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**Office of the Minister for Disability Issues
Cabinet Social Wellbeing Committee**

Accelerating Accessibility in New Zealand

Note about this Large Print document: content is redacted in both the header and footer of this document.

Proposal

1. This paper:

1.1 reports back on the detailed design of the accessibility framework that takes a progressive approach to identifying, preventing, and removing barriers to participation for disabled people, tāngata whaikaha and whānau whaikaha Māori¹ and others with accessibility needs;

1.2 seeks agreement on: how Te Tiriti o Waitangi will be embedded in the accessibility framework; how the Board (in the form of a Ministerial Advisory

¹ This phrasing aims to reflect the preferred language of community groups representing Māori disabled people and their whānau.

Committee) will operate; relevant institutional arrangements; and the operation of the monitoring, evaluation and review mechanisms, including which of the proposals go into primary legislation.

Relation to Government priorities

2. This proposal sits alongside our Disability System Transformation proposals to establish a Ministry for Disabled People and national implementation of the Enabling Good Lives approach. It also supports Labour's 2020 Election Manifesto to "introduce an Accessibility for New Zealanders Act to help New Zealand to become more welcoming and accessible for disabled people and other New Zealanders with accessibility needs".

Executive Summary

3. In October 2021, Cabinet agreed to my proposal [SWC-21-MIN-0145] to introduce and implement a new approach to identifying, preventing, and removing barriers to participation for disabled people, tāngata whaikaha and whānau whaikaha Māori and others with accessibility needs.
4. My intent to introduce legislation was announced on 29 October 2021 alongside the announcement to create a new Ministry for Disabled People (name to be confirmed) (new Ministry) [SWC-21-MIN-0146].

5. Cabinet agreed for me to approve technical elements of the legislation but requested that I report-back following policy and community engagement on some key areas. I have now undertaken this engagement and seek Cabinet's agreement to set out the following proposals in primary legislation:

5.1 the Board be a Ministerial Advisory Committee (Committee) comprising 6-8 members with a diversity of skills, including a majority of disabled people;

5.2 the role of the Committee be to provide independent advice on addressing accessibility issues to the Minister for Disability Issues;

5.3 the Committee's advice be tabled in the House of Representatives (the House), alongside a commitment by the Minister to respond in a reasonable timeframe with a response that demonstrates how the Committee's advice has been considered;

5.4 Te Tiriti o Waitangi be embedded in the legislation and through how the Committee operates, including ensuring comprehensive knowledge of Te Tiriti o Waitangi, te ao Māori and tikanga Māori is a key consideration for Committee appointments as a collective and at least half the Committee's members are Māori;

5.5 a monitoring and evaluation framework be established that includes an annual oversight report from the Committee; information sharing provisions; and five-yearly legislative reviews.

- 6.** Cabinet also agreed for me to approve technical elements of the legislation within the agreed policy parameters. I have made decisions on the purpose and principles of the legislation, how the Committee will operate, and mechanisms for considering their advice on addressing accessibility barriers.
- 7.** In order to effectively address accessibility barriers, the Committee will have to engage with a range of affected sectors and interested parties in relation to the barriers it wants to address (for example, the public sector, local government, businesses, educational and health institutions, transport operators and NGOs). **[content redacted]**
- 8.** Introducing the accessibility legislation is only the first step. How it is implemented is vital. **[content redacted]**

8.1 [content redacted]

8.2 [content redacted]

8.3 [content redacted]

- 9.** I am presenting another paper to Cabinet alongside this paper, reporting back on the proposals relating to Disability System Transformation on:
 - 9.1** agreement to establish the new Ministry, including relevant transitional arrangements;
 - 9.2** implementing the Enabling Good Lives approach on a national scale;
 - 9.3** future opportunities for further disability system transformation once the new Ministry is established and fully operational;
 - 9.4** the location of the accelerating accessibility work programme, including transitional arrangements;
 - 9.5** the future of the Office for Disability Issues, including recommendations on its future location within government [SWC-21-MIN-0146 refers].

Recommendations

The Minister for Disability Issues recommends that the Committee:

- 1. [content redacted]**
 - 1.1 [content redacted]**
 - 1.2 [content redacted]**
 - 1.3 [content redacted]**

- 2. note** that the purpose of the legislation will include to work towards a fully accessible New Zealand where disabled people, tāngata whaikaha and whānau whaikaha Māori, and others with accessibility needs have an equal opportunity to achieve their goals and aspirations by progressively addressing accessibility barriers and progressing and growing current practices to accessibility.
- 3. note** that the principles that will underpin decisions made under the legislation will be to honour and realise the rights of disabled people, tāngata whaikaha and whānau whaikaha Māori, and others with accessibility needs as outlined in the United Nations Convention on the Rights of Persons with Disabilities, Te Tiriti o Waitangi and other domestic and international instruments as relevant.
- 4. note** the first phase of drafting instructions sent to PCO covers:

 - 4.1** the accessibility framework's purpose and principles;
 - 4.2** the roles of the Chief Executive and Minister for Disability Issues in overseeing the framework; and
 - 4.3** the make-up of and nominations process for the Committee.
- 5. invite** MSD officials to instruct PCO on the second phase of drafting instructions following Cabinet decisions on this paper.

- 6.** **agree** Te Tiriti o Waitangi be embedded into the accessibility framework by:
 - 6.1** including an obligation to honour Te Tiriti o Waitangi in the purpose section of the legislation;
and
 - 6.2** reinforcing this through both requiring minimum representation on the Committee of half Māori members, and through Committee member capabilities and operational requirements.

- 7.** **agree** the Committee will:
 - 7.1** be a Ministerial Advisory Committee embedded in legislation;
 - 7.2** be made up of between 6-8 members (with the ability to co-opt up to 10 members total).

- 8.** **note** the skills and capability of Committee members will be considered as a collective, with a focus on ensuring:
 - 8.1** the majority of members are disabled and reflect a broad range of types of impairments;
 - 8.2** whānau and carer representation;
 - 8.3** relevant professional experience (eg strategic skills, government and private sector experience);
 - 8.4** collective comprehensive knowledge of Te Tiriti, te ao Māori, and tikanga Māori, and an undertaking to continue to build that knowledge;

8.5 as far as possible, a range of cultural backgrounds including Pacific, gender balance and the perspectives of young and older people.

9. **note** that the Committee will set the ambition for the strategic direction of accessibility and oversee the Government's implementation of accessibility initiatives by:

9.1 publishing a short-to-medium term work programme setting out the accessibility barriers it intends provide advice on;

9.2 providing advice to the Minister for Disability Issues on how to address individual barriers on their work programme in the form of Increased Participation Plans;

9.3 encouraging understanding of accessibility and engaging with affected sectors and interested parties in relation to accessibility;

9.4 publishing an annual report that gives an independent assessment of the Government's progress towards implementing Increased Participation Plans;

9.5 recommending the appointment of technical advisory committees to the Chief Executive to advise the Committee on complex and technical barriers.

10. **note** that for the Committee to report directly to the Minister for Disability Issues on the experiences of disabled people, tāngata whaikaha and whānau whaikaha Māori, and others with accessibility needs, it will be required to undertake in-depth and accessible engagement with disabled people, tāngata whaikaha and whānau whaikaha Māori, and others with accessibility needs and relevant parties in the preparation of their advice.
11. **note** that a high level of support from Cabinet and across government will be needed to support the work of the Committee.
12. **note** that this will rely on agencies across government and local government prioritising accessibility in their work and on Chief Executives of other agencies working with the Chief Executive of the new Ministry for Disabled People on accessibility.
13. **note** that the changes needed to address accessibility barriers, while yet to be determined, are likely to be large with significant impacts on both government and non-government parties.
14. **note** I am seeking Cabinet agreement in a separate paper, that the new Ministry for Disabled People be responsible for the accelerating accessibility work programme with the Ministry of Social Development responsible for the work until the legislation is enacted unless the Minister for Disability Issues agrees to transfer it earlier.

- 15. agree** that the Chief Executive of the new Ministry for Disabled People will lead and co-ordinate work on accessibility across government.
- 16. [content redacted]**
- 17. note** that the role of the Minister for Disability Issues in overseeing the accessibility framework should be to:
 - 17.1** appoint a community nominations panel to recommend members for appointment to the Committee, including with relevant Māori authorities in appointing Māori members;
 - 17.2** appoint members to the Committee after consideration by the Appointments and Honours Committee;
 - 17.3** where necessary, appoint co-opted members to the Committee on the recommendation of the Committee;
 - 17.4** where necessary, remove Committee members on the grounds of non-performance, engaging in principles of natural justice and ensuring reasonable accommodations for members;
 - 17.5** agree to the Committee's work programme;
 - 17.6** present Increased Participation Plans from the Committee to the House;
 - 17.7** respond to the Committee, after collaboration with relevant Ministers, within a reasonable timeframe in a way that demonstrates how the Committee's advice has been considered;

17.8 ensure the Government's response to the Committee's advice is published within a reasonable timeframe.

- 18. agree** to the establishment of a monitoring and evaluation framework that includes an annual oversight report, regular monitoring and evaluation activity by the new Ministry for Disabled People and involved public service agencies, and information sharing provisions.
- 19. note** that the legislation will be formally reviewed every five years.

Authorised for lodgement

Hon Carmel Sepuloni

Minister for Disability Issues

May 2022