

# **New Zealand Sign Language Bill**

Government Bill

As reported from the committee of the whole House

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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

#### New (unanimous)

Subject to this Act,

Text inserted unanimously

*(Subject to this Act,)*

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

### As reported from the committee of the whole House

*((Subject to this Act,))*

Words struck out

Subject to this Act,

Words inserted

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*Hon Ruth Dyson*

# **New Zealand Sign Language Bill**

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the New Zealand Sign Language Act **2004**.

## 2 Commencement

This Act comes into force on *(1 January 2005) ((1 March 2006))* the day after the date on which it receives the Royal assent.

## Part 1

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### Preliminary provisions

## 3 Purpose

The purpose of this Act is to promote and maintain the use of New Zealand Sign Language by—

- (a) declaring New Zealand Sign Language to be an official language of New Zealand; and 10
- (b) providing for the use of New Zealand Sign Language in legal proceedings; and
- (c) empowering the making of regulations setting competency standards for the interpretation in legal proceedings of New Zealand Sign Language; and 15
- (d) stating principles to guide government departments in the promotion and use *(that they should make)* of New Zealand Sign Language *(in the promotion to the public of their services and in the provision of information to the public)*. 20

## 4 Interpretation

In this Act, unless the context otherwise requires,—

**Deaf community** means—

- (a) *(means)* the distinct linguistic and cultural group of people who are deaf and who use New Zealand Sign Language as their first or preferred language; and 25
- (b) *(includes)* people who are deaf and who identify with *(both)* the group of people referred to in **paragraph (a)** *(and Deaf culture)* 30

**government department** means a Government Department named in Part I of the First Schedule to the Ombudsmen Act 1975

**Struck out (unanimous)**

**interpretation**, in relation to New Zealand Sign Language, means the expression of New Zealand Sign Language in spoken language and the signed expression in New Zealand Sign Language of spoken language

**New (unanimous)**

**interpretation**, in relation to New Zealand Sign Language, means— 5

(a) the expression in New Zealand Sign Language of words spoken in English or Maori or both; and

(b) the oral expression in English or Maori or both of messages expressed in New Zealand Sign Language 10

**legal proceedings** means—

- (a) proceedings before any court or tribunal named in the **Schedule**; and
- (b) proceedings before any coroner; and
- (c) proceedings before— 15
- (i) a Commission of Inquiry under the Commissions of Inquiry Act 1908; or
- (ii) a tribunal or other body having, by or pursuant to an enactment, the powers or any of the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908,— 20

that is required to inquire into and report upon any matter of particular interest to the Deaf community

**Minister** means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act 25

**New Zealand Sign Language** or **NZSL** means the visual and gestural language that is the first or preferred language in New Zealand of the distinct linguistic and cultural group of people who are deaf 30

**presiding officer**, in relation to any legal proceedings, means the Judge or other person who is presiding over the proceedings

**Struck out (unanimous)**

**translation**, in relation to New Zealand Sign Language, means the expression in written text of New Zealand Sign Language and the signed expression in New Zealand Sign Language of written text.

**New (unanimous)**

**translation**, in relation to New Zealand Sign Language, means—

- (a) the written expression in English or Maori or both of messages expressed in New Zealand Sign Language; and
- (b) the signed expression in New Zealand Sign Language of words written in English or Maori or both.

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Compare: 1987 No 176 s 2

- 5 Act binds the Crown**  
This Act binds the Crown.

**Part 2**  
**New Zealand Sign Language**

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*Recognition*

- 6 New Zealand Sign Language to be an official language of New Zealand**

New Zealand Sign Language is declared to be an official language of New Zealand.

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Compare: 1987 No 176 s 3

- 7 Right to use New Zealand Sign Language in legal proceedings**

- (1) In any legal proceedings, any of the following persons may use New Zealand Sign Language, where the person's first or preferred language is NZSL:
  - (a) any member of the court, tribunal, or body before which the proceedings are being conducted:

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**Struck out (unanimous)**

- (b) any person before whom the proceedings are being conducted:
- (c) any party or witness:
- (d) any counsel or other person representing a party in the proceedings: 5
- (e) any other person with leave of the presiding officer.
- (2) The right conferred by **subsection (1)** to use NZSL does not—
- (a) entitle any person referred to in that subsection to insist *(on being addressed or answered in NZSL)* that any person who is not an interpreter for the purposes of the proceedings address or answer him or her in NZSL; or 10
- (b) entitle any such person other than the presiding officer to require that the proceedings or any part of them be recorded in NZSL.

**Struck out (unanimous)**

- (3) Where any person intends to use NZSL in any legal proceedings, the presiding officer must ensure, in accordance with any regulations made under this Act, that a competent interpreter is available. 15

**New (unanimous)**

- (3) Where the presiding officer in any legal proceedings is aware that any person entitled under **subsection (1)** to use NZSL in those proceedings intends to do so, the presiding officer must ensure that a competent interpreter is available. 20
- (4) Where, in any proceedings, any question arises as to the accuracy of any interpretation or translation from NZSL into spoken or written language or from spoken or written language into NZSL, the question must be determined by the presiding officer in such manner as the presiding officer thinks fit. 25
- (5) Regulations made under this Act and rules of court or other appropriate rules of procedure made under any enactment may require any person intending to use NZSL in any legal proceedings to give reasonable notice of that intention, and 30

generally regulate the procedure to be followed where NZSL is, or is to be, used in such proceedings.

- (6) Any such regulations or rules of court or other appropriate rules of procedure may make failure to give the required notice a relevant consideration in relation to an award of costs, but no person may be denied the right to use NZSL in any legal proceedings because of any such failure.

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Compare: 1987 No 176 s 4

## 8 Effect of recognition

- (1) Subject to **section 7**, **section 6** does not create any legally enforceable rights.

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- (2) Nothing in **section 6** or **section 7**—

- (a) affects any right that any person has, otherwise than by virtue of those sections, to seek, receive, or impart any communication in NZSL; or  
 (b) affects the right of any other linguistic community in New Zealand or the right of any person to use the language of that community or person.

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Compare: 1987 No 176 s 5

### *Principles to guide government departments*

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## 9 Principles

- (1) A government department should, when exercising its functions and powers, be guided, so far as reasonably practicable, by the following principles:

- (a) the Deaf community should be consulted on matters *(that affect their language)* 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 information to the public;  
 (c) government services and information should be made accessible to the Deaf community through the use of appropriate means (including the use of NZSL).

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### **New (unanimous)**

- (1A) Consultation carried out by a government department under **subsection (1)(a)** is to be effected by the chief executive of the

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**New (unanimous)**

government department consulting, to the extent that is reasonably practicable, with the persons or organisations that the chief executive considers to be representative of the interests of the members of the Deaf community relating to NZSL.

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- (2) *(Nothing)* The purpose of the principles in **subsection (1)** is to promote access to government information and services for the Deaf community, but nothing in **subsection (1)** is to be read as conferring on the Deaf community advantages not enjoyed by other persons.

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**10 Reporting**

- (1) The Minister may from time to time report on the progress being made in implementing the principles set out in **section 9**.
- (2) A report under **subsection (1)** may be included in any report made under section 8(4) of the New Zealand Public Health and Disability Act 2000 on the progress being made in implementing the New Zealand *(disability strategy)* Disability Strategy.

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**New (unanimous)***Miscellaneous provisions***10A Review of operation of Act**

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- (1) The Minister must, as soon as is practicable (~~after 1 March 2009~~), 3 years after the date on which this Act comes into force, require a report to be prepared on—
- (a) the operation of this Act since its commencement; and
- (b) whether any amendments to the scope and contents of this Act are necessary or desirable.
- (2) The Minister must ensure that persons or organisations that are representative of the interests of the members of the Deaf community are consulted on the matters to be considered in the report.
- (3) The Minister must present a copy of the report to the House of Representatives.

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**New (unanimous)****10B New Zealand Bill of Rights Act 1990 not affected**

Nothing in this Act affects the New Zealand Bill of Rights Act 1990.

*Regulations***11 Regulations**

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(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the standards of competency that a person who is to act in legal proceedings as an interpreter of NZSL must attain:

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(b) providing for any other matters contemplated by this Act or necessary for its administration or necessary for giving it full effect.

**New (unanimous)**

(2) Regulations made under **subsection (1)(a)** must include (or provide, among other things, for the determination and publication of) the criteria by which the competence of a person to act in legal proceedings as an interpreter of NZSL may be assessed.

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**Schedule** s 4  
**Courts and tribunals before which New Zealand Sign  
 Language may be used**

<i>A. Courts</i>	
The Supreme Court	5
The Court of Appeal	
The High Court	
District Courts	
The Employment Court	
Family Courts	10
Youth Courts	
The Maori Land Court	
The Maori Appellate Court	
The Environment Court	
<i>B. Tribunals</i>	
The Waitangi Tribunal	15
The Employment Relations Authority	
The Human Rights Review Tribunal	
<u>The Motor Vehicle Disputes Tribunals established under section 82(1) of the Motor Vehicle Sales Act 2003</u>	20
The Tenancy Tribunal	
Disputes Tribunals established under the Disputes Tribu- nals Act 1988	

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**Legislative history**

7 April 2004	Introduction (Bill 124–1)
22 June 2004	First reading and referral to Justice and Electoral Committee
18 July 2005	Reported from Justice and Electoral Committee (Bill 124–2)
23 January 2006	Second reading
23 March 2006	Committee of the whole House (Bill 124–3)

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