



Submission to The Ministry for Social Development (MSD) and the Office for Disability Issues (ODI) on

NZSL Act Consultation 2022

Name of organisation: The New Zealand Disability Support Network

Contact person: Dr Solmaz Nazari Orakani, Policy Analyst
Peter Reynolds, Chief Executive

Postal address: Level 8, Prime Property Tower
86-90 Lambton Quay
Wellington Central, 6011

Email address: policies@nzdsn.org.nz
peter@nzdsn.org.nz

Phone: (04) 473 4678

Introduction

Thank you for the opportunity to make a submission on the NZSL Act Consultation 2022. The New Zealand Disability Support Network (NZDSN) supports the objective of the amendments to better align the Act with UNCRPD, strengthen Deaf community leadership in promotion of NZSL, addition of a monitoring mechanism to the Act, and incorporating Government's obligations under Te Tiriti o Waitangi in the Act. We believe the amendments could improve the realisation of the rights of people with disability in New Zealand and contribute to the fulfilment of the New Zealand Government's commitment to the UNCRPD. We will start this submission with an introduction about the New Zealand Disability Support Network (NZDSN) and some general comments before explaining our position on three Proposals that make up the proposed amendments.

About NZDSN

NZDSN is the national peak body that represents over 160 organisations and individuals that provide support services to disabled people, mainly through contracts with government. As a membership-based organisation, we lead, and influence changes required to support an inclusive life for disabled people in Aotearoa New Zealand. We represent the Disability Support providers in discussions with various government Ministries and Agencies. We also represent/advocate for Disability Support providers in pay equity negotiations and other relevant issues. Due to our close connection with our members, we have a unique understanding of the issues that the disability community faces.

Amendments to NZSL Act – General comments

While the NZSL Act is praiseworthy for its contribution to promotion of NZSL as well as other benefits for the Deaf community, various aspects of the Act could be significantly improved. Hence, NZDSN supports the proposed amendments, and wants to see further revisions to the Act. More specifically, we believe there is potential for the NZSL Board to assume and play a more substantial role in promotion of NZSL. We also believe the Act should be further improved with specific references to the UNCRPD, Te Tiriti o Waitangi, NZSL Strategy, New Zealand Disability Strategy, and Enabling Good Lives principles (EGL).

Although the NZSL Board's purpose is to promote and maintain the use of NZSL, the Act does not have the required provisions for the Board to "implement" its purpose. Hence, rather than "implementation", the NZSL Board is currently "progressing" the intent of the Act to improve the status of NZSL and Government's responsiveness to NZSL users. For instance, one of the main concerns of the Deaf community is

children’s access to acquiring and using NZSL in education. This requires policy measures that are not guaranteed in the Act or other disability legislation.

NZDSN would also like to point out the strong desire of NZSL stakeholders about guaranteeing instrumental access rights¹. So far, this has not been implemented due to “resource limitations” and lack of “enforceable rights or obligations in a multitude of varying circumstances”.

Recommendation: NZDSN recommends that the Act be amended to give the Board the required power to actually “implement” the Act and address the concerns of the deaf community around promotion, maintenance, and acquisition of NZSL.

Recommendation: NZDSN recommends that the enforceable rights to use NZSL – currently limited to courts – be extended to a range of other contexts and circumstances with provisions to gradually expand the scope. After all, it is one of NZ’s three official languages, and its users should not be disadvantaged and discriminated against. Equally important, is allocating reasonable resources for this right. We would like to see budget and resources allocated for the implementation of the Act.

Proposal 1: Statutory Ministerial Advisory Group

As a non-statutory body, the Board currently doesn’t have any powers in law; it can only provide the government with an expert voice on NZSL. Should the Board become a statutory body through amendments to NZSL Act, several benefits could be expected. First, the Board will have more status and credibility. Second, the Deaf community can play a more substantial leadership role in matters related to NZSL. And third, the Act can give the Board a range of additional functions that are necessary for maintenance, promotion, and acquisition of NZSL.

Recommendation: NZDSN supports “Proposal 1: Statutory Ministerial Advisory Group” to turn the NZSL Board into a Statutory Ministerial Advisory Group. We also recommend that a range of additional powers and functions be incorporated in the amended Act so that the new Board is capable of bringing about more significant change in matters related to NZSL.

Proposal 2: A mechanism to monitor the Act

The lack of monitoring mechanism has been a major concern for the Deaf community since the Act was at the Select Committee stage in 2006². Hence, the incorporation

¹ Rachel McKee and Victoria Manning (2019). Implementing Recognition of New Zealand Sign Language: 2006–2018.

² Ibid

of a mechanism to monitor the Act is long overdue. Without administrative powers, the Board does not have any power to promote and regulate official and community uses of the NZSL. The Deaf community and other NZSL stakeholders have argued that the provisions of Section 9 of the Act to encourage government agencies to observe the principles of the act “so far as reasonably practicable, and to consult with the Deaf community in doing so are not sufficient.

Recommendation: NZDSN supports “Proposal 2: A mechanism to monitor the Act” and recommends a proposed monitoring mechanism be established that authorises the Board to assess meaningful progress of the Act through: receiving complaints about the Act’s implementation, and regularly reviewing the Act’s implementation. We recommend the Board be given the powers of investigation, notification, complaint mechanism, dispute resolution, monitoring, system learning, and enforcement.

Proposal 3: Embedding Te Tiriti o Waitangi

The Deaf community and NZSL user have expressed their interest to see Te Tiriti o Waitangi reflected in the NZSL Act and in NZSL leadership by Turi Māori. NZDSN would like to point out that while NZSL recognition was enabled through a “disability policy lens”, subsequent studies have indicated that NZSL stakeholders perceive the NZSL Act from a different lens which is indigeneity, cultural identity and legal status³. While we acknowledge the increased support for NZSL over the recent years, we believe Te Tiriti o Waitangi should be reflected in the Act to make it more aligned with the stakeholders’ desire around cultural and identity elements of the Deaf community.

Recommendation: NZDSN supports “Proposal 3: Embedding Te Tiriti o Waitangi” and recommends that Te Tiriti o Waitangi is incorporated into various aspects of the Act. The Act should have provisions for upholding Te Tiriti in Government and NZSL Board actions and leadership.

³ Julia De Bres. (2015) The hierarchy of minority languages in New Zealand. *Journal of Multilingual and Multicultural Development* 36 (7), 677–693.