

In Confidence

Office of the Minister for Disability Issues

Cabinet Legislative Committee

Confirming the status of the Accessibility for New Zealanders Bill

Proposal

- 1 This paper provides a short summary of the Accessibility for New Zealanders Bill (the Bill) to inform the Cabinet Legislative Committee's consideration of the Government's legislative programme.

Executive Summary

- 2 Accessibility barriers contribute to poor outcomes for disabled people. The Bill was introduced by the previous government to accelerate progress towards a fully accessible New Zealand where disabled people, tāngata whaikaha Māori¹, their families and whānau, and others with accessibility needs have equal opportunities to achieve their goals and aspirations.
- 3 The Bill would support improvements to accessibility through the establishment of a Ministerial Advisory Committee that would identify accessibility barriers and make recommendations to the Minister for Disability Issues on how to address these barriers. The Bill contains provisions for how the Committee members will be appointed, how its work programme will be set, and arrangements for the provision of information needed by the Committee, and other matters related to the operation of the Committee.
- 4 The Social Services and Communities Committee reported back on the Bill in June 2023. Almost all submitters to the Committee supported legislation to improve accessibility, but most opposed the Bill in its current form. They proposed a more regulatory and prescriptive approach to improving accessibility. There are a range of fiscal and implementation challenges associated with such an approach.
- 5 I consider that accessibility legislation is important and acknowledge that there is more work to do to better understand the disability community's concerns about the Bill. I therefore seek Cabinet agreement to confirm the Bill on the government's legislation programme.
- 6 I have submitted a legislation bid for this Bill, with a proposed priority category of 8 – on hold, for the 2024 legislation programme. This will allow time for officials to undertake further research into accessibility legislation in other jurisdictions, consider fiscal and implementation

¹ This is a term used to describe Māori with lived experience of disability.

implications, and re-engage with the disability community. This work will inform policy decisions on the future of the Bill.

Background

Accessibility barriers contribute to poorer outcomes for disabled people.

- 7 There are currently an estimated 1.1 million disabled New Zealanders, many of whom face accessibility barriers to work, education, accommodation, and quality of life.
- 8 Poor accessibility contributes to:
 - a. Worse outcomes for disabled people in education, income, housing, social participation, and health, among other areas.
 - b. Greater costs for disabled people and their whānau - for example, a lack of accessible housing limits where a disabled person can live and can increase their travel costs.
- 9 Disability communities in New Zealand have consistently called for accessibility legislation that enables disabled people, tāngata whaikaha Māori, and others who experience accessibility difficulties to live independently and participate fully in all aspects of life, on an equal basis with others.
- 10 New Zealand does not have a system in place that explicitly addresses accessibility. The lack of a co-ordinated approach to accessibility has meant progress to improve accessibility has been slow and inconsistent.

The Accessibility for New Zealanders Bill

- 11 The core feature of the Bill is the establishment of an Accessibility Committee as a Ministerial Advisory Group which would:
 - a. have up to 10 members, the majority of whom would be disabled people;
 - b. develop a work programme that sets out the accessibility barriers and practices the Committee intends to provide advice about;
 - c. make recommendations to the Minister of Disability Issues to improve accessibility;
 - d. assess and report to the Minister on the progress of improving accessibility;
 - e. receive and consider the views of disabled people, tāngata whaikaha Māori, and their families whānau, and others in a way that is accessible;

- 12 The Bill also sets out responsibilities of the Minister, the Chief Executive of Whaikaha, and the Accessibility Committee in relation to the work of the Committee.
- 13 The Bill requires the Minister of Disability Issues to present the Accessibility Committee's report to the House of Representatives and to advise the Accessibility Committee, after collaborating with relevant Ministers, about how the Committee's recommendations have been or will be considered by the Government.

Why this Bill is important

- 14 The Bill responds to the call from disabled New Zealanders, older New Zealanders and others who experience accessibility issues that prevent them from living independently and participating in society. These barriers can be about the built environment, accessing information and services, transport, accessing and navigating public spaces, and being able to take part in cultural and sporting events.
- 15 All New Zealanders benefit when disabled New Zealanders have better access to education, employment, housing, the health system, and public services. This Bill takes an important step towards developing a regulatory framework to support greater and more consistent accessibility improvements in New Zealand.

Progress on this Bill so far

- 16 The Bill was introduced on 28 July 2022, and passed its First Reading on 2 August 2022.
- 17 The Social Services and Community Select Committee considered the Bill and reported back to the House in June 2023. The Committee recommended by majority that it should be passed (with minor amendments).
- 18 I have submitted a legislation bid for this bill, with a proposed priority category of 8 – on hold, for the 2024 legislation programme. This will allow time for further policy work to be done to understand the issues raised in submissions to the Select Committee, as detailed below.

More work is required before returning the Bill to the House

- 19 The select committee process highlighted a number of issues with this Bill which I consider require further consideration.
- 20 The Bill is currently drafted to set up enabling mechanisms to address accessibility challenges. Many submitters from the disability community are concerned that the Bill does not introduce regulations, standards and enforcement and compliance measures to address accessibility. There is a campaign by members of the disability community to have the Bill reworked to adopt a more regulatory and prescriptive approach, similar to models in some other jurisdictions.

- 21 While regulations and enforcement could be effective for some accessibility issues, there are also a range of challenges with this approach, including that it could increase compliance costs, and that standards and regulations that cut across different sectors could become administratively burdensome and inefficient to manage.
- 22 For these reasons I have decided to pause the Bill. I have asked officials for advice on:
- a. the effectiveness of accessibility legislation in other countries; and
 - b. gaps in our domestic accessibility legislation.
- 23 I expect advice on this work by the end of 2024 and will then decide on next steps for this Bill. I have submitted a bid for this Bill in the 2024 Legislation Programme, with a priority category of 8 – on hold, to allow time for this further policy work.

Cost-of-living implications

- 24 There are no cost-of-living implications for this Bill. Any cost-of-living implications related to recommendations of the Committee will be considered at the time those recommendations are considered.
- 25 Efforts to improve accessibility are likely to require sustained investment over time, but strategic investments into improving accessibility can also generate cost savings and productivity gains, such as enabling more disabled people to work.

Legislative Implications

- 26 This Bill would enact primary legislation to establish an enabling framework for addressing accessibility issues.

Impact Analysis

Regulatory Impact Statement

- 27 The Ministry of Social Development completed two regulatory impact statement exercises in relation to the Accessibility Bill, one for the general shape of the Bill and another specifically targeted towards implications for Māori. More details on the impact of the Bill will be provided once the future of the Bill has been confirmed.

Climate Implications of Policy Assessment

- 28 There are no substantial climate implications to this decision. Detail on any future climate implications will be provided once the future direction of the Bill is confirmed.

Population Implications

- 29 Disabled people exist within all populations and require access to all the things other New Zealanders do. As such, the population implications of improving accessibility are significant and cut across a broad range of populations and strategic areas. Key populations impacted by this Bill include older people, rural people, Māori, and Pacific peoples.
- 30 It is important to note that disabled people in some population groups face compounding and intersecting barriers to full participation in all areas of life, for example poverty, and language and cultural barriers.

Human Rights

- 31 Improvements in accessibility will enable more effective realisation of the human rights of disabled people.

Consultation

- 32 This paper was distributed to ministerial offices for consultation.

Communications

- 33 I have publicly expressed my intention to pause the Bill for a year, to conduct a review of legislation in other jurisdictions and make decisions about the Bill's future early next year.
- 34 Whaikaha – the Ministry of Disabled People will undertake targeted engagement with the disability community as they conduct the review.

Proactive Release

- 35 I intend to proactively release this Cabinet paper, subject to redactions as appropriate under the Official Information Act 1982, once the Government's legislation programme has been confirmed for 2024.

Recommendations

- 36 The Minister of Disability Issues recommends that the Committee:
- a. **note** that the Accessibility for New Zealanders Bill aims to establish an enabling framework for addressing accessibility issues; and
 - b. **confirm** that the Accessibility for New Zealanders Bill will be progressed and included in the Government Legislation Programme for 2024, with a priority category of 8 – on hold, to allow time for further policy decisions.

Authorised for lodgement
Hon Penny Simmonds
Minister for Disability Issues