

May 2023

**To Hamilton City Council**

Please find attached DPA’s submission on Draft Annual Plan 2023-24

For any further inquiries, please contact:

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**Introducing Disabled Persons Assembly NZ**

**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/$file/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:**

* **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.

**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 a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in 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:

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| **Article 4.3: General Principles**  “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.” |

* **Article 8 - Awareness raising**
* **Article 9 - Accessibility**
* **Article 19 - Living independently and being included in the community**
* **Article 20 - Personal mobility**
* **Article 29 - Participation in political and public life**
* **Article 30 - Participation in cultural life, recreation, leisure and sport**

**New Zealand Disability Strategy 2016-2026**

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy2 to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of 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

DPA welcomes this opportunity to submit on the Hamilton City Council’s (HCC’s) Annual Plan 2023-24.

We would like to start by highlighting some concerns of Hamilton’s disabled community with the approach of the HCC towards disabled people and its relationship with the leadership of the city’s disabled community in recent times.

It follows what members perceives to be a lack of consultation around the process of appointing the Council’s new Disability and Older Person Advisor, an issue which the disabled community holds to be symptomatic of wider issues around HCC’s relationship with disabled people.

DPA would like to make it clear that we do not intend this to be a personal criticism of the new appointee to the disability advisory role whom we wish well and hope that we will be able to engage with going forward.

We wish to take this opportunity to pay tribute to the tireless work of their now retired predecessor. We know the effort that they put into the role of disability advisor, and we greatly appreciated their work in this role.

DPA also welcomes the appointment of new Councillor Louise Hutt to the disability portfolio – but we recommend that this portfolio be made permanent within council.

However, the way in which the Council handled the appointments process around the new disability and older person’s advisor means that we believe that council has not adequately upheld Article 4.3 of the UNCRPD (see UNCRPD section above) which we believe makes it clear that disabled people and our disabled people’s organisations (which include DPA and the Hamilton Disabled People’s Forum) need to be actively involved given that this role involves the need for extensive engagement with the disabled community.

This submission focuses on recommendations on how best to improve the relationship between Council and the wider disabled community.

We also highlight the need to invest in making the City’s many new infrastructure projects fully accessible and inclusive to everyone, including disabled people.

**The need to re-build relationships**

DPA believes that when Council and disabled people work together constructively much can be achieved in a way that benefits everyone. This has been done successfully in the past when DPA and the wider disabled community in the city have been involved by Council.

Some of these joint successes with Council have seen:

* The development of the Council’s first Disability Policy in 2005
* The creation of accessibility audits so that council maintenance budgets can be prioritised to meet the needs of disabled people
* The development and implementation of disability awareness and responsiveness training for Council staff
* More recognition of the needs of d/Deaf people by Council in terms of enabling the use of NZ Sign Language (NZSL) as part of its commitment to making the democratic process and council services more accessible to the d/Deaf community.

We would like to see these successes continue by building upon them.

However, that is reliant on Council forging a good, meaningful and sustainable relationship with Hamilton’s disabled community and its leadership – something that has not been happening consistently for a while.

Examples of this include:

* the disability responsiveness and awareness training once conducted by Council has fallen by the wayside
* the Council’s once active disability advisory group has not been re-convened

As a result, disabled people feel increasingly not listened to when issues are raised by members of our community to relevant HCC officers and management.

‘Nothing about us, without us,’ is the guiding principle which has long sustained and underpinned disability rights activism both in this country and abroad. It needs to be genuinely and constantly practiced by the HCC if we are to build a community where our voice is truly heard as that would demonstrate to us that Council highly values us as citizens.

The Waikato/Hamilton disabled community has contributed significant time and effort to countless projects which have been supported, funded or coordinated by either central or local government.

These projects have included:

* advice to the former District Health Board (now Te Whatu Ora – Health NZ) on hospital discharge plans for disabled people;
* the establishment of a hydrotherapy pool at Waterworld;
* securing funding from the former Provincial Growth Fund to seed the establishment of Mahi Tika, a programme which facilitates employment opportunities for disabled people (now under the umbrella of DPA); and
* the development of maps in print, large print and Braille showing accessible pedestrian routes through Hamilton’s CBD – amongst many others.

These and other initiatives would not have been possible without the real dedication and leadership of disabled people in the Waikato region. In fact, the region is home to some of the country’s most influential disabled community leaders.

The Waikato is also home to one of the country’s two Enabling Good Lives (EGL) demonstration projects ‘My Life, My Voice.’

Enabling Good Lives aims to put disabled people and their families/whanau at the centre by enabling full control over the central government funding and support that we receive so that we, as disabled people, can determine the good lives that we want to live in our community.

And living a good life requires the development of natural supports, in other words, by making the community more inclusive so that disabled people can easily participate in everyday activities, in everyday spaces and places alongside non-disabled people.

The HCC is one of the key elements to building an accessible, inclusive community which truly acknowledges our voice and leadership.

Here are the recommendations on how this can be realised by the HCC:

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| **Recommendation 1:** that aformal Disability Portfolio be created and referenced in the Terms of Reference of an appropriate council committee. |

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| **Recommendation 2:** that the person leading this work identifies as a disabled person, either as an elected councillor or as the equivalent of a Māori Mangai advisor to council. |

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| **Recommendation 3:** that a disabled community endorsed, disabled leader is appointed to act as a networker/liaison person between HCC and the disabled community. |

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| **Recommendation 4:** that HCC re-establish a disability advisory group with the majority of its membership comprised of disabled people, and that it is appropriately valued by having meeting and attendance fees paid to members. |

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| **Recommendation 5:** that HCC reinstate disability responsiveness training, led by disabled people who are paid for their time and expertise. |

**Investing in accessibility**

DPA notes the high number of projects which are currently being planned and/or are underway, with funding contributions from central government, including:

* Rototuna Village Community Facilities
* Rototuna Village Transport and Open Spaces
* Sports Parks Drainage, Floodlighting and Toilets and Changing Rooms
* Biking and Micro-Mobility Projects
* Central City Street Furniture Replacement
* Climate Emergency Relief Fund (CERF) - Various Projects
* Hamilton Transport Model
* Low-Cost Low Risk - Local Road Improvements
* Low-Cost Low Risk - Public Transport Infrastructure
* Low-Cost Low Risk - Road to Zero
* Low-Cost Low Risk - Smart Initiatives
* Low-Cost Low Risk - Walking and Cycling

DPA believes that having a high number of accessible and inclusive places will benefit everyone who either lives in or visits Hamilton, including disabled people.

As part of building accessibility into every infrastructure project that the HCC undertakes, DPA believes that an Accessibility Fund, similar to the one recently established by the Tauranga City Council, be created where the disabled community can nominate projects which we would then work together with Council on in terms of designing and trialling new and creative concepts and ideas, as is the case in Tauranga.

In Tauranga, the fund works on the basis that their Council will devote $400,000 per year to it for the next 10 years. This is an exciting concept which the HCC should also adopt.

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| **Recommendation 6:** that HCC establish an Accessibility Fund that can be accessed by community groups as part of the annual plan to encourage initiatives that will improve accessibility throughout the city. |

**Accessible Street Audit/Walkways and Cycleways**

DPA would like to see our streets, walkways and cycleways audited through the means of an Accessible Street Audit.

An audit would identify barriers which limit both residents and visitors to Hamilton from fully accessing the city.

Organisations like CCS Disability Action can assist with the undertaking of audits.

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| **Recommendation 7:** that HCC conducts an Accessible Street Audit beginning with the CBD. |

DPA wishes to reiterate the need for walkways to be created and developed according to the Pedestrian Guidelines. This means that walkways and cycleways should be parallel but separate from one another as if they are merged, they can create an unsafe mode of travel for both cyclists and pedestrians, including disabled people.

Future proofing walkways and cycleways is important for the future, so that the rise in the number of electric vehicles and other transport technologies can be planned for by the HCC as well.

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| **Recommendation 8:** that walkways are created and developed to the Pedestrian Planning and Design Guidelines. |