April 2024

Please find attached DPA’s submission on Courts (Remote Participation) Amendment Bill

## Disabled Persons Assembly NZ

Noho ora mai,

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# Introducing Disabled Persons Assembly

**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 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:**

**Rangatiratanga / Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.

**Pārongo me te tohutohu / Information and advice:** informing and advising on policies impacting on the lives of disabled people.

**Kōkiri / Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.

**Aroturuki / Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

# The submission

Tēnā koutou ki ngā tangata tika,

Ma wai ra e taurima

Te marae i waho nei?

Ma te tika, ma te pono

Me te aroha e

*Who will tend*

*To the marae here?*

*Truth, honesty*

*And love will.*

 **1. Introduction**

DPA welcomes the opportunity to engage with New Zealand Courts (Remote Participation) Amendment Bill. We support the bill with amendments.

Covid has highlighted the importance of remote participation from telehealth appointments in our hospitals through to allowing employees to work from home. Remote participation also allows disabled people to participate more effectively in multiple avenues that have previously been inaccessible to them.

With the increase of remote participation, it is important that the Ministry of Justice and the Courts ensure that they provide equity of service for disabled people in all Courts and that al information be provided in accessible formats on the Courts website[[1]](#footnote-2).

**a) Remote Participation**

DPA supports remote participation for disabled people as physical court environments can be inaccessible. For example, we are aware of a Deaf person waiting for a Court case who could not hear their name being called over the sound system. Wheelchair and mobility device users are also often not considered in the design of physical spaces at Courts.

An example about how the inaccessibility of our courts can affect the participation of disabled people within them comes from the experience of one of our members who was summoned for jury service but was advised by court staff (on what was supposed to be his first morning) that their power wheelchair could not be accommodated in the jurors’ box, meaning that he opted out of undertaking service.

This member raised with us the issue that disabled people charged with criminal offences or as witnesses may not be able to physically attend court in circumstances where courtrooms and spaces are inaccessible either.

DPA recommends that alongside the ability for victims and witnesses to attend hearings remotely (something that will benefit disabled victims immensely) that disabled defendants charged with offences (especially those remanded into the community) can attend hearings remotely, particularly if accessing a courtroom will be an issue.

For remote participation to be accessible to disabled people it is essential that information on remote participation be made available in all accessible formats and this information be kept updated on the Ministry of Justice Court website.

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| **Recommendation 1:** that information on remote participation be made available in all accessible formats on the Ministry of Justice Courts website |

**b) Equity for disabled people**

We know that there is a need for more equitable access for disabled people to Court services. After this legislation is passed, there must be investment undertaken by the Ministry of Justice in both accessible formats and accessible processes for all disabled people engaging with the Court system.

We recommend that any disabled person requiring accessibility support in a remote hearing are given more than 10 days’ notice to enable time to organise relevant interpreters, transcribers, support and/or assistive technology for the amendments below:

* Hearing may be conducted by audiovisual link or audio link
* Use of audio links in civil proceedings
* Use of audio links in criminal procedural matters
* Use of audio-visual links and audio links by victims and support persons to observe trial and sentencing.

We note that remote participation may not work for some disabled people as their assistive technology may not be compatible with the technology being used.

DPA recommends that sufficient time is provided before any hearing involving remote participation by a disabled person to ensure that the technology used will be compatible with any assistive technology used by that disabled person .

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| **Recommendation 2:** that the Courts give more than 10 days notification to disabled people participating remotely in Court hearings to ensure compatible accessibility support is provided in a way that meets their needs.  |

**d) Equity for Māori disabled**

Māori make up 37 percent of people proceeded against by Police, 45 percent of people convicted, and 52 percent of people in prison[[2]](#footnote-3). The “Ara Poutama Aotearoa Disability Action Plan 2023-2027", highlighted that Māori are overrepresented among the disabled population, both in prison and within the general population.[[3]](#footnote-4) Māori disabled often have specific requirements, for example, trilingual interpreters and te reo Māori communication devices for those who are non-verbal.

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| **Recommendation 3:** that Māori disabled are supported to have access to te reo Māori in a way that meets their accessibility requirements including assistive technology. |

1. Ministry of Justice website. (n.d.) *Interpreters, language & disability access* <https://www.justice.govt.nz/courts/going-to-court/pre/interpreters-language-and-disability-access/> [↑](#footnote-ref-2)
2. Ministry of Justice. (n.d). *Hāpaitia te Oranga Tangata* <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/key-initiatives-archive/hapaitia-te-oranga-tangata/> [↑](#footnote-ref-3)
3. Ara Poutama Aotearoa Department of Corrections. (n.d.) *Disability Action Plan 2023 – 2027* <https://www.corrections.govt.nz/resources/strategic_reports/disability_action_plan_2023_2027> [↑](#footnote-ref-4)