



TEACHING NOTE – The New Zealand Sign Language Bill

Opening paragraph/synopsis

In June 2003 in Wellington, Samantha Wilson, an Office of Disability Issues policy analyst, reflected on consultations with 27 government departments on draft provisions for a New Zealand Sign Language (NZSL) Bill. She knew that the Deaf¹ community sought a spectrum of enforceable “language rights”. Yet, every department said the proposals went “too far” to be implemented. Samantha needed to recast the Bill’s objectives in a way that would be acceptable to both government and the Deaf community.

Teaching objectives

- *Understand the concept of policy trade-offs where “rights” are an issue*
- *Have strategies for analysing trade-offs and reaching an appropriate balance*
- *Consider the tensions analysts face when they find themselves both personally and professionally involved in a matter*

Immediate issues

- Drafting a revised Bill that is acceptable to both the government and the Deaf community

Basic issues

- Defining what a policy issue is “really” about and crafting solutions that are consistent with that definition
- Developing policy that takes account of the distinctiveness of “rights”-based policy issues

This teaching note was written by Dr Amanda Wolf, Victoria University of Wellington. It has been prepared for use with the case study ANZSOG 2005-28.1. The use of teaching notes is restricted to accredited individuals and organisations.

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¹ The capitalised “D” is used to denote a distinct cultural group of people who are deaf, use NZSL as their first or preferred language, and identify with the Deaf community and culture. Like all cultures, Deaf culture incorporates a rich body of distinct customs, mannerisms, art, humour, and history.

- Using consultation with government departments and community “stakeholders”
- Taking into account the effect of precedent on policy making
- Considering a policy’s consistency with existing laws
- Weighing the relative merits of policies that establish enforceable rights and policies that establish “principles” coupled with a monitoring regime, relative to the status quo with neither policy in place
- Appreciating the tensions analysts can face when their personal interests are closely involved with a matter they are required to work on professionally

Questions for students to consider

1. Is this issue about language, identity, disability, human rights, or something else? What reasons support different views?
2. What “generic” solutions might Samantha and her ODI colleagues consider that have the potential to serve as a consensus solution to both a small community and government departments?
3. What do you think were the benefits of the consultation with the Deaf community? What were the real and potential pitfalls?
4. Especially from the perspective of Cabinet and government departments, what consideration might have been given to the effect of “precedent” in extending a right to the Deaf community?
5. As a policy manager, how might you support Samantha, who is deaf, in her efforts to find a “workable solution”?

Response

The issue is about language, identity, disability, human rights, and “pragmatic” resource issues. There is no answer to the question as phrased. Instead, the reasons offered in the debate (or as occur to participants) are valuable in showing the linkages among these concepts.

The main challenge in revising the Bill was to address the inherent tension in extending official recognition to NZSL, but limiting any effects with immediate resource limitations. The main “generic” options are enforceable rights (favoured by the Deaf community), unenforceable mandatory duties, principles with no enforcement mechanisms, principles with monitoring mechanism, or the “status quo”, with no specific statement about rights, obligations, or principles. The Cabinet paper came out in favour of principles based on language rights that would be monitored and reported on annually as part of the report on the implementation of the disability strategy.

The Bill was presented as “coming from the Deaf community”. Yet the community wanted real services, not just recognition. The key to achieving a workable solution was to separate the status of NZSL from access to services. Samantha, as both an ODI analysts and a member of the Deaf community could be seen either as a “critical link”

with mana on both sides of the issue, or as unappealingly pulled in two directions. Students might reflect on parallels with Maori who work for Te Puni Kokiri, the role of a gay MP, and so on, in policy development.

Possible teaching aids

- Timeline prepared by Kayt Robinson
- 16 September Cabinet paper prepared by ODI (the actual paper that “Samantha” produced)
- Transcript (or edited video of signed description) of the Bill’s first reading
- The New Zealand Sign Language Bill
- Interview transcript (or edited audiotape) of Rachel McKee’s views on the Deaf community’s and government’s “agenda” (Rachel McKee lectures in Deaf Studies at Victoria University of Wellington, and teaches Sign Language.)

To access these materials contact info@casestudies.anzsog.edu.au.

Teaching suggestion

The “postscript” New Zealand Sign Language Bill (B) (ANZSOG 2005-28.2) can be introduced after participants have engaged in some initial discussions, to best simulate the ever-changing environment of policy analysis. Or, it can be included with the case assignment. Some students will independently raise the discrimination elements contained in the postscript.

The case supports a number of extended discussions.

The case could lead to an extended discussion of “professional ethics”, where participants could reflect on their own ethical dilemmas, or hypothetical ones (such as being asked to prepare a Bill legalising prostitution if they are vehemently opposed to legalisation).

The case might also lead to a discussion of “diversity” in policy, starting from a careful consideration of just what was claimed to be owed to Deaf people, and how this claim compares with other claims by groups in society.

The case invites consideration of “symbolic” policy, and whether “recognition” with no substance behind it is to “buy off” a clamouring interest group, or is the thin edge of a wedge that gradually leads to social changes, which in turn lead to substantive changes in the well-being of a group.