



Disabled Persons Assembly NZ

June 2023

To the Commerce Commission

Please find below DPA's submission on the 111 Contact Code Review – Request for Views.

For any further inquiries, please contact:



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](#) as the founding document of Aotearoa New Zealand;
- disabled people as experts on their own lives;
- the [Social Model of Disability](#) as the guiding principle for interpreting disability and impairment;
- the [United Nations Convention on the Rights of Persons with Disabilities](#) as the basis for disabled people's relationship with the State;
- the [New Zealand Disability Strategy](#) as Government agencies' guide on disability issues; and
- the [Enabling Good Lives Principles](#), [Whāia Te Ao Mārama: Māori Disability Action Plan](#), and [Faiva Ora: National Pasifika Disability Plan](#) 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:

- **Article 9: Accessibility**
- **Article 11: Situations of risk and humanitarian emergencies**
- **Article 19: Living independently and being included in the community**

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:

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>

² Office for Disability Issues. (2016). *New Zealand Disability Strategy*. Retrieved from: <https://www.odi.govt.nz/nz-disability-strategy/>

- **Outcome 3 – Health and wellbeing**
- **Outcome 5 – Accessibility**
- **Outcome 7 – Choice and control**

The Submission

The Disabled Persons Assembly (DPA) is pleased that the Commerce Commission is reviewing the 111 Contact Code (the Code) given that it has been in operation for approximately two years.

We put out a call to our members, via our weekly newsletter, seeking their feedback on the Code. It's fair to say that we didn't get a huge response to this. However, the responses we did receive have been included in this submission.

Language

Whilst we understand that the language of 'vulnerable consumers' is taken from the legislation and used in the Code, DPA does not feel that this language is appropriate or acceptable to define / identify disabled people. We are not inherently 'vulnerable', we are made 'vulnerable' by specific situations. Perpetuating the myth of our inherent vulnerability through the use of such language is outdated and does not align with the principles and rights in the UNCRPD.

Requirement 1: Vulnerable consumers, or persons on their behalf, have reasonable access to an appropriate means to contact the 111 emergency service in the event of a power failure

Responses from our members indicate that few of them knew about the Code and the duty of the telecommunications providers to give them a means of contacting the

emergency services during a power outage. We recommend that telecommunications providers are mandated and monitored to provide all consumers with this information in order to meet this requirement.

None of our members who responded had actually gone through the process of seeking an alternative means of contacting the emergency services in the event of a power outage.

Requirement 2: Consumers are effectively informed about the options available to vulnerable consumers

Most of the responses we received said that people didn't know about the Code or the duty to provide other means of contacting the emergency services during a power outage.

We believe that the Commerce Commission needs to put much greater pressure on telecommunications providers to inform consumers of the Code and the alternative means of contacting the emergency services.

DPA strongly recommends that all information pertaining to the Code is made available in alternative formats, in order that disabled people can have the information about their rights.

Requirement 3: Consumers and their representatives have access to effective processes to demonstrate vulnerability

The responses we got from our members would suggest that there is an issue in regards to what is deemed to be 'proof of vulnerability'. One respondent said that they provided a link to a website with information about their child's impairment (and actually featuring their own child) and was told that they'd still have to provide a doctor's certificate. We would argue that this isn't something a doctor can

necessarily provide the best information on: community workers, family and friends and disability organisations are much better placed to demonstrate this need.

Conclusion

Whilst we are pleased that the Code is being reviewed, we would argue that there is a limited awareness of the Code and the alternative contact rights included in it.

Furthermore, we believe that some telecommunication providers are making it too difficult and intrusive for people to seek the alternative means of contact by asking for doctor's certificates: there are others who may be much better placed than doctors to provide proof of need.

DPA's Recommendations

DPA strongly recommends that:

1. the Code refers to 'disabled people / consumers' rather than 'vulnerable consumers'.
2. the Commerce Commission mandates telecommunications providers to provide all consumers with the Code and information on their duty to provide access to emergency services during a power outage. Furthermore, the Commerce Commission should monitor the uptake of such alternative means of contacting the emergency services.

3. That all information pertaining to the 111 Contact code be made available in alternative formats including: New Zealand Sign Language, Braille, Easy Read, audio and large print.
4. the Code make it clear that 'demonstrating vulnerability' shouldn't be too cumbersome or intrusive and that there are ways other than a doctor's certificate to demonstrate need.