number of inquiries. I will work my way through those recommendations with some degree of consistency and speed. I note that the member opposite has offered, on behalf of the Labour Party, to work with this Government so that the legal aid system and the justice system in New Zealand get the credibility, integrity, and value for taxpayers' money that this country deserves.

Prisoners—Employment Opportunities and Training

12. MELISSA LEE (National) to the Minister of Corrections: What advice has she received recently about the work that is under way to expand employment opportunities and training for prisoners?

Hon JUDITH COLLINS (Minister of Corrections): Following the launch of the Prisoner Skills and Employment Strategy in October, a large programme of work is under way to provide additional job training to prisoners. Twelve new workshops are currently being built nationally, and I am advised that they will be fully operational by July next year. At Rimutaka Prison, alone, new training is currently being planned, in partnership with WelTec, in automotive engineering, bricklaying, and distribution.

Melissa Lee: What further initiatives are planned by the Department of Corrections to improve the employability of prisoners following their release?

Hon JUDITH COLLINS: I am advised that over the coming year training will be expanded in motor mechanics, painting and decorating, horticulture, distribution, catering, and building, construction, and allied trades. Training in bricklaying and plumbing is also being introduced. These initiatives will boost the chances of prisoners finding jobs on their release. We know that those who find employment are less likely to reoffend. This will contribute to making our communities safer.

Hon Clayton Cosgrove: Given the link between prisoner training and employment and prisoner rehabilitation, does she stand by her statement to this House: “We in the National Party are not foolish enough to think that prisons ... ever rehabilitate.”?

Hon JUDITH COLLINS: Unless the member can verify that statement with a document, I really could not take him at his word. Frankly, he has made so many statements in this House. Just this week he told us that a dog handler's van had been sold, when the person who was using the van did not even have a dog.