June 2023

To Te Manatū Waka Ministry of Transport

Please find below DPA’s submission on the Consultation on Euro 6/VI vehicle emissions standards.

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 9: Accessibility**
* **Article 19: Living independently and being included in the community**
* **Article 20: Personal mobility**
* **Article 25: Health**

## 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 a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 3 – Health and wellbeing**
* **Outcome 5 – Accessibility**

# The Submission

Whilst DPA agrees that Aotearoa New Zealand needs to reduce the harmful emissions emitted by motor vehicles, we do not believe that disabled people, who are amongst the most transport disadvantaged in our population, should be further marginalised through regulations that will make it more expensive to purchase disability adapted vehicles.

Whilst we accept that Aotearoa New Zealand still permits Euro 5/V for new vehicle imports and Euro 4/IV for used vehicle imports (and is therefore falling two to three generations behind other major markets), we can’t accept that disabled people should pay for this lack of timely emissions regulation.

We understand that requiring vehicle imports to meet a stronger emissions standard is a key tool in reducing the health impacts from domestic motor vehicle pollution, but again we argue that disabled people should not pay the price of Aotearoa New Zealand’s failure to regulate sooner.

## Key Issues for disabled People

The moving to a stronger emisions standard for vehicles adapted for disabled people in 2028 will increase the anomaly between adapted vehicles paid for by ACC and those self-funded, often using Lottery Grants. By 2028 no second hand vans of the type use at present for self-funded Lotteries grant clients will be allowed into the country. At this point only new low emission vans, or vans less than 4 years old with low emissions profiles will be allowed to be imported.

This will mean that by 2028 MoH funded clients will likely have no affordable options to own their own adapted vans. Transport options for disabled people not funded through ACC are severely limited, compared to the OECD countries to which we are being compared in the area of vehicle emissions.

* MOT compared Aotearoa to: The UK, where disabled people are funded a new vehicle through Motability every 5 years, as of right. And public transport options are plentiful and accessible in most urban areas.
* The USA, where veterans receive a new vehicle every 2 years and others get a vehicle according to their health insurance and any litigation taken against those who have caused their injury. On top of this, urban areas have Paratransit: accessible minivans which can be booked at short notice. Depending on the urban area local public transport can also be plentiful and accessible.
* Australia, where 20% of all taxi fleets must be accessible to wheelchair passengers, and NDIS gives people the option to fund their own vehicle.
* Europe – where some of the most innovative personal transport options are available.

It is Incorrect for MoT and Waka Kotahi to assume disabled New Zealanders have similar options to those mentioned above. Instead, for people who receive disability support services funded through Whaikaha who need to travel in their wheelchair NZ has:

* Very limited accessible public transport, eg in recent times there was *no accessible bus* from Wellington airport into the city, and the local accessible taxi service is unreliable.
* Public transport in NZ is unreliable. Due to a lack of suitable drivers at present, thousands of journeys per day are being cut.
* Trains within Auckland on certain lines have been stopped for over a year, while Kiwirail upgrades the tracks.
* There is no official legal requirement for NZ Taxi Companies, or Companion Driving Services to have a certain proportion of their fleet accessible to passengers who use wheelchairs. Eg There is just one wheelchair taxi available in the whole of the Southern Lakes area.
* Where taxi companies do have mobility taxis, these are most often run on a contract model. Ie the contractor owns the mobility van, they choose whether they want the particular job, they cancel whenever they wish, and they have no obligation to work all or any of the jobs. (This is the nature of being a Contractor, but it provides no certainty or trust for wheelchair users.) It is not uncommon for Christchurch wheelchair users to book a taxi from Christchurch airport to home when they fly in from overseas. Then when they arrive at midnight they find, after repeated phonecalls, that the contract taxi driver has decided not to fulfil that booking, or they say they ‘can’t drive because they have already done too many hours today’.
* Often NZ wheelchair taxis provide regular school run services or services taking other disabled people to day programmes. Because of this, many wheelchair users can only book rides between 10am and 2pm. The DPA MRCagney Waka Kotahi research highlighted that wheelchair users often struggle to book rides after 5pmin the evening, as this is when the contractor taxi drivers choose to stop being available.
* Disability Vehicle Rental Companies provide temporary hire vehicles driven by family / caregivers for those without their own transport. (Especially if they need to travel out of their immediate locality.) However, the ESC importation laws have severely curtailed the ability of these companies to find suitable fleet vehicles, where the daily rental rate is affordable. Recent scarcity of vehicles have led to companies carrying out vehicle adaptations to for example gut campervans to rent them as disability adapted vans.
* Wheelchair users who do not drive can apply to the Lotteries board for funding for a wheelchair van of their own. There are decisions made on the applications every 2 months. Only a third of the applications are successful. In a successful application one of the strongest criteria is to look to see whether the applicant is highly involved in their community and ‘giving back’. This is, of course, a ‘chicken and egg situation’. (How can the wheelchair user get out into the community to ‘give back’ when they have little to no transport to do so?)
* Lotto/Enable funded van applicants were for 20 years given $31 000. For the last ten years this has not covered the cost of a base vehicle and the modifications needed. Applicants would resort to ‘give a little’ pages, asking Service clubs for help, or getting a bank loan in order to raise the amount needed for an adapted van. In order to almost fit the available funds, Lotto/Enable base vans are often 10-12 years old and under 150km. When the ESC importation rules kicked in, base vans became very scarce and difficult to procure. strong applications to the Ministry of Internal Affairs were made and the base amount was put up to $41 000. However we understand that, this proved still not enough to cover the costs for an adapted van, or to make the modifier/importer even a tiny profit. There was an importation exemption for MoH funded wheelchair van users, however the time taken to process these exemptions by NZTA was so long as to be in reality unaffordable, so, all the small businesses involved in importing these vans stopped doing this type of work. To our knowledge, there is only one major mobility van importer still bringing vans into the country.

As explained in the previous paragraph, adapted vehicles for disabled people who receive disability support services through Whaikaha have become much less plentiful and affordable in the last 4 years since Government ESC import restrictions changed the landscape. Wheelchair users are more disadvantaged than they have been, say, 10 years ago.

We do not believe that the model of needing to import 10-12 year old base vans for these vehicle modifications will be feasible in 2028, when, in theory, Euro 6 emissions requirements will begin. NZ will not be able to import 10-12 year old Japanese vans (as their emissions standards are weaker) and at $41 000, including aftermarket LVVTA modifications, it will be unaffordable to bring in new or several-year-old vans.

**Phase In Dates**

DPA acknowledges that Te Manatū Waka Ministry of Transport have set the date for new and used vehicles adapted for disabled people to meet the Euro6 standard to the latest point of their phased in dates, however we do not believe that this is sufficient to prevent further transport disadvantage to disabled people.

Whilst it is probably not a major issue for new disability adapted vehicles most often funded by ACC, it will be a significant barrier to those who have to self-fund such vehicles. It will make it more expensive to bring such vehicles into the country.

## Alternative Approach

Rather than making disabled people pay more for adapted vehicles (the stick), DPA supports an approach that would provide rebates and grants to disabled people who buy or change to less polluting vehicles (the carrot). This is an approach that would reduce the transport disadvantage faced by some disabled people rather than widen it.

As part of this approach we urge the Ministry to set up a group including disabled people and our organisations and industry experts, to work out the best incentives and levers to incentivise disabled people to purchase less polluting vehicles; and to import and adapt less polluting vehicles at the most affordable price and with minimum waiting times.

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)