

Chair
Cabinet Social Policy Committee

PROMOTION AND MAINTENANCE OF NEW ZEALAND SIGN LANGUAGE

Proposal

- 1 This paper proposes the establishment of an advisory board and a fund to promote and maintain New Zealand Sign Language (NZSL), progress priorities for the language and support NZSL initiatives, so that deaf people can participate fully in New Zealand society.

Executive summary

- 2 The Human Rights Commission conducted an inquiry into NZSL from July 2012 to June 2013. The inquiry report '*A new era in the right to sign*' identified that NZSL is crucial to the ability of deaf people to learn, communicate and participate in society. However, many deaf people experience barriers in learning and using NZSL that impact on their quality of life and full enjoyment of fundamental human rights.
- 3 In response to the Human Rights Commission inquiry, the Office for Disability Issues established a NZSL expert advisory group to provide advice on promoting and maintaining NZSL in the longer term.
- 4 Promotion and maintenance refers to the acquisition, status and documentation of, and attitudes and access to, NZSL as core components necessary for the vitality and health of NZSL.
- 5 The expert advisory group has made three recommendations:
 - establish an advisory board that would be responsible for, and advise on, measures to promote and maintain NZSL
 - develop a three year action plan to progress five initial priorities for NZSL - in education, in the home, access to information and services, access for deaf Māori, and interpreter standards
 - establish a NZSL fund to promote and maintain NZSL that will be overseen by the advisory board.
- 6 I propose that Cabinet agree to the recommendations of the expert advisory group.
- 7 Funding has been approved in Budget 2014 for \$1.5 million annually (\$6 million over four years). This includes \$0.25 million for the establishment and on-going costs of the advisory board. The remaining \$1.25 million will be allocated by the advisory board to support initiatives that promote and maintain NZSL.

New Zealand Sign Language

- 8 There are approximately 11,000 deaf people who use NZSL as their primary form of communication and approximately 20,000 people in total who use NZSL, for instance parents who use NZSL to communicate with their deaf child.¹
- 9 NZSL, like New Zealand's other official languages English and Te Reo Māori, has its own grammatical structure which enables users to communicate fully and express their thoughts and emotions. However, it differs from spoken languages because it is solely visual.
- 10 NZSL is crucial to many deaf people's ability to learn, communicate and participate in society. The language is vital to the expression of deaf culture and identity. Deaf culture is well documented and includes shared values, norms, behaviours, history, humour, art, stories, poetry and traditions of deaf people. Deaf culture is passed on from generation to generation through sign language.
- 11 Developments in cochlear implants have meant that there has been greater auditory access for deaf people. However, for some deaf people NZSL will remain the preferred way to communicate. This may be due to the variability of cochlear implant performance or where an individual chooses to use NZSL to identify with the deaf community or increase their communication options.
- 12 Funding is available to support deaf people and NZSL users to access education, employment and government services through provision of NZSL interpreters and other resources. For example, the Ministry of Education provides funding through the Ongoing Resourcing Scheme for additional specialists, teacher aides, and or equipment that a child might need in the classroom to access the curriculum. Funds are also available for NZSL interpreter services to ensure access to public health and disability support services, Courts, Work and Income, and employment support services.
- 13 However, there is limited and ad hoc funding available for the promotion and maintenance of NZSL. For example there has been one off funding through the Think Differently Campaign for NZSL Week and workshops and classes in NZSL.

The Government has a responsibility to promote and maintain New Zealand Sign Language

Responsibilities under the New Zealand Sign Language Act 2006

- 14 NZSL was made an official language of New Zealand in 2006 through the New Zealand Sign Language Act 2006 (the Act). At the time it was recognised that there is a strong practical need to make NZSL an official language as many deaf people have limited or no access to New Zealand's two other official languages – English and Te Reo Māori.
- 15 The Act requires government departments, so far as reasonably practicable, to adhere to the following principles:²
 - the deaf community should be consulted on matters relating to NZSL (including, for example, the promotion and maintenance of the use of NZSL)
 - NZSL should be used in the promotion to the public of government services and in the provision of information to the public

¹ Statistics New Zealand 2013 Census totals by topic.

² Refer to S.9(1) through to S.9(3) of the New Zealand Sign Language Act 2006

- government services and information should be made accessible to the deaf community through the use of appropriate means, including the use of NZSL.

Responsibilities under the United Nations Convention on the Rights of Persons with Disabilities

- 16 New Zealand ratified the United Nations Convention on the Rights of Persons with Disabilities (the Convention) on 25 September 2008. In September 2014, New Zealand will be examined by the United Nations Committee on the Rights of Persons with Disabilities (the Committee) on its progress in implementing the Convention.

Deaf people continue to experience barriers using New Zealand Sign Language

- 17 Between July 2012 and June 2013, the Human Rights Commission conducted an inquiry into NZSL. The resulting report '*A new era in the right to sign*' identified that deaf people experience barriers that impact on their quality of life and full enjoyment of fundamental human rights when using NZSL. Access to NZSL is crucial to the ability of deaf people to learn to communicate and participate in society. The inquiry focused on three areas: education for deaf people and NZSL users, access to information and services through NZSL, and the promotion and maintenance of NZSL.

New Zealand Sign Language in education

- 18 The inquiry report identified that there were a number of gaps for deaf people and NZSL users in education including limited:
- NZSL resources and support to enable the acquisition of NZSL including funding for NZSL interpreters in schools and the capacity of staff to deliver NZSL in early childhood and schools
 - support for NZSL within the home and opportunities for pre-school children and their families to learn NZSL
 - collection and analysis of early childhood data that can be disaggregated by deafness and NZSL usage
 - opportunities for deaf children and children with communication difficulties to interact with signing peers and fluent NZSL users.

Access to information and services

- 19 The inquiry report identified that access to information and services for deaf people and NZSL users is limited. This is due to poor implementation of policies for NZSL interpreting services and translation of information by government agencies. The inquiry also found that there is insufficient funding to meet the current demand for NZSL interpreter and translation services and that there are quality and capacity issues with interpreter standards and workforce development.

Promotion and maintenance of New Zealand Sign Language

20 The Human Rights Commission inquiry report identified that the Act does not provide for mechanisms usually associated with language promotion and maintenance. There is limited and ad hoc promotion and maintenance of NZSL due to:

- inconsistent and poor practice by government agencies in using NZSL
- no overarching strategy to ensure the promotion and maintenance of NZSL
- no formalised partnership mechanism for NZSL or entity with custodial responsibilities for maintaining and promoting the language
- limited engagement by government agencies with the deaf community and no monitoring of when government agencies consult with the deaf community on matters relating to NZSL, or with whom they consult.

The Office for Disability Issues convened an expert advisory group in response to the Human Rights Commission report

21 The purpose of the expert advisory group was to identify priorities for a work programme to promote and maintain NZSL and to provide advice on longer term mechanisms for advancing the work programme.

22 The expert advisory group consisted of eight members who represented the diversity of the deaf community and NZSL users and were people with:

- personal experience and fluency in learning and using NZSL
- knowledge of communication barriers experienced by NZSL users, particularly deaf people
- active linkages with the deaf community, families with deaf members, and other NZSL users
- knowledge of promotion and maintenance of NZSL, including the teaching and learning of NZSL.

I propose that Cabinet agree to the recommendations of the expert advisory group

23 The advice of the expert advisory group is a culmination of advice from the community and the inquiry into NZSL by the Human Rights Commission. On 8 April 2014 they made three recommendations to the Ministerial Committee on Disability Issues: to establish an advisory board, to progress five initial priorities for NZSL, and to establish an NZSL Fund.

24 Funding has been approved in Budget 2014 for \$1.5 million annually (\$6 million over four years) to be included in Vote Social Development, Promoting positive outcomes for disabled people appropriation.

25 This includes \$0.25 million for the establishment and on-going costs of the advisory board including payment of members, travel, interpreter and translation services and 1 full time equivalent for secretariat support. The remaining \$1.25 million will be allocated by the advisory board through the NZSL Fund to support initiatives that promote and maintain NZSL.

Recommendation one - Establish an advisory board

- 26 The expert advisory group recommended the establishment of an NZSL advisory board (the advisory board) with responsibility to promote and maintain NZSL and to provide oversight on all matters relating to NZSL. The advisory board would be responsible to the Minister for Disability Issues and report directly to the Minister on issues relating to the promotion and maintenance of NZSL.
- 27 I propose that the advisory board has up to 10 members who are NZSL users. Members would be selected to ensure the diversity of NZSL users. I anticipate a minimum of six members would be deaf and use NZSL, two members would be Māori, one member would be a deaf person of Pacific background, and one member would be a representative from the Disabled People's Organisation for the deaf community (Deaf Aotearoa New Zealand). Ideally, membership would also reflect the perspective of youth, families, older people, and have a gender balance.
- 28 I also recommend that the advisory board would be supported by a secretariat (1FTE) with support from the Office for Disability Issues and other expertise or resourcing within the Ministry of Social Development.
- 29 The functions of the advisory board would be to:
- lead the promotion and maintenance of NZSL, provide a national role and focal point of reference and support, and provide an expert voice on NZSL
 - advise on measures to give effect to NZSL as an official language, including on matters relating to the Act and possible regulation of the NZSL workforce through interpreting standards
 - provide centralised, expert, high level and systematic advice on NZSL across government departments including developing an action plan and providing advice on the NZSL priorities
 - refer enquiries and issues to key stakeholders or government agencies as appropriate
 - build key stakeholder relationships across public, private, and community sectors to achieve joint goals in relation to NZSL
 - assist government agencies to identify work items to progress priorities for NZSL and provide advice to support implementation.
- 30 Draft terms of reference for the advisory board have been prepared and will be approved by the Minister for Disability Issues.

Recommendation two - Progress five initial priorities for New Zealand Sign Language

- 31 Once established the advisory board will develop a three year action plan in collaboration with government agencies, the deaf community and other key stakeholders to progress priorities for NZSL.
- 32 Following the development of the three year action plan the advisory board would:
- monitor and report on key government activity towards the three year action plan, priority initiatives, and outcomes for deaf people and NZSL users
 - report to the Minister for Disability Issues annually on matters relating to NZSL, and as required

- provide input into other key monitoring reports as appropriate, for example, in relation to the United Nations Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy.

33 The Ministries of Education, Social Development and Health whose core business includes services for NZSL users and any other government agency involved in the three year action plan, would report to the advisory board annually on progress against the three year action plan, but remain accountable to their Ministers.

34 The expert advisory group identified five initial priorities for the action plan which are:

Include New Zealand Sign Language in education

35 Poor acquisition and access to NZSL early in life, both in the home and in formal education settings negatively impacts on educational achievement. This limits employment opportunities, access to public information and services and participation in society.

36 The Ministry of Education has already developed a work programme and priorities for NZSL in education so that immediate action can be taken to address the needs of families with newly identified deaf children and NZSL users entering into the education system. The advisory board would work with the Ministry of Education to ensure consistency with the NZSL action plan and provide advice on the strategic direction for NZSL.

Promote New Zealand Sign Language in the home

37 The majority of deaf children are born into hearing families who have no prior experience of childhood deafness. Deaf children are often reliant on NZSL to communicate and their families need to access NZSL training. Actions to support these families will make it easier to create a natural learning environment for children to acquire NZSL.

38 The Ministry of Education is implementing a significant new service to address this need, recognising that early childhood education begins in the home and that development of a strong first language is an essential foundation for future learning.

Provide access to information and services in New Zealand Sign Language

39 Access to information and communication for many deaf people is dependent on interpreters and having information translated into NZSL. Deaf people consistently face barriers when trying to access government information and services as there is limited public information available in NZSL and inconsistent use of interpreters. Further work is required to ensure that government agencies' funding and use of interpreters is adequate and that critical government information is available in NZSL.

Provide access for deaf Māori

40 Many deaf Māori find it difficult to engage with and establish a relationship with Māori culture, Te Reo Māori and tikanga Māori due to the need to access three different languages (English, Māori and NZSL).³ This creates barriers for deaf Māori at the whānau, hapū and iwi level. There are currently a very limited number of qualified interpreters who are competent in NZSL, Te Reo Māori, and English. Action is needed to increase the number of interpreters who are fluent in NZSL and Te Reo Māori.

³ Deaf Māori represent approximately 30 per cent of the deaf community with 39 per cent of deaf people under the age of 19 being Māori (Statistics New Zealand, 2006).

Develop interpreter standards

- 41 There are currently no regulated interpreter standards outside of court settings and actions to improve access to appropriately qualified interpreters are needed. Limited regulation of interpreter standards has serious implications, for example poor communication as a result of poor interpreting services in health or mental health settings can result in those services failing to meet deaf people's needs.

Recommendation three - Establish a New Zealand Sign Language Fund

- 42 The expert advisory group recommended that a NZSL Fund is established to complement current government activity and support community initiatives. The fund would increase NZSL use and proficiency, and support the ability of the deaf community to promote and maintain NZSL.
- 43 Funding would be allocated for projects with the specific purpose of promoting and maintaining NZSL. The expert advisory group identified possible initiatives such as updating and maintaining the NZSL Dictionary, supporting NZSL Week initiatives or for establishing NZSL language nests.
- 44 If you agree to the establishment of this fund, I propose that the Minister for Disability Issues approve annually the policy and criteria for funding initiatives. Proposals will be sought and considered by the advisory board and they will provide recommendations on which proposals to fund. The Office for Disability Issues will make final decisions on the allocation of available funds.

Appointment of members to the Board

- 45 The Office for Disability will seek nominations for the advisory board. A selection panel with representatives from the Ministries of Social Development and Education, Deaf Aotearoa New Zealand and an individual from the deaf community would provide advice to the Minister for Disability Issues.
- 46 The Minister for Disability Issues would take the appointments to the Appointments and Honours Committee in December 2014.

Review

- 47 The Ministry of Social Development would complete a review of the effectiveness of the advisory board by the end of 2017 to assess its contribution on promoting and maintaining NZSL.

Consultation

- 48 The following government agencies have been consulted in the preparation of this paper and agreed with its recommendations: Ministry of Education, Ministry of Health, Ministry of Justice, New Zealand Treasury, Ministry of Culture and Heritage, Ministry of Pacific Island Affairs, Te Puni Kokiri and the State Services Commission. The Department of Prime Minister and Cabinet has been informed.
- 49 The expert advisory group was consulted in the preparation of this paper and agreed that it was consistent with the advice that the expert advisory group provided to the Ministerial Committee on Disability Issues.

Financial implications

50 Funding has been allocated through Budget 2014 for the proposals in this paper.

Human rights implications

51 The establishment of an advisory board for the promotion and maintenance of NZSL will support the rights of people for whom NZSL is their primary or only form of communication. It will progress actions to address the issues identified by the Human Rights Commission.

Legislative implications and regulatory impact and compliance cost statement

52 No legislative implications, regulatory impacts or compliance costs for business arise from this paper.

Gender implications

53 There are no gender implications.

Disability perspective

54 The establishment of an advisory board to promote and maintain NZSL would be consistent with the New Zealand Disability Strategy because it would support an inclusive and non-disabling society. It also reflects the commitments of Government to the United Nations Convention on the Rights of Persons with Disabilities and in particular it addresses articles 9, 21, 24, and 30. The process for developing this advice is also consistent with article 4.3 of the Convention which states that in the development and implementation of legislation and policies State Parties shall closely consult with and actively involve persons with disabilities through their representative organisations.

Publicity

55 A communications plan will be prepared to initiate the process for nominations to the advisory board and to manage expectations of the community while the advisory board becomes established and develops a work programme and process for the NZSL Fund.

56 I intend to announce the establishment of the Board following the Cabinet decision.

Recommendations

57 It is recommended that the Cabinet Social Policy Committee:

Human Rights Commission inquiry

- 1 **note** that the Human Rights Commission inquiry '*A new era in the right to sign*' identified that deaf people continue to experience barriers when using NZSL and these barriers impact on their quality of life and ability to participate in society
- 2 **note** that in response to the recommendation from the Human Rights Commission inquiry report, the Office for Disability Issues established an expert advisory group to provide advice on establishing a permanent mechanism for the promotion and maintenance of NZSL and priorities for a work programme

Advice of the expert advisory group

- 3 **note** that the expert advisory group recommended:
- 3.1 establishing an advisory board to promote and maintain NZSL
 - 3.2 progressing five initial priorities for the promotion and maintenance of NZSL which are:
 - promoting NZSL in education
 - including NZSL in the home
 - providing access to information and services
 - providing access for deaf Māori
 - developing interpreter standards
 - 3.3 establishing a NZSL Fund to fund community initiatives that promote and maintain NZSL

Establishing an advisory board

- 4 **agree** to establish an advisory board with responsibility to:
- 4.1 promote and maintain NZSL
 - 4.2 progress priorities for NZSL
 - 4.3 support community initiatives for NZSL
- 5 **agree** that the advisory board will be supported by a secretariat within the Ministry of Social Development
- 6 **note** that the Minister for Disability Issues will appoint members to the advisory board and will take appointments to the Appointments and Honours Committee in December 2014
- 7 **note** that draft Terms of Reference for the advisory board have been prepared and will be approved by the Minister for Disability Issues

Progress priorities for New Zealand Sign Language

- 8 **agree** to the advisory board developing and coordinating the implementation of a three year action plan across government departments
- 9 **note** that the Minister for Disability Issues will take the three year action plan to progress initiatives for NZSL to the Ministerial Committee for Disability Issues for approval
- 10 **direct** the Ministries of Health, Education and Social Development, whose core business includes services for NZSL users (and any other government agency involved in the three year action plan), to report to the advisory board annually on initiatives related to the NZSL action plan and work programme
- 11 **agree** that the advisory board will report to the Minister for Disability Issues on progress against the priorities for NZSL and review the priorities as needed

Establish a New Zealand Sign Language Fund

- 12 **agree** to establish a NZSL Fund, for funding projects to promote and maintain NZSL
- 13 **agree** that the Minister for Disability Issues will approve the policy and criteria for funding initiatives annually
- 14 **agree** that advisory board will consider proposals and provide recommendations on which proposals to fund
- 15 **agree** that the Office for Disability Issues will make final decisions on allocation of available funds based on the advice of the advisory board

Funding

- 16 **note** that \$1.5 million has been approved annually in Budget 2014 for promotion and maintenance of NZSL, with the following impact

	\$m – increase/(decrease)			
	2014/15	2015/16	2016/17	2017/18 and outyears
Vote Social Development				
Operating Balance Impact	1.500	1.500	1.500	1.500
Debt Impact	-	-	-	-
No Impact	-	-	-	-
Total	1.500	1.500	1.500	1.500

Next Steps

- 17 **agree** that the Office for Disability Issues begin seeking nominations for the advisory board
- 18 **direct** the Ministry of Social Development to complete a review of the effectiveness of the advisory board by December 2017

Hon Tariana Turia
Minister for Disability Issues

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