

Parent/Family/Whānau Network — Key Statements

Disability Support Services Bill

The Disability Support Services Bill

We have identified aspects of the Bill we support, areas that require urgent clarification, and provisions that must be changed before this legislation can genuinely serve disabled people and their whānau.

What We Support

We acknowledge that disability support services need a proper legal foundation. The current system operates in a legal grey area, and a clear legislative framework is overdue.

We also welcome:

- The inclusion of Schedule 1, which provides useful guidance on transitional arrangements.
- The three-year transition period for people who require high levels of care and who have limited decision making capacity without welfare guardianship in place.
- Moves toward clarity about who the legal employer is for family carers.

What Concerns Us

Despite these positives, the Bill as drafted contains significant problems that will harm disabled people, their whānau, and the family carers who support them.

The Bill makes no reference to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which New Zealand is a signatory, nor to the Enabling Good Lives (EGL) approach and principles. Instead of framing support as a basic human right, the Bill describes it as a 'contribution' towards an 'everyday life'. This language matters. It signals a retreat from the vision of a good life that disabled people and families have fought for. The Bill fails to uphold EGL Principles.

The Bill was introduced quickly and without proper consultation.

Disabled people, whānau, and family carers were not meaningfully consulted in the development of this Bill. Article 4.3 requires governments to "closely consult with and actively involve" disabled people and their representative organisations in developing legislation that affects them. The Government's own disclosure documents acknowledge this obligation has not been met. The Select Committee process, as currently scoped, does not remedy this. Previous consultations on different topics cannot be recycled to meet the obligations of good faith and the UNCRPD requirement of meaningful participation. This is a fundamental breach of trust.

Clause 8 creates 'care without limits'

The 'family first' clause implies that all disabled people must exhaust all family members as a source of support before they are entitled to government-funded care. This is deeply problematic. It ignores the reality that many disabled people are themselves carers. It overlooks issues of abuse and coercive control. It disregards the right of disabled people to choose who provides their care. It creates an implied obligation of unpaid care on whānau that is not clearly defined or limited. Clause 8 must be rewritten to avoid creating undue

burden on families, and to centre the rights of disabled people to choice and control over who provides their care.

Family carers deserve fair employment rights now, not later.

The Bill fails to guarantee fair employment conditions for family carers providing intensive support. Families need certainty: if a family member is providing 40 or more hours of care per week, they should be entitled to proper wages, holiday pay, KiwiSaver contributions, and parental leave. This should be enshrined in the Bill, not deferred to future Ministerial regulation. The Bill also bars carers from pursuing employment claims through the courts (Clauses 12–15), which leaves family carers without recourse and without rights.

Too much is left to Ministerial discretion.

The Bill grants the Minister broad powers to create 'programmes' by regulation with minimal parliamentary oversight. This creates significant instability. Disabled people and whānau cannot plan their lives around support that can be changed at the stroke of a Minister's pen. Rights must be in the legislation itself. These programmes include the ability to introduce asset and income testing of families and disabled persons, without adequate legislative protections. There is no minimum floor, no requirement to uphold human rights, and no requirement to consider the welfare of family carers.

The Bill does not uphold the Treaty of Waitangi

We dispute the Crown assessment that the Bill is consistent with the principles of the Treaty of Waitangi, and that no reference to the Treaty was considered necessary. The principles of partnership, participation, and protection that underpin the Treaty relationship require more than a finding of non-discrimination. They require active engagement with Māori as partners in the development of policy that significantly affects them – and tāngata whaikaha Māori (Māori disabled) and whānau are disproportionately represented among DSS recipients. The "families first" principle in clause 8, while expressed in culturally inclusive language (referring to "whānau" and "other culturally recognised family groups"), does not engage with the specific context of Māori carers or acknowledge the additional pressures that whānau face.

What we are asking the Government to do [draft suggestions so far]:

- Rewrite Clause 8 to clearly define the limits of family responsibility and to centre the choice and control of disabled people.
- Remove or substantially constrain the secondary legislation 'cop-out' clause; rights must be in the Act.
- Remove the means-testing clauses (Clause 11(3)(f)(g)).
- Rewrite Clauses 12–15 to restore employment rights and legal recourse for family carers.
- Enshrine the right of family carers providing full-time care to fair wages
- Ground the Bill in the UNCRPD, te Tiriti, EGL principles, and a genuine rights-based framework.
- Require meaningful consultation with disabled people and whānau before the Bill proceeds.

Conclusion

We recognise the need for legislative framework for DSS. But this Bill, as drafted, does not fix what is broken — it simply shifts the burden onto families and removes the rights that disabled people have fought for.

This statement was developed by the Parent/Family/Whānau Network. Members are encouraged to adapt it for their organisational voice and membership context.

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