



Briefing for the Minister for Disability Issues

September 2022

Prepared by Deaf Aotearoa

National Office

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Welcome

Tēnā koe

Congratulations on your appointment as the Minister for Disability Issues.

Deaf Aotearoa looks forward to supporting you in your role and contributing to the work of Whaikaha – Ministry of Disabled People as it relates to accessibility, education, employment and New Zealand Sign Language (NZSL). We also look forward to contributing to the transformation of disability services and supports and how the Enabling Good Lives (EGL) approach can be applied nationally. This briefing provides you with background information about Deaf Aotearoa and describes some of the key issues facing Deaf people in New Zealand.

Key contact

Your key contact is Lachlan Keating, Chief Executive

lachlan.keating@deaf.org.nz

021 540 172

Why come to us for advice?

- We are recognised as the collective voice of Deaf people in Aotearoa.
- Our Executive Board is comprised of up to nine Deaf people with lifetimes of experience, wisdom and knowledge. This board, elected by and from the Deaf community, epitomises and represents the Deaf worldview
- Collectively, our leadership team has been working in, or has been part of, the Deaf community for a total of 307 years.
- We are a whole-of-life service provider for Deaf and Hard of Hearing people with 14 offices across New Zealand. Our dual roles of DPO and service provider, while not unusual in New Zealand, is sometimes raised as a conflict of interest – we proactively identify, declare and manage any potential, perceived or actual conflicts openly and effectively.
- Our First Signs service is world leading and we have a strong international reputation, primarily due to our work in the area of sign language promotion through NZSL Week, which was recognised at the 2019 World Congress of the World Federation of the Deaf when Deaf Aotearoa was awarded the Vittorio Ilteralla Memorial Award, which is awarded to the National Deaf Association (Ordinary Member) of the World Federation of the Deaf that has made outstanding contribution to their national Deaf Community or international Deaf Community.
- We are innovative in our problem solving and we work with others to achieve solutions and outcomes
- We are different from others in the disability sector; we understand the dual framing of the Deaf community as a people of sign language with its own distinct culture, and as those that need to access disability support services to get the most out of life. We are best placed to provide support across this dual framing while paying respect to Deaf people's history, culture and language
- We live and breathe New Zealand Sign Language – one of New Zealand's official languages. We know, like you do, that there are some things that can only be said in your language.

Executive summary

Key messages

Established in 1977, Deaf Aotearoa is the voice of Deaf people in New Zealand. Please come to us for independent advice on what will work for Deaf people. You can trust us because we have well established connections across the Deaf community and we are experienced at working with government agencies. We know what we are talking about.

Access to language, communication and information is a fundamental human right. If you are Deaf and have access to these things, then you are not disabled. The majority of people focus on the audiological issue of 'not being able to hear', and it has been this medicalised way of thinking that has historically placed Deaf issues within a disability paradigm – where in fact it should be considered within a language and cultural paradigm.

You might be wondering why Deaf is sometimes spelt with a capital 'D'. It is spelt this way to refer to those people for whom New Zealand Sign Language is their first, preferred or native language and identify with the Deaf community and Deaf culture.

New Zealand Sign Language is not a translation of English. It is a language in its own right, with its own grammar and syntax. In the same way as some things can only be explained using Te reo Māori, some things can only be properly explained using NZSL.

Our key message to you is that mainstream systems and services fail to acknowledge that Deaf people have the same rights to communication access as hearing people, and ignore (or don't know about) the need to provide information in NZSL, and are completely unaware of Deaf culture and what this means.

We invite you to work together with us to change this.

Major issues that need to be addressed

Access to information for Deaf people is generally very poor which can have negative flow on effects throughout their lives. Deaf people often feel misunderstood by, or invisible to, the New Zealand public and New Zealand public services. Some of the issues that need urgent attention are the:

- difficulties associated with accessing and managing the Ministry of Social Development's 'Job Support Fund'
- scarcity of interpreters in mental health settings and the lack of Deaf-specific mental health services
- lack of provision of the New Zealand Curriculum in NZSL for Deaf learners by teachers who are fluent in NZSL, including the need to remove Deaf learners from the 'special needs' category
- need for better access to interpreters across all settings, a workforce development strategy to grow the number of interpreters
- lack of support for Māori Deaf to access their own culture, which is compounded by the lack of trilingual interpreters who are competent in te reo Māori, English and NZSL
- lack of interpreters for TVNZ News broadcasts, i.e., the 6pm News, breakfast shows, the midday news etc – and the need for a dedicated daily NZSL news hour or half hour in the same way as Te Karere is provided.

Key streams of work that we are working on right now

Right now, we are focussed on:

- understanding what the national rollout of the EGL approach might mean for the Deaf community
- the review of the New Zealand Sign Language Act and the upcoming engagement on the proposals with the Deaf community
- the introduction of the Accessibility for New Zealanders Bill
- receiving and responding to the results of the Ombudsman's investigation into our complaint regarding the Ministry of Education
- how (and if) NZSL Week will be funded from 2023 onwards
- making a submission on the Aotearoa New Zealand Public Media Bill to encourage the new entity to deliver news and other programming in NZSL
- supporting upcoming major sporting events (Women's Rugby World Cup, Silver Ferns vs Jamaica Netball series, FIFA Women's World Cup) to deliver a world-leading Deaf spectator experience
- working with the three major lift companies to make lift emergency phone systems suitable for Deaf people.

What decisions or actions we are seeking from you

We recommend you:

- ask the Ministry of Social Development to specifically include Deaf Aotearoa in the design of the proposed upcoming review of the Support Funds Programme policy settings – so that Deaf people can do their job on the same footing as hearing people.
- ask the Minister of Health to develop a nationally co-ordinated approach and workforce development strategy to deliver culturally appropriate mental health services to the Deaf community. This will contribute to the recommendations of the *2018 Mental Health and Addiction Inquiry* which concluded that there should be *'services that fit with the different cultures people are from'*.
- ask the Minister for Education to deliver bilingual inclusive education at all levels of education. This will contribute to addressing the United Nations Committee on the Rights of Persons with Disabilities concluding observations on New Zealand's combined second and third periodic reports, with respect to Article 24: *"develop an inclusive education strategy that includes measures for the devolution of segregated education settings into mainstream inclusive education system, to transition funding and resources from specialist education to inclusive education, to prioritise inclusive education in teacher training, to establish uniform inclusive education policies and guidelines, to develop an inclusive education curriculum, and to promote and raise community awareness"*.
- direct the Chief Executive of Whaikaha - Ministry of Disabled People to investigate implementing a government funded centralised interpreter service delivery model and an interpreter workforce development strategy. This will contribute to addressing the United Nations Committee on the Rights of Persons with Disabilities concluding observations on New Zealand's combined second and third periodic reports, with respect to Article 21: *"implement incentives and increase funding for the training and employment of sign language interpreters, including trilingual interpreters who can*

use interpret between NZSL, English and Te Reo Māori, and adopt a national standardised accreditation framework for sign language”.

- write to the Minister of Broadcasting, Communications and Digital Media to support our submission on the Aotearoa New Zealand Public Media Bill, where we recommend the Bill:
 - explicitly recognises NZSL as an official language and commits to making content available in NZSL, thereby honouring New Zealand’s domestic and international obligations
 - mandates captioning
 - introduces an additional purpose and objective such as ‘contributing to a valued, visible, and flourishing New Zealand Sign Language and Deaf Worldview and Culture’
 - provides for the generation of content by and for NZSL users
 - requires the proposed Board to include people with skills and experience in the Deaf Worldview and Deaf Culture.

This will contribute to addressing the United Nations Committee on the Rights of Persons with Disabilities concluding observations on New Zealand’s combined second and third periodic reports, with respect to Article 21: *“adopt legislation to ensure captioning and audio description is provided on television channels with funding security”.*

More information on these issues is found later in this Briefing. Please ask us if you would like additional detailed information as supplementary briefings to support your decision making on these issues.

Introduction

Deaf people in New Zealand – Tāngata Turi o Aotearoa

There are approximately 4,600 Deaf people (Census 2018, Stats NZ) for whom NZSL is their first, preferred or native language and approximately 23,000 people in total who use NZSL.

While the numbers of people with some level of hearing loss is gradually decreasing because of medical advances and interventions, it is clear that there will always be people who prefer to communicate visually and where deafness is a normal part of life, and it is also clear that there is a gradual increase in the number of people who are proud to identify as Deaf.

Sign language development and communication is critical for good lifelong outcomes

The 2010 *Deaf Way* Report undertaken by Fitzgerald and Associates states that *'delays in developing language and the resulting social isolation of deaf children in families are thought to have huge impacts on their mental health and understanding, which has lifelong impacts throughout adulthood. Despite having a normal range of intellect, roughly 40% of Deaf people receiving services have high social needs, with low literacy and both minor and complex social problems, and require social support, counselling and habilitation as a result. This is both unnecessary and tragic'*.

Māori and Pasifika Deaf

When adjustments are made for the reduced life expectancy of Māori, the rate of hearing loss for Māori is 12.1%, compared with 9.6% for non-Māori. Māori Deaf want similar things to Pakeha Deaf (communication, awareness and supports) but also want better access to their own language and culture. Additional trilingual are desperately needed.

Whilst there is very little data on the number of Pasifika Deaf, we know they want the same as Māori Deaf, i.e. to be part of their families and communities and also have access to communication. Many Pasifika Deaf are in families that do not sign at all or only a little, meaning that family communication is often very limited. Again, this is unnecessary and tragic.

Not a homogenous group

The Deaf/hard of hearing community is very diverse. The range covers orally fluent older people who are medically hard of hearing but do not identify with Deaf culture, to people who are embedded in Deaf culture, use NZSL exclusively and may not be fluent in written English. Many people fall in between these poles. Many younger adults, who come from hearing families and use hearing aids or cochlear implants, have English as their first language (although this does not necessarily guarantee better literacy outcomes). As adults, this group may embrace the Deaf community, culture and NZSL. They may use a mixture of English, Māori or another language, NZSL, speech/lip reading and natural posturing to communicate. There are Deaf people who are also disabled, who may require specialist communication support (e.g. people who are deaf and blind).

Deaf culture – an overview

In the same way as there is a Māori worldview (Te Ao Māori) and ways of doing things (Tikanga), the same applies for Deaf people. Deaf people have their own culture and are united by a shared language and ways of doing things. This includes beliefs, attitudes,

history, norms, values, traditions, and art. Deaf culture is fundamentally about valuing and celebrating Deafhood¹. Members of the Deaf community share a strong connection. Values include participation in community events, sharing experiences, and providing mutual support and assistance.

What does Deaf culture look like?

Examples of what Deaf culture looks like include:

- Extended introductions and sharing background information when people first meet. This helps the other Deaf person to know where the new person fits into the Deaf world; what their language and cultural attitudes might be
- Extended goodbyes
- More physical contact; physical contact is more accepted in Deaf culture and hugs are common
- Setting up visual environments for optimal communication; good lighting, sitting around round tables, and ensuring nothing is blocking sight lines
- Conversation behaviours, such as how to get eye contact before talking, turn-taking, and ways of interrupting
- Use of technology to communicate, such as texting, video-calling, emailing, relay services (text and video)
- Use of visual equipment to replace audio cues, such as flashing lights for alarms and doorbells
- The importance of storytelling and techniques such as role shifting.

More info:

<https://nzsl.tki.org.nz/Introduction/Deaf-culture>

[New Zealand Sign Language – Te Ara Encyclopedia of New Zealand](#)

¹ Unlike 'Deafness', which defines people by reference to their hearing loss, 'Deafhood' conveys an affirmative and positive acceptance of being deaf.

About us

Deaf Aotearoa is the primary non-government organisation representing the voice of Deaf people, and we are the national service provider for Deaf people in New Zealand. We are the Disabled People's Organisation (DPO) for Deaf people and we are a founding member of the DPO Coalition. We are the New Zealand Ordinary Member of the World Federation of the Deaf.

Who we are

Executive Board – Deaf Aotearoa New Zealand Inc (DANZ):

- Joanne Klaver (President)
- Craig Findsen (Vice-president)
- Anton Sammons (Chair)
- Jasmin Taylor
- Emma Bensley
- Rachel Berry

The Executive Board is the sole shareholder of Deaf Aotearoa Holdings Limited (see below). All members are Deaf. They set the long-term strategy, and monitor the performance of DAHL and the Chief Executive. They ensure the voice of the Deaf community is heard by the Government and Deaf Aotearoa. They also approve the annual budget and audited accounts.

Deaf Aotearoa Holdings Ltd (DAHL):

- Theresa Cooper (Chair)
- Gail Stevens
- Kevin O'Neill
- Joanne Klaver
- Craig Findsen
- Lachlan Keating (Chief Executive)

The DAHL Board is appointed by the Executive Board. The majority of its members must be Deaf. They implement the strategy as developed by the Executive Board. They also oversee operations, and ensure that the organisation meets its legal and contractual obligations. All staff are employed by DAHL.

Staff / locations:

Deaf Aotearoa currently has 55 staff, 56% of whom are Deaf. There are 13 regional offices located around the country from Northland to Southland. The national office is located in Wellington.

The public and government departments can contact us in the following ways:

Duty@deaf.org.nz - for service enquiries and urgent support

Askus@isign.co.nz - to book an interpreter

Translation@deaf.org.nz - to request content to be translated from English into NZSL (or vice-versa)

Hello@deaf.org.nz - for general enquiries and feedback

Covid@deaf.org.nz - COVID-19 hotline

Nzsl@deaf.org.nz - for information about NZSL Week, Deaf Awareness courses and general NZSL enquiries

Membership@deaf.org.nz - for membership and Executive Board enquiries

Our vision, mission, objective, purposes, strategic direction

Vision: 'Deaf People have full access'

Mission: Deaf Aotearoa is an advocate for positive change supporting the Deafhood journey of identity and culture.

Objective: 'to act in every way within New Zealand, and internationally as appropriate, for the best interests, wellbeing and aspirations of Deaf people and towards the goal of equality and full participation in society by Deaf individuals.'

Purposes:

- Deaf awareness
- Deaf access
- Deaf advancement
- Māori and Māori Deaf.

Strategic direction 2021-2030



What we do

Adults and Seniors:

- Hauora - the Hauora service is a nationwide service that understands and responds to Deaf and hard-of-hearing people's needs. The Hauora service conducts needs assessments and service coordination, makes applications for assistive equipment, and provides a wide range of information and advice.
- Employment – the Employment service is a nationwide service focused on getting Deaf and hard-of-hearing people into successful employment. It includes pre-employment support and in-work support for both the Deaf person and employers.
- Adult Community Education (ACE) - provides a wide range of general and bespoke courses covering many different topics.

Children and Youth:

- First Signs - a nationwide service for Deaf and hard-of-hearing children aged 0-5, supporting families and whānau with:
 - learning NZSL
 - language acquisition and development
 - learning about being Deaf/hard-of-hearing in Aotearoa
 - connecting with other families and Deaf role models.
- Youth - Deaf Aotearoa's Youth service develops the potential of Deaf and hard-of-hearing youth as individuals and as a group, by providing:
 - a transition programme to guide young people into work or study
 - activities to develop strong Deaf identities and leadership skills.

Access:

- iSign - is a nationwide service providing professional and confidential NZSL interpreting services www.isign.co.nz. iSign interpreters work across the country in all settings. iSign is the go-to interpreting service for government agencies needing highly-skilled interpreters in complex or high-profile situations including media and civil defence emergencies.
- Advocacy and advice – Deaf Aotearoa work closely with Deaf communities, the Government, government agencies and other organisations to increase awareness, promote NZSL and strengthen the rights of Deaf people. Examples include working with:
 - Statistics New Zealand to ensure that data on Deaf people and NZSL is captured and reported on, and also working on the learnings from the inaccessible 2018 Census and planning for the next Census in 2023
 - Electoral Commission to ensure changes to Enrolment services are accessible to Deaf people
 - Fire & Emergency Services NZ to include increasing accessible information for Deaf people and training for Fire and Emergency staff
 - Te Taura Whiri i te reo Māori – the Māori Language Commission.
- NZSL translation service – translates written or recorded content into NZSL
- Delivery of Deaf awareness and NZSL classes – provided by Deaf tutors and designed to teach people about Deaf culture and basic NZSL.

Contracts:

Deaf Aotearoa provides services under contract to the following Ministries:

- Whaikaha: NASC and DIAS (delivered under the banner of Hauora), Sign Language Interpreting (through its interpreting service iSign www.isign.co.nz)
- Social Development: Employment, Transition, Translation Advice
- Education: First Signs www.firstsigns.co.nz, Sign Language Interpreting
- Tertiary Education Commission to provide ACE in Communities programmes.

Funding and Budget:

Contract funding provides approximately 63% of total budgeted annual income, NZSL Interpreting services 20%, with funding from other sources such as translation, grants, donations, bequests making up the balance. These funds are never guaranteed and can impact on the ability to provide full-service delivery.

Key relationships

NZSL Board

Deaf Aotearoa has an MOU with the NZSL Board which sets out that we will work collaboratively to implement policies, practices and understanding in government and wider society to ensure the use, promotion and maintenance of NZSL. The MOU sets out a range of expectations, including a commitment to meet with each other at least twice a year. The MOU is due for renewal in December 2022.

DPO Coalition

Deaf Aotearoa is the Disabled Person's Organisation (DPO) representing Deaf people in the DPO Coalition. We work within the expectations expressed by the DPO Coalition Charter. As a member of the Coalition, we monitor the Government's progress on implementing the United Nations Convention on the Rights of Persons with Disabilities. We meet as the DPO Coalition 10 times per year and participate in the six-monthly Ministerial Leadership Group for Disability Issues meetings.

We struggle, as do the other Coalition partners, to secure adequate capability and capacity to meaningfully participate; a matter that is also of concern to the United Nations Committee on the Rights of Persons with Disabilities (text box below refers).

United Nations Committee on the Rights of Persons with Disabilities concluding observations on the combined second and third periodic reports of New Zealand

9 Sept 2022

The Committee is concerned about the lack of appropriate resourcing for organisations of persons with disabilities to build capacity to meaningfully engage in policy and legislation.

The Committee recommends that New Zealand ensures that organisations of persons with disabilities are appropriately resourced to build capacity to participate in partnership across government portfolio areas.

AND

The Committee is concerned about the lack of resources, including financial support available to support the Disabled People's Organisation Coalition to fulfil its mandate as one partner on the IMM, including to engage broadly with the disability community, to participate in Convention implementation activities and fora with government agencies and other stakeholders and to effectively communicate with persons with disabilities.

The Committee recommends that New Zealand allocates adequate resources, including financial support to the Disabled People's Organisations Coalition to enable it to effectively fulfil its mandate as one partner of the IMM.

Key Issues

Deaf people are marginalised, discriminated against, and disadvantaged in the areas of employment, mental health and education as a result of poor communication access. Key examples are described below.

Employment

Many Deaf people struggle with employment. A contributing factor is poor service delivery – lack of interpreters, access to services, and inadequate funding. Deaf employees need NZSL interpreting services to do their job and some jobs require a high amount of NZSL interpreting services. Employers are obligated to provide interpreters as a ‘reasonable accommodation’, but many don’t know what their obligations are and it is left to the Deaf employee to make up the difference by accessing Job Support Funding (JSF) via the Ministry of Social Development. The eligibility criteria and operational guidelines (2018) are a real muddle and it is very difficult for employers and employees to navigate.

For example, the JSF covers the costs of an interpreter for internal meetings but not external ones, so what happens when the meeting has both internal and external participants? JSF covers ‘operational’ meetings, but not ‘strategic’ meetings – meaning Deaf people may be excluded from important strategic discussions. It is often left to the Deaf employee to sort out, which takes up a lot of time – time that hearing employees don’t have to factor into their working day. In frustration, Deaf people end up forgoing trying to access NZSL interpreting services, which means they are left out and miss critical information.

The overall result is that there is not a level playing field for Deaf people in employment. We consider the JSF policy settings to be discriminatory and require your urgent attention.

More information can be found at Appendix 1: Deaf Aotearoa’s submission on the draft Disability Employment Action Plan.

Mental Health

Deaf people have mental health problems just like everyone else, except that Deaf people experience higher levels of trauma and distress as soon as they are born. When denied NZSL acquisition and education in NZSL, Deaf people are less able to communicate, learn, and be understood. This then manifests as poor literacy, unemployment, poverty, limited access to services, and high levels of discrimination. There are very few culturally appropriate mental health services for Deaf people in New Zealand – there is one service that covers clients from Whangarei to Hamilton (Emerge Aotearoa).

We are calling for a nationally co-ordinated approach and workforce development strategy to deliver culturally appropriate mental health services to the Deaf community, which includes:

- Interpreters with specialised skills in mental health
- Qualified Deaf counsellors
- Health promotion and illness prevention information in NZSL
- Deaf-friendly services, e.g., on-call interpreters, staff who are competent in using the NZ Relay Service, provision of NZSL on websites etc
- Widespread availability of Deaf awareness resources for health professionals.

More information can be found at Appendix 2: Deaf Aotearoa’s submission on the Mental Health and Addiction System and Service Framework 2022-2032 Core Concepts.

Education

Acquisition of sign language from birth is critical to the cognitive and social development of deaf children. A strong language foundation is necessary to learn other languages. As most (over 90%) deaf children are born into families who have never met a deaf person before, services must be in place to provide sign language learning and support to families so that they can learn and use sign languages. We do this through our First Signs service.

Once deaf children get to primary school, it is also critical for them to learn the curriculum in NZSL from fluent NZSL users. And similarly in secondary and tertiary settings. This is not happening. We have asked for this over and over again for several decades.

More information can be found at Appendix 3: Deaf Aotearoa's submission on the Ministry of Education's Highest Needs Review.

In 2020, Deaf Aotearoa and Deaf Children New Zealand lodged a complaint with the Ombudsman's Office against the Ministry of Education. The grounds of the complaint are that the actions and decisions of the Ministry of Education have been unreasonable and have directly resulted in deaf children in New Zealand not having access to education in NZSL. In October 2021, the Chief Ombudsman informed us that he had decided to investigate our complaint. We are currently waiting on the results of the investigation, which we are expecting by the end of this year.

New Zealand is not meeting its obligations deliver to bi-lingual inclusive education, which has been noted by the United Nations Committee on the Rights of Persons with Disabilities (text box below refers).

United Nations Committee on the Rights of Persons with Disabilities concluding observations on the combined second and third periodic reports of New Zealand

9 Sept 2022

The committee is concerned about the lack of investment in inclusive education, despite legislative and policy commitments to inclusive education.

The committee recommends New Zealand develops an inclusive education strategy that includes measures for the devolution of segregated education settings into a mainstream inclusive education system, to transition funding and resources from specialist education to inclusive education, to prioritise inclusive education in teacher training, to establish uniform inclusive education policies and guidelines, to develop an inclusive education curriculum, and to promote and raise community awareness.

Access to interpreters

A key thread linking the above issues is access to interpreters. There are issues with the supply and demand of interpreters. Deaf people say there is a shortage of interpreters and interpreters say they can't get enough work. It's not clear if supply is meeting demand or vice versa. Deaf people want access to interpreters of **their** choice, in **any** setting, at **any** time. The current service delivery model does not meet this need.

There is only one training institution to become an interpreter and the pool of interpreters is small and isn't growing. There is no interpreter workforce supply strategy to ensure there are enough interpreters for future demand.

Government departments aren't always clear about where to go to source interpreters and don't know if the interpreter they have booked is appropriate for the setting. We recommend that Government investigate implementing a government funded centralised interpreter service delivery model and an interpreter workforce development strategy. This includes the growing the number of qualified trilingual interpreters to meet the needs of Māori Deaf.

We can assist officials with developing the business case.

United Nations Committee on the Rights of Persons with Disabilities concluding observations on the combined second and third periodic reports of New Zealand

9 Sept 2022

The Committee is concerned about the shortage of NZSL interpreters, including trilingual interpreters who can interpret between NZSL, English and te reo Māori.

The Committee recommends the New Zealand implements incentives and increases funding for the training and employment of sign language interpreters, including trilingual interpreters who can interpret between NZSL, English and te reo Māori, and adopt a national standardised accreditation framework for sign language.

Upcoming legislative change impacting Deaf people

We are following the progress of the following pieces of legislation.

New Zealand Sign Language Amendment Bill (not yet introduced)

You are intending to amend the New Zealand Sign Language Act 2006 by re-establishing the NZSL Board as a statutory ministerial advisory group with extended powers to request information from government agencies in relation to NZSL, and to provide independent advice to you on any matters relating to NZSL.

MSD officials have committed to engage with the Deaf community on these proposals in the next few months. We have offered our support to officials to assist with this engagement.

We are considering alternate options to those proposed by MSD, in particular, an option to repurpose the Act to establish a NZSL Commission, along the same lines as the Māori Language Act 1987 which established the Māori Language Commission.

The Accessibility for New Zealanders Bill

You are introducing a new framework that aims to identify, prevent and remove barriers to participation for disabled people with accessibility needs. This will be achieved through stand-alone legislation and by the introduction of a Ministerial Accessibility Committee.

We are concerned that the Accessibility Committee, who can ask for information from specified entities, and make yearly non-binding recommendations to the Minister, will not make any progress because their recommendations will not be enforced in any way. Also, there appears to be no ramifications if the specified entities make no or little progress to implement the recommendations.

The membership of the Accessibility Committee will be hotly contested, as will the membership of the community nominations panel and the Māori nominations panel (who will be responsible for nominating the Accessibility Committee members). Deaf Aotearoa is concerned about the transparency of this process; it is highly likely that it will be captured by the 'usual suspects', the same voices who have held positions for many years, exacerbating tensions within the disability community.

Deaf people want 'improved access to housing, transport, information, communication, technology, public buildings and spaces' just like everyone else – as specified in the Bill. We can already tell you what needs to be done; we don't need an Accessibility Committee to come up with recommendations about what we already know. This Bill means we will be waiting until at least July 2024 before the Committee comes into effect and then it will be another year before the first report will be produced. So, it will not be until at least July 2025 before you will receive a set of recommendations that we can tell you today. Why wait?

We will be seeking to nominate a Deaf person for the community nominations panel as well as for the Committee.

We will also support the development of a NZSL sign name for the Committee.

Aotearoa New Zealand Public Media Bill

The Minister for Broadcasting, Communications and Digital Media has introduced the Aotearoa New Zealand Public Media Bill, which aims to (among other things) maximise access to content and ensure content is accessible to all New Zealanders. The Bill is

missing requirements regarding access to NZSL content, provision of interpreters or the mandating of captions. Our submission on this Bill is attached at Appendix 4. We would appreciate your support of our submission as this will assist with addressing the United Nations Committee on the Rights of Persons with Disabilities concerns on this issue (text box below refers).

United Nations Committee on the Rights of Persons with Disabilities concluding observations on the combined second and third periodic reports of New Zealand

The Committee is concerned about the limited television channels that provide captioning and audio description with funding only provided on a yearly basis.

The Committee recommends New Zealand adopts legislation to ensure captioning and audio description is provided on television channels with funding security.

Representation / key projects

We contribute to the work of the following groups and/or are involved in the following projects:

- Deaf Community Collective Impact Project
- Royal Commission Deaf Conversation Group
- JVBU Diverse Communities Violence Prevention Project for Disabled People
- Deaf Mental Health Advisory Group
- Alternate Formats Group

Upcoming events / key dates

Below are some key dates for your information, that may also be useful for linking in with other announcements you may be making:

19-25 September 2022:	International Week of the Deaf
23 September 2022:	International Day of Sign Languages
3 December 2022:	International Day of People with Disability
10 December 2022:	Human Rights Day
8-14 May 2023:	NZSL Week
11-15 July 2023:	World Congress of the World Federation of the Deaf

Appendices

Appendix 1: Deaf Aotearoa's submission on the draft Disability Employment Action Plan

21 February 2020

Draft Disability Employment Action Plan

Goal 1:

Disabled people and people with health conditions have an equal opportunity to access good work

As reflected in Deaf Aotearoa's Strategic Direction, above, Deaf people in New Zealand want to have good jobs and contribute to New Zealand society. Deaf people in New Zealand are a very diverse group that includes young deaf people, seniors, people of all culture and ethnicities and with a range of education levels. The varied skills and work aspirations of our New Zealand Deaf community needs to be acknowledged.

Data on labour market participation has shown that disabled people's employment outcomes are woefully below those of non-disabled people. This data includes the Disability Survey's going back as far as 2003 and includes deaf people.

The statistics are an indication of the barriers that Deaf people often face. Those barriers include access to employment support services, post-secondary training and education opportunities, and Workbridge Job Support Funds and employers' attitudes. Ensuring Deaf people have an equal opportunity to access good work requires these barriers being addressed.

Employment Support Services

Employment support services are available from a range of providers, including from Deaf Aotearoa via our 14 offices around New Zealand, and from other disability-wide or mainstream services. Deaf Aotearoa's service model supports the government's Enabling Good Lives principles and Deaf people who engage Deaf Aotearoa are supported to choose either Deaf Aotearoa's employment service or another disability-wide or mainstream service.

Deaf Aotearoa's employment support service is offered in Deaf people's first/preferred language, New Zealand Sign Language (NZSL), and by staff who are familiar with and can work appropriately within Deaf culture. Deaf people who have engaged Deaf Aotearoa but choose to use another disability-wide or mainstream employment services are supported to ensure those employment support services book interpreters for the Deaf person. Deaf Aotearoa also offers advice, training (e.g.: Deaf Awareness or NZSL advice and training) to other service providers to help ensure they can provide services to Deaf people that are accessible and respectful of their language and culture.

Deaf Aotearoa is the only specialist employment support service that can provide nationwide services in a Deaf cultural framework and directly in NZSL, without the need to work through an interpreter. It is important to note that Deaf Aotearoa's service model also provides a cost saving for the government purchasing disability employment support services, because our

services are provided directly in NZSL and so do not incur the additional costs of NZSL interpreting services necessary to enable communication between a disability-wide or mainstream supported employment providers who do not provide an organisation-wide Deaf cultural framework with all staff being fluent in NZSL.

In 2017 the Ministry of Social Development (MSD) changed its contracting model for funding of the employment support services it procures. These changes have had a detrimental effect on Deaf Aotearoa's employment support services, including an apparent loss of value in our specialist and culturally appropriate employment service and consequentially a significant loss of income to fund our employment support services. Recent examples of this have included Deaf Aotearoa attempting to enrol a Deaf person who has approached Deaf Aotearoa seeking employment support only to be queried by MSD staff about why the Deaf person is not getting these services from a disability-wide or mainstream employment support service. In these situations, Deaf Aotearoa advocates for the Deaf person's choice and control in seeking out the services they want, and if a Deaf person wants to choose a service that operates in a Deaf cultural model and where they can communicate with all staff in their first/preferred language, their choice should be respected and not questioned. This funding and contractual shift is having a serious negative effect on Deaf Aotearoa's ability to offer and provide employment support services to Deaf people around New Zealand, with the effect being a reduction in Deaf people's ability to choose a culturally and linguistically appropriate employment support service.

Deaf Aotearoa understand other employment support providers are also struggling under this new funding model. We are aware of at least four long-standing employment support service providers that decided not to tender for these services under this new funding model; and we are aware of other employment support services that have merged since the roll out of this new funding model.

Post-secondary training and education opportunities

Deaf people want to be able to participate in training and education opportunities to enable their employment and career choices.

The current funding model that covers accessibility and accommodation needs for Deaf and disabled people in post-secondary training and education puts often insurmountable barriers in place for Deaf people. This includes that public tertiary education institutions receive funds to support disabled people to access their institutions that are calculated on the number of full-time-equivalent students in that institution, and does not recognise the fact that certain institutions attract large numbers of Deaf students for whom NZSL interpreting service costs can be very high. Further, private training establishments do not receive similar funding to cover any of the costs of providing access to disabled and Deaf students.

Deaf people are able to access Workbridge's once-in-a-life-time Training Support Funding. However, this is frequently exhausted early in a Deaf person's career, covering NZSL interpreting service costs, and after that Deaf people are unable to access further funding to advance their skills and education/training to advance their careers or change their careers.

Deaf Aotearoa has over the years been involved in advocating repeatedly to the Ministry of Education (MoE), the Tertiary Education Commission (TEC), and MSD, to remove these education and training barriers for Deaf people. One illustrative example is a Deaf person who wanted to attend a 3-month long photography course that involved full-day trainings

each week. The Deaf person was happy to pay the private training course costs and the training provider was unable to fund the high costs of NZSL interpreting services required for the Deaf person to access this training course. The Deaf person approached Deaf Aotearoa who advocated strongly to MSD and MoE who cited the access costs as being very high and unable to be sourced from any existing budgets. Deaf Aotearoa advocated for government to take a long-term, investment approach to such accessibility costs, and to see the high costs of providing NZSL interpreting services for training now, could result in significantly less costs to the government in future with the Deaf person gaining career skills that would mean they are not spending years in unemployment, unskilled and at risk of developing mental health issues.

Deaf Aotearoa is aware that this issue of accessibility and accommodation costs for access to post-secondary education and training is being considered in the Ministry of Education's current review of Vocational Education. Although this is beyond the brief of this current MSD Draft Disability Employment Action Plan, it needs to be noted that until these barriers are removed Deaf people will not have equal opportunities to access good work and the disparities in their employment outcomes will remain.

Job Support Funding

Deaf people are able to access Workbridge Job Support Funding to pay for NZSL interpreting services to enable them to do their job and participate in their workplace. A total of about 300 Deaf people across New Zealand use this Job Support Funding for this purpose.

There are a number of barriers experienced by Deaf people in accessing Workbridge's Job Support Funds, including a complicated application process that requires and assumes fluency in English, Deaf people who are self-employed not being eligible to access these funds, Deaf people over 65 years of age cannot access these funds and a small number of Deaf people that require a high amount of NZSL interpreting services exhaust their annual funding allocation before the end of their fund year.

Application process

Deaf Aotearoa is frequently approached by Deaf people seeking support with understanding Workbridge Job Support Funding (currently there is no NZSL accessible information on the Workbridge website) and help with completing the application forms and processes. This can include our Deaf Aotearoa staff explaining Workbridge's funding options to the Deaf person in NZSL, supporting them to complete the English-based application form (note, English is like a second language for many Deaf people) and being asked to support the Deaf person at Workbridge appointments and with follow up correspondence.

Deaf Aotearoa has often been approached by Deaf people requesting interpreting services for a job interview they have set up themselves or that someone else has set up for them, such as another service provider. In these instances, Deaf Aotearoa has had to urgently assist the Deaf person in submitting and progressing an application to Workbridge's Job Support Funds. Most often this application process is too slow to ensure the Deaf person gets an interpreter at their job interview which is usually with a couple of days' notice, and until recently Deaf Aotearoa has covered the costs of interpreting services in these instances from its own internal budget. In 2018 Deaf Aotearoa negotiated an agreement with Workbridge where Workbridge would pay for the interpreting services at late notice job

interviews where a Deaf person had initiated the application process before the interview occurred and before the application had been approved. This is a good compromise, but often means the onus is on Deaf Aotearoa's staff people to submit the Deaf job seeker's Workbridge application before their job interview takes place and does not recognise that Deaf Aotearoa's staff have a wide range of responsibilities and it can be difficult to ensure the Deaf person provides all the information needed on the application form in a very short space of time. Thus, this solution will not work in all cases.

Over 65-year olds

With our aging population and soon to be increased age of retirement, more and more people are choosing to work beyond the age of 65. Deaf people over 65 years face the barrier of suddenly not being able to access Workbridge Job Support Funding to pay for NZSL interpreting services to enable them to do their job and participate in their workplaces. There are no alternative funding sources available other than to ask their employer to pay which not only risks creating a negative attitude among the employer and Deaf employee, but also risks the Deaf person losing their job to be replaced by someone for whom the employer does not have to pay for accommodation costs. This policy of over 65-year olds not being eligible for Workbridge Job Support Funds was flagged as potentially age discriminatory in the Human Rights Commission NZSL Inquiry Report.

People who are self-employed

Deaf people who want to set up their own business face barriers to accessing Job Support Funds. Applications are only accepted after the business has been established and the person can prove the business is financially viable.

High use people

There are approximately 300 Deaf people throughout New Zealand who use Workbridge Job Support Funds to cover the costs of NZSL interpreting services in their workplaces. Of these 300 Deaf people only about 6 Deaf people are high users and exhaust their annual allocation of \$16,900 before their annual renewal date and have applied for additional funding.

It is important to note here that the capped funding amount of \$16,900 has not changed in about 20 years and in that time, NZSL interpreting service costs have understandably increased as the cost of living has increased.

It is also important to note that only 6 Deaf people in a total of about 300 are high users who exhaust this annual amount and have applied for additional funding. The HRC NZSL Inquiry report stated that the average spend across all Deaf people accessing Job Support Funds for NZSL interpreting services was just over \$4,000 per annum in 2011/12. This points to the need to recognise the wide range of skills and interpreting service needs of Deaf people, and calls for a better funding model that supports this diversity among Deaf people's participation in the workforce.

Of the small number of high users Deaf Aotearoa is aware they have been subjected to questions about their use of Job Support Funding and of having to justify all the jobs they use NZSL interpreting services for in their workplace. Such questions around justification can create extra work and burden on Deaf employees that non-deaf employees do not have to do.

Goal 2:

Businesses are good at attracting and retaining people with health conditions and disability

Data on labour market participation has shown that disabled people's employment outcomes are woefully below those of non-disabled people. This data includes the Disability Survey's going back as far as 2003 and includes deaf people. Most concerning is that these poor labour force statistics for disabled people have not changed or improved in over 15 years despite a number of government initiatives attempting to reduce this disparity.

Over the years initiatives that the government has been involved in around supporting employers to employ more disabled people include, Mainstream Employment Programme, Think Differently campaign, the Employers Disability Network, Disability Confident Campaign and some disabled people's internships. These initiatives have not had any significant impact on the employment outcomes for disabled people and point to the need for more drastic action to enforce rapid change. Options for achieving rapid change in the employment status of disabled and Deaf people could include consideration of quota for government agencies. Such a quota should be applied across all levels and areas of government to ensure that not only young disabled people are given internships or that disabled people end up in the same job for decades with poor opportunity to progress their career, but instead that disabled people are prioritised for jobs across all government agencies and in all levels of employment.

Appendix 2: Deaf Aotearoa's submission on the Mental Health and Addiction System and Service Framework 2022-2032 Core Concepts

17 June 2022

Overview of Deaf Mental Health

The Deaf community is around 4,500 Deaf people for whom New Zealand Sign Language (NZSL) is their first, preferred or native language. These people were likely born deaf or lost their hearing soon afterwards. It's likely they have faced barriers in accessing education, employment, health services and information for much of their lives.

Many Deaf people experience mental distress from an early age, perhaps from birth when born to hearing parents who cannot communicate with their deaf child. The incidence of mental distress within the Deaf community is thought to be approximately double that of the general population.

Mainstream mental health services, generally speaking, aren't set up to cater for the needs of Deaf people. Very few have Deaf staff and even fewer have staff who are fluent in NZSL. Whilst diagnosis, provision of services and ongoing support via a skilled NZSL interpreter may be successful in some cases, to ensure the most effective diagnosis, care and support, clinicians and other practitioners that are fluent in NZSL and possess a deep understanding of Deaf culture are required.

The Deaf mental health workforce has remained static for the past two decades, at least. A small number of qualified Deaf counsellors exist, along with a small number of Deaf support workers with relevant qualifications.

One negative impact of a small number of professionals working with disproportionately high number of clients is the risk of burnout on the professional.

NZSL interpreters with skills and experience and relevant training in mental health situations work in the community and in the health system. However, their number has not increased significantly in some time. Often, Deaf people have a short list of their preferred interpreters. These interpreters will be those that the Deaf person has worked with previously, and have relevant knowledge and experience.

The *Deaf Way* report, published in 2010, made several observations that remain true today:

Nearly 10% of the Deaf population were positioned at the chronic and severe end of the mental illness spectrum (as compared to 3% in the mainstream population).

The Deaf community has a high risk of mental illness, a high need for mental health services and a perception of current mental health services, including substance abuse services, as being inaccessible.

Mental health and counselling services are inadequate to meet need and require significant improvement.

There are five Deaf mental health support workers currently employed by Richmond Fellowship in Auckland/ Northland, Hamilton and Wellington. The lack of specialist

psychiatric professionals and support workers was frequently commented on by review participants.

Thirty social workers, 26 community mental health workers, 15 intensive mental health staff for residential support, four inpatient beds and 15 community residential beds were thought to be needed.

Community mental health team staff felt they had inadequate knowledge, skills and resources to provide care for Deaf people with severe mental illness. Generic services need at least basic training in Deaf awareness and Sign Language as a minimum requirement (although such minimal skill level is inadequate to deliver services effectively).

Multiple approaches to provision

Deaf Aotearoa supports the Enabling Good Lives principles, and the fundamental rights of Deaf people to choose the service provider they are most comfortable with. We support the Twin Track Approach as outlined in the NZ Disability Strategy 2016-2026:

A twin-track approach is about making sure mainstream services and supports are inclusive of, and accessible to, us and that services and supports that are specific to us as disabled people are also available.

This approach is not about having to choose between the specific or mainstream option; rather it is about having the right access to the right high-quality support or service, at the right time and in the right place.

Our experience tells us that some Deaf people wish to access specialist Deaf- or disability-focussed mental health services, whilst others prefer to access mainstream or generalist mental health services. In a small community such as the Deaf community, many people work and socialise with similar groups of people, which increases the likelihood of Deaf people's mental distress becoming known throughout the community.

This can have the effect of dissuading Deaf people from accessing specialist Deaf services, hence the need for the development of the NZSL and Deaf culture knowledge of mainstream services, and those providing services for other populations including Māori, Rainbow, Youth and Pasifika.

Māori Deaf

Māori are overrepresented within the Deaf community. Data from the National Audiology Centre in 2002 showed that 49% of the children identified as Deaf or hard of hearing / hearing impaired were Māori.

"47.3 percent of students that Resource Teachers of the Deaf working with are Māori."
NZSL@School Report 2015

"Those of Māori ethnicity are over-represented in the Database, comprising 34% of notifications and 26% of the population overall." Deafness Notification Data Report 2020

Māori health services needs to be inclusive of and accessible to Māori Deaf, including the establishment of strategy, service development, and the development of their workforce to be responsive to the bicultural needs of Māori Deaf. We advise that further consultation is

required with the Māori Deaf community and Deaf mental health experts to ensure the Māori Deaf voice is included in the design of mental health services for Māori Deaf.

Data collection and analysis

Presently, the collection of data and evidence is not sufficient to meet the intention of Article 31 of the UNCRPD. Collection of data on the Deaf community and its sub-groups is essential to formulate most effective policies and the establishment of appropriate Deaf Mental Health services. The data sets need to incorporate Deaf people's cultural, language and identity needs. Without this data, Mental Health services will not be able to assess whether they are meeting their Deaf clientele's needs.

Summary

Deaf Aotearoa's Executive Board and staff include several Deaf people who have first-hand knowledge of the impacts of mental health and addictions in the Deaf community, and we would welcome a meeting to discuss this paper, and any future proposed developments for Deaf mental health services and their personal experiences in person. Additionally, we recommend ongoing meaningful engagement with the Deaf community, Ko Taku Reo, Coalition of Deaf Mental Health Professionals, service providers and support groups.

Appendix 3: Deaf Aotearoa's submission on the Ministry of Education's Highest Needs Review

14 April 2022

Scope area 1: Journey Through Education

The NZSL Strategy 2018-2023 clearly outlines the five internationally recognised planning priorities for languages. NZSL is an endangered language and requires intensive language planning to ensure it is a thriving language in Aotearoa. Directly linked to this review are the planning areas of Acquisition, Use/Access and Attitude.

The purpose of Acquisition planning is to ensure that *“deaf children and young people becoming fully proficient in NZSL”*.

The NZSL Strategy 2018-2023 states that success in five years' time (2023) will look like: *“Deaf children and young people who use NZSL are learning and acquiring NZSL at age-appropriate levels throughout their education through full immersion with signing peers and adult NZSL models.*

Families and whānau are able to learn NZSL throughout their child's education, enabling them to communicate more easily with their deaf child.

Professionals working in educational contexts with deaf children and young people who are NZSL users, are proficient in NZSL to an appropriate level, supporting deaf children and young people to acquire NZSL at age-appropriate levels.”

For this to happen deaf learners and their families must be provided with supports, resources, services that enable them to acquire NZSL fully and use it in a variety of domains.

Deaf Aotearoa advocates for all deaf children to have access to bilingual education in NZSL and English, including through the provision of NZSL bilingual schools, NZSL settings, NZSL fluent teachers, NZSL pedagogy, a bilingual curriculum, and NZSL interpreters in education. Deaf Aotearoa advocates for Tāngata Turi to be respected and uplifted throughout their education. For Māori Deaf tamariki this requires a connection with Te Ao Māori through Tāngata Turi.

In 2010, the Ministry of Education commissioned Scoping Support for NZSL Users Accessing the Curriculum. The report recommended that a new approach to early intervention was needed which would formally enable deaf children to develop as bilingual in NZSL and English.

The Deaf Way Report , also published in 2010, showed that *“Delays in developing language and the resulting social isolation of Deaf children in families are thought to have huge impacts on their mental health and understanding. Despite having a normal range of intellect, roughly 40% of Deaf people receiving service have high social needs, with low literacy and both minor and complex social problems, and require social support, counselling and habilitation as a result. This is both unnecessary and tragic.”*

And:

“Family participants with visually communicating children are most concerned about understanding Deaf culture, parenting well, and providing life and language skills to their child, including literacy and adult education.”

In 2013 the Human Rights Commission report 'A New Era in the Right to Sign' made clear that:

“It is crucial that a child acquires language skills early in life. Early language fluency supports social development, cognitive development and further language development. For prelingually deaf children their right to language can be dependent on access to both sign language and spoken/written language.”

And:

“Too little too late is being done to facilitate children’s and families’ access to NZSL in these crucial early years.”

The report recommendations included:

“The Ministry of Education increased the number of resources and supports to enable the acquisition of NZSL in early childhood by deaf children.”

Currently families with Deaf or hard of hearing children aged 0-5years are able to access the First Signs Service at Deaf Aotearoa. Unfortunately, there is a funding and resourcing disparity between NZSL support for families and the funding of the other services available. This results in a smaller number of families accessing a bilingual bimodal path (NZSL/English) than those following a monolingual path. We are still encountering families with children over the age of 3 who have not heard of Deaf Aotearoa First Signs service, so were not given the option of engaging with NZSL in the early years.

Sadly, families who work hard in the early years to have NZSL as a language in the family home are then not given the same level of service/support to continue to acquire NZSL when the children transition to primary school.

Families of school aged children come to Deaf Aotearoa asking for support to further develop their NZSL skills however we are not funded to be able to provide this support to families with children over the age of 5 years.

Deaf Aotearoa is regularly contacted by schools looking to fill their teacher aide/communicator positions at the start of the school year. There are anecdotal reports of families being told that their deaf child will not meet the criteria for ORS and the family are told that ‘it is not worth completing the application form’. This is disheartening for families who have worked with the First Signs service to acquire NZSL and then find they are not able to access the level of support required in the primary school years. For many families this means they no longer use NZSL and the child go on to have restricted access to learning in mainstream classrooms.

Deaf Aotearoa advocates for quality bilingual education in inclusive bilingual NZSL schools as well as other education settings.

If the Ministry of Education are committed to seeing all deaf learners succeed then they need ensure the following:

- quality teaching in our national sign language, NZSL
- peers who are deaf and use NZSL learning together
- teachers fluent in NZSL, including Deaf teachers

Because of their critical role in language acquisition for deaf children, inclusive NZSL bilingual schools must be maintained and promoted as part of the inclusive education system.

Quality NZSL bilingual education is open to deaf, deafblind and others to learn in NZSL, and does not discriminate on the basis of disability/deafness.

Bilingual education addresses the needs of the whole child within their family, community and society. It recognises the relationship between language development, cognitive development and social/emotional development. Bilingual education fosters positive self-esteem, confidence, resilience, and identity, factors necessary for lifelong learning and success.

Article 24 of UNCRPD must be enacted throughout the NZ education system

Article 24 of the United Nations Convention on the Rights of Disabilities (CRPD) outlines a broad definition of “*inclusive education*” that includes bilingual education for deaf learners as a form of inclusion.

The CRPD states that government must ensure their inclusive education system provides:

- the full development of the human potential and sense of dignity and self-worth
- the learning of sign language and the promotion of the linguistic identity of the deaf community
- support measures that maximise academic and social development
- education for deaf learners delivered in the most appropriate languages and modes and means for communication and in environments that maximise academic and social development
- measures to employ teachers who are qualified in sign language
- training for professional staff at all levels of education, including training in disability awareness and sign language.

The CRPD upholds accessibility is an unconditional right and stipulates that resource limitations cannot be used as an excuse for inaction. (United Nations, Convention on the Rights of Persons with Disabilities, Committee on the Rights of Persons with Disabilities, Eleventh Session, General Comment No. 2 (2014) Article 9 Accessibility, page 5)

The CRPD compels signatories to ensure the:

“...facilitation of the learning of sign language and the promotion of the linguistic identity of the deaf community; education of persons, and in particular children, who aredeaf is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.”

NZSL is the “most appropriate language” for Deaf children as it gives full access to language and thought processes in a visual modality, this enables children to meet their developmental milestones and lays the foundation for their academic and social development. New Zealand Sign language is accessible for all deaf and hard of hearing children regardless of hearing levels.

With this in mind we advocate for First Signs to be an ‘opt out’ service. Currently, following Newborn Hearing Screening families are faced with a range of medical professionals who present them with a range of options. Often the medical options are presented as (or perceived to be) a cure. The families are connected to an Advisor on Deaf Children (AODC) from the Ministry of Education soon after confirmation that the child is deaf/hard of hearing.

More often than not the family are then supported to go down the path of cochlear implants and/or hearing aids. During this time of having a new-born, learning that they are deaf/hard of hearing and coming to terms with all of the professionals they family will now encounter – families are often overwhelmed by information. AODCs are expected to present the benefits of NZSL and connections to the Deaf community and Deaf culture, and offer the family a referral to the First Signs service.

However, there are many families who are still not aware of the benefits of NZSL and bilingualism/multilingualism. If the First Signs service was an ‘opt out’ service then all families would have an experience of meeting a successful Deaf adult and encountering NZSL in a supportive manner. From this they would then be able to make an informed decision about continuing a bilingual path by acquiring NZSL or to solely follow an oral/aural path. Parents need to be supported to have high expectations of their deaf children and positive aspirations for their children’s’ futures.

Deaf Aotearoa advocates for all families with deaf children to be given access to NZSL and the support required to acquire the language fully and avoid language deprivation throughout the child’s journey through education.

Scope area 2: Access to supports

Deaf Aotearoa advocates for the continuation and strengthening of bilingual NZSL schools/classes. Access to learning in NZSL with Deaf peers is a human right.

Deaf children need to be provided with accessible language and supported to ensure language acquisition begins early and stays on track.

Currently access to Deaf education services throughout Aotearoa is inconsistent and is dependent on the families being aware of what is available and asking for it.

Deaf learners are currently funded through ORS, families have to apply for High/Very High needs, they are ‘competing’ for funding.

Deaf Aotearoa advocates for a system that respects and values NZSL and provides Deaf learners and their families with an educational pathway where NZSL is the language of instruction and families can see success. It would be more respectful of NZSL and Deaf culture if Deaf education was modelled on Kohanga Reo and Kura Kaupapa settings. Where

language and culture are held in the highest regard and all teaching and learning is done through a culturally appropriate lens.

Deaf Aotearoa has been contacted by families with school aged children who are not able to access the mainstream class and the parents do not know who to go to for support. AODCs are no longer work with children over the age of 8 years and families are unsure where to go for support for their deaf children.

In the current education system there are very few opportunities for families with Deaf and hard of hearing children to choose an educational setting where NZSL is the language of instruction, where the teachers are Deaf and fluent in NZSL and where Deaf learners are learning together. It is extremely difficult for deaf learners to access the required level of funding to enable full access to a mainstream classroom.

Many children are receiving intermittent support from a combination of all or some of the resources from Ko Taku Reo Deaf Education NZ i.e. Resource Teacher of the Deaf (majority of whom are hearing and are not fluent in NZSL), teacher aides/communicators (untrained para-professionals who are employed to carry out the role of an educational interpreter). Very few deaf learners are given access to qualified interpreters who work as Educational Interpreters. It is common practice for deaf learners throughout primary schooling to not have access to a qualified interpreter.

Families have no option outside of Auckland to have their Deaf pre-school aged children educated in a Deaf NZSL preschool setting. Therefore, any families outside of Auckland face a barrier. The establishment of a small number of play groups around the country, in recent years, is insufficient to enable language acquisition. One day a week, is insufficient exposure to language models and peers. The same can be said for 'NZSL day school programmes' we see happening in the primary and high school years also. There are very few options for children to learn in NZSL with Deaf teachers and Deaf peers. The early years are critical for global development. The impacts of language deprivation are far-reaching and lifelong. Deaf children and their families need more access to supports and resources to acquire NZSL fully.

Scope area 3: Responsiveness of supports

Deaf Aotearoa advocates for a Deaf education strategy that draws on the experience and expertise within the community and builds a system that will uplift deaf learners and their whanau. At the same time, it will build the skill base and workforce of skills proficient users of NZSL.

The Education system needs to value the cultural knowledge and expertise within the Deaf community and build a pathway to ensure that Deaf professionals are trained and supported to take on leadership roles.

There is a need for NZSL-medium education settings (NZSL Schools) around NZ and a need for families to be supported to see the value of bilingualism and multilingualism. In the current Health and Education system, NZSL is still seen to be a last resort and that 'something is better than nothing' – this is damaging and leads to language deprivation for many deaf children. There is a need for better data collection to monitor progress for deaf learners and ensure that language deprivation is avoided.

Deaf children are still receiving a mediated education via teacher aides who are expected to work in the role of Educational Interpreters and/or Teachers of the Deaf. It is common practice in Deaf Education currently to place teacher aides / Communicators with primary school aged children and qualified interpreters with high school children. This is not best practice and is not respecting the deaf learner's right to access education.

Scope area 4: Fluid boundaries

We know that early access to and acquisition of linguistic proficiency in NZSL and English are integral to a deaf or hard of hearing children's overall development. Families who follow a bilingual or plurilingual path must be resourced and supported throughout the schooling years, to ensure that the deaf learner will have consistent access to the whole school experience.

The current system enables very few families to acquire NZSL to a level of fluency. This impacts Deaf learners in the education system as they go on to access inconsistent levels of support throughout the country. The resources and supports made available to whanau vary depending on where they are located throughout Aotearoa.

Scope area 5: Support for adults across networks

Deaf adults play a critical role in the development of deaf and hard of hearing children (Gale et al 2019; McKee 2006). This is the role that services like Deaf Aotearoa First Signs plays in lives of families with Deaf and hard of hearing children aged 0-5 years.

Deaf children and their families need to encounter Deaf professionals through the education system from Early Years through to transitioning out of high school.

The UNCRPD compels governments to provide: "appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques"

In the current Education system there are very few Deaf professionals in leadership roles or in classroom teacher roles with Deaf students. It is more common to see Deaf staff members in the role of NZSL Tutor. Work needs to be done on developing a clear career path for Deaf teachers to ensure deaf learners are taught by Deaf teachers who are qualified and fluent in NZSL.

Workforce capacity continues to be an issue in Deaf education sector. The ongoing cycle of poor education access leading to poor education outcomes for deaf learners, restricting the number of deaf learners eligible to enter tertiary studies, means that there are very few Deaf adults working as teachers or higher in Deaf Education.

More thought needs to be given to supporting Deaf and Māori Deaf, fluent users of NZSL to become teachers. Too often Deaf teachers are placed in roles that move them away from working with Deaf learners. There is a need for further development of and understanding of Tāngata Turi and how dual identity of Deaf and Māori are respected and supported within Deaf education

Scope area 6: Alignment across agencies

In the early years space (0-5years), Deaf Aotearoa has worked hard to build strong connections with other services in the sector e.g. Ko Taku Reo Deaf Education NZ, Ministry of Education and the Cochlear Implant programmes, this has developed over time and is appreciated by the families who encounter all of the services in the sector.

There is still inconsistent access to services throughout New Zealand to Deaf educators and to NZSL school settings.

Deaf Aotearoa advocates for:

- a specific NZSL Strategy to be established by the Ministry of Education to ensure that NZSL is protected, respected and promoted within the education system
- the EGL principles of 'choice and control and accessible information' enacted to ensure that NZSL schools (educational settings where NZSL is the language of instruction) are available to families with deaf or hard of hearing children.
- access to NZSL educational settings to not be seen as a 'last resort' and that families are supported to continue to acquire NZSL throughout their deaf children's education.
- deaf children to be educated with deaf peers in NZSL
- deaf learners in mainstream settings to have a qualified Educational Interpreter and not a teacher aide/communicator
- Deaf learners and their families to be able to access services and supports that are mana enhancing and are built through a Deaf lens.
- better alignment between agencies in the primary and high school years.

Appendix 4: Deaf Aotearoa's submission on the Aotearoa New Zealand Public Media Bill

5 September 2022

General position

New Zealand's public television is not accessible for Deaf people. Every day, across just about every show, Deaf people are missing out on information and entertainment that hearing people take for granted.

New Zealand Sign Language is an official language as should be recognised as such

New Zealand has three official languages: English, Te Reo Māori, and New Zealand Sign Language (NZSL). The latter two are established by law. The Bill is focused on English (by default) and Te Reo Māori and is missing the third official language - NZSL. This is notably absent in the purpose of the new entity. In line with the purpose and objective of contributing to 'valued, visible and flourishing te reo Māori and tikanga Māori', we consider a similar purpose and objective is required for NZSL. Deaf people are part of our national identity.

Respond to our domestic and international obligations

By ignoring NZSL's status as an official language, the Bill fails to recognise the existing domestic and international mandate to provide public information in NZSL:

- The New Zealand Sign Language Act 2006 requires that government departments 'should be guided by the principle that NZSL should be used in the promotion to the public of government services and in the provision of information to the public (clause 9(1)(b)).'
- The United Nations Convention on the Rights of Persons with Disabilities, Article 21, 'encourages the mass media, including providers of information through the internet, to make their services accessible to persons with disabilities'.

Mandate captioning

We note that the new entity will be required to maximise access to content, including by ensuring that content is made freely available and accessible to all New Zealanders. One way to maximise access to content is to mandate captioning. Captioning would mean people would watch more New Zealand-based content, as opposed to watching overseas content which has captions on all their content, often with multiple language choices.

Acknowledgement of the Deaf Worldview and Deaf Culture

With content being provided in NZSL, this requires knowledge and skills in the Deaf Worldview and Deaf Culture. If the entity is to be governed by a Board that has skills and experience relating to te ao Māori and tikanga Māori, then it also needs to include people with skills and experience relating to the Deaf Worldview and Deaf Culture.

Hear the Deaf / NZSL voice

Minister Jackson has said he wants 'more diversity, more opportunity'. It's more than English and Māori voices (noting that the Māori voice on TV is currently minimal). The NZSL voice is absent (apart from some interpreted content as part of COVID-19 briefings and other one-off government announcements). Deaf New Zealanders and other users of NZSL, of which

there are around 23,000 people in total, want access to the same information as everyone else in NZSL. They also want to derive their own content and have content delivered by Deaf people / fluent users of NZSL to themselves.

Our Recommendations

Ensure the Bill:

1. Explicitly recognises NZSL as an official language and commits to making content available in NZSL, thereby honouring New Zealand's domestic and international obligations
2. Mandates captioning
3. Introduces an additional purpose and objective such as 'contributing to a valued, visible, and flourishing New Zealand Sign Language and Deaf Worldview and Culture'
4. Provides for the generation of content by and for NZSL users
5. Requires the proposed Board to include people with skills and experience in the Deaf Worldview and Deaf Culture.