



Auckland Disability Law

September 2011 Volume 5, Issue 1 (Part 2)

Auckland Disability Law - Respect: Respond: Resolve

As promised, here is part two of Auckland Disability Law's special bonus newsletter. Check out details on page 8 around the 2011 General Election events we are involved in during October. Stand by for our November newsletter with a focus on the General Election and Electoral Referendum.

In This Issue

1. [New Disability Commissioner](#)
2. [Community Law Canterbury & Auckland Disability Law Project](#)
3. [Have Your Say: Changes to Legal Aid & Community Legal Services](#)
4. [Lawyer's Casebook: Steve's Case](#)
5. [Legal Trends: Housing NZ, Enduring Powers of Attorney & Advanced Directives](#)
6. [Auckland Council Disability Programme](#)
7. [Union Campaigns & News: Support Workers Sleepover Case, Working for You & PSA Disabled Members Network](#)
8. [Upcoming General Election & Electoral Referendum Events](#)

1. New Disability Commissioner

Auckland Disability Law congratulates Paul Gibson on his appointment as the first Disability Commissioner at the Human Rights Commission. For more information on Paul and the Disability Commissioner role, visit <http://www.hrc.co.nz/news-and-issues/disability/first-commissioner-with-formal-responsibility-for-disability-rights-appointed/>

[Back to contents](#)

2. Community Law Canterbury & Auckland Disability Law Project: Working Together to Improve Access to Community Law

Over fifty disabled people, representatives of disability organisations, and staff and governance from Community Law Canterbury attended a Hui at the Royal New Zealand Foundation of the Blind Christchurch on 25 August 2011. The Hui was the first stage of a pilot project involving Auckland Disability Law working in partnership with Community Law Canterbury to improve legal services for disabled people. The project aims to increase knowledge and understanding of disability within the Christchurch legal community through:

- responsiveness training for legal professionals and
- the development of written guidelines about providing services and engaging with disabled people.

This project has received funding from the Ministry of Social Development's 'Making a Difference Fund'. We were pleased to welcome Josi Wilson, from the Ministry, at the Hui.

The aim of the first Hui was to find out from local disabled people what kind of services they would like Community Law Canterbury to provide, and how its services can be more accessible to disabled people. The message came through strong and clear: **build relationships.**

The second part of the day focused on encouraging people to become involved in law reform opportunities, and to learn more about their legal rights. It was great to have Wendi Wicks from Christchurch's DPA, the umbrella organisation who represent people with disabilities, disability advocacy organisations and service providers. Wendi talked about DPA's Accessible Christchurch project. There was also a range of presenter speaking about Work and Income, human rights and the laws relating to the earthquake recovery.

Disabled people will be involved in key aspects of the project. They will form an advisory group to provide guidance and form on-going relationships with Community Law Canterbury and the local disability community. In addition it is hoped that the Christchurch pilot project will form a blueprint that other community law centres in Aotearoa New Zealand can use to improve disabled people's access to justice.

[Back to contents](#)

3. Have Your Say: Changes to Legal Aid & Community Legal Services

The government is proposing changes to legal aid to limit the number of legal aid grants and increase the amount people must pay back in future for legal services. The Bill also limits eligibility for legal aid, reintroduces a user charge for civil and family legal aid, and enables interest to be charged on legal aid debts.

The Justice and Electoral Committee is asking for submissions on *The Legal Assistance (Sustainability) Amendment Bill*. You can read about it at:

<http://www.parliament.nz/en-NZ/PB/Legislation/Bills/BillsDigests/4/d/5/49PLLawBD19171-Legal-Assistance-Sustainability-Amendment-Bill-2011.htm>

Auckland Disability Law's Submission & Feedback Welcome

Auckland Disability Law plans to write a submission that comments on some of the potential issues for disabled people. Some disabled people are concerned that a user charge might prevent people from accessing a lawyer. We also want to know if plans to treat appliances as if they are 'disposable capital' might mean that people's disability equipment is counted. We don't think items like wheelchairs and access technology should be counted.

We welcome your feedback on how you think the proposed changes might affect disabled people. Submissions are due on 30 September 2011.

Community Legal Services Consultation

The Ministry of Justice is also planning some changes to Community Legal Services. These could mean having a national 0800 phone line for legal information, and changing the services that are provided by your local Community Law Centre. The Ministry wants to know what kind of things they should take into account:

- Would you prefer to phone a call centre, or visit your local law centre?
- Should all services both at the national and local levels have ?
- What do you think Community Legal Services should look like in the future?

Submissions can be sent directly to the Ministry, or you can send your comments to Auckland Disability Law and we will collate them. You can read about the consultation at: <http://www.justice.govt.nz/publications/global-publications/c/community-legal-services-consultation>

[Back to contents](#)

4. Lawyer's Casebook - Update on Steve's Case

The article in our October 2010 newsletter regarding Steve attracted a lot of interest. Much has happened for Steve since then.

Proceedings Issued – Steve's lawyer took Steve's brothers to court

Steve instructed his lawyer late last year to issue proceedings against the executors under the Family Protection Act 1955, claiming for Steve fair and just provision from his deceased mother's Estate. The above proceedings were promptly served on Steve's brothers, who instructed their lawyers to defend Steve's claim. Steve's brothers then filed in Court lengthy affidavits (sworn statements) detailing why they opposed Steve's claim.

Steve's brothers had two principal grounds of opposition. One, they had assisted their mother substantially in her lifetime to build up her personal assets generally. Two, they had assisted her to build and improve her house property, which was the principal asset in her estate. They argued that they should accordingly receive a larger share of their deceased mother's Estate property than Steve.

Steve's lawyer then conducted further investigations, and discussed these with Steve. Steve filed in Court his affidavit in reply, and a settlement conference was undertaken involving both parties.

Agreement Reached

At the settlement conference all parties reached an agreement that the Estate should pay Steve a substantial sum of money in cash immediately. It was also agreed that the Estate should pay all the legal costs which Steve had incurred up to the date of settlement. The terms of settlement were drawn up in the form of a Court Order. Steve now has a substantial sum of money available for his future care and welfare.

[Back to contents](#)

5. Legal Trends

Housing New Zealand

There is a continuing worrying stream of problems associated with Housing New Zealand tenancies. We note an increase in involvement by Housing New Zealand Investigation Units. Housing New Zealand has duties to its tenants, and sometimes a letter from Auckland Disability Law can remind them of their obligations and lead to some action. It is important to keep Housing New Zealand informed of any income or changes in your circumstances, no matter how trivial.

Enduring Power of Attorney

If you have not already done so, we encourage you to prepare an enduring power of attorney. We are often involved in situations where an enduring power of attorney would have been very useful for a client before they lost 'legal capacity' (lose the ability to make decisions). It is really important that these are prepared while you can make your own decisions about future financial, care and welfare arrangements. Auckland Disability Law can help you to find a lawyer to prepare the paperwork for you.

Advance Directives

Another option for those who wish to make provision for the times they may be unwell due to mental illness is an Advance Directive. Advanced Directives are not alternatives to enduring powers of attorney, but may give your family and medical professionals an indication of your wishes in certain circumstances. This can be prepared by yourself and signed off by your GP. You may or may not wish to share it with family or friends.

Please call Auckland Disability Law to discuss which option will suit your situation.

Contact us at Auckland Disability Law

Phone: 09 257 5140

Mobile: 027 457 5140

Email: info@adl.org.nz

Fax: 09 275 4693

[Back to contents](#)

6. Auckland Council Disability Programme

The new Auckland Council is in the process of developing its Disability Programme. This programme will include both regional and local projects. The programme aims to work with the disability community to realise the Auckland strategy and to work within council to improve access, provision and services for disabled people. Current programme areas include:

- employment of disabled people
- access to voting and participation in decision-making
- the built environment
- the accessibility of customer services within council.

There are four Disability Advisors working on the Disability Programme.

- Claire Wilson - West Auckland claire.wilson@aucklandcouncil.govt.nz
- Martine Abel – South & East Auckland Martine.Abel@aucklandcouncil.govt.nz
- Pam Baillie - North Shore
Pam.Baillie@aucklandcouncil.govt.nz
- Paul Brown - Auckland Central paul.d.brown@aucklandcouncil.govt.nz

You can contact the Disability Advisors by email or call the main Auckland Council number at **09-301-0101**.

[Back to contents](#)

7. Union Campaigns & News

Breaking News! Support Workers Sleepover Case

Following the article in our August newsletters there has been significant progress made with the Support Workers Sleepover case. You will remember that this is a joint case involving Service and Food Workers Union and NZ Public Service Association members. A settlement agreement has been reached. This has been approved by the National Government's Cabinet on 12 September, and SFWU's IHC members have voted to accept the settlement. The settlement includes a three step process to achieve the minimum wage, which is currently \$13 per hour, for these disability support workers by December 2013. For this to happen, and back pay to be paid from July 2011, legislation needs to be passed. The question now is whether the National government will pass the legislation before parliament rises for the General Election.

SFWU and PSA members, from other disability support organisations, will be moving to vote on the settlement in the near future. We congratulate IHC union members on their settlement and wish other disability support workers all the best in achieving it.

For more information on the Support Workers Sleepover Case, visit <http://sfwu.org.nz/>.

Working For You - Stand Up for Public Services Campaign

The PSA's 'Working for You' campaign promotes the value of public services, including social services. At Auckland Disability Law major parts of our work involve interacting with government agencies and other government funded social service agencies on behalf of our clients. Staff from Auckland Disability Law have been involved in the 'Working for You' campaign to ensure that disabled people have a strong voice in shaping the future of our public services in order to promote safe and inclusive communities. You can read more about the Working for You and the PSA's election campaign here:

<http://www.psa.org.nz/Home.aspx>.

PSA Disabled Union Members Network

Auckland Disability Law is currently working with the PSA to establish a disabled union members' network. The first network meeting will be mid October. It will have a focus on the forthcoming electoral referendum and PSA election campaign. We will be distributing the advertisement for the meeting in the near future. We are very pleased to work with the PSA to help NZ to meet the requirements of Articles 27 and 29 of the United Nations Convention on the Rights of Persons with Disabilities- enabling people to exercise their trade union rights, and promoting participation in political and public life.

[Back to contents](#)

8. Upcoming General Election & Electoral Referendum Events

Auckland Disability Law is working with a number of organisations to run General Election and Electoral Referendum information events during October. Look out in the coming weeks for registration details around the:

- Combined Community Law Centres' General Election & Electoral Referendum meetings in Takapuna (13 October 2011) and Waitakere (20 October 2011).
- **Show Us Your Disability Policies** event for disabled people, their families and disability providers on the general election and electoral referendum meeting. This event is in Western Springs on 31 October 2011.

Enrol to Vote

In the meantime, make sure you are enrolled to vote at the 2011 General Election and Electoral Referendum on 26 November. Contact the Electoral Commission to enrol to vote:

- on **0800 36 76 56**
- at <https://secure.elections.org.nz/app/enrol/>
- by **Freetexting** your name and address to **3676** and they will post you an enrolment form.

For more information on the November election and referendum, visit www.election.org.nz.

Contact us at Auckland Disability Law

Phone: 09 257 5140

Mobile: 027 457 5140

Email: info@adl.org.nz

Fax: 09 275 4693

[Back to contents](#)