



3 November 2022

Social Services and Community Select Committee  
Parliament Buildings  
Wellington

Tēnā koe

## **Submission on the Accessibility for New Zealanders Bill**

Alzheimers New Zealand welcomes the opportunity to submit on the Accessibility for New Zealanders Bill (the Bill).

Alzheimers New Zealand represents people with dementia and their care partners. We raise awareness of dementia, provide information and resources, advocate for high quality services, and promote research about prevention, treatment, cure, and care. We support local community based Alzheimers and dementia organisations throughout New Zealand. These organisations provide support, education, information, and related services directly to members of their communities who are affected by dementia.

Dementia is a major issue for New Zealand. 70,000 New Zealanders living with dementia in 2020 and due to the growing ageing population, this number is expected to reach 170,000 by 2050.<sup>1</sup> People with dementia is protected by the United Nations Convention on the Rights of Persons with Disabilities because dementia is a major cause of disability and dependency influenced by symptoms, environments, discrimination, and inequality.

We believe that Aotearoa New Zealand should be a place where every person is able to fully participate in a society that recognises and provides for their access needs. However, the right of people living with dementia, their family and whānau are often overlooked.

For these reasons, Alzheimers New Zealand supports the Bill to address the accessibility barriers that prevent disabled people, tāngata whaikaha and their whānau, and others with accessibility needs from living independently. It is essential that New Zealand is fully accessible by 2035 and we welcome the introduction of a legislative framework to enable this. However, while we are supportive of the Bill, we suggest that additional amendments are required.

Alzheimers New Zealand does not believe it necessary to be heard by the Committee on this submission.

### **Areas of Support**

Alzheimers New Zealand supports that the Bill applies to the Crown, Government departments, departmental agencies, statutory entities, and local authorities. We believe that wider scope of removing accessibility barriers will result in faster and more effective in creating supportive environments, including a dementia-friendly environment, and uphold the autonomy and the right of people with disabilities to live independently.

Alzheimers New Zealand welcomes the creation of an Accessibility Committee to provide advice and recommendations on accessibility barriers and practices to the designated Minister; to assess and report progress made by specified entities; and to request relevant information from those entities in implementing the Committee's recommendations. These powers will enable the reinforcement of the obligations of entities to provide equal access and protect the rights of disabled people.

We support the legislative and policy change that recognises the role of te Tiriti o Waitangi and the importance of striving towards equitable outcomes for tāngata whaikaha and their whanau. We welcome the inclusion of clause 5, providing for te Tiriti, the creation of a Māori nominations panel in clause 13, and the duty on the Committee in clause 16(1)(a) to give effect to the principles of te Tiriti and consider tikanga and te Reo Māori in exercising its functions. In 2013, 24 percent of the overall population were identified as disabled, with Māori and Pacific people had higher-than-average disability rates.<sup>2</sup> Policy change that recognises the role of te Tiriti o Waitangi will improve and promote health equity among all New Zealanders.

Alzheimers New Zealand believes that effective development and implementation of public policy is essential for enhancing and improving access to goods and services, and we support the ability of the Committee to influence those through the powers above. Meaningful change for people with disabilities will only occur with effective legislative and government measures, and Alzheimers New Zealand supports a Bill that creates and implements policy and measures will be beneficial for people with dementia, families, and whanau.

We also recognise that the environment in which accessibility barriers is evolving, and that the legislative framework will need regular review to ensure it can respond to this evolution. For this reason, we support the requirement for a review of the Act in clause 25. Disability status is strongly correlated with age, as older people are more likely to be identified as disabled. In the case of dementia, the Organisation for Economic Co-operation and Development (OECD) identifies dementia as an urgent policy issue and the “fastest growing major cause of disability globally”.<sup>3</sup> We support regular review of legislative framework to respond to new challenges in the future.

### **Recommendations**

Alzheimers New Zealand suggests that several amendments should be made to strengthen the Bill and further provide for its purposes. Some preliminary recommendations are outlined below.

Given the Bill only applies to specified entities such as government agencies and local authorities, Alzheimers New Zealand believes that to better remove accessibility barriers, the Bill should be extended to persons conducting a business or undertaking (PCBUs) as defined under the Health and Safety at Work Act 2015.

We support mandatory review of the Act and believe that a three-year review, as recommended in the Regulatory Impact Statement will allow for more responsive change than five-year period.<sup>4</sup>

Alzheimers New Zealand notes also that the Committee's functions and duties are extensive and onerous. Adequate support and resourcing of the Committee would be essential to ensure the Bill achieves its objectives. However, people with disability including people with dementia should be given the opportunity to participate in the process to create or decide policies that affect their lives and wellbeing.

Alzheimers New Zealand suggests that the definition of "disabled" in clause 11(2)(a) of the Bill should be expanded to include all individuals with access needs. These include people living with dementia, families, or whanau and those affected by dementia.

In addition, we provide recommendations that are categorised most of these into four parts: accessibility standards, the establishment of a regulator, a barrier notification system, and a disputes resolution process as outlined below.

### **Accessibility Standards**

Alzheimers New Zealand supports the creation of meaningful accessibility standards that aim to design and build an environment that is accessible for all New Zealanders. We agree with the Legislation Drafting Advisory Committee that laws should set out what people can and cannot do, rather than setting out aspirational goals.<sup>5</sup> Accessibility means that people with dementia should live in dementia friendly environments and be provided with accessible information and support to exercise their right

to participate in decisions that affect them. An example of accessible standard designs for people with dementia is creating public information that is accessible for people with cognitive impairment.

### ***Establishment of a Regulator***

Alzheimers New Zealand recommends that a regulator is established to monitor the compliance of specified entities. This regulator should be a Crown entity with powers of investigation and enforcement, including the ability to accept enforceable undertakings. The Bill should provide the regulator the power to bring an action for infringement against an infringing entity. This is because entities that are bound to remove accessibility barriers should be held accountable for the respect and protection of people with disability including people living with dementia.

### ***Barrier Notification System***

To ensure that Aotearoa New Zealand is barrier free by 1 January 2035, the Bill should provide for a barrier notification system. This system will enable the regulator to set processes to record and investigate notifications from people with disabling experience. This system must also include a duty on specified entities to notify and remove barriers under their control. The creation of this system will ensure that people with disabilities including those affected by dementia know how to report disabling experiences and claim their rights.

### ***Disputes Resolution Process***

We recommend that the Bill creates a dispute resolution scheme to enable people with disabilities to file a complaint with the regulator and give the power to the regulator to order the entity to take corrective measures. Where a specified entity or individual has a dispute with the regulator regarding the result of an investigation, the Bill should provide for a process of mediation to resolve the dispute.

### **Conclusion**

Alzheimers New Zealand supports the Accessibility for New Zealanders Bill and looks forward to improved accessibility to achieve fundamental human rights for everyone. We also suggest the Bill is amended to provide for:

- an extended scope to include persons conducting a business or undertaking (PCBUs)
- a three-yearly review of the Act
- the establishment of a regulator
- a barrier notification system
- a disputes resolution process.

Nāku noa, nā,

Catherine Hall  
Chief Executive

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<sup>1</sup> Ma'u E, Cullum S, Yates S, Te Ao B, Cheung G, Burholt V, Dudley M, Krishnamurthi R, Kerse N. Dementia Economic Impact Report 2020. Auckland, New Zealand: University of Auckland; 2021.

<sup>2</sup> Stats NZ. Disability survey: 2013. [Online]. Available: [www.stats.govt.nz/information-releases/disability-survey-2013](http://www.stats.govt.nz/information-releases/disability-survey-2013). [25 October 2022].

<sup>3</sup> Organisation for Economic Co-operation and Development. Dementia. [Online]. Available: [www.oecd.org/sti/inno/pace-of-innovation-for-alzheimers-and-dementia-needs-to-accelerate-says-oecd.htm](http://www.oecd.org/sti/inno/pace-of-innovation-for-alzheimers-and-dementia-needs-to-accelerate-says-oecd.htm). [25 October 2022].

<sup>4</sup> Ministry of Social Development. Regulatory Impact Statement: Accelerating Accessibility. 2 November 2021.

<sup>5</sup> Ministry of Social Development. Regulatory Impact Statement: Accelerating Accessibility. 2 November 2021.