

**Reprint
as at 30 June 2008**



**New Zealand Sign Language Act
2006**

Public Act 2006 No 18
Date of assent 10 April 2006
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

The New Zealand Sign Language Act 2006 is administered by the Ministry of Social Development.

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1 Title
This Act is the New Zealand Sign Language Act 2006.

2 Commencement
This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1 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
- (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
- (d) stating principles to guide government departments in the promotion and use of New Zealand Sign Language.

4 Interpretation

In this Act, unless the context otherwise requires,—

Deaf community means—

- (a) 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
- (b) people who are deaf and who identify with the group of people referred to in paragraph (a)

government department means a government department named in Part 1 of Schedule 1 of the Ombudsmen Act 1975

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

- (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

legal proceedings means—

- (a) proceedings before any court or tribunal named in the Schedule; and
- (b) proceedings before any coroner; and
- (c) proceedings before—
 - (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,—

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

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

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

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.

Compare: 1987 No 176 s 2

5 Act binds the Crown

This Act binds the Crown.

Part 2 New Zealand Sign Language

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.

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;
 - (b) any party or witness;
 - (c) any counsel or other person representing a party in the proceedings;
 - (d) 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 that any person who is not an interpreter for the pur-

- poses of the proceedings address or answer him or her in NZSL; or
- (b) entitle any such person other than the presiding officer to require that the proceedings or any part of them be recorded in NZSL.
- (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.
 - (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.
 - (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 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.

Compare: 1987 No 176 s 4

8 Effect of recognition

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

Compare: 1987 No 176 s 5

*Principles to guide government departments***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 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).
- (2) Consultation carried out by a government department under subsection (1)(a) is to be effected by the chief executive of the 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.
- (3) 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.

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.

Miscellaneous provisions

11 Review of operation of Act

- (1) The Minister must, as soon as is practicable, 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.

12 New Zealand Bill of Rights Act 1990 not affected

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

Regulations

13 Regulations

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

Schedule

s 4

**Courts and tribunals before which New
Zealand Sign Language may be used***A. Courts*

The Supreme Court

The Court of Appeal

The High Court

District courts

The Employment Court

Family courts

Youth courts

The Maori Land Court

The Maori Appellate Court

The Environment Court

B. Tribunals

The Waitangi Tribunal

The Employment Relations Authority

The Human Rights Review Tribunal

The Motor Vehicle Disputes Tribunals established under section 82(1) of the Motor Vehicle Sales Act 2003

The Tenancy Tribunal

Disputes Tribunals established under the Disputes Tribunals Act 1988

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Notes

1 *General*

This is a reprint of the New Zealand Sign Language Act 2006. The reprint incorporates all the amendments to the New Zealand Sign Language Act 2006 as at 30 June 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
