27 July 2018

To the Governance and Administration Select Committee

Please find attached DPA’s submission on Election Access Fund Bill

DPA wish to appear before the Governance and Administration Select Committee to speak to our submission.

**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

**Election Access Fund Bill**

The Disabled Persons Assembly (DPA) is pleased to submit in support of the Election Access Fund Bill. This legislation speaks to DPA’s understanding that disabled people must have the right and opportunity (on an equitable basis) to enjoy full equality and participation, to influence and shape policy at all levels, and to make informed choices on political issues. Having these rights will in turn inform the realisation of good lives for disabled people. DPA also recognise that the full and proper implementation of the UN Declaration on the Rights of Persons with Disabilities (UNCRPD) will contribute to the realisation of disabled people’s human rights and full citizenship.

The Election Access Fund Bill will, in part, address Article 29 of the UNCRPD, which ensures disabled people’s right to participation in public and political life by removing some of the existing barriers to political engagement and standing for office.

DPA note though, that aside from the barriers to engagement addressed in this Bill (participation in political parties, election education events and support in standing for office), there are further barriers to disabled people having a voice in politics. For example, in New Zealand, voting booths are set up in a way that not all disabled people, particularly those with sensory impairments or learning disability, can vote independently. In addition, election policy information and information on participation in political parties is not available in accessible formats such as Easy Read, Braille or New Zealand Sign Language (NZSL). DPA were pleased to see that last year the Electoral Commission worked in collaboration with People First New Zealand to produce an Easy Read guide on voting. DPA sees this as a positive step towards providing greater political access to disabled people.

We view the Election Access Fund Bill as a hugely positive step towards full enfranchisement of disabled people, who make up 24% of New Zealand’s population and are therefore a significant portion of the voting public. To ensure that disabled people are able to access information and communication on the whole spectrum of political issues, we would like to see support for Disabled Persons Organisations (DPOs) to link their communities to and to directly provide objective accessible information.

We encourage the members of the Governance and Administration Select Committee and MPs to see this as Bill as a first step and to continue to work, together and with the community to ensure disabled citizens can participate fully in the political sphere.

We also note, that Parliament itself is not yet a wholly accessible environment. While some of the recommendations of the Accessibility of Parliament Select Committee report of 2014 were implemented by the previous Government, this is an ongoing project. We would encourage the Select Committee to remind Parliament of their responsibility to fully implement the recommendations.

**The Scope of the Bill**

With regards to the specifics of this Bill, DPA has recommendations regarding the scope and administration of the Fund. We will also comment on the potential role of DPOs in ensuring this Bill is as successful and effective as it can be.

*Groups with access to the Fund*

DPA supports the current provision within the Bill that allows disabled people, NGOs and political parties to access the Fund. DPA supports all these groups having access to the Fund, because it acknowledges that barriers to national political participation exists at all these levels. We are aware that there is some caution expressed at first reading around the provision for political parties to have access - and we understand the reasons for concern. However, we believe it is important that this provision remains.

Disabled people wishing to participate in political parties must have consistent access to resources to allow them to participate in political parties, regardless of current attitudes in a political party towards access and inclusion, or the size, resources and capacity of the party to offer this support. Disabled people’s choice of where to put their political energies must be a free decision and not shaped by a perception of which parties believe they have ( or don’t have) capacity to provide for their needs. Any other approach to engagement with political parties would be undemocratic.

If political parties cannot or do not to have accessible means of engaging with disabled people, the burden of inclusion in party processes will always fall to the disabled individual, which creates another individual inequities and systemic barrier. Therefore, DPA believes that removing this clause, would render the rest of the Bill much less effective.

*Local Government*

The DPA note that this Bill is currently focused on national level politics. Our members and other disability organisations have raised with us the importance of extending the Bill, so that those standing for local body elections may also be eligible. This would better support the political participation of disabled people at all levels of Government. A precedent for extending the Bill to the local level already exists in the Access to Political Office Bill. This established a similar Fund to support access to politics for members of the United Kingdom. The Fund also covers those wishing to engage at a local level. It has had wide public support and was accessed to support candidates at both levels. We note that local Government is often used as a stepping stone into national level politics. Without extending this Fund to the local level this stepping stone will not be available to disabled people.

**Administration of the Fund**

*The role of the Electoral Commission and Disabled People*

DPA believe it is appropriate for the Electoral Commission to administer the Fund. However, this must be done by working directly with disabled people who have extensive lived and professional experience of their own communities. We believe that a co-design approach should be taken to deciding the kind of application process, the kind of process and criteria for the award of funds, and the kinds of supports that will be funded and the amount of funding. We have concerns that without the input or a wide range of Deaf and Disabled people with varying experience and needs, the application process itself may be less than accessible. We would like to see Disabled and Deaf people also involved in governance of the approval of Funds.

*Award of Funds*

Any award of Funds must be made with due consideration of particular barriers and needs outlined by the applicant. It must not involve a diagnostic process or be dependent upon proving degrees of impairment. Degrees of impairment cannot be used as a measure for how useful certain adaptations, supports or reasonable accommodations will be in enabling participation.

We would also caution against the requirement in the UK process for applicants to provide proof of their previous community participation and political engagement. This is not a requirement that would be considered reasonable for non-disabled citizens to meet. It would create a further barrier to the equality this Bill seeks to achieve. It also ignores some of the other factors that may have contributed to person’s previous lack of community participation that are common to the everyday lives of disabled people. These include such factors as social isolation, communication barriers, limited transport options, limited support and resources, and a lack of disabled role models already showing what can be possible. While a cap on the amount of funding per applicant is probably required at a practical level we would also encourage some discretion here.

Regarding the types of supports covered under the Fund, while applicants should be offered clear examples of what can be applied for, we would not encourage defining exactly the kinds of accommodations and supports that can be covered. We note that in the UK, while there were expected trends (it was mostly used to cover costs of interpreters and support workers) all applications made to the UK Fund varied in nature. Keeping in mind the Election Access Fund will be a new and unknown system in New Zealand, we would not wish to see barriers to someone’s access institutionalised simply because their particular needs had not been imagined at the design stage. The system that is established to support the participation of Deaf and Disabled people must trust them to know their own needs and what kinds of supports are effective for them.

The award of funds should not be a reimbursement system as operates in the UK and Manitoba, Canada. This assumes upfront financial resources, which many disabled people do not have and could be creating a massive barrier to the intent of this Fund, given the low income and employment rates of disabled people.

*Review of the Fund*

There should be data made publically available on the uptake of the Fund. It should respect people’s privacy around the exact nature and use of supports, however it should allow the usefulness of the Fund to be observed. Disabled and Deaf people must be involved in the review of the Fund through their representative Disabled People’s Organisations, as they will be best placed to see how this has affected outcomes for their communities and what potential improvements that may be needed.

**The Potential Role of Disabled Persons Organisations**

*Awareness raising and capacity building.*

For the Fund to be as effective as possible, disabled people need access to information accessible about the Fund. They also need the confidence and aspiration to enter politics. DPA note that disabled people may be highly politically active in spaces not generally recognised and through non-traditional means such as online and through their own communities. As a member organisation we are aware that disabled people are very politically active in their own communities and have a wide range of interests which extend beyond disability. However, disabled people may lack some of the more traditional experiences and opportunities may have been inaccessible to them outside of their own organisation, which make reasonable accommodations.

It should be noted that one of the supports disabled people would like access to would be the training and experience to equip them for the political sphere. We would strongly suggest that Disabled Persons Organisations are resourced to communicate the existence of the Fund and to support their communities to gain political experience.

**DPA’s recommendations**

The Disabled Person’s Assembly recommends the Fund is put in place with all three currently eligible groups, including political parties remaining eligible.

The Disabled Person’s Assembly would support the extension of this Bill to cover Local Body Elections.

The Disabled Person’s Assembly strongly recommends that Deaf and Disabled people are involved at every level of the Election Access process including the design of eligibility criteria and application process, and also in the administration and review processes alongside the Electoral Commission in a co-design and process.

The Disabled Persons Assembly also strongly recommends that eligibility criteria are needs based and focused on removing barriers rather than diagnosis specific or determined by degree of impairment.

The Disabled Person’s Assembly also strongly recommends that the what can be covered by the Fund focuses on the provision of case by case reasonable accommodations rather than concretely defining what kinds of supports can be covered.

The Disabled Persons’ Assembly recognises the expertise of The Human Rights Commission, we also urge members to heed the perspectives of Disabled Person’s Organisations and Deaf and Disabled People.