



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

 **Whaikaha**
Ministry of Disabled People

NZSL Act Discussion Document: Potential amendments for consultation

Amending the New Zealand Sign Language Act 2006





Introduction

The Government is committed to building a true partnership with the Deaf and disability communities. The establishment of Whaikaha – Ministry of Disabled People, and the introduction of the Accessibility for New Zealanders Bill are examples of this commitment to transform the disability system. As a responsible Tiriti partner, the Government also recognises its obligations under Te Tiriti o Waitangi and is committed to improving outcomes for Māori.

In 2006, the New Zealand Sign Language Act (NZSL Act) was introduced, which recognised New Zealand Sign Language (NZSL) as an official language of Aotearoa New Zealand.

The NZSL Act was a significant first step in recognising that Deaf people had not been afforded the same right to their language as other New Zealanders.

There have been significant changes since the NZSL Act was introduced, and it is now time to consider whether it could be amended to better reflect the Government's vision for the wider disability community.

The Ministry for Social Development and the Office for Disability Issues, now part of Whaikaha – Ministry of Disabled People, are seeking the views of Deaf people and NZSL users on potential amendments to the NZSL Act.

The Ministry of Social Development is the agency that currently administers the NZSL Act and is working closely with the NZSL Board and the Office for Disability Issues and Whaikaha on any potential amendments.

The intention of the potential amendments to the NZSL Act is to create a stronger foundation to work in partnership with the Deaf community to support the promotion, maintenance, and acquisition of NZSL as an official language.

Background

NZSL Act

NZSL was declared an official language of Aotearoa New Zealand in 2006

Members of the Deaf community are an important cultural and linguistic minority. In the Deaf community, most Deaf people were born Deaf or became Deaf early in life. They have a strong sense of identity as Deaf people and a shared common language in NZSL with which most prefer to communicate.

However, NZSL is a threatened language and any decline in its use represents a significant threat to the Deaf community.

The purpose of the NZSL Act is to:

- promote and maintain the language by declaring it an official language
- provide for the use of NZSL in legal proceedings
- empower the making of regulations setting competency standards for the interpretation of NZSL in legal proceedings
- state principles to guide government agencies in the promotion and use of NZSL.



NZSL Board

In May 2014, Cabinet agreed to establish an advisory board to promote and maintain NZSL. In May 2015, nine members were appointed to the NZSL Board. Members of the NZSL Board are members of the Deaf community for whom NZSL is their main language. The NZSL Board are supported by the Office for Disability Issues¹, which is part of Whaikaha – the Ministry of Disabled People.

The role of the NZSL Board is to:

- maintain and promote the use of NZSL by ensuring the development, preservation, and acquisition of the language
- help ensure the rights of Deaf people, and NZSL users, to use NZSL
- provide expert advice to government and the community on NZSL.

Some of the key functions of the NZSL Board are to:

- provide leadership on NZSL issues
- have oversight of the NZSL Fund, which supports the promotion and maintenance of NZSL. You can find more about the fund here – <https://www.odi.govt.nz/nzsl/nzsl-fund/>
- set the national strategy and priority initiatives for the promotion and maintenance of NZSL and monitoring them (the current national strategy is the NZSL Strategy 2018 – 2023).
- You can read more about the role and functions of the NZSL Board by reading their Terms of Reference – <https://www.odi.govt.nz/nzsl/about-board/nzsl-tor/>
- You can find more information about the members of the NZSL Board here – <https://www.odi.govt.nz/nzsl/about-board/board-members-2/>

¹ The Office for Disability Issues was previously hosted by the Ministry of Social Development. On 1 July 2022, the Office for Disability Issues became part of Whaikaha – Ministry of Disabled people.

NZSL Strategy 2018 – 2023: Key points

The Strategy aims to enable Deaf people and other NZSL users to learn and use NZSL naturally within a community of users, contributing significantly to its survival, sustainability, and vitality.

The Strategy also guides the NZSL work happening in government agencies and Crown entities to maintain and promote the use of NZSL by Deaf people and other NZSL users.

The Strategy is based on five internationally recognised language planning priorities:

- Acquisition: The learning of a language by children and adults.
- Use/Access: The ability to use a language in any or all domains of society, including within whānau.
- Attitude: The beliefs and opinions of language users and others towards that language.
- Documentation: The systematic recording of language use for research and reference.
- Status: How a language is regarded by its users and others.

→ You can find out more about the strategy here

– <https://www.odi.govt.nz/nzsl/nzsl-strategy-2018-2023/>

Strengthening Deaf community leadership

The intent of the potential amendments to the NZSL Act is to strengthen Deaf community leadership of the maintenance, promotion, and acquisition of NZSL

We want to ensure that the NZSL Act better reflects the Government's commitment to strengthening the mandate for leadership by the disability community. In this case, that means strengthening the mandate for leadership of NZSL by the Deaf community.

The NZSL Act could be amended to better reflect Aotearoa New Zealand ratifying the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2008, the establishment of the NZSL Board in 2015, and the development of the NZSL Strategy 2018-2023.

We have also heard that the NZSL Act should address the Government's responsibilities as a Te Tiriti o Waitangi partner, specifically in relation to Turi Māori.

The potential amendments would build a strong foundation to support the strategic leadership of the Deaf community while also recognising that real change will take time and commitment from government agencies and Ministers. As such, the potential amendments are intended to enable the right environment to support real improvements over time.

How you can help

The Ministry for Social Development and the Office for Disability Issues are consulting with the Deaf community NZSL users, as well as the wider public, to understand their views on potential amendments to NZSL Act.

Consultation on potential amendments to the NZSL Act begins on 8 September and closes on 11 November 2022.

The consultation approach takes a 'NZSL first' approach. This means that we want to hear the views from the Deaf community and have planned the consultation to make sure the Deaf people have multiple options to provide us with feedback in ways that work for them. If you are a member of the Deaf community or if you use NZSL, we want to hear from you.

We are also interested in feedback from the wider community.

There are three ways you can provide feedback:

- Attending an in-person consultation hui that will be conducted in NZSL.
- Attending an online hui that will be conducted in NZSL.
- Making a NZSL video or written submission.

→ Information about each of these can be found at <https://www.odi.govt.nz/nzsl>

→ You can also contact us on nzsl_Act@msd.govt.nz

Potential amendments to the NZSL Act 2006

We have identified three potential amendments to the NZSL Act to strengthen the partnership with the Deaf community as leaders of NZSL and build a stronger foundation for the maintenance, promotion and acquisition of NZSL as a threatened official language. These are:

1. making the NZSL Board a statutory Ministerial advisory group to provide strategic leadership of NZSL.
2. creating a mechanism to monitor central government agencies' actions to meet their obligations under the NZSL Act.
3. embedding Te Tiriti o Waitangi in NZSL leadership to strengthen leadership by Turi Māori.

Making the NZSL Board a statutory Ministerial advisory group under an amended NZSL Act

The NZSL Board was established several years after the NZSL Act recognised NZSL as an official language of Aotearoa New Zealand. This means that leadership for NZSL is not set out in legislation. While the NZSL Board was established by a Cabinet decision, this does not have the same legal standing as the leadership group for our other official language, Te Taura Whiri i te Reo Māori – Māori Language Commission.

Making the NZSL Board a statutory Ministerial advisory group would mean that its role, functions and powers would be set out in legislation.

This potential amendment would provide for an NZSL Board to be established under the NZSL Act as a statutory Ministerial advisory group.



It would also demonstrate commitment to the principle ‘nothing about us, without us.’ The change could:

- strengthen leadership by the Deaf community on the maintenance, promotion, and acquisition of NZSL
- provide a more consistent approach for language-community leadership between NZSL and Te Reo Māori (Aotearoa New Zealand’s two official languages)
- raise the status and mana of the NZSL Board as leaders and experts providing advice to Ministers and government agencies on matters relating to NZSL.

Creating a mechanism to monitor how the NZSL Act is working

When the NZSL Act became law in 2006, it did not include a formal mechanism to monitor how well the Act was working. In 2013, the Human Rights Commission undertook an inquiry into NZSL. One of its key findings was the need for an effective mechanism to monitor the operation of the NZSL Act, particularly in relation to central government agencies meeting their responsibilities.

Central government agencies have specific responsibilities under the NZSL Act. Section 9(1) of the NZSL Act sets out the following principles to guide them:

- The Deaf community should be consulted on matters relating to NZSL (including, for example, the promotion of the use of NZSL).
- NZSL should be used in the promotion to the public of government services and in the provision of public information.
- Government services and information should be made accessible to the Deaf community through the use of appropriate means (including the use of NZSL).

However, the NZSL Board does not have the information it needs to monitor how government agencies are meeting their responsibilities under, or the broader operation of, the NZSL Act. This means there is a lack of evidence about what is working and what could be improved regarding the promotion, maintenance, and acquisition of NZSL.

The NZSL Act could be amended to ensure that a statutory Ministerial advisory group had the power to request information from central government agencies about matters relating the Act.

To support this, government agencies could be required, under an amended NZSL Act, to provide information about the actions they have taken, and the progress they have made, in the promotion, maintenance and acquisition of NZSL.

This information would support the potential NZSL statutory Ministerial advisory group to carry out its functions, including providing evidence-based advice to Ministers on what is working well and what could be improved in relation to central government agencies meeting the changing needs of Deaf people.

Embedding Te Tiriti o Waitangi in NZSL leadership

We have heard from representatives of Turi Māori community that the NZSL Act should be reviewed to recognise the relationship between the Government and Māori and to include references to Te Tiriti o Waitangi.

The NZSL Board has committed to working in partnership with Turi Māori and to improving access to te ao Māori through NZSL for Turi Māori. A Rōpū Kaitiaki has been established to guide this work.

As we consider options for strengthening NZSL leadership through the NZSL Act, there is an opportunity to think about how Turi Māori and their whānau would like to see Te Tiriti o Waitangi reflected in the NZSL Act and in national NZSL leadership.

Some examples (these could be in the NZSL Act or implemented in other ways) are set out below. We are seeking feedback on these ideas and any further ideas from Turi Māori and their whānau.



Requirements on how government and the NZSL Board should act to better reflect Te Tiriti o Waitangi

There could be a general requirement that all actors with responsibilities under the NZSL Act (eg the Minister for Disability Issues, the NZSL Board, government agencies, Whaikaha – the Ministry of Disabled People) should give effect to Te Tiriti o Waitangi in the promotion, maintenance and acquisition of NZSL.

What outcomes could this lead to?

- The NZSL Board could include the principles of Te Tiriti o Waitangi in their assessment of NZSL Fund applications.
- The NZSL Board and the Minister for Disability Issues could set Te Tiriti o Waitangi priorities as part of the next NZSL Strategy.



Requirements on how the Board should reflect Turi Māori leadership

The NZSL Board gives advice to the government and the community on a broad range of issues that affect the NZSL community. If the Board's membership includes sufficient representation of Māori and those with understanding of Te Tiriti o Waitangi, te ao Māori and tikanga Māori, this will shape their advice to the government. Examples of requirements that could be made:

- A specific percentage or number of the NZSL statutory Ministerial advisory Group must be Turi Māori.
- Appointment to the NZSL statutory Ministerial advisory group could consider an applicant's knowledge of Te Tiriti o Waitangi, te ao Māori and tikanga Māori as a strength.

Requirements on how the Board's analysis and reporting should reflect Turi Māori voice

There could be a requirement that the NZSL Board does each or any of:

- ensuring Turi Māori inclusion and participation in its work in a way that is empowering for Turi Māori
- ensuring its work reflects tikanga Māori and te ao Māori, the experiences of Turi Māori and te ao Māori.
- using te ao Māori approaches as part of its assessments of the Government's progress in implementing the NZSL Strategy.



**MINISTRY OF SOCIAL
DEVELOPMENT**
TE MANATŪ WHAKAHIATO ORA

 **Whaikaha**
Ministry of Disabled People