



Report 08.322
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Committee Council
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Proposed Establishment of a Disability Reference Group

1. Purpose

To consider the establishment of a Greater Wellington Regional Council (Greater Wellington) disability reference group.

2. Consideration by Committee

The matters raised in this report were considered by the Transport and Access Committee at its meeting on 7 May 2008 (Report 08.289 refers). The Committee resolved to refer the matters detailed in the recommendations of this report to the Council for decision.

3. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

4. Background

On 14 August 2007 the Council resolved to request the Chief Executive to consider the establishment of a Greater Wellington disability reference group and to report back to the Council.

This decision followed the Council's consideration of a report (Report 07.433 copy attached as Attachment 1) from Cr Glensor, chair of the then Passenger Transport Committee, which discussed establishing a mechanism for input from the community that would be region-wide, cover the range of disabilities, and cover all aspects of council activity.

5. Comment

5.1 Why establish a disability reference group?

5.1.1 The disability demographic

According to Statistics New Zealand data, in 2006 17 per cent of New Zealanders reported a disability. Statistics New Zealand used the World Health Organisation's functional concept of disability: "... any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being." In addition the disability must have lasted or have been expected to last six months or more and must not have been able to be eliminated through a corrective device (e.g glasses). This data illustrates that people with disabilities comprise a significant proportion of all people in the Wellington region.

5.1.2 Statutory and non-statutory frameworks supporting the establishment of a disability reference group

Officers have reviewed statutory and non-statutory frameworks which support inclusion of disability perspectives in decision-making. These frameworks include:

(a) Human Rights Commission

The Human Rights Commission is a statutory body that administers the Human Rights Act 1993. In 2005 a report was produced by the Commission entitled *The Accessible Journey. Report of the Inquiry into Accessible Public Land Transport*. The Report provides a comprehensive review of the issues surrounding disability and public land transport. The report emphasises the important role that regional councils play in the provision of accessible public transport. Below is an excerpt from the report:

8.61 The Commission considers that the accessible journey is critical because it dictates whether disabled people are able to access other fundamental rights, such as the ability to work, obtain an education, participate in the community and socialise. Without a transport system that is not only accessible, but also available, affordable and acceptable to them, disabled people are prevented from living a full and inclusive life, in contravention of their human rights.

(b) Long Term Council Community Plan Community Outcomes

Three Community Outcomes set out in Greater Wellington's 2006-16 Long Term Council Community Plan may be met by the establishment of a Greater Wellington disability reference group:

- Quality lifestyle
- Connected community
- Healthy community

Access to, and use of, public passenger transport are key components of these three Community Outcomes. Having an advisory body established with whom Greater Wellington can consult will help ensure that these three community outcomes are progressed.

(c) **Regional Land Transport Strategy Outcomes**

One of the stated outcomes of the Regional Land Transport Strategy is:

Improved passenger transport accessibility for all, including people with disabilities or from low income groups.

Having an advisory body established with whom Greater Wellington can consult will help ensure that this outcome is progressed.

(d) **New Zealand Disability Strategy**

In 2001 the Government adopted the New Zealand Disability Strategy (NZDS). The NZDS is essentially a framework to enable the Government to begin removing barriers that prevent people with disabilities from participating fully in society.

While the NZDS is aimed at central government, the Office for Disability Issues (ODI) website comments that local authorities have a significant impact on the lives of people with disabilities, especially regarding physical access and the right to live in the community. The website notes that the Government will hold discussions with local authorities and other public bodies to encourage them to improve the position of people with disabilities.

The ODI has not, to date, initiated formal discussions with local authorities, or district health boards, on the development of disability strategies.

Establishing a Greater Wellington disability reference group could be one way for Greater Wellington to improve the position of people with disabilities in the Wellington region by opening a dialogue on matters which Greater Wellington has a responsibility.

(e) **The Disabled Persons Assembly of New Zealand**

In 2004 the Disabled Persons Assembly of New Zealand (DPA), in partnership with CCS, created a document *Inclusive Communities – Guidelines about Disability for Councils and District Health Boards*. The document provides advice on, among other things, how councils should consult with the disabled community. One of the key recommendations in the guidelines is that:

A permanent reference group of disabled people is established, or the local DPA regional assembly is contracted, to work in partnership with Councils in their region, providing feedback and input.

(f) **The Local Government Act 2002**

Under section 78 of the Local Government Act 2002, councils are required to appropriately consider the views of persons likely to be affected by its decisions.

78 Community views in relation to decisions

(1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

This section imposes a general obligation on Greater Wellington. While there is no specific requirement for consulting with disabled people, there will be certain contemplated decisions which necessitate consultation with the disabled community.

(g) **The Land Transport Act 1998**

This Act requires Greater Wellington to establish a Regional Land Transport Committee whose function it is to develop a Regional Land Transport Strategy (RLTS). The RLTS must, amongst other things, take into account the objective of improving “access and mobility”. Currently, the Regional Land Transport Committee must also have a member representing “access and mobility”. The Regional Land Transport Committee is required to consult with “affected communities” when developing the RLTS. There is no specific provision in this Act for consultation with disabled people.

(h) **The Transport Services Licensing Act 1989**

This Act defines what a Regional Passenger Transport Plan (Plan) is. One of the roles of the Plan is to specify “the passenger services the regional council or territorial authority proposes to be provided in its region or district, both generally and in respect of the transport disadvantaged.” There is no definition of “transport disadvantaged” and this Act only requires consultation with the public in respect of the Plan. There is no specific requirement for disabled people to be consulted in relation to the Plan.

As can be seen from the consideration above, Greater Wellington is not required to consult specifically with the disabled community. However, it is clear that establishing a Greater Wellington disability reference group would help fulfil Greater Wellington’s general consultative obligations.

5.2 Proposed role of a Greater Wellington disability reference group

The Greater Wellington disability reference group would essentially be an advisory group, providing guidance and opinion to Greater Wellington when requested. The group would also be a conduit, through which issues raised by the disabled community relating to Greater Wellington functions can be fed to the Council. The Group would primarily report through the Transport and Access Committee.

5.3 Existing disability advisor groups in the Wellington region

The Wellington region has a number of existing disability advisory groups. One of the suggestions put forward by the Wellington City Council Disability Reference Group was that a Greater Wellington disability reference group ensure geographic representation through the appointment of representatives from existing disability advisor groups in the Wellington region (see attachment 1 to report 07.433). Below is an outline of disability advisory groups currently associated with territorial authorities in the Wellington region.

Wellington City Council has a well established disability reference group, Porirua City Council engages with a health and disability forum. Hutt City Council, Upper Hutt City Council and the Hutt Valley District Health Board have established a combined Hutt Valley disability advisory group. Kapiti Coast District Council also engages with an established disability reference group. While it seems that none of the three district councils in the Wairarapa have, or formally engage with, a disability reference group or equivalent body, the Wairarapa District Health Board has an existing disability consumer group (FOCUS).

There are a number of benefits in having the group made up of representatives of existing groups in the Wellington region, including the fact that consultation will be far reaching by reason that the Greater Wellington disability reference group members will be representing their existing local disability advisory group. Appointing members from existing networks will also ensure that there is some level of existing knowledge of local government planning and policy documents.

5.4 Composition and Terms of Reference of a Greater Wellington disability reference group

It is proposed that the Greater Wellington disability reference group would comprise seven members, as follows:

- five members appointed on the nomination of the identified existing local disability advisory groups in the Wellington region;
- one member appointed on the nomination of the Disabled Persons Assembly; and
- one Greater Wellington member, being the Chair of the Transport and Access Committee.

The appointments would be made by the Council. The group would appoint its Chair from its own members.

The proposed terms of reference of the Greater Wellington disability reference group are attached as Attachment 2.

5.5 Remuneration

While the Greater Wellington disability reference group will not be a part of the Council's sub-ordinate governance structure, it will have an important role in advising and informing the work and decision-making of the Council. As such, it is proposed that the six members of the Greater Wellington disability reference group representing disability advisory bodies in the Wellington region should receive the standard daily meeting fee and mileage allowances payable to non-elected members of council committees. This payment would reflect Greater Wellington's expectations of the members and its desire to attract quality members to the advisory group.

5.6 Meeting Frequency

It is proposed that the Greater Wellington disability reference group would generally meet quarterly, with additional meetings arranged, if required.

5.7 The need for a Disability Advisor

The Wellington City Council Disability Reference Group recommended that the position of a Disability Advisor be established within Greater Wellington to provide support and advice to a Greater Wellington disability reference group.

If a Greater Wellington disability reference group is established there would need to be a department or person within Greater Wellington who provides support to the group. If the position of a Disability Advisor were established the position would foster an understanding of disability issues in Greater Wellington and be responsible for the servicing of the group, including producing agendas, taking minutes and providing general advice and support to the group.

It is difficult to assess whether there is a need for a stand alone advisor or whether the role could be subsumed into an existing role. In order to provide a relative estimate of the costs involved in establishing and servicing the group, officers have estimated that the role would be equal to 0.25 of a full-time position. This would be reviewed after six months.

Greater Wellington has also established the role of a Greater Wellington Public Transport Disability Liaison Officer. This part-time role forms part of an existing officer's duties and is not intended to override the need for a general Disability Advisor at Greater Wellington.

6. Funding Implications

As an estimate, officers have come to the figure of \$34,000 (GST excl.), which would cover the costs of funding a Disability Advisor role (0.25 FTE), servicing the disability reference group and providing payment to non-elected members on the disability reference group. This amount is made up of:

- \$20,000 personnel costs (salary and GW standard conditions)
- \$8,000 for committee appointees' meeting fees, mileage and parking costs
- \$6,000 for administrative costs.

If Greater Wellington is to proceed in establishing a disability reference group and establishing the role of a Disability Advisor, funding would need to be allowed for the Annual Plan for 2008/09 as there is currently no allocation to fund the initiative.

7. Next Steps

Once officers have received approval from Council, nominations for the Greater Wellington disability reference group will be sought from existing disability advisor groups in the Wellington region and the Disabled Persons Assembly. These nominations will then be put to Council for approval.

8. Recommendations

That the Council:

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Establishes*** a disability reference group for the Wellington region.
4. ***Recommends*** that the Chief Executive provide for the position of Disability Advisor, with the extent of the position to be reviewed after six months.
5. ***Includes*** \$34,000 funding for consideration in the 2008/09 Annual Plan to cover the expected cost of running a disability reference group and establishing the role of a Disability Advisor.
6. ***Adopts*** the proposed Terms of Reference for the Greater Wellington disability reference group as set out in attachment 1 to this report.
7. ***Appoints*** Cr Peter Glensor, Chair of the Transport and Access Committee to the Greater Wellington disability reference group.

8. *Approves the payment of standard meeting fees and travel allowances for non-elected members who are appointed as members of the Greater Wellington disability reference group.*

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Attachment 1: **Report 07.433**

Attachment 2: **Proposed Terms of Reference for the Greater Wellington Disability Reference Group**