

In Confidence

Office of the Minister for Disability Issues

Cabinet Social Wellbeing Committee

Consultation with the Deaf community on potential amendments to the New Zealand Sign Language Act 2006

Proposal

- 1 I am seeking agreement to consult with the Deaf community on three potential amendments to the New Zealand Sign Language Act 2006 (the NZSL Act), before final proposals are developed for your consideration in December 2022.

Relation to government priorities

- 2 This work supports our manifesto commitment to strengthen the mandate and resourcing of public leadership for the disability community. It also aligns with our overall direction for transforming the disability system, including the establishment of Whaikaha - Ministry of Disabled People, and the introduction of the Accessibility for New Zealanders Bill (2020 manifesto commitment).

Executive Summary

- 3 New Zealand Sign Language (NZSL) was recognised as an official language of Aotearoa New Zealand when the NZSL Act was passed in 2006. NZSL is fundamental for Deaf people to learn, communicate and participate in our society. Research illustrates that access to NZSL is a strong predictor of positive outcomes for the Deaf community.
- 4 The NZSL Act predates Aotearoa New Zealand ratifying the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2008, the establishment of the New Zealand Sign Language Board (the NZSL Board) in 2015, and the development of the NZSL Strategy 2018–2023 (the NZSL Strategy). I seek agreement to consult on potential amendments the NZSL Act to better reflect these important milestones, as well as better reflect the Government's approach to disability.
- 5 Our manifesto commitment is to strengthen the mandate and resourcing of public leadership for the disability community in consultation with the community. As such, I intend to consult the Deaf community about how the NZSL Act could be amended to create a stronger foundation to work in partnership with them to support the promotion, maintenance, and acquisition of NZSL as an official language by:
 - the NZSL Board becoming a statutory Ministerial advisory group with additional functions in relation to monitoring the operation of the NZSL Act
 - creating a mechanism to effectively monitor the operation of the NZSL Act, particularly in relation to central government agencies' responsibilities under the NZSL Act

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- embedding Te Tiriti o Waitangi to support improving outcomes for Tāngata Turi and their whānau.
- 6 These potential amendments have been developed in partnership with the NZSL Board. Deaf Aotearoa, as a member of the Disabled Peoples Organisations Coalition (DPO Coalition) have been consulted on the potential amendments and the consultation approach. Both groups support the proposal to consult with the Deaf community and have provided comments for this paper.
- 7 Consultation will take an ‘NZSL first’ approach in that the focus of engagement will be targeted to the Deaf community and Tāngata Turi. This is to ensure that the Deaf community can share their views in ways that work for them. However, there will be opportunities for the wider New Zealand public to share their views as well. The costs of consultation will be met from within existing baselines.
- 8 Consultation will begin on 7 September 2022 and close on 11 November 2022.
- 9 I expect to report back to this Committee with final policy proposals for amending the NZSL Act in December 2022, when I will seek your agreement to issue drafting instructions to the Parliamentary Counsel Office.

Background

- 10 NZSL is not simply a translation of the English language. It is a language unique to Aotearoa New Zealand that continues to evolve and grow. NZSL incorporates Te Reo Māori concepts and is used as a form of communication by Tāngata Turi and Deaf Pacific Peoples.
- 11 NZSL is a threatened language.¹ Approximately 4,600 Deaf people (Census 2018, Stats NZ) use NZSL as a form of communication. Census 2018 figures indicate that approximately 23,000 people in total use NZSL, including parents who use NZSL to communicate with their Deaf children. This compares to estimates from Census 2006 of 24,000 NZSL users, and Census 2001 of 28,000 NZSL users.
- 12 NZSL is fundamental for Deaf people to learn, communicate and participate in our society. International research illustrates that access to sign language is a strong predictor of wellbeing outcomes for Deaf people.²
- 13 Members of the Deaf community are an important cultural and linguistic minority. Most Deaf people were born deaf or became deaf early in life. They have a strong sense of identity as Deaf people, a shared common language in NZSL, and “prefer to communicate in NZSL and identify themselves with other Deaf people”.³ A decline in the use of NZSL represents a significant threat to the Deaf community.
- 14 Tāngata Turi experience additional barriers in accessing their community and culture. For example, a lack of trilingual interpreters has increased communication barriers between Tāngata Turi and their whānau, hapū and iwi. There is more to be done to

¹ McKee, R (2013) Assessing the vitality of New Zealand Sign Language. *Sign Language Studies*, 17(3): 322-362

² Human Rights Commission (2013:76) A New Era in the Right to Sign: A report of the New Zealand Sign Language Inquiry.

³ Pat Dugdale (2002) Aspects of being Deaf in New Zealand.

embed Te Tiriti o Waitangi in the NZSL Act or national NZSL systems to support improving outcomes for Tāngata Turi and their whānau.

The purpose of the NZSL Act is to promote and maintain NZSL

- 15 The purpose of the NZSL Act is to: promote and maintain NZSL by recognising 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; and state principles to guide [central] government agencies in the promotion and use of NZSL.⁴ The intent behind the NZSL Act is to recognise that “Deaf New Zealanders [have] not been afforded the same right to their language as other New Zealanders”.⁵
- 16 There is no clarification in New Zealand law about what an official language means in practice. However, as the 2013 report of the Human Rights Commission (HRC) Inquiry into NZSL points out, declaring a language to be official implies an expectation that measures will be adopted to enable this language to be used in day-to-day public interactions.⁶
- 17 The NZSL Act predates Aotearoa New Zealand ratifying the UNCRPD in 2008, the establishment of the NZSL Board in 2015, and the development of the NZSL Strategy 2018–2023 (the NZSL Strategy).

The NZSL Board was established in 2015

- 18 From July 2012 to June 2013, the HRC conducted an inquiry into NZSL because of concerns about the “barriers Deaf people continue to experience when using their own language - barriers which restrict their quality of life and full enjoyment of fundamental human rights”.⁷ A key recommendation from the HRC inquiry was that a statutory NZSL Board should be established to provide a stronger formal partnership between government agencies and the Deaf community.⁸
- 19 In response, an NZSL Expert Advisory Group was established in 2013 to provide advice on options for establishing a statutory advisory group to develop a strategy for the promotion and maintenance of NZSL, as well as to advise, guide and monitor government agencies’ (with responsibilities under the Act) use and promotion of NZSL.
- 20 In May 2014, Cabinet agreed to establish a non-statutory advisory board to promote and maintain NZSL; develop an action plan to progress five initial priorities for the

⁴ The interpretation of government agencies with responsibilities under the NZSL Act are those named in Part 1 of Schedule 1 of the Ombudsman Act 1975, which has been repealed and replaced with Schedule 1 of the Public Sector Act 2020. <https://www.legislation.govt.nz/act/public/2020/0040/latest/LMS207451.html>

⁵ New Zealand Sign Language Bill. Explanatory Note <https://www.odi.govt.nz/assets/NZSL/documents-nzsl/nzsl-bill-PDF.pdf>

⁶ Human Rights Commission (2013:33) A New Era in the Right to Sign: A report of the New Zealand Sign Language Inquiry

⁷ Ibid:12

⁸ Ibid:20

promotion and maintenance of NZSL; and establish an NZSL Fund for community initiatives that promote and maintain NZSL [SOC Min (14) 9/7 refers].⁹

21 In May 2015, the NZSL Board was established, and the first members were appointed to the NZSL Board. The purpose 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.

22 The key functions of the NZSL Board include:

- providing leadership on NZSL and oversight of the NZSL Fund
- setting a national strategy and priority initiatives for the promotion and maintenance of NZSL and monitoring them
- providing input into the UNCRPD monitoring report.¹⁰

23 In 2019, the then Minister for Disability Issues requested the NZSL Board provide her with information about a possible review of the NZSL Act, with a focus on how it could be better aligned with the principles of the NZSL Strategy 2018–2023.¹¹ In 2020, Ministry of Social Development (MSD) officials were directed to develop policy proposals on amending the NZSL Act.

Building a stronger foundation for the maintenance, promotion, and acquisition of NZSL

24 I am committed to strengthening the mandate and resourcing of public leadership for the disability community, as set out in our 2020 manifesto. I have identified three areas where the NZSL could be amended to strengthen leadership by the Deaf community to support the promotion, maintenance, and acquisition of NZSL as an official language. These three areas are:

- the NZSL Board becomes a statutory Ministerial advisory group to provide strategic leadership of NZSL
- create a mechanism to effectively monitor the operation of the NZSL Act, particularly central government agencies' actions to meet their responsibilities under the Act

⁹ Cabinet also agreed that the NZSL Board would be supported by a secretariat in the Ministry for Social Development.

¹⁰ The Terms of Reference for the NZSL Board can be accessed at this link - [Terms of Reference - Office for Disability Issues \(odi.govt.nz\)](#)

¹¹ The Strategy guides NZSL work happening in government agencies and Crown entities to maintain and promote the use of NZSL by Deaf people and other NZSL users.

- embed Te Tiriti o Waitangi to support improving outcomes for Tāngata Turi and their whānau.
- 25 I propose consulting with the Deaf community on these potential amendments before final policy proposals to amend the NZSL Act are developed.
- 26 The intent behind these potential amendments is to build a stronger foundation to support the strategic leadership of the Deaf community while also recognising that real change will take time and commitment from central government agencies and Ministers. As such, I see the potential amendments enabling the right environment to support real improvements over time, much like the Government’s approach to Accelerating Accessibility.
- 27 Consistent with establishment of Whaikaha - Ministry of Disabled People and the Accessibility for New Zealanders Bill, an amended NZSL Act would better reflect the Government’s approach to transforming the disability system to improve outcomes for disabled people and their whānau across a range of wellbeing indicators.

Creating an NZSL statutory ministerial advisory group to provide strategic leadership

- 28 The 2013 HRC Inquiry into NZSL noted that establishing an NZSL statutory group could take time, and that a useful first step would be the creation of an advisory group.¹² Since its establishment, the NZSL Board has matured as an effective group with a strong focus on providing strategic leadership on NZSL, and successfully managing NZSL to ensure the language is promoted. As such, it is now time to consider the NZSL Board becoming a statutory advisory group, set out in legislation to strengthen its mandate to provide strategic leadership and oversight for NZSL.
- 29 The NZSL Board becoming a statutory ministerial advisory group would also demonstrate our commitment to the principle of ‘nothing about us, without us’. It would:
- strengthen the mandate for public leadership by the Deaf community on the maintenance, promotion, and acquisition of NZSL
 - provide a more consistent approach to community leadership for two of our 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
 - provide more permanence for the NZSL Board as an entity providing leadership on an official language.
- 30 Before final policy proposals are developed, I am seeking your agreement to consult with the Deaf community on what strengthening the community’s leadership could look like in relation to the NZSL Act.

¹² Human Rights Commission (2013:155)

Creating a mechanism to monitor the operation of the NZSL Act

- 31 The 2013 HRC Inquiry into NZSL noted the lack of a mechanism to monitor the operation of the NZSL Act, or how government agencies were meeting their responsibilities under it. The lack of a mechanism to monitor the implementation of the NZSL Act was also raised by submitters when the Act was reviewed in 2011.
- 32 Without this monitoring mechanism, there is a lack of information about what is working and what could be improved, regarding the promotion, maintenance, and acquisition of NZSL.
- 33 Central government agencies have specific responsibilities under the NZSL Act. Section 9(1) of the Act sets out the following principles to guide government agencies:
- a) the Deaf community should be consulted on matters relating to NZSL (including, for example, the promotion of the use of NZSL)
 - b) NZSL should be used in the promotion to the public of government services and in the provision of public information
 - c) government services and information should be made accessible to the Deaf community through the use of appropriate means (including the use of NZSL).
- 34 In 2021, the Office for Disability Issues, in partnership with the NZSL Board, commissioned a survey of central government agencies to identify what they were doing in relation to making information accessible for the Deaf community. Analysis of the survey results revealed that agencies have an ad hoc approach, and in many instances the information on what an agency was doing was not recorded.¹³
- 35 While the survey results show that there is a growing amount of public service information that is accessible to the Deaf community, there remain significant gaps in service delivery. For example, some agencies have contracts with providers to deliver services specifically for the Deaf community, but these are concentrated in the health and disability sectors. Only one agency mentioned that it promoted the Video Interpreting Service to its clients.¹⁴
- 36 Without comprehensive information on what actions are being taken by central government agencies, any strategies and actions aimed at improving consultation and communication with the Deaf community, as well as information and services, will continue to be ad hoc and place the Deaf community at a significant disadvantage. Creating a strong mechanism for monitoring the NZSL Act will also strengthen our ability to report against our commitments under the UNCRPD in relation to the Deaf community and NZSL users.
- 37 If the NZSL Board were to become a statutory advisory group, it could take leadership of monitoring and reporting on the operation of the NZSL Act, in addition

¹³ Of the 21 agencies that responded, 4 indicated they do not use NZSL and 17 indicated that they did.

¹⁴ As part of its language assistance programme, the Ministry of Business, Innovation and Employment contracted providers to support central government agencies to communicate with clients in a language that works best for them, including NZSL.

to its current functions. This would strengthen the ability of the NZSL Board undertake its role and functions, including:

- providing the Minister with independent advice on matters relating to NZSL
- providing expert advice to government agencies on NZSL and working with them to support the NZSL strategy and coordination, as well as monitoring central government agencies activities in this area.

38 I have identified two potential options for monitoring the operation of the NZSL Act that I will test with the Deaf community.

An NZSL Statutory Group could have the power to request information from central government agencies on matters relating to NZSL

39 The NZSL Act could be amended so an NZSL Statutory Group would have the power to request information from central government agencies on the actions they have taken (and progress made) to meet their obligations under the Act. This statutory power would be accompanied by appropriate checks and balances to ensure the information requested contributes to the promotion, maintenance, and acquisition of NZSL, which will support improved outcomes for the Deaf community.¹⁵

40 The intent of establishing the NZSL Board in 2015 was in part to monitor government actions under the NZSL Act and advise Ministers on this. The NZSL Board's ability to do this has been constrained by the lack of a monitoring mechanism. Creating an explicit mechanism to request and receive information (with appropriate checks and balances) would support this original intent. It would also inform the development of evidence-based advice to Ministers on what is working well and what could be improved, in relation to government agencies meeting the changing needs of the Deaf community.

41 The mechanism to request information on central government actions under the NZSL Act would be supported by the development, in consultation with government agencies, of a monitoring framework.

42 I am interested in ensuring an amended NZSL Act is flexible as a way of future-proofing the legislation. My expectation is that any monitoring and reporting of central government agencies' actions to meet their obligations under the Act would be developed over time. It could start with some key agencies who have a significant role in supporting the Deaf community achieve better outcomes across a range of measures, for example, MSD.

Government agencies could be required to report on the actions they have taken, and progress they have made, in the promotion, maintenance and acquisition of NZSL

43 An alternative option would be to amend the NZSL Act to include an obligation for central government agencies to provide the NZSL Statutory Group with an annual

¹⁵ For example, information requests would need to demonstrate a strong relationship to the NZSL Act, be clear on how the information would be used, and not include information that could identify an individual and/or group of individuals.

report on how they are meeting their obligations under the Act. To ensure consistency, a monitoring framework would be created in consultation with agencies.

- 44 Placing the responsibility on government agencies to report on their activities sends a strong signal about their role in responding to the Deaf community. It is a consistent approach that treats all agencies the same.
- 45 A disadvantage of this approach in isolation is that it gives less flexibility for an NZSL Statutory Group to make requests in relation to an area of interest that evolves over time.

The accessibility framework and legislation will complement the work of a statutory Ministerial advisory group on NZSL

- 46 Many submitters to the 2011 review of the NZSL Act raised concerns about the lack of accessibility of government information and services in NZSL. This has created additional barriers for the Deaf community to fully participate in our society.
- 47 I am not proposing to address the important issue of accessibility through amending the NZSL Act. Rather the Accessibility for New Zealanders Bill setting up the accessibility framework (introduced into the House in July 2022) is the most appropriate mechanism to identify, remove and prevent accessibility barriers experienced by the Deaf community.
- 48 In the recent Cabinet paper seeking decisions on the Accelerating Accessibility framework, the previous Minister for Disability Issues set out the expectation for how the framework will operate. The Accessibility Committee (a statutory Ministerial advisory group) will provide independent advice to the Minister for Disability Issues on identifying, removing and preventing accessibility barriers and growing accessibility practices across New Zealand [SWC/22/MIN/0027 refers]. In doing so, it will be expected to extensively engage with key stakeholders, the business sector, and other experts, such as the NZSL Board.¹⁶
- 49 The NZSL Board and Deaf Aotearoa support the approach of addressing accessibility for the Deaf community through the accelerating accessibility framework, rather than through changes to the NZSL Act.

The relationship between Te Tiriti o Waitangi and the maintenance, promotion and acquisition of NZSL is under consideration

- 50 Historically, others have spoken for Tāngata Turi, so it is vital that Tāngata Turi lead the development of options for embedding Te Tiriti in our approach to the maintenance, promotion, and acquisition of NZSL.

¹⁶ Once established, the Accessibility Committee will be supported by Whaikaha – Ministry of Disabled People. As the NZSL Board is supported by a secretariat in the Office for Disability Issues, which sits in Whaikaha, the Minister for Disability Issues will have oversight over both advisory groups, which will support them to effectively work together.

- 51 MSD officials have worked with the newly formed Rōpū Kaitiaki of the NZSL Board to develop an approach to engage with Tāngata Turi and their whānau on what embedding Te Tiriti into our approach for NZSL looks like.
- 52 Options for embedding Te Tiriti o Waitangi may not be confined to amending the NZSL Act; for example, the NZSL Board's Terms of Reference could be revised to provide formal recognition for the role of Tāngata Turi leadership over issues that affect them.

I propose to engage with the Deaf community

- 53 Engagement on potential amendments to the NZSL Act will take an 'NZSL first' approach. Officials will take a collaborative approach to designing and delivering this consultation, working in partnership with the NZSL Board and consulting with Deaf Aotearoa.
- 54 While consultation will be public, it will be focused on the Deaf community and those that use NZSL as their input will be vital as users of NZSL. A discussion document has been developed with a general audience in mind. A draft of this document is attached in Appendix 1 for your information, and it is important to note that the layout, language and wording may change once it has been appropriately designed.
- 55 A landing page on the Office for Disability Issues website will be developed as the primary source of information to support consultation. On this page will be NZSL videos that provide the Deaf community with information about the NZSL Act, the NZSL Board, the role of the Accelerating Accessibility framework in removing barriers, and the potential amendments to the NZSL Act. A brief discussion document, written in English, will also be provided to support the wider public to engage if they choose.
- 56 The channels for engaging with the Deaf community include:
- targeted, in-person engagement hui with members of the Deaf community and with Tāngata Turi and their whānau
 - online hui with members of the Deaf community, and Tāngata Turi and their whānau
 - the ability for submissions to be provided in NZSL (video) and in writing.
- 57 To support full participation in the consultation process and ensure everyone has the information they need (and in the format they need), information will be provided for those attending hui and key stakeholder groups. This information will also be available online in NZSL, written English and Te Reo Māori (where advised).
- 58 Following the consultation, a summary of the feedback will be available to participants in written English and an NZSL video, which will be published online.
- 59 Officials will carry out two streams of targeted engagement from September and November 2022, with Tāngata Turi and their whānau, and the wider Deaf community.

Approach to engaging with Tāngata Turi and their whānau

- 60 The objectives for the approach to engage with Tāngata Turi and their whānau are to:
- build the relationship between the Crown and Tāngata Turi and their whānau
 - support Tāngata Turi to develop their understanding of Te Tiriti o Waitangi in relation to the NZSL Act - as officials have been told this group has often been left out of discussions on Te Tiriti o Waitangi
 - understand the aspirations of Tāngata Turi and their whānau
 - understand how Tāngata Turi and their whānau would like to see Te Tiriti o Waitangi reflected in an amended NZSL Act.
- 61 Under the Crown's Te Tiriti o Waitangi obligations, engagement with Māori needs to be done in a way that is mana enhancing and maximises the opportunity for the views of Māori. The following engagement approach has been designed in consultation with the Rōpū Kaitiaki for the NZSL Board.
- 62 In addition to general engagement sessions, officials plan to meet with Māori participants through a series of hui in Deaf Clubs or on marae. An independent facilitator will support the hui, and members of the NZSL Board and/or the Rōpū Kaitiaki, will also be in attendance to support the discussion. Additional online hui may be offered for those who cannot make the in-person hui.

Engagement approach with the wider Deaf community

- 63 The main aim for engagement with the Deaf community will be to understand their perspectives. Officials will seek to hear from a range of people including the Deaf community and their whānau; the Pacific Deaf community; Deaf organisations and groups, such as Deaf Aotearoa, Deaf Action and Deaf Clubs; the DPO Coalition; as well as NZSL users, including parents, teachers, interpreters and learners.
- 64 Officials plan to meet with participants through a series of workshops in Deaf Clubs across Aotearoa New Zealand. Participants will have a chance to learn about the NZSL Act and proposals to amend it, as well as an opportunity to share their views on the proposed changes and provide input on how NZSL can be strengthened through the Act.
- 65 Further to these workshops, officials plan to meet with interested organisations. This would include engagement sessions with a range of stakeholder organisations, including Deaf Aotearoa, Deaf Action, the DPO Coalition, Tāngata Turi service providers, and Pacific Deaf service providers.
- 66 To ensure sessions are available to those who cannot attend an in-person hui, there will also be a chance to engage through an online hui.
- 67 Those who do not attend engagement hui (either in person or online) will be able to provide their feedback through written submissions or NZSL video submissions.

Guidance on how to provide feedback will be in an NZSL video, in written English and Te Reo Māori. This will be available on the Office for Disability Issues’ website.

- 68 Consultation will be promoted on social media platforms, such as the Office for Disability Issues Facebook page, as well as through the networks of Deaf Aotearoa, Deaf Clubs and the DPO Coalition.

Financial Implications

- 69 The cost of the consultation will be met within MSD baselines.

Legislative Implications

- 70 The NZSL Amendment Bill was allocated a Category 5 (drafting instructions to be provided to the Parliamentary Counsel Office in 2022) place on the legislative programme.
- 71 Subject to decisions, I expect to be able to provide this Committee with final policy proposals for amending the NZSL Act, following consultation with the Deaf community, in December 2022. At that time, I will also seek your agreement for drafting instructions to be sent to the Parliamentary Counsel Office.

Impact Analysis

Regulatory Impact Statement

- 72 The Treasury's Regulatory Impact Analysis team has determined that the amendments to the NZSL Act 2006 are exempt from the requirement to provide a Regulatory Impact Statement, on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities.

Population Implications

- 73 These potential amendments to the NZSL Act to strengthen the leadership of the Deaf community in relation to NZSL will positively contribute to improving outcomes for Deaf people, by strengthening the promotion, maintenance, and acquisition of NZSL. This is because access to a sign language is a strong predictor of positive outcomes. Access can only be supported by promoting NZSL and supporting the acquisition of the language.

Population group	How the proposals may affect this group
Māori	Māori are more likely to be deaf than other population groups, across all age groups. The intention to embed Te Tiriti into an amended NZSL Act could better support improved outcomes for Tāngata Turi and their whānau.
Pacific Peoples	Information about Pacific Peoples and membership of the Deaf community is scarce. However, strengthening the promotion of NZSL will also support increased participation and inclusion of Deaf Pacific Peoples
Children and young people	Early acquisition of NZSL is critical to the future of the Deaf community and culture.

Disabled people	Strengthening the leadership of the Deaf community supports the wider aspirations of the disability community to have a strong leadership role, and affirms the commitment to 'nothing about us, without us'.
Ethnic communities	The ability to communicate is extremely important to ethnic communities, and the inability to communicate is a barrier to settlement, employment, and education. For Deaf people from ethnic communities, barriers to communication may be amplified. Strengthening the promotion of NZSL will also support increased participation and inclusion of Deaf people in ethnic communities.
Older people	As hearing loss increases with age, the increased acquisition of NZSL could support the continued participation of people with age-related or injury-related hearing loss.

Human Rights

- 74 These proposals support the Deaf community in Aotearoa New Zealand to exercise their human rights, including their social, economic and cultural rights. The proposals set out in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.
- 75 The approach to engaging with the Deaf community supports our obligations under the UNCRPD. For example, Article 21(e) sets out that “State Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by: (e) recognizing and promoting sign language”.¹⁷

Consultation

- 76 The potential amendments the NZSL Act, and the engagement approach to consult on these with the Deaf Community, have been developed in partnership with the NZSL Board. The Board has provided the following comment:
- The NZSL Board supports the proposals outlined in this paper, regarding appropriate consultation/engagement with the Deaf community on the proposals for amending the NZSL Act 2006. The NZSL Board prefers the option of the Board having power to request targeted information from government agencies, rather than requiring agencies to annually report on their actions which would be more burdensome.
- 77 Officials have also engaged with Deaf Aotearoa and the DPO Coalition on the ideas to amend the NZSL Act. Deaf Aotearoa have also provided feedback on an earlier draft of the consultation approach, which has been adapted in light of this feedback. Deaf Aotearoa has requested that the following statement is included in this paper, in support of the proposal to consult with the Deaf community and have signalled that the suggestions to amend the NZSL Act requires further discussion. Officials will

¹⁷ UNCRPD, Article 21(e) <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-21-freedom-of-expression-and-opinion-and-access-to-information.html>

continue to engage with Deaf Aotearoa on developing the engagement approach and final policy proposals.

Deaf Aotearoa supports the proposal in the paper to consult with the Deaf Community on the proposals to amend the NZSL Act 2006, however, they consider that the outlined engagement approach may not fully canvass the Deaf community's ideas on the proposals – especially given the constrained timeframes. They consider there are significant issues to understand and discuss, such as the elevated status and role that the NZSL Board will hold, how its membership will be determined, and its relationship to the future Ministerial advisory committee for accessibility. Deaf Aotearoa has offered to work with officials on how to maximise the effectiveness of the engagement.

- 78 The following government agencies have been consulted: Accident Compensation Corporation; Ara Poutama Department of Corrections; Human Rights Commission; Ministry of Business, Innovation and Employment; Ministry of Education; Ministry for Ethnic Communities; Ministry of Health; Ministry for Housing and Urban Development; Ministry of Justice; Ministry for Pacific Peoples; Ministry of Transport; Ministry for Women; Office of the Ombudsman; Office for Disability Issues; Office for Seniors; Oranga Tamariki; Parliamentary Counsel Office; Te Arawhiti; Te Kawa Mataaho Public Service Commission; Te Puni Kōkiri; the Treasury; Veterans' Affairs New Zealand; and Whaikaha – Ministry of Disabled People. The Department of the Prime Minister and Cabinet has been informed.

Communications

- 79 I am exploring opportunities to launch the consultation phase, which could include releasing a video, with an NZSL interpreter, inviting the Deaf community to participate in the consultation process. The video launching the consultation phase will be supported by a press release. I also intend to attend at least two in-person hui to engage directly with the Deaf community about the potential amendments to the NZSL Act.

Proactive Release

- 80 This Cabinet paper will be proactively released, and will be available in alternative formats, with redactions made consistent with the Official Information Act 1982.

Recommendations

The Minister for Disability Issues recommends that the Committee:

- 1 **note that:**
 - 1.1 the New Zealand Sign Language Act 2006 could better reflect the Government's approach to disability in relation to strengthening the mandate for public leadership of the Deaf community on New Zealand Sign Language (NZSL)
 - 1.2 the Human Rights Commission Inquiry into NZSL recommended a statutory board be established to provide leadership on strategic NZSL issues

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- 2 **note** that the New Zealand Sign Language Act 2006 could be strengthened by making the New Zealand Sign Language Board a statutory Ministerial advisory group, with the additional function of monitoring the operation of the Act, as well as ensuring an amended Act better reflects Te Tiriti o Waitangi
- 3 **agree** to consult with the Deaf community on potential amendments to the NZSL Act, with a focus on options to:
 - 3.1 strengthen the mandate for public leadership of the Deaf community
 - 3.2 create a mechanism to monitor the operation and implementation of the Act, with a focus on government agencies' responsibilities under the Act
 - 3.3 better reflect Te Tiriti o Waitangi
- 4 **note** that consultation with the Deaf community will take an NZSL-first approach, and have two streams: one focusing on Tāngata Turi and their whānau, and the other focusing on the wider Deaf community
- 5 **note** that public consultation will occur between September and November 2022
- 6 **note** that the public consultation will inform the final policy proposals to amend the NZSL Act
- 7 **invite** the Minister for Disability Issues to report back to this Committee with final policy proposals for amending the NZSL Act in December 2022
- 8 **note** that the NZSL Amendment Bill was allocated a Category 5 (drafting instructions to be provided to the Parliamentary Counsel Office in 2022).

Authorised for lodgement

Hon Poto Williams

Minister for Disability Issues