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Tēnā koe Social Services and Community Committee,

Thank you for the opportunity to submit on the Accessibility for New Zealanders Bill ('the Bill').

## Who are we?

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Atamira | Platform Trust (Platform) is a peak body membership organisation representing the mental health and addiction (MH&A) non-governmental organisation (NGO) and community sector. We represent 84 MH&A NGOs and community organisations that provide support to tāngata whaiora (people seeking wellness), including kaupapa Māori and Pasifika providers, and whānau and peer-led services.

In addition to our members, Platform represents a wider network of MH&A NGOs (~200 service providers in 2021<sup>1</sup>) who share the same aspiration of a MH&A system and sector that is driven by the need for better and more equitable outcomes for all.

Collectively across 2020/21, MH&A NGO and community providers supported over 80,000 tāngata whaiora, 36.5% of which were Māori and 6% Pacific Peoples<sup>1</sup>, approximately 42% of all people who access specialist support for their mental health or addiction needs in Aotearoa New Zealand (Mental Health and Wellbeing Commission, 2022).

## Why does accessibility matter to us?

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International research has shown that adults with disabilities experience mental distress 4.6 times as often as adults without disabilities (Cree et al., 2020). This is consistent with the evidence in Aotearoa New Zealand that shows mental distress is more common in adults with a disability (27.3%) than adults without a disability (7.9%) (Ministry of Health, 2021).

We want a more accessible society in general, and mental health and addiction services that are accessible and available for disabled people, tāngata whaikaha (disabled people who

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<sup>1</sup>Data from Programme for the Integration of Mental Health Data (PRIMHD) data set, sourced 27/03/22.

are Māori), and their whānau. We also want disabled people and tāngata whaikaha to have more equitable physical and mental health outcomes.

## General comments

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In principle, we support the Bill and the urgent need for a legislative framework that sets out a pathway toward better accessibility and increased action, addressing systemic accessibility barriers and growing accessibility practices in Aotearoa New Zealand. We know that an effective legislative framework for accessibility is critical for enabling equity for disabled people, tāngata whaikaha, and their whānau.

We are concerned about the lack of accountability and enforcement mechanisms, and the potential cross-over or conflict of roles between Whaikaha – Ministry of Disabled People, the Minister for Disability Issues, and the Accessibility Committee, an independent committee established under the Bill.

We would also like to point out that the Regulatory Impact Statement: Accelerating Accessibility (Ministry of Social Development, 2021) shows that one of the key stakeholders in the proposal, the Access Alliance (a collective of 12 disability sector groups, Disabled People's Organisations (DPO), disability services providers, disability community organisations, and disability advocates) does not support the proposed option (the Bill in its current form). This brings to light a lack of proper co-design and community engagement in the design of the Bill.

The Regulatory Impact Statement referred to above, states that the *“Access Alliance does not support [enabling legislation] as it is not consistent with their mandate to advocate for accessibility legislation that creates a framework to develop and implement enforceable regulatory standards of accessibility, that could be developed over time, (and in parallel with education and capacity building) by a new body to benefit all New Zealanders”*. It is vital that the voice and perspectives on the Bill by the Access Alliance are heard and taken seriously.

## Enforceable standards

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What power and practical actions will disabled people, tāngata whaikaha, and their whānau have within each system they interact with, with the Bill in its current form?

The Bill in its current form establishes an Accessibility Committee to address accessibility barriers, but creates no enforceable minimum standards, in other words creating “soft” and non-enforceable guidelines. We support the establishment of the Accessibility Committee, which is led by disabled people, tāngata whaikaha and their whānau, but question the

potential lost opportunity to create a pathway for ensuring a mixture of both non-enforceable and enforceable standards or guidelines. We suggest that the Bill is strengthened by including provisions for enforceable standards or guidelines.

Article 9 – Accessibility under the UN Convention on the Rights of Persons with Disabilities (United Nations, 2006), puts the onus on governments to eliminate barriers to accessibility. However, this Bill in its current form puts the burden on the community, disabled people, tāngata whaikaha, and their whānau, to address systemic accessibility barriers, rather than putting the obligation on the government to address barriers themselves, by creating enforceable standards.

We would suggest rethinking the power of the Accessibility Committee, particularly towards applying a staged approach to implementing enforceable standards and guidelines, alongside non-enforceable standards. The creation of enforceable standards will involve cost, and people, service providers, and communities must be given a voice, however, there needs to be a clear Parliamentary directive that accessibility barriers will be removed over time (Forster et al., 2021).

## **Roles and potential conflict of interest**

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We believe that there is a potential conflict of interest in that the Chief Executive (CE) of Whaikaha – Ministry of Disabled People has a role within the Bill/framework, alongside their core role at Whaikaha – Ministry of Disabled People. This means that they are both overseeing the framework, and are held accountable to the framework, at the same time.

Part of Whaikaha – Ministry of Disabled People’s role, is to lead and coordinate cross-government strategic policy and support the transformation of disability services, including the implementation of the Enabling Good Lives approach (Ministry of Social Development, 2022).

If part of the CE’s role is to oversee commissioning and contracting of services, will there be a conflict of interest? If so, how will relationships be managed between the CE and the Accessibility Committee? We believe this should be outlined in the Bill, to ensure no potential conflict of interest between individuals, the commissioning and contracting of services, and everyone’s role in progressing accessibility standards and removing barriers.

## **Conclusion**

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Thank you for the opportunity to submit on the Accessibility for New Zealanders Bill. In principle, this legislation will be a starting point for addressing accessibility barriers that

hinder or prevent disabled people, tāngata whaikaha, and their whānau from participating on an equal basis with others.

However, we implore you to explore amending the Bill to allow stronger regulatory systems and enforceable standards, alongside examining the potential conflicts of interest between roles, in relation to the Accessibility Committee.

We also believe it is important to note and champion the significant mahi that has been progressed through organisations and communities – particularly disabled people, tāngata whaikaha, and their whānau – towards creating transformational accessibility legislation in Aotearoa New Zealand.

One example is the '[Example Accessibility Bill](#)' by Access Matters Aotearoa, which explores the thirteen principles that should align with a progressive and transformational accessibility framework (Access Matters Aotearoa, n.d.). Furthermore, Making New Zealand Accessible: A Design for Effective Accessibility Legislation (Forster et al., 2021), explores an inclusive and staged approach to implementing an effective accessibility legislative framework. Both are crucial pieces of work that outline effective and progressive change regarding exemplary accessibility legislation.

If you have any questions about the submission, please contact Abigail Freeland at [abigail@platform.org.nz](mailto:abigail@platform.org.nz).

Ngā mihi,



Memo Musa  
Chief Executive



Abigail Freeland  
Policy Analyst

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