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New Zealand Public Service Association  
Te Pūkenga Here Tikanga Mahi



# Inquiry into the accessibility of services to Parliament

## Submission to the Government Administration Select Committee by the Public Service Association: *Te Pūkenga Here Tikanga Mahi*

12 July 2013

### Introduction

The New Zealand Public Service Association *Te Pūkenga Here Tikanga Mahi* (the PSA) is the largest trade union in New Zealand with over 58,000 members. We are a democratic organisation representing members in the public service, and the wider state sector (the district health boards, crown research institutes and other crown entities, state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the health, social services and community sectors).

We have a Deaf and Disabled Network and disabled union members.

### PSA submission

This submission comments on the alignment of services to Parliament with the principles and provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in particular to Article 29 on participation in political and public life.

New Zealand ratified the CRPD on 25 September 2008. As such, New Zealand has agreed to do the following:

*New Zealand is obliged to take appropriate measures to guarantee the political rights of disabled people.*

- adopt all appropriate legislative, administrative and other measures to implement the provisions of the CRPD
- take all appropriate measures to eliminate discrimination on the basis of disability
- closely consult with and actively involved disabled people and their organisations in the development and implementation of legislation and policies.<sup>1</sup>

Article 29 of the CPRD on participation in political and public life requires New Zealand to guarantee the political rights of disabled people, including:

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<sup>1</sup> CRPD, Articles 4(1)(a), 4(1)(e), and 4(3).

- (a) The right to vote and be elected, by
  - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - (ii) Enabling disabled people to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; and
- (b) Promoting an environment in which disabled people can effectively and fully participate in public affairs, including:
  - (i) Participation in NGOs and in the activities and administration of political parties;
  - (ii) Forming and joining organizations of disabled people.<sup>2</sup>

Such measures should be given priority to ensure New Zealand's compliance with the CRPD.<sup>3</sup>

Participation in political and public life is closely related to and dependent upon the implementation of other CRPD provisions, including:

*Access to information is key. This requires accessible formats, including sign language, Braille, technology, and easy to understand language.*

- (a) Article 9, which imposes an obligation to adopt measures to ensure that disabled people have access to information and communications, including technology;
- (b) Article 12, which reaffirms the right of disabled people to recognition before the law and to enjoy legal capacity on an equal basis with others;
- (c) Article 19, which recognizes the right of disabled people to full inclusion and participation in their community;
- (d) Article 21, which calls for the adoption of all appropriate measures to facilitate access to information, whether through public or private entities, in accessible formats, and the use of sign languages, Braille, and other accessible forms of communication in official interactions (for instance, political broadcast).<sup>4</sup>

*How accessible is Parliament as a place for disabled people to work?*

As a union, the PSA is particularly concerned with how accessible Parliament and its services are to disabled citizens as:

- future or current employees
- citizens seeking to access information
- people seeking to contact MPs
- people interested in becoming an MP.

The PSA submits that much more could be done to improve accessibility to the New Zealand parliament:

- Parliament buildings could have improved physical access, including more

<sup>2</sup> CRPD, Article 29.

<sup>3</sup> New Zealand Human Rights Commission (2012), *Political participation for everyone: Disabled people's rights and the political process*, p 6.

<sup>4</sup> United Nations High Commissioner for Human Rights, (2011), *Thematic Study by the Office of the High Commissioner for Human Rights on participation in political and public life by persons with disabilities*, A/HRC/19/36, p 6-7.

*Parliament would be more accessible with better physical access to the buildings, provision of public information in accessible formats, and improved support for disabled people to stand for election and effectively hold office in Parliament.*

*Parliament as an employer is obliged to provide reasonable accommodation to any disabled member of parliament.*

*The Electoral Commission should improve data collection relating to disabled people.*

ramps, signage in Braille, and provisions for guide dogs. For instance, those using wheelchairs have to make a long detour through the Beehive to get to the main reception hall. This limited access implies that Parliament is not a welcoming place to job applicants or visitors with physical impairment.

- Public information could be more accessible, including parliament's website and Parliament TV (e.g. NZSL video clips, plain language, captioning of parliament TV). This could help ensure that disabled people participate in political processes such as making submissions on proposed legislation to a select committee, particularly on bills affecting disabled people. The need for plain language information is especially relevant for people with intellectual impairments. For example, legislative language is very obscure and could be simplified. Access to information must be complimented with measures to improve access to technology, particularly in view of increasing availability of digital information.
- There could be improved support for disabled people to stand for election and effectively hold office in Parliament. This includes support for MPs to carry out their functions without discrimination, providing full and equal participation and equality of opportunity, as well as enabling the participation of disabled people in political parties. For example, funding deaf Green MP Mojo Mathers to cover electronic note takers to allow her to fully take part in Parliamentary debates and process is a step in the right direction. This illustrates the principle of reasonable accommodation which is central to the CRPD. Parliament as an employer is obliged to provide reasonable accommodation to any disabled member of parliament, in accordance with Article 27(1)(i) of the CRPD. Parliament should lead by example, and promote itself as a place where disabled people can work, providing a role model for other employers. Parliament should actively seek to employ disabled people.

The PSA would also like to endorse the recommendations of the New Zealand Human Rights Commission to ensure compliance with article 29 of the CRPD:

- Relevant bodies should provide election information, candidate profiles and party information in accessible formats for both local body and national elections;
- The Electoral Commission should continue to provide and enhance accessibility of election information and voting materials;
- The Electoral Commission should improve data collection relating to disabled people including collecting information on voters with disabilities on the electoral enrolment form.
- Introduce electronic and telephone voting in the 2013 local body elections and the 2014 general election to allow disabled people access to an independent, secret ballot.<sup>5</sup>

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<sup>5</sup> *Ibid* n 3, p 13.

The PSA also wish to acknowledge the submission of Auckland Disability Law, an organisation where we have members. While we have not had the opportunity to formally endorse the submission, we support the direction and strongly recommend the Committee give its proposals serious consideration.

*New Zealand is required to adopt affirmative action measures to help disabled people exercise their political rights.*

In addition to the negative obligation of refraining from discriminatory actions and practices against disabled people, New Zealand is also required to adopt positive measures, including reasonable accommodation as defined in article 2 of the CRPD, to overcome the obstacles that prevent disabled people from exercising their right to be elected on an equal basis with others.<sup>6</sup> Examples of reasonable accommodations from other jurisdictions include:

- providing personal assistants to disabled people who are elected to a public position,<sup>7</sup>
- the development and implementation of minimum standards and guidelines for the accessibility of public buildings,
- the promotion and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for disabled people.<sup>8</sup>

Other ideas include developing awareness-raising programmes to encourage the active participation of disabled people in the conduct of public affairs; organizing training and development opportunities to support the involvement of disabled people in political life; and establishing an Access to Elected Office Fund to support disability-related costs.<sup>9</sup>

*Legislation establishing quotas can ensure adequate representation of disabled people in legislative, executive or judicial bodies and in electoral lists.*

Some countries have even enacted national legislation which provides for the establishment of quotas to ensure an adequate representation of disabled people in legislative, executive or judicial bodies and in electoral lists.<sup>10</sup>

Ideas to ensure that information on political affairs – and in particular information on elections, voter registration, modalities of voting and accessibility of voting procedures, ballots and facilities – is available in various forms include the use of sign language, subtitles, Braille, audio, electronic and easy-to-read and understand versions, and advance dissemination of such information for disabled people.<sup>11</sup>

Information campaigns, media advertising, guides and awareness-raising initiatives could be used to sensitize disabled people to participate in political and public life.<sup>12</sup>

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<sup>6</sup> *Ibid* n 4, para 46.

<sup>7</sup> *Ibid* n 4, para 47.

<sup>8</sup> *Ibid* n 4, para 48.

<sup>9</sup> *Ibid* n 4, para 49.

<sup>10</sup> *Ibid* n 4, para 53.

<sup>11</sup> *Ibid* n 4, para 54.

<sup>12</sup> *Ibid* n 4, para 55.

The above measures could be implemented in New Zealand as well in order to ensure compliance with Article 29 of the CRPD.

**For further information about this submission contact**

Chantelle McCabe, Policy Advisor

E: [chantelle.mccabe@psa.org.nz](mailto:chantelle.mccabe@psa.org.nz)

T: 04 816 5040

[www.psa.org.nz](http://www.psa.org.nz)