10 February 2023

To the Education and Workforce Committee

Please find below DPA’s submission on the Accident Compensation (Access Reporting and Other Matters) Amendment Bill.

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **Article 4.3: Engaging with disabled people and our representative groups**
* **Article 19: Living independently and being involved in the community**
* **Article 25: Health**
* **Article 26: Habilitation and rehabilitation**

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are several Strategy outcomes particularly relevant to this submission, including:

* **Outcome 3 – Health and wellbeing**

# The Submission

DPA notes that this Bill has three key objectives:

* *to improve the focus on, and the understanding of, how people with personal injuries are accessing the Accident Compensation Scheme (AC Scheme):*
* *to increase the transparency of the levels of access to the AC Scheme, including any disparities in access to the AC Scheme by different population groups:*
* *to give better effect to the purpose of weekly compensation*[[3]](#footnote-4)

DPA broadly supports the objectives to monitor and report access to the Accident Compensation Scheme (ACC) but asks that additional specific population groups be included in the monitoring and reporting.

We support the bringing forward of eligibility for the minimum rate of weekly compensation from the sixth to the second week of incapacity.

# ACC Law Biased Against Disabled People

In June 2021 Radio New Zealand National (RNZ) reported[[4]](#footnote-5) on ACC’s own analysis showing that ACC law was biased against disabled people who had an impairment before being injured.

Issues in ACC’s analysis included:

• rehabilitation provided by ACC is available on an entitlement basis, unlike Ministry of Health-funded disability support services which are rationed (these services are now funded by Whaikaha).

• ACC benefits are often non-means tested and are more generous than welfare benefits provided by the Ministry of social Development (MSD).

• ACC does not currently routinely record the disability status of clients and, ‘disability’ as a concept, does not feature in accident compensation law. As a result ACC’s visibility of the accessibility, needs and outcomes from the ACC Scheme are limited.

# DPA’s Recommendations

DPA strongly recommends that the Select Committee:

1. Amend Clauses 4, 5 and 6 of the Bill, to include - in addition to Māori- disabled people, Pacific peoples and women to be also explicitly stated in the new purpose of the Act to monitor access for these groups to the Accident Compensation Scheme.
2. Amend Part 4 Provisions relating to Accident Compensation (Access Reporting and Other Matters) Amendment Act 2022: 13 and 14 to specifically include - in addition to Māori - disabled people, Pacific peoples and women.
1. United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities.* Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [↑](#footnote-ref-2)
2. Office for Disability Issues. (2016). *New Zealand Disability Strategy.* Retrieved from: <https://www.odi.govt.nz/nz-disability-strategy/> [↑](#footnote-ref-3)
3. [https://www.legislation.govt.nz/bill/govinds ernment/2022/0189/latest/whole.html#LMS784601](https://www.legislation.govt.nz/bill/govinds%20ernment/2022/0189/latest/whole.html#LMS784601) [↑](#footnote-ref-4)
4. <https://www.rnz.co.nz/news/national/445287/acc-law-biased-against-those-disabled-before-injury-agency-s-analysis-reveals> [↑](#footnote-ref-5)