GEOFFREY PALMER ON ACC.

NEW ZEALAND'S NO-FAULT ACCIDENT COMPENSATION SCHEME: THE ORIGINAL SPIRIT OF THE WOODHOUSE REPORT.

Interviewed by PETER BEATSON

Introductory note: This interview was originally published in the *New Zealand Journal of Disability Studies*, No. 1, 1995. Since then, the Accident Compensation Corporation (ACC) has undergone a significant number of changes in philosophy and practice, and become enmeshed in a variety of resulting controversies. However, although some of the details in the following conversation will be out of date, as a whole it may serve as a useful reminder today (when fresh storms surround the role and policies of ACC) of the original spirit of Mr. Justice Woodhouse's report on which New Zealand's revolutionary no-fault accident scheme was based. My thanks to David Watts for proof-reading this text. Peter Beatson, June 2012.

All readers of this interview will know of the Right Honourable Sir Geoffrey Palmer as Prime Minister of New Zealand in the Fourth Labour Government. Many people will also be aware of your numerous other major contributions to public life both here and abroad, such as your strong anti-nuclear stance, your empowerment of the Waitangi Tribunal, your defence of the natural environment, your reforms of the political and justice systems, your creation of this country's Bill of Rights and your numerous influential publications – to name just a few on an impressively long list of achievements. Perhaps fewer will be aware of the major contribution you made to pioneering the social vision of a no-fault accident compensation scheme. Could you tell us how you came to be involved in the original ACC project?

It began back in 1966 when I was a postgraduate Honours student at the University of Chicago. Tom Shand, Minister of Labour in the Holyoake government, had set up a Royal Commission headed by Mr Justice Woodhouse to explore ways of reforming our accident compensation system. They came to the University of Chicago to talk to some of the professors there. I had dinner with them and afterwards drove Mr Justice Woodhouse back to his hotel in my old Chevrolet - which, incidentally, was uninsured! So I got to know Mr Woodhouse back then, discussed the work of the commission with him and became very interested in the social insurance scheme he was developing.

When I returned to New Zealand a year or two later, the Woodhouse Report had been published. It was an extremely radical document, given to a fairly conservative Government which at first found it rather difficult to digest. They hadn't expected such a revolutionary proposal. Tom Shand, however, was very enthusiastic about the project and piloted the scheme into the system before his premature death.

I became involved in 1969 when the Woodhouse report was to be turned into a white paper setting out Government policy. On Mr Justice Woodhouse's suggestion, I believe, I was retained by the Department of Labour to write that paper.

It was my first real contact with the New Zealand governmental system and its inner workings at a high level. I learned a great deal from the Assistant Secretary of Labour, Mr Ray Perry, who was in charge of the project. Working in that particular environment gave me a permanent interest in policy development and in the interface between government and policy formation.

The paper was tabled in Parliament after I had returned to the States in 1969 but I stayed interested in the issue of no-fault compensation and published articles about it in legal periodicals.

I then got much more deeply and personally involved when Mr Justice Woodhouse was invited in 1973 by Gough Whitlam, the Australian Prime Minister, to head an enquiry in Australia with the idea of introducing a similar scheme there. Mr Justice Woodhouse phoned me in Virginia and asked me to be the principal assistant for that enquiry. I accepted the offer and moved to Australia. Subsequently I was retained by the Australian Government to advise them on actually implementing the scheme. It was a fascinating experience from which I gained a deep knowledge of Australia and an abiding love for that country.

For around two years I devoted an enormous amount of time and energy to the project. Then in 1979 I published my book *Compensation for Incapacity,* which was a history of the reforms and an analysis of the policy issues in both New Zealand and Australia. It was a fairly dry sort of a book - not exactly a bestseller - but it was well reviewed in overseas journals.

So you were largely instrumental in helping export New Zealand's revolution in social insurance to Australia?

Well, it didn't actually turn out like that. The Australian scheme I worked on under Gough Whitlam was all set to go through Parliament but the Labor Government didn't last long enough to pass it into law. The Whitlam Government was brought down, you will remember, by the Governor-General, and the accident compensation scheme went down with it.

In spite of the disappointment in Australia, I continued to work overseas on similar schemes. Amongst other things, I was retained by the Commonwealth Secretariat to produce no-fault schemes for Sri Lanka and Cyprus. In the event, they didn't get adopted either, due to the usual opposition from vested interests like the insurance industry, trade unions, the legal profession and even treasuries.

So while New Zealand led the way in no-fault insurance, its lead has not really been extensively followed?

No, not in its entirety, but the New Zealand experience has been widely analysed in overseas literature. It has been studied by Australians, Americans, Canadians and the British - all the countries operating a common law as opposed to a civil law system. We are on our own in terms of comprehensiveness but as time has gone on more and more places have eaten away at their own tort system of accident compensation. Nobody has yet gone as far as New Zealand in providing 24-hour coverage for accidents but you must remember it's much harder to get anything done in countries like the United States than it is here. There are so many difficulties when you have a federal system with 50 individual state legislatures to deal with. The same applies to Australia, which also has a federal system. Eventually aspects of our scheme were introduced in Australia but they did it on a state-by-state basis. When I was working on the scheme there they were trying to introduce it at the federal level and got into all sorts of difficulties with the Australian

constitution.

Well, I think we have established your credentials for talking about ACC! Let's turn now and look more closely at the original scheme itself. You called it 'radical'. What was it about the Woodhouse proposals that merited that epithet?

It involved abolishing the entire common law tort system, as it then existed, as a means of compensating personal injury.

For the legal ignoramus like me, could you explain what a 'tort' is?

A tort is a civil wrong, as opposed to a criminal act. The most important type for our purposes is negligence leading to an accident. An obvious example is someone driving a car carelessly and causing a smash.

In countries like Australia, Britain and the United States, which operate a common law system, if someone is injured through another person's negligence, their form of redress is to sue for damages.

There is a trial by jury and the onus is on the injured person to prove negligence. The system has been described as a forensic lottery. It's a gamble from start to finish as to whether you win or lose. If you do win, it's then another lottery as to how much you get by way of damages. Depending on the skill of the lawyers on either side, you might get a very large pay-out, a smaller one or nothing at all. The outcome depends on legal arguments and not the extent of your injury. Furthermore, even if you do win, compensation is by way of one lump sum which has to do you for the rest of your life, no matter what your subsequent needs might be.

The essence of the accident compensation scheme was that it reformed a wasteful legal system which obliged accident victims to sue for damages. Some were lucky and got compensation while others got nothing because they could not technically prove negligence. Tort law was a totally unfair system. When the report of the Royal Commission came out, it was - and still is - regarded in the international literature as a leading analysis of what was wrong from a social point of view with the common law torts system and what should be done to reform it.

What about accidents in the work place?

Workers' compensation was part of the Royal Commission's brief. A workers' compensation scheme was first set up in New Zealand in 1900. It allowed workers injured 'by accident arising out of and in the course of employment' to recover a weekly benefit for a limited time. It was a fairly modest benefit but they could also sue through the common law tort system if they thought they could prove employer negligence.

The Royal Commission recommended that the old workers' compensation scheme be abolished along with common law action for damages. All existing provisions for compensation were to be replaced by a universal, no-fault system whereby people were compensated in proportion to their injury and not by the legal lottery of having to prove someone else's negligence.

It sounds like a pretty radical reform, especially considering it was passed almost a quarter-century ago - and by a conservative government at that!

Yes. It was passed by National in 1972, then amended and extended in 1973 by the in-coming Labour Government. The remarkable thing was that it was passed into law with support from both parties. No other country has succeeded in introducing such a radical reform. Basically, it took away people's right to sue, something which nobody else has

succeeded in doing quite so thoroughly and comprehensively.

What about opposition from the kinds of vested interest you mentioned before? For instance, surely the legal fraternity could not have been too happy about it, since it took away part of their livelihood.

They certainly weren't in Australia. Lawyers made a lot of money out of accident litigation and they weren't going to have a no-fault scheme at any cost. On the other hand, New Zealand lawyers took the line that since they had a vested interest in the issue it would be ethically wrong to oppose it. I have always felt that the New Zealand legal profession showed a quite remarkable sense of social responsibility in that regard.

Going back to the underlying philosophy of the scheme, its main purpose was to take the concept of fault or negligence out of accident compensation?

Yes - it provided 24-hour coverage for all people who were injured, no matter how that injury occurred. Wherever and however people were injured, they would get earnings-related compensation to 80 percent of their lost earnings. The only possible exceptions were cases of deliberately self-inflicted harm and some very limited exceptions for people injured in the course of committing criminal offenses. Those apart, there are very few exceptions from the no-fault principle.

The scheme is based on the widely accepted premise that accidents are an integral part of modern society. Certainly, they need to be minimised but they are the price of progress from which we all benefit and therefore their cost should not rest where they fall. Accidents are an inevitable component of social life and society should take responsibility for their victims.

You have stressed on a couple of occasions that one of the virtues of this social philosophy is that it takes away people's right to sue those who injured them. Not everyone would see that as a plus. Amongst other things, doesn't the fear of court action act as a deterrent to reckless drivers, careless doctors, cost-cutting employers and the like?

That is certainly what some people maintain, but in fact the old tort system did nothing to minimise accidents. The threat of litigation didn't deter people from being negligent and it most certainly did not provide adequate compensation for their victims.

For instance, employers were insured so they didn't personally have to pay damages, and the way insurance premiums were set by statute did not add to the deterrent effect. Furthermore, there are ways of deterring accidents under the ACC regime. Over the last few years pretty rigorous health and safety at work legislation has been passed which is more effective than anything the tort system did. The tort system was not really focused on safety in the work place but simply on whether you could prove negligence.

Also, under ACC there are extensive criminal laws to deter negligence. For instance, you can be prosecuted for manslaughter if you are criminally culpable in causing an accident. Many ways of deterring negligence are more effective than the old tort system which, in my opinion, had no deterrent effect at all.

In fact, the number of road accidents actually went down after ACC was introduced. Of course there were many variables involved, including the energy crisis of the mid-seventies which meant there were fewer cars on the roads. The point I'm making, however, is that nobody has been able to show that the New Zealand no-fault scheme has introduced a lack of care into our society.

Granted that the fear of legal action did not deter accidents, surely there is now an even stronger reason why people should have the right to sue? I'm referring to the 1992 so-called reform of ACC which seems to have whittled away some of the original

Woodhouse philosophy and generated a great deal of public discontent. Accident victims have lost some of their former entitlements but are still denied the right to sue for adequate compensation. What is your opinion of the new policies?

The system was perfectly sustainable as it was. Certainly it needed some changes, but nothing like the 1992 reforms. They were ill thought-out, inconsistent - a hopeless mishmash. The policy work was of an appallingly low standard. There seemed to be no coherent principles at all - except cutting costs.

In fact, I cannot really comment on National's ACC policy because it wasn't apparent what the policy actually was! It certainly merits revisiting and in fact legislation is currently being prepared to remedy some of the deficiencies of the 1992 Act. As I understand it, the Government is examining several reports and is proposing to change the legislation.

What do you see as some of the negative features of the 1992 reforms?

The main problem is that the new system is simply too mean. Compensation, particularly for intangible loss, is absurdly low. In 1992, they took away too much from too many without any adequate justification.

For instance, the upper limit for weekly compensation for intangible loss under the 1992 reform was 40 dollars, and many people actually found it impossible to get more than 5 dollars a week. This was miserly and does not fulfill the original Woodhouse principle that people should receive real restitution after injury.

The changes were also discriminatory in that they adversely affected non-earners, many of whom are women. There are serious questions to be asked about the underlying principles justifying such miserliness and discrimination.

What is more, as things stand the level of entitlement can be changed by regulation. This is wrong. The levels of remuneration should be established openly by an act of parliament, not be arbitrarily fixed and changed by regulations made behind closed doors.

It would seem that people's criticisms of the revamped ACC scheme may be justified. Going back to my earlier question, then, do you think that if they don't get a fair deal under the new ACC, the right to sue should be restored to accident victims?

Most certainly not. I have been teaching about the tort system a lot in the States and every time I teach it, the more appalling it seems to me. It is extremely hard to defend on any social principle.

Many New Zealanders fail to grasp the value of our no-fault compensation system. When the reform first took place they didn't really understand what it was all about. Now it has been in place for so long they cannot remember what the old tort system was like. Nowadays ACC comes under a lot of criticism but what people don't realise is the danger that if they don't repair the scheme, the old litigation-based system may come back. The consequences of that would be very serious indeed.

ACC was a great New Zealand reform. It remains a vital aspect of our social life. Because it's now a generation since it was introduced, people have forgotten its social purpose.

That said, most of the research, including that of the Royal Commission on Social Policy, indicates widespread support for the principles of accident compensation we have established. There is general support for the notion that people who are injured should by

right be compensated. The research shows that the public is wise enough to discern the difference between the basic principles of accident compensation and the specific details of how it is currently being run.

I don't want to keep harping on about the same subject, but although the basic principles may be sound, the fact remains that there are many individuals who would get much more by way of compensation if they were allowed to sue those responsible for causing their injuries. If someone gets little or nothing out of ACC, why should they not bring a civil suit for damages as they used to?

The percentage of people who would benefit substantially by taking court action would be extremely small. Moreover, you must remember the infrastructural underpinnings required by way of courts, judges, lawyers, insurers, accident investigators and everything else needed to support the tort system. It's known as 'the injury industry' and is extremely expensive.

Overseas, the transaction costs of the tort system are very high. In the United States, it costs a dollar to deliver a dollar of benefit to people in motor accident cases. That cannot be regarded as a sensible way of using community funds. It is not cost-efficient, it is not socially just. If we returned to the right to sue you would have to bring back compulsory insurance, you would have to bring back a large number of courtrooms endlessly hearing accident claims. People would constantly be suing their doctors - a particularly popular activity in the States - which would send health costs skyrocketing and do no good for anyone. It's unthinkable that we

should return to that system.

The beauty of the Woodhouse scheme was that it didn't involve any new expenditure. It simply took the money that was circulating in the old system and used it more efficiently. More was going to injured people than before. It was extremely cost-benefit efficient. All injured people could be sure of getting some compensation, which they couldn't before, and the cost of delivering it to them was very low.

If you make a community decision that sudden interruptions to a person's working life have social consequences for them, their families and dependents, and that there is a community interest in seeing such disruptions don't have major adverse effects on those who are vulnerable, then I think a scheme like ACC is essential in a civilised society. There are many ways you can achieve your ends but in my view the basic tenets of ACC remain sound.

You talk about the costs of the old system. Surely one of the reasons for the 1992 cut-backs, which you have been criticising, was to control runaway costs? ACC itself was getting pretty expensive!

Yes – but the cuts wouldn't have had to be so savage if the scheme had been managed differently earlier on. I don't want to get us bogged down in technical details about funding but there are a series of complex financial issues surrounding the scheme which are not well understood.

For example, a decision was made in 1982 to run the scheme on a pay-as-you-go basis. I won't go into all the details but the upshot of that decision was that employers' premiums were substantially cut - the size of premiums being something employers are extremely interested in and which causes them considerable anxiety! The result was that employers got a handsome set of presents over a long period of time. Then the costs went up as the scheme matured and it became obvious that the cutting of premiums to employers was premature and ill-founded. Thus, many of the financial difficulties the scheme has recently been experiencing were the result of poor decisions in the past.

Moreover, there was a total misunderstanding on the part of employers about what their financial obligations would have been if the scheme had not been there. If employers had to face the consequences of common law damages actions under the workers' compensation scheme in the contemporary financial environment, they would be more

economically deprived in competitive terms than they are under ACC. They are much better off in New Zealand without a common law tort system, which is not only expensive but inequitable and quite random in the way it distributes its benefits. Our system is much cheaper and much easier for employers than being faced with endless litigation by workers seeking compensation. Yet this is something which for a long time they have failed to appreciate.

Even if the system was under-funded by employers, there were still those ballooning costs you mentioned. Surely the problem was not just that the funds were low but that more demands were being made on them?

That's true. It was partly because people were claiming for injuries caused by things like sexual abuse which were not really envisaged when the original scheme was proposed. As a result of feminist analysis, more research and much greater candour about admitting things that previously had been off-limits, the scheme is now paying out for types of injury not anticipated in the 1960s. ACC is one of the few places that provides compensation and counseling for sexual abuse. By the early 1990s, the chairman of ACC reported that they were paying out a very substantial amount - somewhere between $30 million and $50 million a year, I believe - in lump sums for sexual abuse alone.

Over and above that, there was a cost creep in compensation for intangible, non-economic factors like physical pain, emotional suffering and the loss of dignity or enjoyment of life. In

1991 I think these came to around $259 million - more than medical and hospital costs put together.

The 1992 legislation, of course, put an end to those lump sum payments. This is one of the reasons why people are demanding to get back the right to sue for damages. Do you believe lump sum payments should be reinstated?

No. The lump sum payments were introduced into the legislation against the advice of the Royal Commission, by lawyers acting for trade union interests. The original Woodhouse recommendation was that there certainly should be compensation for dignitary loss and for pain, suffering and loss of enjoyment of life but that it should be on a periodic, not a lump sum basis. Rather than getting a one-off payment of, say, $10,000, the injured person would get a regular pension for as long as the incapacity lasts.

What about subjectively real but intangible things like depression or trauma caused by being psychologically abused by a partner?

A long-standing trauma of that sort would come under the heading of 'incapacity' which can be measured and assessed. Admittedly, it's not easy. There are a series of highly complex policy issues relating to the assessment of intangible loss. You could write a book on the subject - in fact, many people have! But the main point to remember is that psychic trauma does involve a very real loss for many people. It can have most debilitating effects and it should not be overlooked or regarded as some kind of soft touch when compared, for example, with the loss of a limb. Psychic trauma can be absolutely devastating. This must be recognised and restitution provided by any compensation scheme.

Yet both you and Mr Justice Woodhouse were opposed to lump sum payments for such losses?

Yes - and I still am. It seems to me that lump sum payments encourage people to think of ACC, as they used to think of common law litigation, as offering a pot of gold at the end of the rainbow. There is a strong incentive to exaggerate the injury in order to win that pot of gold. This encourages people to dwell on their plight and discourages rehabilitation. By 1992, when the legislation was altered to abolish lump sum reparations, they had become unsustainable in terms of the quantity awarded and the way they were assessed.

Are you suggesting that a certain amount of opportunism was going on before the changes - people exaggerating or even inventing emotional injuries in order to score that pot of gold?

I do think some of that was going on, but I also think there were serious problems with assessment. The tribunal had a lot of difficulty checking the veracity of claims for sexual abuse, some of which dated back many years. More generally, it's notoriously difficult to assess intangible injuries like pain, suffering and loss of enjoyment of life. That's why they were largely cut out of the 1992 Act.

But to get the record absolutely straight, you personally feel that such intangible injuries merit compensation.

Most definitely. The scheme shouldn't be limited just to paying medical expenses or compensating earners for loss of income. As the 20th century has progressed, the common law has become increasingly alive to subjective factors like psychic well-being and people's feelings. That aspect of common law, at least, should continue to inform the accident compensation scheme. That is, it should compensate for psychic distress which is very real but not as easily quantifiable as economic loss.

Let's say someone loses a leg. They may undergo successful medical treatment and get back their job, yet they may still be absolutely emotionally shattered by their loss. The law cannot give them back their leg but it can attempt to compensate a little by translating the gross indignity they have suffered into financial terms. Or again, if someone is mutilated by burns or scarring, it may not affect their earning capacity but they are justified in feeling aggrieved if they don't receive some reimbursement for their disfigurement. I support that principle entirely. I just don't believe that one-off, lump sum payments are the best way of providing such restitution.

What is the best way?

As I said before, compensation should be by way of periodic payments. This happens under the new system, it is true, but the payments should be much more generous. For instance, a non-earner with a permanent partial disability should get a substantial sum each week instead of the five dollars they currently receive – an award that would cover both economic and non-economic loss.

But then don't you get back to the problem of ballooning costs?

Any expenses involved in improving the current system would be far less than those incurred by a return to common law. In all events, although the costs of the scheme are important, they shouldn't be the ultimate determining factor. That should be the original Woodhouse principle that society must make genuine reimbursement to individuals, not only for loss of earnings but also for dignitary losses, for pain and suffering and for loss of enjoyment of life.

So far as costs go, those can be controlled by regular multi-disciplinary assessments, along with a much more active campaign to rehabilitate people rather than leaving them permanently on the scheme. After two years, everyone receiving compensation should be assessed, and if they are found to be no longer incapacitated they would be moved off the scheme.

But it is precisely such assessment - a form of state surveillance - that some people consider a violation of their dignity.

You have to balance fairness to recipients with fairness to the national community which is ultimately paying for the scheme. Awarding a permanent pension for incapacity is a

serious business, and every effort should be made to rehabilitate people before that decision is made. Those who are not incapacitated should be moved off the scheme. However, once permanent partial or total incapacity has been established, people would not be subjected to on-going reassessments. That way, the scheme wouldn't be paying out so much to people with minor or short-term injuries and would be able to afford greater compensation for those with more serious and long-lasting disabilities.

Would those assessments be made on an individual, case-by-case basis?

No, they would be made against a standard scale of incapacity. That sounds rather rigid and bureaucratic, but it's a case of striking a balance. In this case, it's a question of balancing fairness to individuals with administrative practicality. Remember, the scheme is processing tens of thousands of cases a year. The original Royal Commission emphasised strongly that if the new system were to operate on a universal basis, there should be an automatic formula applied in all cases to ensure uniformity and avoid contention.

You emphasise the need for fairness as well as practicality, but there is one area in which the basic principles of ACC would seem manifestly unfair. That is, victims of accidents are treated differently and more generously than victims of illness or those with impairments not resulting from accidents. Why should a welfare caste system be established on the basis of the cause of incapacity? If two people have the same impairment, suffer the same drop in earnings and experience the same loss of dignity or

enjoyment of life, why should one live comfortably ever after on 80 percent of their previous income while the other scrapes out a meager existence on a means-tested invalids' benefit?

I don't believe the social discrimination you refer to is in any way defensible. It ought to be redressed. In fact the Labour government of which I was a member worked on the problem and introduced a bill in 1990 that would have treated victims of sickness on the same basis as the victims of accident. There was some concern about it amongst ACC beneficiaries, since it would have reduced their benefits in order to increase compensation for the rest, but it would have eliminated the kind of social discrimination you mention.

It's very hard to see why one should treat victims of sickness or non-accidental disability, differently from those who are disabled through accidental injury. It's a form of discrimination which does not equate with any known social principle. It is unfair and wrong. Unfortunately our legislation was not passed because we lost the 1990 election.

Why was the difference between accident on the one hand, and illness or non-accidental disability on the other, inscribed in the legislation in the first place?

Politics is the art of the possible. Furthermore, the terms of reference of the original Royal Commission on which the legislation was based did not include sickness or non-accidental disability. You must remember that the cost of sickness is really very substantial. Its incidence is four or five times greater than accidental injury and therefore the financing of schemes which include sickness becomes a major factor. It makes the Treasury and others very nervous indeed. But even though there is bureaucratic resistance because of the expense, I nevertheless think it's crucial we should not discriminate on the grounds of the cause of disability.

The issue of accident versus sickness leads to an even larger problem. Not enough effort has been made to integrate ACC into the main income maintenance system. That would be extremely difficult because of the way in which welfare is administered in this country. The Royal Commission on Social Policy had a go at it and said some interesting things about it but the question of integrating accident compensation into the welfare system as a whole is by and large unfinished business which needs revisiting.

The system as it exists is too parochial. It focuses entirely on accidental injury, ignoring the fact that accidents constitute only a small part of the entire universe of disability.

The problem was compounded by making the Accident Compensation Commission a distinct and separate body that developed outside the main state bureaucracy and was not subject to the normal public service policy analytical disciplines. That made the Accident Compensation Commission - or Corporation as it is now - a very poor source of policy advice. Their record in the policy area was appalling.

Furthermore, there has been a quite reprehensible failure to keep proper statistics. The inability to gather full accident statistics has meant that research in relation to the causes of accidents, research which could easily have been enhanced by the scheme, has in fact not been advanced at all.

Is there any structural solution to such problems?

Yes – in my opinion what is now a stand-alone corporation should become a government ministry.

However, going back to your earlier question about the inequality between the sick and non-accidental disabled on the one hand and accident victims on the other, this still remains to be addressed. An immense amount of thought and work goes into each specific area - how to

prevent road accidents, rehabilitate stroke victims and so on - but it seems to me there is hardly any thinking that addresses the generic issue of disability as a whole. Until people start thinking globally about the disability question we are not going to make much more social progress. There needs to be a totally different and much more integrated approach to disability. There needs to be some real, hardheaded thinking in this area. We are not doing very well at it in New Zealand and we should make a fresh start.

If there were a minister for people with disabilities, backed up by a policy ministry, it might help government policy to be coordinated better. At the moment there is a spokesperson for disability, it's true, but she's a junior minister outside cabinet. What is needed is a strong voice where it counts inside cabinet itself.

On the subject of political structures, do you think the new MMP electoral system offers any opportunities for the disabled community in this country?

Yes, in fact I think enormous opportunities will be opened up by MMP if the disabled can get their act together and take advantage of them.

Do you mean the disabled should form their own political party, or alternatively try to get a quota of disabled candidates on the lists of the existing parties?

It would probably be more effective to systematically lobby all the MPs in the new parliament. Under MMP, parliament itself is going to have more power, which means that the support of each member will count. People with disabilities need to establish a set of objectives and make them clearly known and understood by all MPs.

As I see it, the problem about putting disability on the national agenda at the moment is that disabled people themselves are not sufficiently united. The DPA claims to speak for the disability sector as a whole but in reality people with disabilities are balkanised into different groups, each fighting for its own interests. You have organisations for the blind, the deaf, the intellectually disabled, paraplegics, schizophrenics, people with cerebral palsy and so on, each saying that nobody else can really understand their problems or speak for them. You are not going to make a major political impact as long as that level of fragmentation exists.

Yet surely that kind of fragmentation is endemic in all social movements? Maori are divided by tribes, by the urban/rural dichotomy, by age, by social class and so on. The

women's movement is splintered into liberal feminists, lesbian separatists, socialists, Christian fundamentalists and the like. Disabled people are not alone in being balkanised. There are very real differences amongst the disabled, and it's surely unrealistic to expect them to speak with one voice?

You could say the same about other groups in society who are equally diverse yet manage to forge effective pressure groups. Federated Farmers is an obvious example, as is the Employers' Federation. Farmers and employers come in many different shapes and sizes but they have managed to lobby politicians very effectively on behalf of their common interests. If the political will is there, sectional differences can be overcome. I believe that with the advent of MMP, the time is ripe for the disability movement to make a big impact on national consciousness. It is up to different groups of disabled people to submerge their parochial interests in a larger, unified political campaign.