



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Accelerating Accessibility in New Zealand

Portfolio Disability Issues

On 30 March 2022, the Cabinet Social Wellbeing Committee (SWC):

Background

1 **noted** that in October 2021, SWC:

1.1 agreed to an accessibility framework and legislation and invited the Minister for Disability Issues to report back by 31 March 2022 on:

1.1.1 fully embedding Te Tiriti o Waitangi in accessibility legislation, particularly in relation to purpose and principles;

1.1.2 the form and make-up of the accessibility governance board;

1.1.3 institutional arrangements, including resources and funding to support the system;

1.1.4 s 9(2)(f)(iv) [REDACTED]

1.1.5 s 9(2)(f)(iv) [REDACTED]

1.1.6 the monitoring and evaluation framework to assess whether the system is improving accessibility;

[SWC-21-MIN-0145]

1.2 agreed to establish a Ministry for Disabled People as a departmental agency hosted by the Ministry of Social Development [SWC-21-MIN-0146];

2 s 9(2)(f)(iv) [REDACTED]

2.1 s 9(2)(f)(iv) [REDACTED]

2.2 s 9(2)(f)(iv) [REDACTED]

2.3 s 9(2)(f)(iv)

Legislation

- 3 **noted** 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;
- 4 **noted** 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;
- 5 **noted** the first phase of drafting instructions sent to the Parliamentary Counsel Office (PCO) cover:
 - 5.1 the accessibility framework's purpose and principles;
 - 5.2 the roles of the Chief Executive and Minister for Disability Issues in overseeing the framework; and
 - 5.3 the make-up of and nominations process for the Committee;
- 6 **invited** the Minister for Disability Issues to issue the second phase of drafting instructions to PCO to give effect to the below decisions;

Embedding Te Tiriti o Waitangi

- 7 **agreed** that Te Tiriti o Waitangi be embedded into the accessibility framework by:
 - 7.1 including an obligation to honour Te Tiriti o Waitangi in the purpose section of the legislation; and
 - 7.2 reinforcing this through both requiring minimum representation on the Committee of at least half of the members being Māori and through Committee member capabilities and operational requirements;

Ministerial Advisory Committee

- 8 **agreed** that the Committee will:
 - 8.1 be a Ministerial Advisory Committee embedded in legislation;
 - 8.2 consist of between 6-8 members (with the ability to co-opt up to 10 members total);
- 9 **noted** that the skills and capability of Committee members will be considered as a collective, with a focus on ensuring:
 - 9.1 the majority of members are disabled and reflect a broad range of types of impairments;
 - 9.2 whānau and carer representation;

- 9.3 relevant professional experience (eg strategic skills, government and private sector experience);
- 9.4 collective comprehensive knowledge of Te Tiriti, te ao Māori, and tikanga Māori, and an undertaking to continue to build that knowledge;
- 9.5 as far as possible, a range of cultural backgrounds including Pacific, gender balance and the perspectives of young and older people;
- 10 **noted** that the Committee will set the ambition for the strategic direction of accessibility and oversee the government's implementation of accessibility initiatives by:
- 10.1 publishing a short-to-medium term work programme setting out the accessibility barriers it intends provide advice on;
- 10.2 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;
- 10.3 encouraging understanding of accessibility and engaging with affected sectors and interested parties in relation to accessibility;
- 10.4 publishing an annual report that gives an independent assessment of the government's progress towards implementing Increased Participation Plans;
- 10.5 recommending to the Chief Executive of the new Ministry for Disabled People, the appointment of technical advisory committees to advise the Committee on complex and technical barriers;
- 11 **noted** that for the Committee to report directly to the Minister of 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 these groups and others with accessibility needs and relevant parties in the preparation of their advice;
- 12 **noted** that:
- 12.1 a high level of support from Cabinet and across government will be needed to support the work of the Committee;
- 12.2 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 **noted** 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;

New Ministry and Chief Executive

- 14 **noted** that the Minister for Disability Issues is seeking agreement in the submission *Disability System Transformation* [SWC-22-SUB-0049] 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 **agreed** that the Chief Executive of the new Ministry for Disabled People will lead and co-ordinate work on accessibility across government;
- 16 s 9(2)(f)(iv) [REDACTED]
- 17 **noted** 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 Cabinet 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 **agreed** 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 **noted** that the accessibility legislation will be formally reviewed every five years.

Rachel Clarke
Committee Secretary

Present:

Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Jan Tinetti
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC