



13 June 2023

Tēnā koe

On 12 May 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Please treat this email as an OIA request for a full copy of the entire report, 'The future of the Accessibility for New Zealanders Bill and amendments to the New Zealand Sign Language Act 2006', with all appendices.*

Please find attached the report titled: REP/23/2/037 - *The future of the Accessibility for New Zealanders Bill and amendments to the New Zealand Sign Language Act 2006.*

Please note, the Ministry had sent a copy of the report requested to you on 1 June 2023, as part of consultations. However, this letter is a formal response to your request for official information for the report titled: REP/23/2/037 - *The future of the Accessibility for New Zealanders Bill and amendments to the New Zealand Sign Language Act 2006* and all appendices.

Some information is withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. The release of this information is likely to prejudice the ability of government to consider advice and the wider public interest of effective government would not be served.

Please note that all appendices in the report have been provided to you except Appendix 4, which is a Cabinet paper. Your request for this information is refused under section 18(d) of the Act on the basis that the information requested will soon be publicly available. This information will be published as soon as possible this year.

Please also note information regarding some individuals is withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding REP/23/2/037 - *The future of the Accessibility for New Zealanders Bill and amendments to the New Zealand Sign Language Act 2006*, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



Sarah Palmer
Policy Manager
Disability Policy



Report

Date: 8 February 2023

**Security
Level:**

s9(2)(f)(iv)

To: Hon Priyanca Radhakrishnan, Minister for Disability Issues

The future of the Accessibility for New Zealanders Bill and amendments to the New Zealand Sign Language Act 2006

Purpose of the report

- 1 This report seeks decisions from you on progressing the Accessibility for New Zealanders Bill and the proposed amendments to the New Zealand Sign Language Act 2006.

Executive summary

- 2 Although the work to introduce the Accessibility for New Zealanders Bill (the Bill) and amend the New Zealand Sign Language Act 2006 (the NZSL Act) falls under the Disability Issues portfolio, the Ministry of Social Development (MSD) continues to lead the work and administers the NZSL Act.

The Accessibility for New Zealanders Bill

- 3 The Bill was introduced to address systemic accessibility barriers and aims to do so by establishing a Ministerial advisory committee. The Bill has been referred to the Social Services and Community Select Committee (the Committee) for consideration, who have been receiving and hearing submissions on the Bill.

4 s9(2)(f)(iv)

- 5 Your decision is required on progressing this work. Your options are to:

- s9(2)(f)(iv)

- s9(2)(f)(iv)

- s9(2)(f)(iv)

- 6 s9(2)(f)(iv) [redacted]
[redacted]
- 7 s9(2)(f)(iv) [redacted]
[redacted]
[redacted]
- 8 s9(2)(f)(iv) [redacted]
[redacted]
[redacted]
[redacted]
- 9 Initial analysis of the submissions received through the Select Committee process indicate that the Bill is not broadly supported in its current form. However, there is public expectation that accessibility legislation will be enacted, and s9(2)(f)(iv) [redacted]
[redacted]
- 10 s9(2)(f)(iv) [redacted], MSD and Whaikaha officials will provide you with further advice on next steps and we recommend you update Cabinet on this decision.
- 11 s9(2)(f)(iv) [redacted]
[redacted]
[redacted]

Amendments to the NZSL Act

- 12 The NZSL Act aims to promote and maintain the use of NZSL but, despite the Act, the use of NZSL is declining. This represents a significant threat to Deaf people’s identity and wellbeing.
- 13 MSD officials have drafted a paper seeking Cabinet’s agreement to amend the NZSL Act to strengthen the public mandate and leadership of NZSL. In November 2022, MSD provided the then Minister for Disability Issues’ Office with a final draft of a Cabinet paper, with the intention of it being considered by the Social Wellbeing Committee on 14 December 2022. Due to competing priorities, the Prime Minister’s Office were unable to provide comments on the Cabinet paper until after the deadline to lodge the paper.
- 14 Your decision is required on progressing this work. Your options are:
- to present a Cabinet paper (attached as Appendix 4) to the Cabinet Social Wellbeing Committee (SWC) on 22 February 2023, with the aim of introducing the NZSL Amendment Bill into the House in June 2023
 - to seek Cabinet’s agreement to amend the NZSL Act later in 2023
 - not to progress amendments the NZSL Act at this time.
- 15 We recommend that you present a Cabinet paper to SWC on 22 February 2023 due to its alignment with the previous Minister for Disability Issues’ 2023 legislation priorities and community interest.

- 16 Progressing with the proposed amendments at a later date risks that a Bill to amend the NZSL Act would not be introduced into the House before Parliament rises.
- 17 Not progressing the proposals to amend the NZSL Act risks the trust and goodwill established with the Deaf community through consultation, particularly as a previous review of the NZSL Act has resulted in no changes.
- 18 The NZSL Board are supportive of the proposed amendments and there was no support for the status quo (i.e. not amending the NZSL Act) during the consultation period. However, the Disabled Peoples Organisations (DPO) Coalition do not support the proposed amendments as their view is that the scope of the proposed amendments and therefore the engagement was too narrow. The DPO Coalition also believes that there should have been a first principles review for it to have real effect on the Deaf community.
- 19 We recommend that you proceed with the proposed amendments to the NZSL Act. If you choose to delay or stop the work on amending the NZSL Act, further advice will be provided to you on the process and timeframes for transferring the administration of the NZSL Act to Whaikaha.

Recommended actions

It is recommended that you:

The Accessibility for New Zealanders Bill (the Bill)

- 1 **note** that introducing an Accessibility for New Zealanders Act is a 2020 Labour manifesto commitment

2 s9(2)(f)(iv) [Redacted]

3 s9(2)(f)(iv) [Redacted]

- 4 **agree** to

4.1 s9(2)(f)(iv) [Redacted]

Agree / Disagree

or

4.2 s9(2)(f)(iv) [Redacted]

Agree / Disagree

or

4.3 s9(2)(f)(iv) [Redacted]

Agree / Disagree

- 5 **agree**, if you agree to recommendations 4.2 or 4.3, to inform Cabinet of this decision

Agree / Disagree

6 s9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]

Amendments to the New Zealand Sign Language Act 2006 (the NZSL Act)

7 **note** that MSD received confirmation from Minister Williams’s office of the intention to take a Cabinet paper to the Social Wellbeing Committee in February 2023 to progress amendments to the NZSL Act

8 **agree:**

8.1 **(recommended)** to lodge the Cabinet paper on Thursday 16 February 2023 and present it to SWC on Wednesday 22 February 2023

Agree / Disagree

or

8.2 to amend the NZSL Act later in 2023

Agree / Disagree

or

8.3 (not recommended) not to amend the NZSL Act

Agree / Disagree

9 **note** that Cabinet agreement is needed in February for a Bill to be prepared and introduced to the House by July this year

10 **note** that officials will provide you with advice on the process and timeframes for transferring the administration of the NZSL Act to Whaikaha should you choose to delay or stop the work on amending the NZSL Act.

Julia Bergman
General Manager
International, Disability, and Generational
Policy

Date

Hon Priyanca Radhakrishnan
Minister for Disability Issues

Date

MSD is leading work to introduce the Accessibility for New Zealanders Bill and amend the New Zealand Sign Language Act 2006

- 20 Although the work to introduce the Accessibility for New Zealanders Bill (the Bill) and amend the New Zealand Sign Language Act 2006 (the NZSL Act) falls under the Disability Issues portfolio, MSD leads this work and administers the NZSL Act.
- 21 This decision was made to enable Whaikaha – Ministry of Disabled People (Whaikaha) to achieve greater impact as a newly established Ministry.
- 22 These pieces of legislation will transfer to Whaikaha, but the timing of the transfer will be affected by your prioritisation of the work as discussed below.

The Accessibility for New Zealanders Bill was introduced to address systemic accessibility barriers

- 23 Historically, New Zealand's built environments, information platforms, and many other key features of civil society have been developed with little regard for disabled people's access needs or participation in their communities. This has resulted in long standing and systemic accessibility barriers and slow progress to improve them.
- 24 Policy work, including consultation with the disability community, over a number of years considered different options for improving accessibility at a system level. A legislative framework was seen as the best option.
- 25 In 2020, the Labour manifesto committed to "introducing an Accessibility for New Zealanders Act to help New Zealand to become more welcoming and accessible for disabled people and other New Zealanders with accessibility needs".
- 26 In October 2021, Cabinet agreed to introduce a new legislative framework and system that takes a progressive approach to identifying, preventing, and removing barriers to participation for disabled people, tāngata whaikaha Māori and others with accessibility needs via the establishment of a Ministerial advisory committee [SWC/21/MIN/0145 refers].
- 27 In March 2022, Cabinet agreed that Whaikaha will be responsible for accessibility legislation once enacted, and that MSD will continue to lead work on accessibility legislation in the interim [CAB/22/MIN/0104 refers].
- 28 In its current form, the Bill establishes a new ministerial advisory committee (the Accessibility Committee) comprised of six to eight people to provide recommendations to the responsible Minister on how to address accessibility barriers and grow accessibility practices across New Zealand. It also establishes new functions for the Minister and the Chief Executive of the ministry who is responsible for the administration of the Act (intended to be Whaikaha).

29 The Bill was introduced to the House on 28 July 2022 and passed its first reading on 2 August 2022. Select Committee is due to report back to the House on the Bill by 16 May 2023. More information is provided on the Bill and submissions in Appendix 1.

The NZSL Act aims to promote and maintain the use of New Zealand Sign Language (NZSL), but its use is declining

30 The NZSL Act aims to promote and maintain the use of NZSL by:

- making NZSL an official language in New Zealand
- providing for the use of NZSL in legal proceedings
- empowering the making of regulations setting competency standards for the interpretation in legal proceedings of NZSL
- stating principles to guide government departments in the promotion and use of NZSL.

31 Despite the NZSL Act, the use of NZSL is declining, which represents a significant threat to Deaf people's identity and wellbeing.

32 In December 2020, the Minister for Disability Issues agreed in principle to a review of the NZSL Act, with an initial report back on policy proposals by early 2022 [REP/20/9/1002 refers].

33 In April 2022, MSD officials provided the Minister for Disability Issues with initial policy proposals to amend the NZSL Act. The key decisions the Minister made were:

- the approach to amending the NZSL Act would take a partnership approach with the Deaf Community to lead the promotion, maintenance, and acquisition of NZSL
- officials would undertake targeted engagement with Turi Māori to develop an approach to engage with Turi Māori and their whānau on how the NZSL Act could better reflect their aspirations
- to take a Cabinet paper to the Social Wellbeing Cabinet Committee (SWC), that outlines the proposals to amend the NZSL and to consult with the Deaf community on these proposals [REP/22/4/310 refers].

34 Following consultation with the Deaf community, MSD has drafted a paper seeking Cabinet's agreement to amend the NZSL Act to:

- establish a statutory Ministerial advisory group with additional functions and powers for the NZSL Board
- recognise Turi Māori identity and leadership over their taonga
- support a framework to monitor government agencies actions relating to the promotion, maintenance, and acquisition of NZSL to improve outcomes for Deaf people.

35 More information is provided on the background of the proposed amendments to the NZSL Act in Appendix 2. Additional information on key stakeholders' feedback to the proposed amendments is provided in Appendix 3.

Your decisions are required on whether, when and how this work should progress

The Accessibility Bill s9(2)(f)(iv)

36 The Bill has been referred to the Social Services and Community Select Committee (the Committee) for consideration, who have been receiving and hearing submissions on the Bill. Over 500 submissions were received between 14 August 2022 and 7 November 2022, which are currently being analysed.

37 Officials are preparing a departmental report for the Select Committee. This will include discussion of a range of recommendations that were received as part of the submissions process as well as advice on technical and policy changes to the Bill. Recommendations and any policy changes that require Cabinet agreement will be discussed with you prior to the finalisation of the departmental report (currently due in March). Officials will work with your office to discuss timeframes surrounding the recommendations and draft departmental report.

38 s9(2)(f)(iv)

- s9(2)(f)(iv)

- s9(2)(f)(iv)

39 s9(2)(f)(iv)

40 s9(2)(f)(iv)

- s9(2)(f)(iv)

- s9(2)(f)(iv)

- s9(2)(f)(iv)

41 s9(2)(f)(iv)

A Cabinet decision is needed to amend the NZSL Act

42 In November 2022, MSD provided Minister Williams' Office with a final draft of a Cabinet paper, with the intention of it being considered by SWC on 14 December 2022. This Cabinet paper is attached as Appendix 4. Departmental and Ministerial consultation have already taken place.

43 In November 2022, the Minister for Disability Issues received advice on her disability portfolio priorities for the 2023 legislative programme. The Bill to amend the NZSL Act was ranked three out of four and given a proposed legislative priority of Category 4 (to be referred to Select Committee in 2023) [REP/22/11/1098 refers].

44 Due to competing priorities, the Prime Minister's Office (PMO) were unable to provide comments on the paper until after the deadline to lodge the paper. However, officials were able to incorporate the feedback from PMO, and received confirmation from Minister Williams' office of the intention to take the paper to SWC in February 2023.

45 Your decisions are required on when, or if, a Cabinet paper should be taken to a SWC meeting in order to progress this work.

s9(2)(f)(iv) [Redacted]

s9(2)(f)(iv) [Redacted]

46 s9(2)(f)(iv) [Redacted]

s9(2)(f)(iv) [Redacted]

47 s9(2)(f)(iv) [Redacted]

48 s9(2)(f)(iv) [Redacted]

49 s9(2)(f)(iv) [Redacted]

s9(2)(f)(iv) [Redacted]

50 s9(2)(f)(iv) [Redacted]

51 s9(2)(f)(iv) [Redacted]

52 s9(2)(f)(iv) [Redacted]

53 s9(2)(f)(iv) [Redacted]

54 s9(2)(f)(iv) [Redacted]

- 55 s9(2)(f)(iv) [Redacted]
- s9(2)(f)(iv) [Redacted]
 - s9(2)(f)(iv) [Redacted]
 - s9(2)(f)(iv) [Redacted]

56 s9(2)(f)(iv) [Redacted]

57 While initial analysis of the submissions received by Select Committee indicates that the Bill is not widely supported in its current state, legislation governing accessibility in general is supported and introducing the Bill would be a significant first step.

58 s9(2)(f)(iv) [Redacted]

59 s9(2)(f)(iv) [Redacted]

s9(2)(f)(iv) [Redacted]

60 s9(2)(f)(iv) [Redacted]

61 s9(2)(f)(iv) [Redacted]

62 s9(2)(f)(iv) [Redacted]

There are two options to progress the amendments to the NZSL Act

63 We recommend you progress amendments the NZSL Act. You have the options of taking a Cabinet paper to SWC in February 2023 or proceeding with the proposals at a later date. Alternatively, you could decide not to amend the NZSL Act at this time.

The NZSL Board support the proposed amendments, but the Disabled Peoples Organisations (DPO) Coalition¹ does not

64 The proposed amendments to the NZSL Act were developed in partnership with the NZSL Board and the NZSL team within Whaikaha and consulted on with the Deaf community.

65 The NZSL Board support the proposals, acknowledging that while the amendments cannot address all the issues faced by the Deaf community, they intend to use the feedback heard through consultation to shape their future work programme and conversations with government agencies.

66 The DPO Coalition and Deaf Aotearoa, a member of the DPO Coalition, were engaged with throughout the process of developing the policy options to amend the NZSL Act, the approach for consulting with the wider Deaf community, and on drafts of the final policy proposals.

67 It is important to note that the DPO Coalition do not support the proposed amendments. Their view is that the scope of the amendments and therefore the engagement was too narrow, that there should have been a first principles review, and that the proposed amendments will not address the

¹ The DPO Coalition is a group of disabled people-led organisations that are mandated under Article 4.3 of the UNCRPD which promotes active involvement by government agencies with representative organisations of disabled people.

significant issues faced by the Deaf community (such as access and the interpreter workforce). More information on this is provided in Appendix 3.

- 68 There was no support for the status quo (ie not amending the NZSL Act) from consultation. There was broad acceptance that the amendments would build on the progress already achieved in the maintenance and promotion of NZSL, even if they fulfil all of the community's aspirations and concerns. Further information about this is provided in Appendix 3.

We recommend that you present a Cabinet paper to SWC on 15 February 2023.

- 69 We recommend that you take a Cabinet paper to SWC on 15 February 2023 seeking agreement on the final policy proposals to amend the NZSL Act and inviting you to send drafting instructions to Parliamentary Counsel Office (PCO). This would enable you to introduce an NZSL Amendment Bill into the House in July 2023.
- 70 While the timeframes to achieve this are tight, delaying Cabinet's agreement means that it is unlikely that a Bill to amend the NZSL Act could be introduced to the House before Parliament is dissolved on 8 September 2023.
- 71 Seeking Cabinet's agreement in February 2023 aligns with the previous Minister for Disability Issues' 2023 legislation priorities for the disability portfolio (third priority with a Category 4, to be referred to Select Committee before the 2023 election).
- 72 There is also a significant amount of interest in the review to amend the NZSL Act from the Deaf community, and we have received requests from members of the Deaf community for updates on the work. During the consultation period, the Deaf community were advised of the Minister for Disability Issues' intent of seeking agreement from Cabinet in December 2022.
- 73 The final draft of the Cabinet paper that we recommend you take to SWC on 15 February is attached as Appendix 4. Should you agree to this, officials will provide you with an Aide-Memoire to support your discussion at SWC.

You may also choose to proceed with the proposals at a later date

- 74 There is also the option to proceed with the proposed amendments to the NZSL Act later in 2023. However, it is probable that a Bill to amend the NZSL Act would not be introduced into the House before Parliament rises if seeking agreement from SWC is delayed.
- 75 Additionally, this would further delay providing the Deaf community with information about the outcome of the consultation that ended in November 2022, which may negatively impact relationships with the Deaf community.

You may choose not to progress this work, but this risks the trust of the Deaf community

- 76 The third option is not to proceed with the proposals to amend the NZSL Act.

- 77 A significant disadvantage of this option is that it could risk the trust and good will built up with the Deaf community. A previous review of the NZSL Act resulted in no changes to the Act. If these amendments are not progressed, this would mean that two separate reviews of the NZSL Act have resulted in no changes being made, despite the Deaf community's desire for change and involvement in consultation.
- 78 If you choose to stop the work on amending the NZSL Act, we will provide you with further advice, particularly in relation to communicating this to the Deaf community.

Officials will provide you with further advice if you choose to delay or halt progress on the NZSL Act

- 79 When the NZSL Act came into force in 2006, the Office for Disability Issues (ODI) was part of MSD. ODI are now part of Whaikaha and support the NZSL Board and NZSL work programme, including the NZSL Strategy.
- 80 The final policy proposals to amend the NZSL Act signal the intention to transfer the administration of the NZSL Act to Whaikaha when an amended NZSL Act comes into force.
- 81 If you choose to delay or stop the work on amending the NZSL Act, further advice will be provided to you on the process and timeframes for transferring the administration of the NZSL Act to Whaikaha.

Next steps

- 82 s9(2)(f)(iv) [REDACTED]
- 83 s9(2)(f)(iv) [REDACTED]
- 84 Should you agree to progress the amendments to the NZSL Act, we recommend you take the Cabinet paper to SWC on 15 February 2023. Officials will provide you with an Aide-Memoire to support you at this discussion.
- 85 Officials are available to meet with you to discuss this advice.

File ref: REP/23/2/037

Author: s9(2)(a) [REDACTED], Policy Analyst, Disability Policy

Responsible manager: Sarah Palmer, Acting Policy Manager, Disability Policy

Appendix 1 - Information on the Accessibility for New Zealanders Bill (the Bill) and submissions

- 1 At present, efforts to address accessibility barriers are fragmented across the public service and are overly reliant on individual agencies to identify and appropriately prioritise their removal. This issue is driven by a lack of clear government leadership on systemic cross-agency accessibility issues (ie there is no government agency responsible for improving accessibility).
- 2 There is also a lack of awareness of the importance of accessibility across society and limited avenues for disabled people, tāngata whaikaha Māori and their families or whānau, and others with accessibility needs, to shape policy on accessibility issues.
- 3 A legislative framework was seen as the best option to address these barriers after consultation with the disability sector, and in 2020, the Labour manifesto committed to “introducing an Accessibility for New Zealanders Act to help New Zealand to become more welcoming and accessible for disabled people and other New Zealanders with accessibility needs”.
- 4 The disability community and other interested groups of officials that were consulted on the detailed design of the framework said that it needs to take a broad, aspirational view of accessibility and a holistic approach to addressing accessibility barriers.
- 5 To recognise this, the Bill includes an aspirational purpose statement and defines accessibility broadly to recognise that it means different things to different people, depending on their sector and personal experiences.
- 6 It defines accessibility within the context of accessibility barriers (obstacles and circumstances which stop people from living independently and participating equally) and accessibility practices (actions, measures, modifications, or adjustments that enable people to live independently and participate fully on an equal basis with others).

The functions of the Bill

- 7 The Bill establishes a new legislative framework that aims to create a consistent way of addressing systemic accessibility barriers that prevent disabled people, tāngata whaikaha Māori and their families or whānau, and others with accessibility needs from living independently and participating in all areas of life, and to grow accessibility practices across New Zealand.
- 8 To this end, the Bill:
 - establishes a Ministerial Committee known as the ‘Accessibility Committee’ led by disabled people, tāngata whaikaha Māori and their families or whānau to provide independent recommendations to the Minister for Disability Issues on how to address accessibility barriers and grow

accessibility practices across New Zealand in consultation with affected sectors and interested parties

- strengthens government accountability by creating strong, clear responsibilities for the Minister for Disability Issues, Chief Executive of Whaikaha – Ministry of Disabled People (Whaikaha), and the Accessibility Committee
 - builds knowledge and awareness of the importance of addressing accessibility barriers and growing accessibility practices across New Zealand.
- 9 The Bill creates a new leadership structure that carefully balances a level of independence with being able to work constructively with government. It provides independence through the establishment of a ministerial advisory committee (the Accessibility Committee), led by disabled people and tāngata whaikaha Māori and their families or whānau, focused on making recommendations to the Minister for Disability Issues on how to address accessibility barriers and grow accessibility practices.
- 10 This is complemented by responsibilities of the Chief Executive of Whaikaha² and the Minister for Disability Issues, whose oversight and support are needed for the framework to succeed. The framework provides for collective co-ordination across government and a clear methodology to ensure accessibility barriers are, over time, systematically identified, removed, and prevented.
- 11 The Bill provides for commencement by Order in Council with a backstop date of 1 July 2024. The flexibility in commencement date is to allow time for Whaikaha to develop a plan to implement the framework the Bill creates.
- 12 The Bill is currently at the Select Committee stage, and over 500 submissions were received between 14 August 2022 and 7 November 2022. Initial analysis of the Select Committee submissions indicates that while accessibility legislation is broadly supported, the Bill in its current form is not, mainly because it does not contain enforceable standards. Officials are preparing a departmental report, including any potential recommended policy changes as a result of the submissions, to be presented to Select Committee. Officials will provide you with a copy of this report and indicate any recommended Cabinet decisions prior to presenting it to Select Committee.

² The current draft of the Bill refers to 'Ministry for Disabled People' as this is the current legal name as set out in the Public Service (Ministry for Disabled People) Order 2022. It will be updated if/when the legal name is updated to reflect the public name of Whaikaha – Ministry of Disabled People.

Submissions on the Bill

13 Over 500 submissions on the Bill were received between 14 August 2022 and 7 November 2022, which are currently being analysed by officials.

14 Initial analysis reveals:

- Most submitters were in favour of legislation that accelerates accessibility.
- Approximately 75% of submitters seek a different framework. Some of the remaining submitters recommend that the bill is withdrawn and redrafted but do not recommend a particular replacement framework.
- Approximately 20% of submissions include recommendations that officials consider to be within scope.
- Officials have categorised recommendations considered to be within-scope into eight different themes. These are (in order of frequency):
 - timeframes
 - definitions
 - object and principles
 - powers of the Accessibility Committee,
 - the Minister and the CE
 - composition of the Accessibility Committee and the nomination process
 - Te Tiriti and Māori representation
 - wider government
 - the Accessibility Committee's work programme (the submissions include a large number of stories regarding accessibility barriers experienced by the submitter or those close to them).

An alternative framework

15 There are some common themes across the submissions that seek a different model for a legislative framework to accelerate accessibility. There are two broad categories:

- this legislation should contain prescriptive accessibility standards within the Bill
- this legislation should create an appointed and empowered (preferably independent) body that is comprised entirely of the disability community. Options include a disability commission. This body would have legislative powers to create enforceable accessibility standards across any and all domains of life. It would also have quasi-judicial functions:

- to enforce the accessibility standards via directions and penalties, and/or
- to investigate complaints, and/or
- to resolve disputes.

16 These models were considered during policy analysis. The enabling framework was preferred as it is considered to have the best pathway to achieving systemic change within existing government structures, as detailed above.

Appendix 2 - History of the New Zealand Sign Language Act 2006 (the NZSL Act)

- 17 Since the NZSL Act was enacted in 2006, there have been significant changes in the Government's approach to the Deaf and disability communities. These include, New Zealand ratifying the United Nations Convention on the Rights of Persons with Disabilities 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).
- 18 The NZSL Act does not reflect the Crown's responsibilities as a Te Tiriti o Waitangi / Treaty of Waitangi partner, nor does it reflect the Government's overall direction for disability system transformation.
- 19 In December 2020, the Minister for Disability Issues received a report from the NZSL Board that recommended a review of the NZSL Act. The Minister agreed in principle to a review of the Act with a focus on how it could better align with the NZSL Strategy, with an initial report back on policy proposals by early 2022 [REP/20/9/1002 refers].
- 20 Three proposals to amend the NZSL Act were developed in partnership with the NZSL Board and the NZSL Team within Whaikaha.
- 21 The policy review and subsequent consultation on options for amending the NZSL Act did not take a 'first principles' approach. The mandate for the review was to identify how the NZSL Act could be amended to better reflect changes since 2006, such as the formation of the NZSL and the establishment of the NZSL Strategy.
- 22 In April 2022, MSD officials provided the Minister for Disability Issues with the below initial policy proposals to amend the NZSL Act:
 - the NZSL Board becomes a statutory Ministerial advisory group, with additional functions and powers to provide strategic leadership on matters relating to NZSL
 - the functions of the NZSL statutory Ministerial advisory group, and the principles to guide appointments, includes specific references to support Turi Māori identity and leadership.
- 23 The key decisions the Minister made were:
 - the approach to amending the NZSL Act would take a partnership approach with the Deaf Community to lead the promotion, maintenance, and acquisition of NZSL
 - officials would undertake targeted engagement with Turi Māori to develop an approach to engage with Turi Māori and their whānau on how the NZSL Act could better reflect their aspirations

- to take a Cabinet paper to the Social Wellbeing Cabinet Committee (SWC), that outlines the proposals to amend the NZSL and to consult with the Deaf community on these proposals [REP/22/4/310 refers].
- 24 In August 2022, SWC agreed to consultation with the Deaf community on potential amendments to the NZSL Act and invited the Minister for Disability Issues to report back to Cabinet with final policy proposals in December 2022 [SWC-22-MIN-0158 refers].
- 25 In November 2022, we provided the Minister's Office with a final draft a Cabinet paper, with the intention of it being considered by SWC on 14 December 2022. Departmental and Ministerial consultation took place at this time.
- 26 Due to competing priorities, the Prime Minister's Office (PMO) were unable to provide comments on the paper until after the deadline to lodge the paper. However, we were able to incorporate the feedback from PMO, and received confirmation from Minister Williams' office of the intention to take the paper to SWC in February 2023.

Appendix 3 - Key stakeholders' feedback on the proposed amendments to the New Zealand Sign Language Act 2006 (NZSL Act)

- 27 We have engaged with the Disabled Peoples Organisations Coalition (DPO Coalition),³ and Deaf Aotearoa specifically, throughout the process of developing options for amend the NZSL Act, the approach for consulting with the wider Deaf community and drafts of the final policy proposals.
- 28 Deaf Aotearoa (a member of the DPO Coalition) provided a written submission on the proposals to amend the NZSL Act during the consultation phase. They indicated that they did not support the proposals. With the consent of Deaf Aotearoa, we provided their submission to the Minister for Disability Issues office.
- 29 On 24 November 2022, MSD officials meet with the DPO Coalition to discuss their feedback on a draft Cabinet paper that set out the final proposals to amend the NZSL Act. The DPO Coalition advised that they did not support the proposals.
- 30 The DPO Coalition's main concern was that the review was not a first principles review of possible functions and powers, leading to engagement on a broader range of forms the NZSL Board or a new leadership group could take. Therefore, their position is that the engagement was not genuine as the Deaf community were not provided with enough information on the full range of potential options to have informed opinions about the review.
- 31 The scope of the review that the DPO Coalition is advocating for is significantly broader than the scope that Cabinet agreed to, which focused on updating the Act to better align with the NZSL Strategy.
- 32 The other key issue raised by the DPO Coalition is that the amendments to the NZSL Act will not address the significant issues faced by the Deaf community, such as education, access, and the interpreter workforce (these issues were also raised during consultation).
- 33 MSDs' view is that, while these issues and concerns are outside the scope of this review, as the Minister for Disability Issues you can progress work to address these issues through non-legislative means and by working with other Ministers.
- 34 On 2 December 2022, we provided Minister Williams with advice in response to the DPO Coalition not supporting the proposals [REP/22/12/1213 refers].

³ The DPO Coalition is a group of disabled people-led organisations that are mandated under Article 4.3 of the UNCRPD which promotes active involvement by government agencies with representative organisations of disabled people.

- 35 On 8 December 2022, Minister Williams met with the DPO Coalition, as one of her regular meetings with them, and the proposals to amend the NZSL Act was on the agenda. Following this:
- Minister Williams met with officials, and indicated her expectation for us to continue to prepare a Cabinet paper
 - Minister Williams met with the NZSL Board, who fully support the proposals to amend the NZSL Act.
- 36 On 16 December 2022, officials were advised from Minister Williams' office that the intention was to lodge a Cabinet paper to SWC early in 2023.