

November 2023

To Governance and Administration Select Committee,

Please find attached DPA’s submission on the Emergency Management Bill 2023

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people. We work on systemic change for the equity of disabled people.

**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.

# The Submission

DPA welcomes the opportunity to engage with the Governance and Administration Select Committee on the Emergency Management Bill.

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. The UNCRPD article relevant to this submission on the Emergency Management Bill is:

## Article 9: Situations of risk and humanitarian emergencies

***States Parties shall take ...all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.***

DPA supports the legislation, but we seek further changes to ensure disabled people are given the visibility needed given that we are disproportionately impacted in climate and other emergencies and have a higher risk of mortality due to barriers to accessing emergency information and evacuation and accessing support and necessities during and after a disaster.

We note the reference to disabled people in the explanatory note to the bill but have concerns that simply requiring engagement by Emergency Management Committees to identify and engage communities disproportionately impacted by emergencies will not be sufficient to ensure that the needs of disabled people are met in these plans.

The Emergency Management bill should clearly make provision for disabled people (as well as other at-risk population groups) to be included alongside central and local government emergency agencies in all levels of emergency management planning.

As many of the issues relevant to disabled people in emergency management are consistent around the country, an effective way of ensuring input could be via a national pan-impairment disability advisory group (with provisions to ensure tāngata whaikaha Māori representation). Having a mandated disability advisory group means that disabled community leadership and input is assured in the long-term and gives a clear indication of its importance across the whole emergency management system.

Making a requirement in the Act to engage with disabled people and other groups and/or mandating the establishment of a National Disability Advisory Group would also go a significant way towards meeting this country’s obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD) Article 11 that the needs of disabled people are recognised in emergency situations.

**Recommendation 1:** that Clauses on the procedures for preparing, amending or replacing the National Disaster Resilience Strategy are amended to specifically require the Strategy to refer to the needs of disabled people and other at-risk population groups and that representatives of disabled people and other at-risk population groups are consulted when developing the Strategy.

**Recommendation 2:** that Clauses covering the procedures for preparing, amending or replacing national and local emergency plans are amended to specifically require that all plans address how the needs of disabled people and other at-risk population groups will be met in emergencies and that disabled people and at-risk population groups are consulted on the development of those plans.

**The lessons of the Auckland Anniversary Weekend Floods and Cyclone Gabrielle must be included in this bill.**

The Auckland Anniversary Weekend Floods and Cyclone Gabrielle are two very recent emergencies that show the need for disabled people to be included in emergency management planning.

Disabled people were directly impacted by these events. There are considerable learnings that can be had from the experiences of disabled people both during and after these storms. DPA, in the immediate aftermath of the Auckland Anniversary Weekend flooding events and before Gabrielle struck, reached out to our members in the affected areas to ask what their experiences had been like.

While many disabled people were resilient, we also heard stories about the difficulties disabled people had accessing timely information and being able to evacuate safely, especially given the scarcity of accessible centres and the impact that weather-enforced homelessness had on disabled people,

We also heard that some disabled people had difficulty accessing support especially when it came to assisting with property clean ups and experienced disruption to disability support services and activities.

These factors reinforce the need for a more informed, joined-up disabled people/disabled community-led civil defence response in future climate-related and other emergencies.

DPA notes that at the time of this submission, there is an active inquiry into the government response to these weather events, and we urge the committee to consider holding back from reporting this bill to the house until the inquiry is completed so that relevant recommendations can be incorporated into the bill if necessary.

**The importance of Te Tiriti provisions**

DPA supports the Te Tiriti o Waitangi focus on the needs of Māori in the legislation as outlined in Clauses 4, 29, 67, and 149. These provisions are essential for Tāngata Whaikaha Māori/Disabled Māori and their whānau who face multiple barriers in emergency situations.

**Climate change response recognition welcomed**

DPA supports the inclusion of Schedule 2(3) within the Bill as this includes the Climate Change Response Act 2002 within the list of relevant legislation, which Emergency Management Committees must promote and raise awareness of.

This move reflects the impact of climate change and work currently happening across government and mentioning this legislation in the bill serves as an acknowledgement of the impact of climate change related weather events on emergency planning.

**Advice from Whaikaha – Ministry of Disabled People**

Whaikaha played a crucial role coordinating information and support to disabled people during the Auckland floods and Cyclone Gabrielle. The committee might like to seek input from them (if it has not done so already), on:

* The role of Whaikaha, and learnings arising from the Auckland floods and Cyclone Gabrielle.
* Clause 33 – as to whether the proposed Health and Disability Services Emergency Management Coordinating Executive appointment should be split into two: a Health Service provider appointment and a Disability Services provider given that these services are now managed by separate government agencies.

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)