



**The Access
Alliance**

Briefing to incoming Ministers

December 2017

www.accessalliance.org.nz

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Message from the Access Alliance

The Access Alliance, a group of Disabled Person's Organisations, Disability Service Providers, Community and Disability Advocacy organisations, wants to work with the Government to make New Zealand 100 per cent accessible for everyone. Our members include 12 disabled person's organisations, disability service providers and disability advocates¹. Collectively, we assist over 763,000 New Zealanders.

This year we campaigned together for new accessibility legislation. This legislation will have mandatory and enforceable provisions to ensure Aotearoa New Zealand is more accessible. It will enable disabled people to exercise their rights to citizenship, and access the same goods, services and places as everyone else.

It is estimated that there are 1.1 million New Zealanders living with at least one disability. We believe it is time to introduce accessibility legislation in New Zealand so that disabled people can live the life they choose. We think this is the right thing to do, the smart thing to do and the right time to do it.

Our proposal and the supporting research is provided below. Additional information is available on request.

We would like to co-design the roadmap to achieve the Accessibility for New Zealanders Act with the Government. A legislative proposal for the Accessibility for New Zealanders Act will:

¹ See all the Access Alliance members at http://www.accessalliance.org.nz/alliance_members

- create shell legislation that will support enforceable and mandatory accessibility standards and
- set a deadline for the removal of access barriers

December 2017 – Where are we now?

1. We secured the following pre-election commitments from all the parties that formed Government post-election:
 - a. The Labour Party's Disability Issues Policy commitments:
 - i. Labour believes in full participation for people with disabilities to support them to fulfil their aspirations
 - ii. Labour recognises that current law is not delivering the level of change New Zealanders with disabilities deserve and we can do much better
 - iii. Labour believes in an accessible New Zealand and will introduce mandatory and enforceable standards for essential areas of life such as social housing and transport²
 - b. The Green Party of Aotearoa made a public announcement soon after the launch of Access Matters campaign, confirming commitment to introducing accessibility legislation.
 - i. "The Green Party is throwing its support behind the Access Alliance's new campaign to make Aotearoa 100% accessible for everyone"³
2. The former New Zealand First Party Spokesperson for Community and Voluntary Sector, and acting Disability Issues Spokesperson, Ria Bond, indicated support for accessibility legislation and mandatory and enforceable accessibility standards.
3. We have prepared an accessibility legislation roadmap to discuss with the Government. The roadmap identifies four key steps in the journey to passing strong and enforceable accessibility legislation by the end of 2019.

² <http://www.labour.org.nz/health>

³ <https://www.greens.org.nz/news/press-release/green-party-supports-accessibility-all>

In pursuit of this important goal, we recommend taking the following key steps as a matter of priority.

Confirm the Government's commitment to implement accessibility legislation by the end of February 2018

4. We want the Government to announce that it will implement its manifesto commitment in March 2018. The Access Alliance fully supports the Labour Government's promise in its election manifesto:

"Labour will also bring New Zealand in line with countries such as the United States and Canada which have legislation to protect the rights of people with disabilities"

- *Consider sponsoring the Accessibility for New Zealanders Act, draft legislation developed by the Access Alliance, with a view to passing it into New Zealand law"⁴*
5. Inclusion, fairness, equality, reducing poverty, and moderating capitalism are fundamental to enabling good lives for disabled New Zealanders. These principles are encapsulated in the 13 principles for the Accessibility for New Zealanders Act, which are listed in [Appendix 1](#).
 6. New Zealand's current laws on disability and accessibility do not comply with the Disability Convention, especially Article 9 etc. For the Government to meet its obligations under the United Nations Convention on the Rights of Disabled Persons (UNCRDP), it will need to enact accessibility legislation, that works alongside existing legal measures.
 7. Currently, there are no mandatory standards, and no specific requirements that organisations need to meet. There are no penalties for non-compliance in New Zealand's accessibility system. Instead, disabled people and the organisations who represent them have become the de-facto watchdogs for accessibility. It's too difficult for organisations who want to do the right thing to do so.

⁴ <http://www.labour.org.nz/health> - Disability Issues Policy available for download

8. Organisations will be more likely to act on accessibility if the law specifies what they must do, and by when. The current human rights legislation does not give organisations clear and specific directions on what they must do to be fully accessible employers and businesses.
9. Current laws around “discrimination,” “equality before law,” and “reasonable accommodation” do not instruct public and private sector organisations on how to:
 - a. provide accessible public information and communications including accessible web pages and mobile applications
 - b. create accessible workplaces and employment
 - c. offer accessible goods and services
 - d. ensure accessible transport
 - e. provide accessible customer service
10. We understand that the Government’s Disability Action Plan will be revised in 2018. We welcome an explicit action point on passing accessibility legislation by the end of 2019 in the next Disability Action Plan.
11. We agree with the Government that accessibility legislation and standards will mean that people with disabilities of all kinds will be able to make full use of the built environment, public infrastructure and transportation, workplaces, all goods and services and the digital environment.
12. Our goal is for the Government to enact the Accessibility for New Zealanders Act by the end of 2019. We have set out the essential features of the roadmap to develop and implement the Accessibility for New Zealanders Act.
13. Our accessibility legislation proposal addresses the Enabling Good Lives (EGL) principles of increased personal choice and personal control. Disabled people and their families have been demanding this for years. Critical to transforming the disability support system is to create the conditions for accessibility and putting in place effective accessibility legislation and accessibility standards.
 - a. One of the EGL principles is “mainstream first”, participating and accessing everyday places and activities. The proposed accessibility

legislation will mean disabled people can access the mainstream and would be a central part of implementing EGL and system transformation.

Co-design the accessibility legislation roadmap with the Access Alliance and other key stakeholders by April 2018

14. We want the Government to tap into the Access Alliance's evidence base, developed alongside many other organisations, to develop a roadmap for accessibility legislation. We recommend co-design principles to ensure that all parties with an interest in the accessibility legislation proposal and future standards are involved at the beginning stage.
15. Three key enablers to a good life are education, employment and income. Currently, the rate of unemployment for people with disabilities (PwD) is 50% higher than the rest of the working age population. Modelling indicates⁵ that decreasing the unemployment rate for PwD from 9.2% to the national rate (6.1%) would have significant economic impacts:
 - a. Annual gross **fiscal saving of \$270 million** by employing 14,000 people (the number required for PwD to be at the same level as the national rate) currently receiving Supported Living and Job Seeker payments to join the workforce.
 - b. Decreased future welfare costs over 10 years would **save up to \$3 billion**.
 - c. Equalising the unemployment rate for PwD to the national rate would **add \$1.45 billion annually** to real GDP.
16. Our population is ageing and this will increase the number of people with impairments. The over-65 age group is projected to comprise of over 20% of New Zealand's population from late 2031, compared with 13% in 2011 (Statistics New Zealand, 2012).
 - a. In the 2013 Disability Survey, people over 65 had a disability rate of 59%, compared to 21% of people aged 15 to 64⁶.
17. In addition, we've assembled the following data and evidence for the accessibility legislation case:

⁵ Kriebel, Todd; Bealing, Michael; Pambudi, Daniel (2017) *Valuing Access to Work*. New Zealand Institute of Economic Research. Can be retrieved at <https://nzier.org.nz/publication/valuing-access-to-work>

⁶ Statistics New Zealand, 2014, p. 3

- a. Be.Accessible, a supporter of the Access Alliance provided a selection of their business case studies, to show what early adopter businesses have gained from being accessible.
 - i. There are indications that a new law and clear standards will drive costs down for business and give access to an increased customer based.
 - ii. US and Canadian business evidence estimates that business revenues can improve by at least 20-30% from serving people with access needs.
 - iii. The New Zealand economy, firms and disabled people would benefit from gaining greater access to the US \$3 trillion global access market.
 - b. In July 2017 UMR, a market research company⁷, did a national poll on accessibility legislation. More than 80% of New Zealanders supported mandatory accessibility legislation and regulations on enforceable access standards.
18. NZIER research on best practice in international disability law and the lessons for New Zealand will be available in mid-December 2017.⁸

Implement the roadmap process and timetable for developing and introducing accessibility legislation, from May to October 2018

19. We call on the government to support an early consultation to provide wide-ranging feedback on the accessibility legislation proposal. Conversations with diverse communities will broaden the debate about the desired outcomes of the legislation. The feedback from the public consultation process will inform the legislative proposal and draft Bill.
20. While we represent a sizable amount of the disability community, we do not represent all disabled New Zealanders. We think it is crucial to engage in a wider conversation with all disability groups, especially people living with invisible disabilities and their supporters.
- a. It is important to inform the public about what accessibility legislation might mean.

⁷ See <http://www.umar.co.nz/who-we-are>

⁸ NZIER reports "Disability Legislation and outcomes" and "Disability law policy brief". Both reports were commissioned by the Blind Foundation for the Access Alliance.

- b. We know that local and central government agencies will have a key role to play in advising Government.
 - c. Business groups need to be involved at the outset.
21. The Access Alliance would be pleased to support the Government to arrange public consultations, including targeted consultations with business, and local government.

Include accessibility legislation in the Government's legislative timetable, before the end of 2018

We would like the ANZA Bill to be prioritised for consideration by Parliament in the Government's legislative timetable for 2018.

Pass the accessibility legislation, before the end of 2019

Our goal is for the Government to pass the Accessibility for New Zealanders Bill by the end of the 2019 Parliamentary session.

In 2020, the Government would commence the accessibility standards development process using the Standards New Zealand framework for internationally recognised standards.

Conclusion

Accessibility legislation will help to improve attitudes towards disability and to increase access, especially to employment and economic security, rights protection and justice, education and health and wellbeing.

The Access Alliance for the Accessibility for New Zealanders Act (ANZA) is campaigning for new enforceable and mandatory accessibility legislation. The ANZA will scale up our efforts to improve accessibility for all New Zealanders as it obligates organisations to be accessible.

While the legislation is fundamentally about improving the lives of disabled New Zealanders, it will also produce benefits for many other groups including young families, older people, for firms and businesses, and sectors such as transport, housing, retail, hospitality and tourism.

Accessibility means that people with disabilities of all kinds will be able to make full use of the built environment, public infrastructure and transportation, workplaces, all goods and services and the digital environment.

Our current human rights legislation does not give organisations clear and specific expectations and guidance on what they must do to become fully accessible as employers and service providers. There are no standards, no specific requirements that an organisation needs to meet and no penalties for non-observance.

Appendix 1: Principles for the Accessibility for New Zealanders Act

1) The Act applies to all:

a) The Act will cover all persons with disabilities, whether their disability is considered physical, sensory, cognitive, communication or mental health related and will include visible, invisible, permanent or episodic conditions. The definition used will be the same definition as the United Nations Convention on the Rights of Persons with Disabilities.

b) The Act will apply to all government departments, crown entities, companies, organisations and any other entity that is regulated by statute. The Act will apply also to key private and corporately owned organisations operating in New Zealand. These principles will refer to affected organisations as obligated parties.

2) The Act sets a timeline:

The goal of the Accessibility for New Zealanders Act is to greatly improve the accessibility of New Zealand within a specific and clearly defined deadline set by the legislation. This timeline will begin immediately upon the Act passing into law and will include checkpoints at regular intervals until existing and on-going access barriers are removed.

3) The Act sets the bar:

The Accessibility for New Zealanders Act will build on all other disability and human rights legislation, regulations or policies which provide lesser protections or entitlements, and will protect any rights which persons with disabilities have already earned and currently enjoy.

4) The Act provides accessibility in all areas of life:

The Act will require all obligated parties to become fully accessible to all persons with disabilities by providing accessibility in all areas of life and ensuring the removal of existing obstacles and preventing the creation of new obstacles. These obstacles may include, but are not limited to, physical, legal, information, communication, attitudinal, technological or other barriers. (Note: standards will provide for compliance thresholds.)

5) The Act sets policy:

The Accessibility for New Zealanders Act will influence and affect the development and implementation of public accessibility policy, thereby enhancing and improving access to a full range of goods, services and programmes not currently available to persons with disabilities in New Zealand.

6) The Act champions access to all goods, services and facilities:

The Act will require all obligated parties to ensure that their services and facilities are fully accessible by persons with disabilities, based on principles of universal

design and the provision of reasonable accommodations. Obligated parties will be required to develop and implement detailed plans to ensure accessibility within their organisations. Accessibility will be part of a 'business as usual' approach.

7) The Act champions accessible workplaces, employment and education:

The Act will require organisations to take proactive steps to provide obstacle-free workplaces and provide changes that will accommodate people in their employment, including for job opportunities. Employers will be required to develop and implement plans to remove existing workplace and employment obstacles and to prevent new ones from being put in place. Education providers will ensure that places of study and all study resources are fully accessible.

8) The Act will charge government with the responsibility to lead, educate, train, inform and review:

The Act will require government to lead the country toward achieving the goals of the Act and fulfilling its mandate. The Act will require government to provide education, information and resources to assist regulated businesses and organizations to comply with the access requirements. The government will be required to appoint an independent person to periodically review and publicly report (at regular intervals) on progress towards the goal of full accessibility.

9) The Act is enforceable:

The Act will provide for a prompt, independent and effective process for enforcement. This will include a comprehensive and clearly defined avenue for persons with disabilities who encounter obstacles which are in violation of the legislation to raise and submit complaints to enforcement officials.

10) The Act is made real through regulations:

The government will be required to make regulations that clearly define the steps needed for full compliance under the Act, and it will be independently reviewed at a minimum of every four years. It will be open to recommendations made on an industry-by-industry or sector-by-sector basis. This will include a requirement that input be obtained from persons with disabilities and disability-related organisations as part of these reviews.

11) The Act will ensure public funds are not used to create or perpetuate obstacles to full accessibility in all areas of life:

The Act will require that the government ensures that no public money is used to create or perpetuate inaccessibility for persons with disabilities. Government departments, agencies, and crown corporations should be required to make it a strict condition of funding and finance for programmes, transfer payments, subsidies, loans, grants, capital or infrastructure projects that no such funds may be used to create or perpetuate access obstacles. There should also be a requirement that procurement of goods, services or facilities be fully accessible to and usable by

persons with disabilities. The government should be required to monitor and enforce these requirements and to periodically report to the public on compliance with them.

12) The Act is a lens through which to vet legislation:

The Act will require the government to review existing legislation and regulations identifying possible accessibility obstacles, and develop timelines to address the shortcomings. The government will review all future proposed legislation and regulations before they are enacted to ensure accessibility obstacles are not about to be created.

13) The Act has real force and real effect:

The Act must be more than mere window dressing. It should contribute meaningfully to the improvement of the position of persons with disabilities in New Zealand, enabling them to fully participate and to enjoy community life. It must be underpinned by effective enforcement mechanisms which lead to real effect.