April 2024

**To Environment Select Committee**

Please find attached DPA’s submission on the Fast-track Approvals Bill.

Noho ora mai,

For any further inquiries, please contact:

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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 [Aotearoa 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.

## 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 Aotearoa New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in Aotearoa 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 5: Non-discrimination**
* **Article 9: Accessibility**
* **Article 13: Access to justice**
* **Article 19: Living independently and being included in the community**
* **Article 20: Personal mobility**
* **Article 29: Participation in political and public life**

## Aotearoa New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the Aotearoa 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 Aotearoa New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of Aotearoa 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 5 – Accessibility**
* **Outcome 6 – Attitudes**
* **Outcome 7 – Choice and Control**
* **Outcome 8 – Leadership**

# The Submission

Ka Ora te Whenua, Ka Ora te Tangata

**When the land is well, the people are well**

DPA opposes the Fast-track Approvals Bill as it disproportionately favours large scale development with long lasting impacts, concentrates power in three Ministers and has far-reaching adverse implications for Aotearoa New Zealand’s environment and the exercise of mana motuhake and kaitiakitanga based on Te Tiriti o Waitangi. The Bill risks locking in an infrastructure that is inaccessible and unsafe for disabled people.

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| **Recommendation 1:** that the Bill be withdrawn. |

# System Outcomes: Accessibility

Accessibility is a core principle of the UNCRPD, and a key outcome of the Aotearoa New Zealand Disability Strategy. It affects every area of disabled people’s lives, from the homes we live in, the places we work and the extent to which we can move around our communities. It also has a major impact on disabled people’s level of risk and ability to recover following a natural disaster. The principle of accessibility is not considered in the bill.

DPA supports appropriate development within sustainable environmental limits to protect the health, wellbeing, and economic opportunities of the disabled community in Aotearoa New Zealand.  The premise of the Bill prioritises development above all else.  This approach is unsound, inaccessible, and extractive. It is essential that disabled people can have input into the decision-making processes of development projects that impact on our health and wellbeing.

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| **Recommendation 2:** that disabled people can have input into the decision-making processes of development projects that impact on our health and wellbeing.  |

## Climate Change, Natural Hazards and Disabled People

Our environment is already degraded from decades of inappropriate development and unsustainable practices and is also facing major risks from climate change and the cumulative effects of existing land and resource use. We need to restore and protect what we have left, instead of finding ways to further degrade it.

Disabled people are one of the groups most at risk from climate change[[3]](#footnote-4) and natural hazards. Many examples exist of disabled people being highly impacted by urban planning failing to provide for the impact of climate change and natural hazards occurring across low-lying communities in Aotearoa New Zealand.

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| **Recommendation 3:** that the impact of climate change and natural hazards is required when considering development projects.  |

These low-lying areas are often at greater risk from flooding, sea level rise and/or liquefaction in an earthquake but because they are often more accessible and affordable, a higher proportion of disabled people live in these areas. Examples include parts of South Dunedin and South Auckland where a large proportion of red stickered homes have been those owned by Kainga Ora.

Given that 40% of Kainga Ora clients are disabled in some way, this means that in many places social housing, and disabled people, are being effectively placed in harm’s way. So that those least able to avoid or recover from a natural disaster are most at risk of losing everything. Preventing this situation re-occurring in the future will require planning for climate resilient communities and places that are also accessible for disabled people. As a recent news article states “Floods are inevitable. Flood disasters are not” [[4]](#footnote-5).

There is a need for all decision makers to take steps to uphold wellbeing of our disabled community who are affected by natural disasters. Adverse weather events also cause substantial infrastructure damage including to roading, so further erosion with the introduction of any mining companies or property developers reduces our climate resilience. The impact that weather-enforced homelessness has had on disabled people is further exacerbated by the lack of accessible housing.

DPA also asks that all decision-making bodies be required to consider the needs of disabled people and that engagement processes be required to consult with disabled people and their representative organisations.

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| **Recommendation 4:** all decision-making bodies be required to consider the needs of disabled people and that engagement processes be required to consult with disabled people and their representative organisations. |

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). *Aotearoa New Zealand Disability Strategy.* Retrieved from: https://www.odi.govt.nz/nz-disability-strategy/ [↑](#footnote-ref-3)
3. Schulte, C. (2020, March 28). People With Disabilities Needed in Fight Against Climate Change. Retrieved from <https://www.hrw.org/news/2020/05/28/people-disabilities-needed-fight-against-climate-change#:~:text=People%20with%20disabilities%20are%20at,said%20in%20a%20recent%20report>. [↑](#footnote-ref-4)
4. [Floods are inevitable. Flood disasters are not | Stuff.co.nz](https://www.stuff.co.nz/opinion/131138570/floods-are-inevitable-flood-disasters-are-not) [↑](#footnote-ref-5)