

DRAFT FOR CONSULTATION

Accessibility Standards Bill

Member's Bill

Explanatory note

General policy statement

The Accessibility Standards Bill is needed to ensure that all New Zealanders can access public and essential services that underpin daily life, including education, transport, telecommunications, justice, banking, essential household utilities, and services provided by Crown organisations and local authorities.

The 2023 Census identified that 17 percent of people living in New Zealand households were disabled, including 98,000 children and more than 750,000 adults. Disability prevalence increases significantly with age, affecting more than a third of people aged 65 and over. The numbers of persons with disabilities and access needs are set to rise in an ageing population.

Accessibility means people can live independently and participate fully in all parts of life with dignity, agency, and choice. This is a challenge that affects a wide range of people, including seniors, families, workers recovering from injury, returned servicemen and women, and communities across regional New Zealand. Independent research confirms that New Zealand's accessibility system is fragmented, reactive, and lacking clear accountability, with non-mandatory standards that are not consistently embedded in practice. The cost of inaccessibility falls on seniors, disabled people and their families, including reduced economic and social participation, lost income, increased stress, and higher health costs. Over time, these private burdens compound into public costs: higher health expenditure, social disruption, and lost productivity.

International experience demonstrates that a different approach is possible. Jurisdictions such as Australia show that when accessibility standards are enabled in primary legislation, systems shift from being reactive to preventative. Infrastructure progressively becomes more usable across its lifespan, complaints decrease, and economic participation increases. Binding standards provide clarity for government, businesses and service providers, reducing uncertainty and duplication while improving out-

comes for the New Zealanders who use those services. Without mandatory accessibility standards, accessibility is inconsistently implemented across New Zealand and the public will continue to bear the cost.

This Bill seeks to address this issue by providing for the development and approval of practical accessibility standards, establishing a streamlined complaints process for contraventions of those standards, and promoting advice, education, and training in relation to accessibility issues and accessibility standards. The framework is designed to balance the need for reasonable accommodation with the need to avoid imposing unjustifiable costs on affected entities. Embedding accessibility in law supports fiscal responsibility, prepares New Zealand for demographic change, strengthens regional and disaster resilience, and reinforces the integrity of public services and the justice system. The Bill provides a practical and proportionate mechanism to ensure that New Zealand's infrastructure and services are accessible and usable for everyone.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force on the day after Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purposes of the Bill.

Clauses 4 and 5 define terms used in the Bill.

Clause 6 and the *Schedule* relate to transitional matters.

Clause 7 provides that the Bill, once enacted, will bind the Crown.

Part 2

Accessibility standards, accessibility plans, and complaints

Clause 8 provides for the development of accessibility standards.

Clause 9 provides that an accessibility standard cannot take effect until notified.

Clause 10 requires that accessibility standards be regularly reviewed.

Clause 11 describes how accessibility standards may be used in legal proceedings.

Clause 12 provides for the preparation and publication accessibility plans by entities to which an accessibility standard applies that requires the preparation of plan.

Clause 13 requires entities to have a feedback process for receiving, considering, and responding to feedback about the entities compliance with the standard and implementation of their accessibility plan, if they are required to have one.

Clause 14 provides a mechanism for complaints to be made about an entity's compliance with an accessibility standard. This clause requires complaints to be treated as if

they were made under Part 3 of the Human Rights Act 1993, and the provisions of that Part apply with any necessary modifications.

Part 3

Functions of the Human Rights Commission

Clause 15 specifies particular functions that the Human Rights Commission has under this Bill, including functions relating to publishing guidance, providing education about accessibility standards, and receiving complaints.

Clause 16 requires the Human Rights Commission to give notice of an accessibility standard being approved, and to make accessibility standards available free of charge on-line and for a reasonable price in hard copy.

Part 4

Regulations

Clause 17 provides for the making of regulations necessary to implement the Bill.

Jenny Marcroft

Accessibility Standards Bill

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Accessibility standards, accessibility plans, and complaints

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Accessibility Standards Act **2026**.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to promote accessibility for persons with disabilities by—

- (a) providing for the making of accessibility standards; and
- (b) establishing a complaints mechanism relating to contraventions of the standards; and
- (c) requiring the provision of advice, information, education, and training in relation to accessibility issues and standards.

4 Interpretation

- (1) In this Act, unless the context otherwise requires,—

accessibility, in relation to persons with disabilities, means the ability of those person to access and use premises and services

accessibility standard means a standard approved in accordance with **Part 2**

age-related impairment means a physical impairment or sensory impairment that arises wholly or partly as a consequence of ageing, but does not include age itself

disability means a long-term physical or sensory impairment, including an age-related impairment, that limits a person's access to premises or services

Disability Rights Commissioner means the Human Rights Commissioner appointed under section 8(1A)(a) of the Human Rights Act 1993

entity includes any of the following:

- (a) a company or other body corporate:
- (b) a corporation sole:
- (c) a government entity:
- (d) in the case of a trust that has—
 - (i) only 1 trustee, the trustee acting in his, her, or its capacity as trustee:
 - (ii) more than 1 trustee, the trustees acting jointly in their capacity as trustees:
- (e) an unincorporated body (including a partnership)

government entity means—

- (a) a Crown entity, as that term is defined in section 7 of the Crown Entities Act 2004:
- (b) a department, departmental agency, interdepartmental executive board, or an interdepartmental venture, as those terms are defined in section 5 of the Public Service Act 2020:
- (c) the New Zealand Defence Force:
- (d) the New Zealand Police:
- (e) the Parliamentary Counsel Office:
- (f) the Office of the Clerk of the House of Representatives:
- (g) the Parliamentary Service:
- (h) an Office of Parliament, as that term is defined in section 2(1) of the Public Finance Act 1989

Human Rights Commission means the Human Rights Commission continued by section 4 of the Human Rights Act 1993

physical impairment means an impairment affecting a person's bodily function, mobility, strength, coordination, or endurance, including an impairment affecting the person's walking, standing, lifting, reaching, or manual dexterity

premises, to the extent that they are used, or are reasonably required to be used, by persons to access services, means—

- (a) any structure or building:
- (b) any vehicle, vessel, or aircraft:
- (c) any place (whether or not enclosed or built on):

(d) any part of a premises of a kind referred to in **paragraphs (a) to (c)**

reasonable accommodation means any necessary, reasonable, and proportionate measure or adjustment to facilitate the accessibility of persons with disabilities that does not impose undue hardship on an entity

sensory impairment means a loss, abnormality, or limitation of a person's ability to see, hear, speak, or otherwise receive or process sensory information

services means all of the following:

- (a) services relating to banking, insurance, superannuation, or the provision of grants, loans, credit, or finance:
- (b) services relating to identity verification or payment systems:
- (c) services relating to transport or travel:
- (d) services relating to telecommunications or other information or communications services:
- (e) services relating to the supply of essential household goods or utilities, including electricity, gas, water, refuse collection, fuel, and groceries:
- (f) services relating to education, training, or vocational learning, including early childhood, primary, secondary, tertiary, and adult education services:
- (g) services relating to justice, including courts, tribunals, police, and legal services:
- (h) services of a kind provided by a government entity or a local authority

undue hardship, in relation to an entity, has the meaning given in **section 5**.

- (2) Unless the context requires another meaning, terms and expressions used and not defined in this Act, but defined in the Standards and Accreditation Act 2015, have the same meaning as in that Act.

5 Meaning of undue hardship

In this Act, **undue hardship**, in relation to an entity, means hardship that would result from requiring an entity to implement a measure or make an adjustment to facilitate accessibility of persons with disabilities where, in all the relevant circumstances, it would be unreasonable to meet that requirement, having regard to—

- (a) the nature and extent to which a person with a disability's access to premises or services is limited without that measure or adjustment; and
- (b) the nature and extent of the benefit likely to result from the measure or adjustment; and
- (c) the financial circumstances of the entity, including the estimated costs of implementing the measure or adjustment; and

- (d) the resources available to the entity and the impact of the measure or adjustment on the viability, operations, or service delivery of the entity; and
- (e) whether there are reasonably practicable alternative means of facilitating accessibility.

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

7 Act binds the Crown

This Act binds the Crown.

Part 2

Accessibility standards, accessibility plans, and complaints

Subpart 1—Accessibility standards

8 Development of accessibility standards

- (1) The Minister may, on the Minister's own initiative or on the recommendation of the Disability Rights Commissioner, by written notice to the NZ Standards Executive, require that an accessibility standard for 1 or more specified classes of premises or services be developed or amended in accordance with the Standards and Accreditation Act 2015.
- (2) An accessibility standard must specify—
 - (a) the class of entities, and classes of premises or services, to which the accessibility standard applies; and
 - (b) the reasonable accommodation required to be made to facilitate accessibility in accordance with the standard; and
 - (c) whether compliance with the accessibility standard requires an accessibility plan to be prepared in accordance with **subpart 2**.
- (3) The following persons must be consulted:
 - (a) organisations that represent persons with disabilities affected, or reasonably likely to be affected, by the accessibility standard;
 - (b) entities providing the premises or services to which the accessibility standard applies;
 - (c) the Disability Rights Commissioner and the Human Rights Commission.

9 When accessibility standard takes effect

An accessibility standard comes into effect on the date specified in the standard which must not be a date earlier than its notification under **section 16**.

10 Review of accessibility standards

- (1) The NZ Standards Executive must ensure that the work programme for the development, maintenance, and review of New Zealand Standards established and maintained under section 7(1)(e) of the Standards and Accreditation Act 2015 ensures that an accessibility standard is reviewed—
 - (a) no later than 4 years after the date on which it takes effect; and
 - (b) after the first review, at intervals of not more than 10 years.
- (2) A review must consider—
 - (a) for entities to which the standard applies, whether the accessibility standard is effective in enabling the provision of reasonable accommodation for persons with disabilities, while avoiding undue hardship for those entities; and
 - (b) whether any amendments to the accessibility standard are necessary or desirable; and
 - (c) whether the accessibility standard should be revoked, because—
 - (i) the objectives of the standard have been achieved through other means; or
 - (ii) the standard is ineffective or disproportionate having regard to its costs and benefits.
- (3) A review under this section must include consultation with the parties specified in **section 8(4)**.
- (4) The NZ Standards Executive must advise the Minister and the Disability Rights Commissioner of the outcome of a review and any proposal to amend, revoke, or replace an accessibility standard before the proposal is referred to the NZ Standards Approval Board for consideration.

11 Use of accessibility standards in proceedings

Except to the extent provided for in **subpart 3**, an accessibility standard does not confer rights or obligations capable of enforcement in any civil or criminal proceedings.

Subpart 2—Accessibility plans and feedback processes**12 Accessibility plans**

- (1) An entity to which an accessibility standard applies that requires an accessibility plan to be prepared must prepare and publish—
 - (a) an initial accessibility plan no later than 1 year after the accessibility standard that applies to the entity takes effect; and
 - (b) an updated accessibility plan at intervals of no more than 5 years.
- (2) An accessibility plan must set out—

- (a) the entity's policies, programmes, practices, and services in relation to how it complies with the accessibility standard; and
 - (b) a description of the consultation undertaken in preparing the plan in accordance with **subsection (4)**; and
 - (c) in relation to an updated accessibility plan,—
 - (i) a description of any feedback received by the entity through its feedback process under **section 13** that informed the updated plan; and
 - (ii) how that feedback was addressed in the updated accessibility plan.
- (3) An entity may have a single accessibility plan that relates to 1 or more accessibility standards.
- (4) In the preparation of an accessibility plan, an entity must consult persons with disabilities affected, or reasonably likely to be affected, by the accessibility standard, or organisations representing such persons.
- (5) An entity must ensure that persons with disabilities can access an accessibility plan published under **subsection (1)**.

13 Feedback process

- (1) An entity to which an accessibility standard applies must establish and maintain a process for receiving, considering, and responding to feedback about—
- (a) the entity's compliance with the standard; and
 - (b) to the extent that the standard requires an accessibility plan, the manner in which the entity is implementing its accessibility plan.
- (2) An entity must ensure that persons with disabilities can provide feedback effectively.

Subpart 3—Complaints

14 Complaints in respect of compliance with accessibility standard

- (1) A person may complain to the Human Rights Commission if they have reasonable grounds to believe that an entity is not complying with an accessibility standard.
- (2) Subject to **subsection (3)**, a complaint under **subsection (1)** must be treated as if it were made under Part 3 of the Human Rights Act 1993, and the provisions of that Part apply with any necessary modifications to the treatment of a complaint under this section.
- (3) The Human Rights Commission must have particular regard to the following matters in considering a complaint made in accordance with this section—
- (a) the importance of providing reasonable accommodation for persons with disabilities; and

- (b) the need to avoid imposing undue hardship on the entity that is the subject of the complaint.

Part 3

Functions of Human Rights Commission

15 Functions of Human Rights Commission and Disability Rights Commissioner

- (1) The Human Rights Commission has the following functions under this Act:
 - (a) to publish accessible guidance, advice, and information on compliance with accessibility standards:
 - (b) to promote, by education and publicity, awareness of accessibility issues, accessibility standards, and accessibility plans:
 - (c) to receive, assess, and determine complaints relating to compliance with accessibility standards:
 - (d) to publish information about making a complaint.
- (2) The Disability Rights Commissioner has the further function of making recommendations to the Minister regarding the making of accessibility standards for 1 or more specified classes of premises or services.

16 Human Rights Commission must give notice of accessibility standards

- (1) As soon as practicable after an accessibility standard has been approved, amended, or revoked, the Human Rights Commission must—
 - (a) publish, on an Internet site maintained by or on behalf of the Commission, notice that the standard has been approved, amended, or revoked; and
 - (b) give notice of the approval, amendment, or revocation in the *Gazette*.
- (2) Notice published under this section must specify where copies of the accessibility standard are available for public inspection and purchase.
- (3) The Human Rights Commission must ensure that an accessibility standard is available—
 - (a) free of charge on an Internet site maintained by or on behalf of the Commission; and
 - (b) for purchase in hard copy at a reasonable charge.
- (4) No fee may be charged for obtaining on-line access to an accessibility standard despite anything to the contrary in sections 26 to 28 of the Standards and Accreditation Act 2015.

Part 4

Regulations

17 Regulations

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
 - (a) providing for anything this Act says may or must be provided for by regulations:
 - (b) prescribing the form and content of accessibility plans:
 - (c) prescribing requirements in respect of a feedback process established under **section 13**:
 - (d) prescribing requirements relating to the keeping and availability of records:
 - (e) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions in this Act as enacted.