13 October 2020

To Justice Committee,

Please find attached DPA’s submission on the District Court (Protection of Judgment Debtors with Disabilities) Amendment Bill 284-1 (2020).

## Disabled Persons Assembly NZ

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# Introducing Disabled Persons Assembly NZ

The Disabled Persons Assembly NZ (DPA) is a pan-disability disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

* telling our stories and identifying systemic barriers
* developing and advocating for solutions
* celebrating innovation and good practice

# The submission

DPA strongly supports the District Court (Debtors with Disabilities) Amendment Bill. In particular we support measures to protect disabled people who have been found to owe a debt from the seizure of items which are deemed necessary for their care or which support their independence.

The seizure of such items can have an impact on the health and wellbeing of a disabled person that is significantly disproportionate to the monetary value of the items seized and can result in costs to the health and social welfare system that greatly exceed the cost of the original debt.

We note that adapted motor vehicles are critical for the independence of many disabled people, who may rely on them to access employment or health services. If their adapted vehicle is removed or immobilised for debt recovery then this can have a disproportionate impact for the disabled person, in part because of the scarcity of accessible alternative options for transport, such as accessible taxi vans. For this reason, we are particularly supportive of a specific clause prohibiting the immobilisation of such vehicles.

We propose an addition to clause 4 which amends Section 167 (Warrant to seize property) of the principal act (The District Court Act 2016).

# DPA’s recommendations

We recommend after section 167(2)(a)(ii), inserting the highlighted wording into (iii) as follows:

##### **(iii)** in the case of the judgment debtor with a disability, any item that is necessary for his or her care or support, communication, independence, or to promote his or her inclusion and participation in society (for example any mobility device, specially adapted motor vehicle, computer/smartphone with adaptive technology or accessible features, or medical equipment)

# Explanation for additions

We have added the word ‘communication’ to the list in (iii) above as many disabled people rely on computers and smartphones for their communication needs; and while a non-disabled person can often use a cheap smartphone or computer, this is not the case for many disabled people who rely on specialised adaptive features or technologies.

Blind people for example rely on expensive screen reading technologies which often cost more than the laptop PC that they run on and many Deaf people are heavily reliant on their phone for communication, including video access to NZSL interpreter services, using it to buy things in shops, ask directions or ascertain if they are on the correct bus.

We have added the words ‘computer/smartphone with adaptive technology or accessible features’ to the list of examples to show the kind of communication devices that can be used by disabled people.

# Conclusion

DPA welcomes the protections that this amendment bill affords disabled people and seeks to further strengthen these protections by adding ‘communication’ to the list of equipment which cannot be seized against debts.

# DPA would like to speak to this submission