



National Council of  
Women of New Zealand  
Te Kaunihera Wahine o Aotearoa

**GENDER  
EQUAL** NZ  
MAKING EQUALITY REALITY

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S22.17 oral

## **Oral submission to the Social Services and Community Committee on the Accessibility for New Zealanders Bill 153-1**

### **Presenters:**

Raewyn Stone and Bernice Williams. Also present, Lorri Mackness NCWNZ member, and member of the disabled community

### **Social Services and Community Committee**

Angie Warren-Clark (Chair), Anahila Kanongata'a-Suisuiki, Jan Logie, Jacqui Dean, Rachel Boyack, Golriz Ghahraman

### **Welcome**

1. From Chair, Angie Warren-Clark, welcome, and thank you to the National Council of Women for their well prepared and presented written submission. Another high quality submission as we have come to expect from NCWNZ.

### **Introductory comments**

2. Morena koutou. Ko Raewyn Stone tōku ingoa. Good morning I'm Raewyn Stone and with me is Bernice Williams of Te Kaunihera Wāhine o Aotearoa/ The National Council of Women of New Zealand (NCWNZ).
3. NCWNZ represents around 200,000 members made up of 60 affiliated organisations, individual members and 13 branches.
4. Our submission was based on NCWNZ policy and consultation with members specifically on this Bill.
5. NCWNZ has been making submissions on improving human rights including access, for disabled New Zealanders since the early 1970s; and the Convention on the Rights of Disabled Persons is one of the international frameworks we work within when developing policy, advocacy and campaigns.

6. NCWNZ is acutely aware of the discrimination and barriers faced by all tāngata whaikaha and disabled people, but especially disabled wāhine Māori, Pacific disabled women, young disabled women, and LGBTQI disabled people
7. We were therefore, excited by the establishment of Whaikaha Ministry of Disabled People and the potential for this Bill to be landmark legislation that could transform the lives of tāngata whaikaha and disabled people in Aotearoa New Zealand.
8. We acknowledge the Government's expressed commitment to accelerating progress on accessibility. However, we consider that the current Bill will not achieve this, as it lacks a rights-based approach and powers and mechanisms for setting, regulating, and enforcing rights and standards in a systemic and effective way.
9. It is no longer credible or acceptable to rely on the current approach of education and polite persuasion, which the Government acknowledges, is not working.
10. And we note the concern from the recent (Sept) report of the UN Committee about slow progress on improving accessibility in Aotearoa and specifically that this Bill will not achieve that progress because it lacks standards, timeframes and enforcement measures.

## Discussion

11. In the short time available I will not concentrate in detail on what we support in the Bill, like the commitment to te Tiriti and gender balance on the Committee – or the many the flaws and omissions which are set out in our written submission. Instead, I will summarise the main points as follows.
  - The fundamental flaw of the Bill is that it does not include rights, standards, regulation and enforcement. Most of the Bill is about the membership and logistics of setting up the Accessibility Committees.
  - The powers of the Committee are very limited, it is merely advisory without any independent power of investigation, dispute resolution, monitoring or enforcement.
  - The Committee appears to be very much under the control of the Minister and Chief Executive- they will determine what information the Committee can ask for, approve the work programmes, and appoint the technical advisory committees.
  - As a disabled NCWNZ member put it, "control and coercion have crept in and turned promising legislation into tokenism".

## What we would like to see

12. Our first preference is for the Bill to be deferred, then for an extensive engagement with disabled people to co-design legislation that addresses the flaws in the Bill.

13. This could be along the lines of Option Four – supported by the Access Alliance and many others but rejected in the Regulatory Impact Statement – and would include the establishment of an independent body, similar to a Commission, with powers of regulation, enforcement and investigation.
14. An alternative is for the Bill to be substantially revised and strengthened, with the Accessibility Committee having far greater powers, resources, and independence. Such a substantial revision would also need proper engagement and co-design with disabled people.
15. **Both options would involve a model where the Accessibility Committee or alternative entity has the following powers:**
- **Independent power of investigation**
  - **Development of enforceable standards**, with targets and time frames- noting Hamilton, Queenstown and Lakes and Auckland Councils are supporting this as it gives local councils more leverage.
  - **Monitoring compliance** with clear and meaningful consequences
  - **Complaints and dispute resolution process.** The Human Rights Act process does resolve some cases of individual discrimination but has not brought - nor can-bring systemic change for all disabled people.
  - Additionally, it places an unreasonable burden on individuals and is in contravention of the CRPD, which requires the removal of barriers to be undertaken by the State.
  - Finally- **time frame for review.** Clause 25 proposes a five -year review process for the legislation. In the Cabinet Paper it was three years- which is the usual standard. We consider five years too long a period, especially if the legislation is not being effective, and recommend that the three-year time frame be reinstated.

## Concluding comments

16. We consider that, in its current form, this Bill is a missed opportunity for robust legislation to bring the transformational change the Government acknowledges is required.
17. We urge the Committee to take the opportunity to defer the Bill and to undertake genuine and extensive engagement with tangata whaikaha /disabled New Zealanders, in order to co-design a rights- based legislative framework that will empower disabled people and bring about the transformational change they are entitled to.
18. Ngā Mihi / Thank you for listening

## Questions

**Q: Angie Warren-Clark, Chair.** Invitation from Chair for Bernice and Lorri to add to oral submission.

**A:** Comments from Lorri affirming Raewyn's presentation, NCWNZ's submissions, and requesting that the Bill be deferred.

**Q: Angie Warren-Clark – question to Lorri.** On the topic of parents who speak for their disabled child. In the situation of disabled people who are unable to communicate, where do you see the balance between allowing the disabled person to speak for themselves and a parent speaking for their child.

**A:** Lorri Mackness: I have given a great deal of thought to this, and have come to see parents as translators for their children. Parents and service-providers have a role to play but not as the voice of the disabled. Parents and service-providers I have met at hui tend to speak on behalf of the disabled and have totally different priorities from us – their focus is usually on funding, while for us, it is about our rights. In the same way that we don't let men speak for women, and we don't let Pākehā speak for Māori, please don't speak for us.

## Conclusion

Angie Warren-Clark. Thank you and acknowledgement of extensive and good work put into the submission. Thanks to Lorri, very helpful to have the additional voice. Appreciation of comments made; "We (committee) are listening".