

**3 February 2023**

Social Services and Community Select Committee

Parliament Buildings

Wellington

Via email only [ssc@parliament.govt.nz](mailto:ssc@parliament.govt.nz)

Access Matters Aotearoa Trust

## Supplemental Submission on the Accessibility for New Zealanders Bill - Why the Bill Needs to Mandate the Development of Accessibility Standards

### 1. Introduction

The Access Matters Aotearoa Trust (AMA) still believes that several amendments would strengthen the Bill and further provide for its purposes. In our 7 November 2022 submission, we categorised most of these amendments into four parts:

1. accessibility standards;
2. the establishment of a regulator;
3. a barrier notification system; and
4. a disputes resolution process.

In this supplementary submission, we suggest that at the very least, accessibility standards should be incorporated into the Accessibility for New Zealanders Bill (the Bill).

Accessibility standards are key to achieving the Bill's goals by removing accessibility from being just one consideration among many (which can be overlooked by government).

Standards will make accessibility a key consideration across a wide range of public and private decisions. Removing existing barriers, and stopping new ones from being created is key to reducing the cost of living for all New Zealanders, including the one in four disabled New Zealanders and people with other access needs.

The “Click away Dollar” of lost business due to inaccessibility in New Zealand is estimated to be between \$395 - \$522 million.<sup>1</sup> Business needs easy to understand standards in order to deliver accessible services and products, and recover this lost business.

Please refer to the Appendix titled “Accessibility for Ontarians with Disabilities Act Alliance supplemental submission on the Accessibility for New Zealanders Bill (the Bill)” for more information.

### **What are standards**

“A standard guides activities of organizations in a way that is consistent across sectors. It means people can expect the same level of service or quality of products.”<sup>2</sup>

Standards can cover a huge range of activities undertaken by organisations and the people who interact with them.

“The key function of standards are:

- To identify people who have rights and obligations to remove barriers;
- To help those people understand what they need to do to be compliant;
- To agree on key indicators for assessing whether those standards are effective or not; and
- To state the consequences if they are not compliant.”<sup>3</sup>

Standards are knowledge. They are powerful tools that can help drive innovation and increase productivity. They can make organisations more successful and people’s everyday lives easier, safer and healthier.

## **2. Why we need accessibility standards in the Bill**

Removal of barriers through accessibility standards will include ‘designing away’ barriers before they can operate to exclude or disable people.

“Delegation of law-making is usually justified for the following reasons”, which we believe equally apply to the technicality, pace and flexibility expected of accessibility standards:

- the pressure of parliamentary time;
- the technicality of the subject matter;
- any unforeseen contingencies that may arise during the introduction of large and complex schemes of reform;
- the need for flexibility;
- an opportunity for experiment; and
- emergency conditions requiring speedy or instant action”.<sup>4</sup>

An environment is “somewhere where people exist or occupy a space. Environments contain different features. Some of these features can be barriers which disable people.”<sup>5</sup>

A barrier is a negative feature of an environment. A feature is negative when it interacts with a person’s impairment to prevent that person from full and effective participation in society.

A domain is a “subset of environments that have related features. Multiple domains may interact within a single environment. For instance, a person with a mobility impairment may be excluded from public transport because of digital barriers that inhibit access to relevant information, or physical barriers that exclude them from accessing or operating a vehicle.”<sup>6</sup>

The standards should achieve the following purposes:

- “(a) To design and build an environment that is accessible by all New Zealanders for now and the future.
- (b) To meet the demands of the ageing population.
- (c) To promote awareness of accessibility issues, and to train and disseminate knowledge about making buildings more accessible.
- (d) To depart from the minimum standards approach adopted in existing accessibility standards.
- (e) To prioritise accessibility when access requirements are in conflict with short-term economic sustainability.
- (f) To increase awareness of the economic benefits of accessibility for businesses.
- (g) To reduce the need for those disadvantaged to resort to bringing a discrimination action under the Human Rights Act 1993.
- (h) To ensure that services meet the needs of disabled people and people with access needs and are compatible with their assistive devices and services animals.
- (i) To ensure services respect dignity and independence.
- (j) To implement principles of universal design.
- (k) To prevent public monies being used to create barriers for disabled people and people with other access needs”<sup>7</sup>

As Callum McMenamin explains in his 26 September 2022 opinion piece titled “*Proposed accessibility law is useless without enforceable standards*”<sup>8</sup>:

“Recently, deaf advocate [Hope Cotton presented a petition to Parliament](#) calling for legislation to enforce captioning for television and media organisations. Are we happy with the fact that disabled people have to plead with, and petition the Government just to get basic access to TV and media?

...The disabled community has been calling on the Government to take action on accessibility for decades. Mainly, it has been asking for two things: accessibility standards, and legislation to enforce them. And what was the Government’s response? A piece of legislation that [sets no standards, and has no enforcement](#). Precisely the opposite of what disabled people asked for.”

### **3. We can quickly adapt overseas standards in Aotearoa New Zealand**

Aotearoa New Zealand can quickly adapt appropriate overseas standards as non-enforceable standards.

“Accessibility standards should be developed and implemented in a way that strikes a balance between the overdue need for legal intervention and the constitutional principle against enforcing costly change too rapidly. To avoid unnecessary delay the process can begin with non-enforceable standards, which can have significant cultural and political effect immediately. Those standards will then be tested and monitored, before giving way to enforceable standards in appropriate cases”<sup>9</sup>.

“There could be three categories of standards:

1. Enforceable standards; and
2. Non-enforceable standards.
3. A mixed standard that is partially enforceable and partially non-enforceable”<sup>10</sup>.

Please refer to Chapter 5: Accessibility Standards in the *Making New Zealand accessible: A design for effective accessibility legislation*<sup>11</sup> paper for more detail on this proposed model.

Further, Forster, Barraclough and Barnes describe the benefits of non-enforceable standards as follows (emphasis added in bold):

**“Non-enforceable standards are intended to allow gradual adoption of accessibility requirements while also allowing immediate application. Non-enforceable standards will be drafted with the intention that they become enforceable after a process of consultation, testing and monitoring.**

We acknowledge that calls for accessibility legislation have been made on the basis that existing voluntary standards are ineffective at making Aotearoa accessible. We agree that non-enforceable standards will not be enough. However, **non-enforceable standards do serve a purpose by enabling rapid transition toward a clear set of expectations around accessibility that can**

**be tested and monitored.** The clear signal from the Act is that, once non-enforceable standards are set, if they do not achieve compliance by voluntary removal of barriers, then they will become enforceable.

Another benefit of formalising non-enforceable standards under the Act is that they will be collated in a way that makes them more accessible, as understood in the purpose of the Legislation Act 2012, because they are held in one place with a clear framework around them.

If all standards were required to be enforceable, they would have significant legislative effect, and this would require significant consultation. There could be significant delay in their development, drafting and implementation. By contrast, **if non-enforceable standards are given formal recognition, then this enables them to become applicable immediately and have influence, even if they won't all be immediately enforceable.**

**Nevertheless, nobody ultimately responsible for removing a barrier will be able to convincingly argue they did not know what their obligations were.**"<sup>12</sup>

Some examples of domains that are often used, and could also be used in standard development are listed below<sup>13</sup>:

- "Housing
- Procurement
- Employment
- Transportation
- Digital and information systems
- Broadcasting and communication
- Educational
- Attitudinal
- Hospitality
- Retail
- Customer service
- Political and democratic processes
- Access to justice processes
- Supported decision-making
- Health systems
- Social support systems and social welfare
- Building compliance
- Consultation
- Justice systems including court processes and non-court processes".<sup>14</sup>

## 4. How will it change all New Zealanders lives

In Aotearoa New Zealand, we like to think we live in a classless and fair society. We take pride in having a can-do attitude where working hard translates into getting ahead. We know, of course, that the reality is somewhat different for many of us. Our society was designed and built for just a portion of our population. In this, we have privileged some and excluded many.

Almost a quarter (24%) of New Zealand citizens identify as having some form of disability. People aged 65 or over are much more likely to be disabled (59%) than adults under 65 years (21%) or children under 15 years (11%). In 2017, there were around 11,000 serious injuries. With population growth and people living longer many of these figures are increasing. Barriers prevent many people from participating fully and equally in society. This exclusion also has a negative impact on people's family and friends.

**Fully including people with access needs in every aspect of life benefits everyone – standards are key to this.**

Having clear and easy to use standards will unlock the potential of people with visible and invisible disabilities and other access needs, who are currently often excluded from education, employment and participation in society. Accessibility standards will create the conditions to:

- make it easier for people to complete primary and secondary education, and take part in higher education
- make it more likely that people can secure jobs, easily travel to work, and move around within the workplace
- make it easier for people to take part in the economy through the purchase and use of goods and services.

New Zealand needs standards to ensure that people with access needs aren't excluded from the labour market. Inaccessible digital online services and products means potential customers can't spend their money with these businesses. Difficulties accessing education and vocational training leads to society denying itself the talents of potential professionals. Society as a whole would prosper from greater inclusion and participation of this diverse community of people.

### **Digital accessibility**

"Despite the positive start to digital accessibility, New Zealand is now falling behind in terms of compliance with industry standard guidelines. New Zealand websites have generally poor compliance with WCAG increasing the barriers that people with disabilities face when using technology. A recent review of the top 1000 New Zealand websites shows that 97.5 per cent had at least one WCAG2.1 error, and 60 websites had more than 100 errors (Harrison 2021)"<sup>15</sup>.

## **Accessible digital procurement**

“Government Procurement Rule 61 states that purchasers must pay attention to web standards (Rule 61: Web standards 2021). But this does not help government agencies or businesses know what they should be looking for or how to pay attention to web standards, and international suppliers sometimes need to be used to meet the requirements...A vendor should be able to prove that the product they are delivering meets the guidelines, either through usability testing with people with access needs, or expert reviews against the guidelines. A lack of understanding and information of what good looks like means that agencies and mainstream businesses run the risk of buying technology that does not meet the standards. We should provide more information about what good looks like, and how to measure it.”<sup>16</sup>

## **5. How will it affect the NZ economy**

It’s not easy for businesses that want to tap into the accessibility market right now. Having clear and consistent standards, as a resource in a ‘one-stop-shop’ within the framework of the Bill will help businesses know what to do.

Twenty five percent of business customers are likely to have accessibility needs, and 15 – 20% of the workforce are likely to be neurodiverse.

There are simple things that business can do to reach a new, loyal customer base, and unleash the potential of the workforce, and increase engagement.

At a time when business is looking for a loyal customer base and labour force, this is an expedient way to convert sunk cost into a great opportunity.

Everyday, people are progressing plans, developing apps, and putting up new buildings. Accessibility must be built in from the very beginning.

**In September 2021, ANZ shared their Case Study “ANZ New Zealand’s Accessibility Journey and support for accessibility legislation in New Zealand” with the Access Matters Campaign. Selected excerpts are below, and the full case study is attached as an appendix.**

“Accessibility legislation will help reinforce the priority this topic and the people impacted by it deserve. Further to legislation however, clear and easily applied standards would provide tangible guidance on how businesses and organisations can apply legislation to best effect.

...Accessibility standards would offer a level playing field for businesses, enable focus on practical application over analysis of best practice, and provide continuity of accessibility practices, which ultimately creates consistency of customer experience. This in turn is best for anyone who benefits from, or relies on, improved accessibility in general.”<sup>17</sup>

ANZ notes since the submission in September 2021, they are proud to have joined with ANZ Australia to publish [The Accessibility & Inclusion Plan 2023-2025](#). This public document outlines commitments to which ANZ New Zealand will hold itself accountable over the next three years.

With an estimated population of 1.85 billion, people with disabilities are an emerging market larger than China. Their friends and family add another 3.3 billion potential consumers who act on their emotional connection to people with disabilities. Together, disability touches 73% of consumers. A market bigger than China, the Disability Market influences over \$13 trillion in annual disposable income. When asked, people with disabilities say that between 75% – 80% of their customer experiences are failures.<sup>18</sup>

“New Zealand is also an exporter of software with some large companies based here having huge markets elsewhere in the world. In fact, New Zealand software exports are outstripping our sales of wine (O’Neil 2020). Private businesses in Aotearoa are not mandated to meet the minimum accessibility standards, while many of the countries we are exporting to do require all digital products to meet certain accessibility standards. We should be doing more to ensure our software meets international requirements”.<sup>19</sup>

## **6. Examples of Accessibility Standards and their potential application to Aotearoa New Zealand**

### **Accessibility Standards for Public Transport**

Source: Australian Disability Standards for Accessible Public Transport 2002<sup>20</sup>

- Information desks, check-in counters, etc — airport terminals

At least 5% of information desks, check-in counters and similar airport fixtures used by passengers must be suitable for use by passengers in wheelchairs or similar mobility aids. (Part 22.2)

- Accessible sleeping berths — ferries

If a ferry has sleeping berths, at least one accessible sleeping berth must be provided for every 32 beds or bunks on the ferry. (Part 22.4)

- Instalment at accessible bus boarding points

Colour-contrasted tactile indicators must be installed at accessible boarding points at bus stops or in bus zones. (Part 18.3)

- Taxi registration numbers

Raised taxi registration numbers must be placed on the exterior of passenger doors forward of the handle. (Part 17.7)

- Stairs not to be the sole means of access – public conveyances and infrastructure. Stairs must not be the sole means of access. (Part 14.1)
- Minimum number of seats to be provided

If a waiting area is provided, a minimum of 2 seats or 5% of the seats must be identified as available for passengers with disabilities if required. (Part 7.1)

## Comparison of Spark Arena in Auckland with a similar-sized arena in Australia



*Figure 1 ALT TEXT: Auckland City skyline showing Spark Arena rooftop on a fine day.*

Spark Arena in Auckland seats up to 12,000 people. There are 17 wheelchair seating spaces available per show for the musical Hamilton during May and June 2023 (seating availability differs for events). These are all located in the left-side back row of the lower bowl. To book accessible tickets you have to contact Ticketmaster to determine availability. You can't simply book them online. Then you have to phone Spark Arena separately to book a mobility

carpark, which are very limited. Spark Arena has no public carpark for patrons so attendees that don't secure a mobility park would need to make their own way to the arena from other nearby carparks.

If Spark Arena was in Australia, the arena would have to comply with the Disability (Access to Premises — Buildings) Standards 2010<sup>21</sup>. The arena would need to have at least 118 wheelchair seating spaces. These seats must cover all group sizes from single seats up to groups of 10. The wheelchair seating spaces must be evenly distributed throughout the entire arena. If the arena had 1000 carpark spaces, a minimum of 20 accessible carparks must be provided.

## Comparison of Enrolment in education



*Figure 2: ALT TEXT: Two young teachers hold painters letters aloft for a class of young children*

A child's right to an inclusive education is enshrined in New Zealand law and in the UN Conventions that New Zealand is signatory to, including Article 23 of the UN Convention on the Rights of the Child (UNCRC) and Article 24 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>22</sup>. Additionally, the Human Rights Act 1993<sup>23</sup> prohibits schools from refusing or failing to admit a person as a student on the basis of any of the grounds of discrimination in the Act including disability.

A [2022 Education Review Office report](#)<sup>24</sup> (ERO) shows 21% of disabled learners were discouraged from enrolling at their local school, 27% have been asked to stay home on official school days, and 29% have never been able to participate in school camps.

Some schools only enrol students if they have Ongoing Resourcing Scheme (ORS) funding in place. To obtain [ORS](#)<sup>25</sup> funding the child must be very high needs for example completely reliant on sign language or braille or be significantly cognitively impaired. In other words, if you are not disabled enough, you can't get funding, and if you can't get funding you can't enrol at your chosen school.

The Human Rights Act 1993 section 60<sup>26</sup> states a school may refuse admission to a student with a disability if the school cannot reasonably provide the special services or facilities that the student needs. Essentially this could mean that the school can't afford to make the adjustments needed for your child so you can go somewhere else thank you very much.

Despite this, the ERO report shows that disabled kids in low-decile schools have better outcomes, especially around acceptance and inclusion. Only 50% of disabled students in high decile (8-10) schools were supported to learn in the way they felt most comfortable. Only 1/3 of parents of disabled students at high decile schools felt the school adapted the learning program to meet their child's disability and only 23% of high decile schools supplied specialist support when needed.

### **Under the Australian Disability Standards for Education 2005<sup>27</sup>:**

A person with a disability is able to seek admission to, or apply for enrolment in, an

institution **on the same basis** as a prospective student without a disability if the person has opportunities and choices in admission or enrolment that are comparable with those offered to other prospective students without disabilities.

An education provider that:

(a) refuses a prospective student with a disability a place in the institution, or in the particular course or program applied for by the prospective student, on the ground that the student would be able to enrol in another institution or a course or program at another institution; and

(b) does not refuse students without disabilities places on the same ground;

does not treat a prospective student **on the same basis** as a prospective student without a disability. (Part 2.2)

The education provider must take reasonable steps to ensure that the prospective student is able to seek admission to, or apply for enrolment in, the institution on the same basis as a prospective student without a disability, and without experiencing discrimination. This includes discussing the needs of the student during the enrolment process and presenting enrolment information in accessible formats. (Parts 4.2 and 4.3)

If there is an activity in which the student cannot participate (because of their disability), the student is offered an activity that constitutes a reasonable substitute within the context of the overall aims of the course or program and any activities that are not conducted in classrooms (extra-curricular activities or activities that are part of the broader educational program), are designed to include the student. (Parts 5.2 and 5.3)

Any changes to accommodate a disabled student are done in consultation with the student and their parents or caregivers before the adjustment is made to determine whether the adjustment will achieve the desired outcome. (Part 3.5)

Teaching and delivery strategies for courses or programmes are adjusted to meet the learning needs of the student and address any disadvantage in the student's learning resulting from his or her disability, including through the provision of additional support. (Part 6.3)

**Comparison - A group of friends want to travel to Waiheke Island for a day tour using the hop-on hop-off bus tour. One of the people in the group is blind and another is a wheelchair user.**



*Figure 3: ALT TEXT: Aerial shot of Waiheke Island showing the Waiheke Ferry Terminal*

The person who is blind has to catch the bus from Sandringham Road into the city centre to meet her friends at the ferry terminal. Her nearest bus stop just has a pole with a written bus timetable. No audio timetable is available. No digital timetable is available, but she finds this hard to access anyway.

She would have no idea when the bus she wants will be arrive, and must flag down every bus that she hears until she gets the right bus. She needs to get off the bus at the corner of Wellesley Street and Queen Street. If she is lucky, the bus will have audio warnings for upcoming stops. She's has noticed that slowly more buses have this feature. Without audio announcements, she has to rely on the bus driver remembering the stop she wants to get off at. She has noticed most drivers are happy to do this, but sometimes they forget. When she gets to Queen Street she would have to navigate her way down to the waterfront. She could catch another bus or walk. There would be hazards everywhere (e.g. cones, scaffolding and roadworks) and she would have to navigate different detours every time. Hopefully, she would make it to the ferry in time.

The wheelchair user can use ramps to board the ferry at both the downtown and Waiheke ferry terminals and travel to the island. However, the buses on Waiheke Island are not wheelchair accessible. She would either have to use a taxi to get to every place her friends want to visit or she could just wait at the ferry terminal until everyone returns from their fun day out.

**Under the Australian Disability Standards for Accessible Public Transport 2002<sup>28</sup>:**

- General information about transport services must be accessible to all passengers.
- Large print format type size must be at least 18 point sans serif characters, black on a light background.
- All passengers must be given the same level of access to information on their whereabouts during a public transport journey. (Part 27)
- Operators must designate at least 2 of the seats provided on their unbooked buses as priority seating for passengers with disabilities and other groups in need of special assistance (for example, the aging). (Part 31)

Under the Disability (Access to Premises — Buildings) Standards 2010<sup>29</sup> Part DP1, access must be provided to enable people to approach the building from the road boundary.

With these standards the blind passenger would easily catch the bus, make her way down a hazard free footpath, and make it to the ferry terminal on time. The wheelchair user can travel on the bus on Waiheke Island and fully participate in the days activities.

Given the importance of tourism to the New Zealand economy, public transport accessibility should be a priority. Especially at a tourist hotspot like Waiheke. By not having standards New Zealand is missing out on hundreds of thousands of tourism dollars.

## **Appendix – Accessibility for Ontarians with Disabilities Act Alliance supplemental submission on the Accessibility for New Zealanders Bill (the Bill)**

United for a Barrier-Free Society for All People with Disabilities

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Social Services and Community Select Committee

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Wellington

Supplemental Submission on the Accessibility for New Zealanders Bill - Why the Bill Needs to Mandate the Creation of Enforceable Accessibility Standards

January 19, 2023

### **1. Introduction**

At present, the Accessibility for New Zealanders Bill (the Bill) before Parliament does not require the creation and enforcement of any accessibility standards. This is a major omission. Experience from other jurisdictions overwhelmingly shows that to be effective, a disability accessibility law needs to mandate the creation and enforcement of mandatory accessibility standards.

The creation and enforcement of mandatory accessibility standards is an absolutely indispensable centerpiece of disability accessibility legislation in Canada at the federal and provincial levels (such as the Accessible Canada Act and the Accessibility for Ontarians with Disabilities Act), and elsewhere such as in the US and Israel.

The Bill should require the Government to create all the accessibility standards as enforceable regulations that are needed to achieve the law's goal, and should set timelines for enacting these regulations.

The AODA Alliance has a great deal of experience working with accessibility standards. For example, we have given input into the content of several accessibility standards in

Ontario. , AODA Alliance Chair David Lepofsky served as a member of the K-12 Education Standards Development Committee, which wrote an extensive report on what needs to be included in an Education Accessibility Standard under the Accessibility for Ontarians with Disabilities Act.

## **2. What is an “Accessibility Standard”?**

An accessibility standard is an enforceable regulation. It spells out in detail the actions obligated organizations must take to become accessible to people with disabilities and the time lines for these actions to be completed. It identifies the recurring barriers that must be removed and prevented. Depending on how it is designed, it can identify the specific measures needed to remove them, or the end results that must be achieved.

For example, an example of a specific action to be taken that an accessibility standard might set is a precise measurement of how wide an aisle needs to be so that people with disabilities can safely travel in it. In contrast, an illustration of an “end result” that an accessibility might establish is a requirement that an electronic self-serve kiosk must provide audible spoken word output of any information displayed to a customer on the screen, without detailing how that spoken word information is to be made available.

Accessibility standards can be created for different sectors of the economy. Each could address the distinctive disability barriers that exist in those sectors.

The following are examples of this:

- A Customer Service Accessibility Standard
- An Education Accessibility Standard
- A Transportation Accessibility Standard
- A Health Care Accessibility Standard
- A Residential Housing Accessibility Standard

As well, separate accessibility standards can also be enacted to address recurring disability barriers in recurring areas or activities that cut across many sectors of the economy, such as:

- An Employment Accessibility Standard
- A Built Environment Accessibility Standard
- An Information and Communication Accessibility Standard.

## **3. Why Accessibility Standards are So Beneficial to New Zealand**

There are several important advantages to creating enforceable accessibility standards.

### **a) Benefits for Obligated Organizations**

For obligated organizations, accessibility standards give clear direction on what they need to do to become accessible to people with disabilities. Obligated organizations want to know what they have to do. We have heard the following message from any number of businesses and public sector managers: “Tell us what we need to do, and we will do it!”

General vague anti-discrimination laws are only helpful to a point. They tell organizations not to discriminate because of disability. They tell them that they have a duty to accommodate people with disabilities. However those general legal requirements don't let an obligated organization know how high a service counter should be in order to be accessible. They don't let them know that a PDF formatted document creates accessibility barriers for blind computer users, or what to use to ensure document accessibility. They don't alert public transit operators that they need to audibly announce each route stop. They don't let a hotel operator know that a Braille and raised large print room number should be posted on or beside each hotel room's door.

An effectively-written accessibility standard provides the clear directions to obligated organizations that they need and that an important but vague general ban on disability discrimination does not. Effective accessibility standards save obligated organizations money on compliance. Each obligated organization don't need to each reinvent the accessibility wheel. They can avert the need for each obligated organization to hire consultants to give the same directions to one organization after the next.

Effectively-written accessibility standards help obligated organizations know when they are in compliance. If they are clearly written, then they save obligated organizations the cost of having to retain lawyers to advise them on what the law requires them to do.

By providing time lines for completing specific actions, an effective accessibility standard can help obligated organizations plan for orderly progress on accessibility, knowing what they must achieve first.

Because they are mandatory, accessibility standards also promote fairness among obligated organizations. If they are simply published as unenforceable voluntary guidelines, nothing would require an obligated organization to comply with them. An organization can feel: “Why should I comply with this if my competitors do not have to do so?”

Accessibility standards do not need to be “one size fits all”. They can, for example, set different time lines for different obligated organizations depending on whether they are in the public or private sector, or depending on whether they are large or small. In this way, they can be tailored to the capacity of obligated organizations.

When done properly, accessibility standards can and should increase the profitability of for-profit organizations and the mission success of non-profit organizations. They will serve more customers and will have access to a broader pool of employees.

### **b) Helping People with Disabilities**

Effectively-written accessibility standards can provide a tremendous help for people with disabilities. By making it easier for obligated organizations to comply, people with disabilities can experience a quicker path to achieving accessibility.

An effective accessibility standard lets people with disabilities know what specific corrective actions they are entitled to expect from obligated organizations, and when they are entitled to expect them. If an organization has not taken a specific corrective action that an accessibility standard requires of them, people with disabilities can quickly and easily point them to the accessibility standard, and to the specific requirements that it sets.

### **c) Helpful for Effective Enforcement**

An effectively-written accessibility standard makes it much easier for a public authority to enforce inclusion and accessibility. For example, if an accessibility standard sets the required height for an accessible public service counter, all that is needed to measure compliance is 2 minutes on site with a tape measure. The clearer be the accessibility standard, the easier it will be for all concerned, including enforcement officials, to assess whether an obligated organization is in violation or in compliance.

The quicker and easier it is to enforce an accessibility requirement, the greater is the motivation for obligated organizations to comply.

### **d) Making It Easier to Gauge the Need for More Action on Accessibility**

Beyond the preceding specific benefits, it helps to look at an entire body of accessibility standards to size up where there are gaps. In Ontario, for example, once five accessibility standards were enacted by 2012, it became clear that there were serious gaps in the areas of education and health care. This led to a determination that Ontario needs to develop new accessibility standards targeted at education and health care respectively.

## **4. Conclusion**

There has been a great deal of work done around the world on developing accessibility standards, from which New Zealand can benefit. If the Bill were amended to empower and require the creation of enforceable accessibility standards, New Zealand could draw on and add to that global experience, making it easier and less expensive to implement these measures.

We would be pleased to provide the Parliament of New Zealand with any further

information that might assist, including our experience with how to develop accessibility standards.

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<sup>1</sup> Purple Dollar estimate for New Zealand based on Purple Pound Research from the UK. Peter Chou. July 2022. Unpublished.

<sup>2</sup> Accessibility Standards Canada. Frequently asked questions. Definition of a standard. Accessed on 18 January 2023. <https://accessible.canada.ca/about-us>

<sup>3</sup> Forster, Warren; Barraclough, Tom; Barnes, Curtis. *Making New Zealand accessible: A design for effective accessibility legislation*. 29 September 2021. Chapter 5 – Accessibility Standards. Page 92.

<sup>4</sup> Forster, Warren; Barraclough, Tom; Barnes, Curtis. *Making New Zealand accessible: A design for effective accessibility legislation*. 29 September 2021. Chapter 5 – Accessibility Standards. Page 95.

<sup>5</sup> Overview of the Access Matters Aotearoa 'Example Accessibility Bill'. Available to download from [https://www.accessmatters.org.nz/example\\_accessibility\\_bill](https://www.accessmatters.org.nz/example_accessibility_bill)

<sup>6</sup> Overview of the Access Matters Aotearoa 'Example Accessibility Bill'. Available to download from [https://www.accessmatters.org.nz/example\\_accessibility\\_bill](https://www.accessmatters.org.nz/example_accessibility_bill)

<sup>7</sup> Access Matters Aotearoa 'Example Accessibility Bill'. Part 4, Section 25. Available to download from [https://www.accessmatters.org.nz/example\\_accessibility\\_bill](https://www.accessmatters.org.nz/example_accessibility_bill).

<sup>8</sup> <https://www.stuff.co.nz/opinion/129992119/proposed-accessibility-law-is-useless-without-enforceable-standards>

<sup>9</sup> Forster, Warren; Barraclough, Tom; Barnes, Curtis. *Making New Zealand accessible: A design for effective accessibility legislation*. 29 September 2021. Chapter 5 – Accessibility Standards. Page 91.

<sup>10</sup> Forster, Warren; Barraclough, Tom; Barnes, Curtis. *Making New Zealand accessible: A design for effective accessibility legislation*. 29 September 2021. Chapter 5 – Accessibility Standards. Page 93.

<sup>11</sup> Available to download from

[https://www.accessmatters.org.nz/making\\_new\\_zealand\\_accessible\\_a\\_design\\_for\\_effective\\_accessibility\\_legislation](https://www.accessmatters.org.nz/making_new_zealand_accessible_a_design_for_effective_accessibility_legislation) and <https://forster.co.nz/accessibility-report#:~:text=In%20a%20ground%2Dbreaking%20report,so%20many%20of%20our%20people>.

<sup>12</sup> Forster, Warren; Barraclough, Tom; Barnes, Curtis. *Making New Zealand accessible: A design for effective accessibility legislation*. 29 September 2021. Chapter 5 – Accessibility Standards. Page 93.

<sup>13</sup> Explanatory note - The regulator will undertake a process to identify domains within environments to organise sets of features with a goal of identifying barriers to set standards to. Multiple domains may interact within a single environment. For instance, a person with a mobility impairment may be excluded from public transport because of digital barriers that inhibit access to relevant information, or physical barriers that exclude them from accessing or operating a vehicle. Standards such as web accessibility standards or public transportation accessibility plans already exist and were set within domains.

<sup>14</sup> Access Matters Aotearoa 'Example Accessibility Bill'. Schedule 1 - Examples of domains that are often used, and could also be used in standard development. Available to download from

[https://www.accessmatters.org.nz/example\\_accessibility\\_bill](https://www.accessmatters.org.nz/example_accessibility_bill).

<sup>15</sup> <https://accessadvisors.nz/news/a-history-of-digital-accessibility-in-aotearoa/>

<sup>16</sup> <https://accessadvisors.nz/news/a-history-of-digital-accessibility-in-aotearoa/>

<sup>17</sup> Case Study: ANZ New Zealand's Accessibility Journey and support for accessibility legislation in New Zealand. September 2021. Case study provided to the Access Matters Campaign.

<sup>18</sup> Design Delight from Disability - 2020 Annual Report: The Global Economics of Disability. Return on Disability. Available to download from <https://www.rod-group.com/content/rod-research/edit-research-design-delight-disability-2020-annual-report-global-economics>

<sup>19</sup> <https://accessadvisors.nz/news/a-history-of-digital-accessibility-in-aotearoa/>

<sup>20</sup> Disability Standards for Accessible Public Transport 2002.

<https://www.legislation.gov.au/Details/F2011C00213>

<sup>21</sup> Disability (Access to Premises — Buildings) Standards 2010.

<https://www.legislation.gov.au/Details/F2011C00214>

<sup>22</sup> Paraphrased from Parents of Vision Impaired NZ Position Statement: Education (2022).

<https://pvi.org.nz/wp-content/uploads/PVI-position-statement-education.docx>

<sup>23</sup> Human Rights Act 1993 section 57.

<https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304637.html>

<sup>24</sup> Thriving at school? Education for disabled learners in schools. <https://ero.govt.nz/our-research/thriving-at-school-education-for-disabled-learners-in-schools>

<sup>25</sup> Criteria and definitions for Ongoing Resourcing Scheme (ORS).  
<https://www.education.govt.nz/school/student-support/special-education/ors/criteria-for-ors/>

<sup>26</sup> Human Rights Act 1993 section 60.  
<https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304641.html>

<sup>27</sup> Disability Standards for Education 2005. <https://www.legislation.gov.au/Details/F2005L00767>

<sup>28</sup> Disability Standards for Accessible Public Transport 2002.  
<https://www.legislation.gov.au/Details/F2011C00213>

<sup>29</sup> Disability (Access to Premises — Buildings) Standards 2010.  
<https://www.legislation.gov.au/Details/F2011C00214>

## Case Study: ANZ New Zealand's Accessibility Journey and support for accessibility legislation in New Zealand.



### Introduction

ANZ Bank New Zealand is New Zealand's largest bank. Nearly one in two New Zealanders have a banking relationship with us. From individuals and families, to the farms and small businesses that are the lifeblood of our economy, we play a key part in helping New Zealanders achieve their financial aspirations.

ANZ employs around 8,000 people across the length of New Zealand. We believe in the inherent strength of a vibrant, diverse and inclusive workplace where the backgrounds, perspectives and life experiences of our people create a great place to belong.

Our purpose is to shape a world where people and communities thrive. One of the tangible ways we demonstrate our support is through our official partnership with Paralympics New Zealand. Through this sponsorship, ANZ supports para athletes and the New Zealand Paralympic Team as they strive to achieve their goals, and positively influence community perceptions of disabled people in New Zealand.

### Our approach to accessibility

ANZ refreshed its long-standing Accessibility & Inclusion Committee in 2019 as part of our ongoing commitment to delivering the best possible outcomes for our customers. The committee is driven by two key motivators. Firstly, addressing access needs can be a key part of reducing or eliminating vulnerable circumstances and growing inclusivity, for both staff and customers. Secondly, the awareness that accessible design is simply *better* design, especially in the case of our digital platforms, which increasingly dominate our services.

A self-assessment of our current approach to accessibility, conducted in 2020, covered a range of topics including physical spaces, employee recruitment and support, communications, products and services, technology, suppliers and partners, and innovation and leadership. It highlighted many positive actions already in play, but also gave us clarity on areas for improvement.

We are looking to improve accessibility for our employees both now and in the future. We're ensuring we have the right support, training, software, tools, and equipment for existing staff. We are also committing to providing accessible environments that empower a diverse range of needs. Recruitment is an important focus for us too, and we are looking at ways to be as inclusive as possible during the process to encourage diversity in teams.

We are continually assessing and improving our physical environments for both staff in our offices, and for customers in our branches. We are committing to a digitally inclusive future where everyone, regardless of their needs, can access our digital products and services across all platforms.

### Continuing the journey

Our digital design team is ensuring accessibility is considered from the beginning of projects in the discovery phase, and are working with delivery teams to ensure that recommendations are

implemented into live products and services. We are creating ambassadors who can help create awareness, provide education and guidance, and work alongside teams to upskill them. We are evolving our processes and frameworks, as well as exploring the use of automated measurement, testing, and reporting tools. This work has been undertaken with the support of external consultants including Access Advisors and Deque to ensure that we maintain outcomes which benefit customers and staff with access needs.

We are working to create a culture of sharing and promoting even small wins in the accessibility space; a recent example being the introduction of audible lift-call functions in some of our corporate buildings.

We know that for our staff, understanding their situation is the first step to making changes that will make a difference. We have recently conducted an Employee Experience Study, investigating the day-to-day operations of ANZ staff with visual impairments. We have also launched a staff affinity group, The Abilities Network, where we celebrate and champion staff with disabilities, to raise awareness of access needs within our organisation. The group is open to staff of all abilities, including enthusiastic supporters

More than ever before, we are using this same ‘seek to understand’ approach for our customers, with an emphasis on using Human Centred Design principles. However we acknowledge that the access needs community are often under-represented in these processes across our organisation.

### **Overcoming obstacles**

Awareness within the organisation is key to ensuring that accessibility is considered early in the process of developing inclusive products and services.

Too often “accessibility” is tied only to obvious, and permanent physical disability – of which the majority of people can only think of a few people they know who fall into this category. Prioritising the few over the many becomes a challenge. With conflicting priorities faced by any business, demand for resource is high. Without understanding the potential scale of improved experience, accessibility consideration takes a back seat.

Another challenge is knowing where to begin, or where we can direct our efforts for the most benefit. ANZ has chosen to focus within our digital platforms, being the area of most growth within our business. However even this focus has wide a far-reaching elements, and we are taking an incremental approach.

### **The importance of legislation**

In lieu of legislated accessibility standards in New Zealand, we have tried to align ourselves with our parent company ANZ Australia, who work closely with the Australian Network on Disability. We also strive to achieve the standards outlined in the Web Content Accessibility Guidelines (WCAG 2.1) within our digital environments.

Accessibility legislation will help reinforce the priority this topic and the people impacted by it deserve. Further to legislation however, clear and easily applied standards would provide tangible guidance on *how* businesses and organisations can apply legislation to best effect.

ANZ acknowledges the importance of accessibility within the organisation and are working towards developing our own expertise in this area. We are building connections within the accessibility community to learn, develop, and grow on our journey. We value these connections as we acknowledge that better outcomes are realised through sharing and growing together as a community, even though we are fortunate to have the size and scale to have individuals and groups focussing on the topic.

Accessibility standards would offer a level playing field for businesses, enable focus on practical application over analysis of best practice, and provide continuity of accessibility practices, which ultimately creates consistency of customer experience. This in turn is best for anyone who benefits from, or relies on, improved accessibility in general.