



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

10 FEB 2021

During a meeting with the Office for Disability Issues on 9 December 2020 you verbally requested a copy of the New Zealand Sign Language Board Review 2020 report. At that time you were verbally advised the report would be proactively released by the Ministry of Social Development (the Ministry).

On 4 February 2021, the Ministry emailed you directly informing that the release of this information would be processed under the Official Information Act 1982 (the Act).

Please find a copy of the following report attached:

- New Zealand Sign Language Board Review 2020, dated 22 June 2020

You will note that the term 'Deaf Aotearoa representative' is referenced in numerous places in this report. However, the new term now used after the report was signed is 'DPO nominee'.

Appendix D of the report refers to the current Terms of Reference for the New Zealand Sign Language Board.

Some information is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

Information is also withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

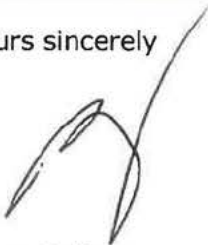
This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and attached document

available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding the New Zealand Sign Language Board Review 2020 report, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Brian Coffey', with a long, sweeping line extending upwards and to the right.

Brian Coffey
Director, Office for Disability Issues

Report

Date: 22 June 2020 **Security Level:** IN CONFIDENCE
For: Hon Carmel Sepuloni, Minister for Disability Issues
File reference: REP/20/5/505

New Zealand Sign Language Board Review 2020

Purpose of the report

- 1 This report provides you with the results of the review of the New Zealand Sign Language Board (the Board) that was undertaken in 2020.
- 2 It seeks your approval to seven recommendations which respond to the issues identified in the review, including decisions on the future membership of the Board.

About the Board

- 3 The Board was established in 2015 by Cabinet. The Board is responsible for the maintenance and promotion of New Zealand Sign Language (NZSL) and the distribution of the NZSL Fund.

Challenges in recruiting and maintaining membership

- 4 The current Board has seven members. A recruitment round in May 2019 resulted in the appointment of four new Board members. A further recruitment round in December 2019 resulted in the appointment of two Māori Board members.
- 5 Since the May 2019 appointment process, three members have stepped down from the Board. Since the establishment of the Board in 2015, only two members have requested to stay on past their first term.
- 6 Based on a 2014 Cabinet decision, one member of the Board must be a representative from the Disabled People's Organisation (DPO) for the Deaf community (this is currently Deaf Aotearoa New Zealand). This was intended as a means of giving effect to Article 4.3¹ of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Executive Board of Deaf Aotearoa makes the nomination and the Cabinet Appointments and Honours Committee confirms or otherwise the nomination to the NZSL Board.

¹ Article 4.3 explains that the involvement of persons with disabilities through their representative organisations lies at the heart of the CRPD and is captured in the slogan of the disability movement 'Nothing about us, without us'.

Article 4.3 of the CRPD states that "in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations

- 7 The DPO representative seat was vacated in September 2019. Deaf Aotearoa has commenced the process of nominating a replacement, pending your decisions about the issues identified in the review.

Challenges in managing conflicts of interest and in achieving the breadth and depth of representation

- 8 The NZSL community is small and passionate about the right to use NZSL in all aspects of daily life in New Zealand. Because it is a small community, many of its members have multiple roles in Deaf businesses, organisations and community groups. Typical conflicts of interest involve members who are also service providers, work for service providers, or are closely associated with service providers.
- 9 This means there is a risk that commercial interests may influence decisions, be perceived to influence decisions, and the need to restrict availability of commercial information to some board members, in Board discussions and decisions about allocating funding.
- 10 This complexity also creates a challenge around Deaf Aotearoa's representation on the Board. Deaf Aotearoa, as a DPO, has an advocacy role governed by the Deaf Aotearoa Executive Board, and a service provider role as governed by the Board of Deaf Aotearoa Holdings Limited.
- 11 Since the Board's establishment, a Conflict of Interest policy has been in place to manage conflicts of interest whether they be real and/or perceived and there has been a strong discipline of adhering to that policy.

Managing conflicts of interest at decision making

- 12 At times the required quorum of six members has not been possible for strategic and operational decision making when those with identified conflicts of interest have been required to leave the meeting. In a 2019 review of the Terms of Reference, you approved alternative decision-making processes to be used when a quorum cannot be achieved.
- 13 The Office for Disability Issues (ODI) is able to make funding decisions when a quorum cannot be achieved, or when a decision is necessary for the Board to fulfil its operational and strategic requirements.
- 14 Outside of Board meetings, complaints about actual and perceived conflicts of interests has taken considerable time for ODI to manage.
- 15 To address this issue, it is recommended that a programme of work is led by the NZSL Board and ODI to engage with key leaders across the Deaf community on working together, while identifying and managing differences, in order to establish greater collective impact for the Deaf community and the maintenance and promotion of NZSL.

Increasing capability

- 16 Because the number of people with the required government and language expertise in NZSL is very small, there aren't enough people with the right skills to fill future Board roles without dedicated succession planning.
- 17 The Board's Terms of Reference (refer to Appendix A for full information from the terms of reference on the Board's composition refers) states that members must demonstrate the following skills and experience:
 - experience in governance
 - representation of a broad cross-section of the community of NZSL users
 - understanding of government processes
 - fluency in NZSL - the most critical competency.

- 18 Board members have received coaching from a governance facilitator. Coaching is also available to the Board Chair. In February 2020, the governance coach stated that the Board was operating efficiently, with good processes in place for Board discussion and decision making.
- 19 To continue making improvements, a work programme to further develop governance capability across the Deaf community is recommended. This will assist the Board with succession planning and assist other Deaf organisations working in the community.

Review of the Board's Terms of Reference (2019 and 2020)

- 20 ODI has reviewed the Board's Terms of Reference on two occasions. The 2019 review changed the quorum requirements for decision making. The 2020 review looked at the size and composition of the Board, including the role of Deaf Aotearoa.
- 21 Note that you have delegated authority to approve the Board's Terms of Reference as the Minister for Disability Issues.

Views on the role of Deaf Aotearoa and the need for the Board to be NZSL experts

- 22 The views from those consulted were diverse and conflicting on two issues:
 - the role of the Deaf Aotearoa on the Board
 - whether the Board needs to consist of NZSL experts or that representatives of the wider Deaf community (with access to expert advice) could effectively meet the objectives of the Board.
- 23 Note that in terms of the number of people on the Board, the preference was for fewer than ten people (ten people have traditionally made up the Board). ODI recommends that the ideal size of the Board is eight, with the option to move to ten as required but that the primary factor being ensuring the right mix of skills, expertise and community representation.
- 24 This would mean a quorum meeting and decision making would require half of the Board plus one, or refer the decision to ODI.
- 25 It was assumed that Māori representation on the Board should remain as is, with at least two Board members representing Deaf Māori.

Deaf Aotearoa representation on the Board

- 26 Those involved in the review were asked to consider five options (Appendix B refers). In balancing the range of interests and views on this issue, ODI recommends that the Terms of Reference is updated so that:
 - Deaf Aotearoa continues to have the opportunity to nominate a person to the Board, as a means of giving effect to Article 4.3 of the UNCRPD, noting that either of the options would give effect to Article 4.3, as the UNCRPD does not specify how Article 4.3 is given effect
 - when Deaf Aotearoa is invited to nominate a person to the NZSL Board, they give full consideration to addressing identified gaps in expertise, skills, or knowledge on the Board
 - it is emphasised that the Deaf Aotearoa representative on the Board should not be restricted to a Deaf Aotearoa Board member or employee.
- 27 Associated with this decision would be the need for ODI and the Board Chair to meet with Deaf Aotearoa representatives to:
 - discuss, detail and document what is expected of the Deaf Aotearoa representative on the Board, to ensure the Board gets the full benefit of

Deaf Aotearoa's participation, and the Deaf Aotearoa representative is safe and confident in their role

- continue to operate a strong conflict of interest policy which should exclude the Deaf Aotearoa representative from voting on funding allocation decisions to provide confidence that Deaf Aotearoa, in its role as a funded service provider, does not benefit from NZSL Board funding decisions
- meet at least three times a year to review that the expectations are being achieved and include comment in the annual NZSL Board report to the Minister on how this is progressing
- engage with the Deaf community to ensure that the community is fully informed of the role of Deaf Aotearoa on the Board
- ensure that others being nominated for the Board from the Deaf community are also not closely associated with Deaf businesses, and if so, they will be excluded from involvement in funding decisions.

The feedback on the DPO's (Deaf Aotearoa) role on the NZSL Board was diverse

28 Deaf Aotearoa wish to retain the status quo (Appendix C refers). The key reasons for status quo are summarised as follows:

- to give effect to their role as a DPO and Article 4.3 of the UN Convention
- to ensure when decisions are being discussed and being made by the NZSL Board the views and knowledge of Deaf Aotearoa are considered at that time
- to give the Minister the confidence that advice from the NZSL Board has already considered the views of Deaf Aotearoa, and
- that in exercising its nomination of a member to the NZSL Board the nominee would have expertise in NZSL as well as knowledge of the Deaf community
- that Deaf Aotearoa representation on the Board was consistent with the Cabinet decision to establish the Board and brings both expertise and community knowledge to the Board
- that there would be reputational risk for Deaf Aotearoa if it was to be excluded from the NZSL Board
- Deaf Aotearoa should not be excluded from being represented on the NZSL Board because some in the Deaf community have an uninformed dislike for Deaf Aotearoa

29 Deaf Aotearoa also expressed the view that the NZSL Board needs to be reviewed against the intent of the 2014 Cabinet paper.

30 The "expert advisory group"² which was formed in 2013 to advise on the Cabinet Paper to establish the Board was also consulted. Four members of the "expert advisory group", opted for status quo, option (1) or option (2), (full membership without voting rights) on the basis that Deaf Aotearoa would nominate a person with expertise to the position and that membership of the Board would be more efficient than seeking the Deaf Aotearoa perspective outside of Board meetings.

31 Appendix C provides a record of a meeting with four members of the original "expert advisory group".

² The "expert advisory group" was established by ODI in 2013 to inform the Cabinet paper that established the NZSL Board in 2014. The "expert advisory" group no longer met following the establishment of the NZSL Board with four of the members becoming Board members, one member being employed as the Senior Advisor to the Board, two were deceased, and the last member is overseas.

32 s 9(2)(g)(i) OIA, s 9(2)(a) OIA

33 Current NZSL Board members, and some previous members, were generally of the view that Deaf Aotearoa's full membership of the NZSL Board should change with a preference for Deaf Aotearoa to not have a representative on the Board but that the Board would regularly meet and consult with Deaf Aotearoa on the strategic direction of the Board, key decisions and work programmes. The reasons for these views were:

- the perceived conflict of interest of Deaf Aotearoa as a service provider being involved in funding decisions made by the Board
- the distractions and disruptions to the business of the NZSL Board in having to manage the perceived and real conflicts of interest
- that the Deaf community needs to see the NZSL Board as an independent Board not an adjunct of Deaf Aotearoa (it should be noted that in the first four years of the NZSL Board four NZSL Board members, including the Deaf Aotearoa representative, were Deaf Aotearoa employees, with one of those people also being the Chair of the Board)
- s 9(2)(g)(i) OIA, s 9(2)(a) OIA
- the discomfort of feeling judged through the involvement of Deaf Aotearoa
- difficulties dealing with Deaf Aotearoa when the NZSL Board makes decisions that Deaf Aotearoa does not agree with

A Board of NZSL experts or a Board that represents community and engages with experts

34 On the issue of whether the Board should be a Board of experts on NZSL, versus the Board being representative of the Deaf and the NZSL community, ODI considers that both can be achieved through the nomination and appointment process to the Board and through the Board commissioning expert advice as required.

35 ODI also considers that the idea presented during consultation of planned and regular engagement with organisations like the NZSL Teachers Association (NZSLTA) and the Sign Language Interpreters Association of New Zealand (SLIANZ) and the Universities providing NZSL qualifications is worthy of development.

36 Deaf Aotearoa and the "expert advisory group" tended to be of the view that a Board of NZSL experts was required.

37 This could mean representation on the Board from organisations like the NZSL Teachers Association (NZSLTA) and the Sign Language Interpreters Association of New Zealand and the Universities providing NZSL qualifications.

38 Current Board members were of the view that expert advice could be commissioned by the Board, as required, if there were gaps in expertise on the Board.

Implications for current Board members tenure on the Board

39 The Board currently has a total of seven members. Three members of the current Board were appointed on a one-year term while this review was undertaken.

40 If the recommendation to appoint a Board of no less than eight members is accepted, there is one seat available for the DPO representative.

41 For the three members who were appointed on a one-year term in 2019, it is recommended to extend their appointments for two years as their one-year

appointment was a fully contestable process, and only limited to a one-year appointment because of the potential reduction in the size of the Board from this current review.

- 42 A paper to extend the one-year term if NZSL Board members (Catherine Greenwood, Natasha Cloete and Angela Sew Hoy) to three years has been prepared if you agree to extending their membership on the Board.

Recommendations

It is recommended that you:

Note that the number of members on the Board remains as a maximum of ten, but that in line with feedback from the Terms of Reference Review the aim will be to keep membership to eight.

Agree to amending the NZSL Board Terms of Reference (Appendix D) so that a quorum for meeting and decisions is half of the members of the Board, plus one.

Agree / Disagree

Agree to extend the one-year term of Catherine Greenwood, Natasha Cloete and Angela Sew Hoy for an additional two years on the basis that their one-year appointment was a fully contestable process, and only limited to a one-year appointment because of the potential reduction in the size of the Board from this current review.

Agree / Disagree

Agree that the Office for Disability Issues work with Deaf Aotearoa to identify suitable candidates for appointment onto the Board based on the identified skills and experience required to balance the current Board composition.

Agree / Disagree

Agree that the Deaf Aotearoa representative on the Board does not vote on funding decisions to avoid the conflict of interest associated with the Deaf Aotearoa role as a funded service provider.

Agree / Disagree

Agree that others who own, or are senior managers, or closely related to Deaf Business owners are either excluded from membership of the Board or are Board members but do not vote on funding decisions.

Agree / Disagree

Agree that the NZSL Board and Office for Disability Issues establish regular opportunities to develop governance skills and experience within the Deaf community.

Agree / Disagree

Direct the NZSL Board and Office for Disability Issues to establish a programme of work to support community cohesion, working towards collective impact for the maintenance and promotion of NZSL.

Agree / Disagree

Hon Carmel Sepuloni
Minister for Disability Issues

Date

Brian Coffey
Director
Office for Disability Issues

Date

Appendix A: Excerpt of the NZSL Board terms of reference relevant to composition of the Board and the DPO representation

Terms of Reference for the New Zealand Sign Language Board

26 March 2015

Revised 30 April 2019

Targeted review due by April 2020

Full review due by April 2021*

Vision: New Zealand Sign Language is a strong and vibrant language, recognised and embraced by New Zealand Society

* Aspects of this Terms of Reference that may impact the operation of the NZLS Board will be reviewed annually, with a full review being conducted biennially.

" Composition of the Board

10. The Board has up to 10 members in total, all of whom will be NZSL users and a majority of whom will be Deaf.
11. The members will reflect the diversity of the Deaf community and NZSL users. It will include, at a minimum, two members who identify as Māori and one member representing a relevant Deaf community member organisation of the Disabled People's Organisations Coalition (i.e. Deaf Aotearoa).
12. As far as possible membership will also have a gender balance, and reflect the perspectives of:
 - youth
 - families
 - older people
 - Pacific peoples, and other ethnic groups
 - people who use NZSL as their primary language, but do not identify as Deaf.
12. From time to time the Board will consult with experts from outside of the Board to ensure that broad perspectives regarding NZSL issues are achieved.

Skills and attributes required of members

13. Desirable skills and attributes for Board members are:
 - personal experience using NZSL
 - a wide knowledge of NZSL users and a critical awareness of language issues in the community
 - active linkages with the Deaf community, families with D/deaf members, and other NZSL users
 - experience in government or governance
 - a 'big picture' orientation, including an ability to think strategically and to prioritise

- an appreciation of practical measures to implement strategic priorities
- the ability to influence, without dominating
- an ability to work cooperatively as part of a group
- sound judgement
- sufficient competency in written English to deal with the complexity and volume of Board business.

Specific roles

Role of the representative of a Disabled People's Organisation

14. The Board membership includes a representative of a relevant Deaf community member organisation of the Disabled People's Organisations Coalition.
15. Meeting the membership requirements of this Coalition gives assurance that the organisation is Deaf led, has national coverage and is a registered incorporated society. Currently Deaf Aotearoa is the only Disabled People's Organisation meeting this requirement. Deaf Aotearoa is also a member of the World Federation of the Deaf.
16. The role of the Disabled People's Organisation representative on the Board is to present the views of the Disabled Persons Organisation recognised as representing the majority of the Deaf community.
17. The Disabled People's Organisation representative is a full member of the Board and holds the same responsibilities and rights as all other Board members, as set out in this Terms of Reference and the Board Code of Conduct."

Appendix B: Review process and options for DPO representation

- The review has gathered the perspective of individual Board members, past and current; Deaf Aotearoa as the DPO; and past members of the "Expert Advisory Group" which was formed in 2013, to provide advice on the structure for the NZSL Board.
- Board members (past and present) were asked to complete a survey individually, reflecting on their experience relating to the size, functioning and skills required to carry out the responsibilities of the Board. The survey was distributed via Survey Monkey with NZSL translations as well as the option to complete the survey with a member of the Secretariat in person.
- There were focussed discussions with Deaf Aotearoa, the "expert advisory group" and the current NZSL Board on the role of Deaf Aotearoa as the DPO on the Board and on the issue of Board of Experts v a Board of community members.
- The Expert Advisory Group members, four of whom served on the establishment NZSL Board, were able to provide the framework for the purpose of the NZSL Board based on research from overseas models.
- A range of options on the role of the DPO on the NZSL Board was developed to assist discussions and feedback (see below).

Options for DPO representation

Options	Brief Description
One Status Quo, full membership and voting rights	<ul style="list-style-type: none">• Membership including voting rights
Two Full membership	<ul style="list-style-type: none">• Membership only, no voting rights.• Participates in all discussions but not part of the decision making.
Three Partial membership for just some of the Board agenda	<ul style="list-style-type: none">• No voting rights• Decision to be made on which agenda items but a focus on the more strategic items in the agenda rather than the more operational decision making• Involved in commissioning and advice on strategic work programmes• A source of expert advice and community advice• Not required for some agenda items such as funding decisions
Four Targeted consultation and advice	<ul style="list-style-type: none">• Not a member of the NZLS Board, does not attend Board meetings but the Board actively consults Deaf Aotearoa on specific decisions and work programmes

Five General consultation and advice	<ul style="list-style-type: none">• A series of regular meetings are established where the NZSL Board talks about the work of the Board in general and Deaf Aotearoa has the opportunity to provide input on NZSL Board work programme priorities.
---	--

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Appendix C: Consultation Feedback

Deaf Aotearoa Feedback

26th May 2020

Option 1: Status Quo, full membership and voting rights
Brief Description: Membership including voting rights
Comment: <p>Ensures the Government's policy proposals, expectations and obligations outlined in the UNCRPD, Cabinet Paper, and Terms of Reference continue to be met.</p> <p>Deaf Aotearoa's role and status as the Government appointed DPO for Deaf people is recognised and valued as a key stakeholder within the Government's NZSL Board. Deaf Aotearoa remains an equal participant and contributor to the implementation and monitoring of the Government's NZSL Strategy and the NZSL Act 2006.</p> <p>By ensuring Deaf Aotearoa's role on the NZSL Board remains unchanged, the original intention of the NZSL Board, which includes providing "centralised, expert, high level and systematic advice on NZSL" will be upheld.</p> <p>This option ensures the expertise and community knowledge built up over more than 40 years is readily available to the Government and NZSL Board to access.</p> <p>The UNCRPD states: In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.</p> <p>This requires the Government to closely consult and actively involve Deaf Aotearoa on all issues concerning NZSL, including the implementation and monitoring of the NZSL Strategy and the NZSL Act. By retaining Deaf Aotearoa as a member of the NZSL Board, the Government has one centralised and strategic mechanism for the implementation and monitoring of the NZSL Strategy and the NZSL Act.</p> <p>Deaf Aotearoa maintains that "closely consulting and actively involving" Deaf Aotearoa can only be achieved if Deaf Aotearoa is a full member of the NZSL Board.</p> <p>The Cabinet Paper states: One member would be a representative from the Disabled People's Organisation for the deaf community.</p>

The Cabinet Paper supports the Government's implementation of the UNCRPD. No valid reason or clear problem definition has been provided as to why Deaf Aotearoa's role is under review, or why the DPO for the Deaf community should not have a role on the NZSL Board.

The Term of Reference states: The Board will work in partnership with the key government agencies, member organisations of the Disabled People's Organisations Coalition which represent the Deaf community (i.e. Deaf Aotearoa).

It is difficult to understand how changing Deaf Aotearoa's role on the NZSL Board without its agreement and without reasonable grounds (which have not been outlined and evidently do not exist), is "working in partnership".

Deaf Aotearoa has repeatedly raised and maintains that NZSL Board as a whole needs to be reviewed against its original policy intent and its progress on achieving the Government objectives as set down in the NZSL Strategy and the

NZSL Act. Deaf Aotearoa propose that such a review could identify some solutions and lead to some changes to the NZSL Board, such as reducing membership numbers to reflect an expert group of representatives appointed from and accountable to their organisation that is a recognised NZSL sector stakeholder; establishing wider working groups to support specific tasks of the NZSL Board; and developing a community engagement plan with mechanisms for the community to be regularly informed about and contribute to the implementation and monitoring of the NZSL Strategy and NZSL Act, such as having community representatives on NZSL Board project groups.

Another opportunity to improve the current situation that would likely be highlighted by a review of the NZSL Board against its original intent and its progress on implementing the NZSL Strategy and NZSL Act, is for ODI to provide greater and more active support to the appointed DPO representative on the Board. The framework for ODI's support role is the UNCRPD Article 4.3, i.e.: supporting the DPO for Deaf people to effectively carry out its DPO role on the NZSL Board. Such support from ODI could include providing more information and resources to the Deaf community about the UNCRPD, the DPO's role and position in working with the Government in NZSL and reiterating and clarifying this information when NZSL Board members or Deaf community members misunderstand what a DPO is and what the

Government's obligations to work with the DPOs are. Further, ODI's support to Deaf Aotearoa to carry out its DPO role effectively could encourage Deaf community members to support and strengthen their DPO so that Deaf people have a strong representative voice to the Government.

There have been concerns raised by unidentified people regarding their own perceptions of conflicts of interest related to Deaf Aotearoa being both an advocacy organisation and a service provider. However, no evidence whatsoever has been provided to Deaf Aotearoa to support the concerns raised. Deaf Aotearoa maintain that concerns are unsubstantiated and based on misunderstandings of the Government and government processes, the CRPD, the role of DPOs and how to effectively implement Government strategy (the NZSL Strategy) and legislation (the NZSL Act).

Learning from past events, it is important to note that formal complaints made about Deaf Aotearoa by unidentified people have provided no evidence of any wrongdoing by Deaf Aotearoa and no formal action against Deaf Aotearoa has been taken. Notably, Deaf Aotearoa's responses to the concerns and complaints have completely justified its roles as a DPO and service provider and have shown the concerns and complaints to be completely baseless.

Option 2: Full membership

Brief Description: Membership only, no voting rights. Participates in all discussions but not part of the decision making.

Comment:

"Full membership" implies the member has the same 'full' rights as other members, however not having voting rights will create a high risk to the perception, both from within the Government and the Deaf community, that Deaf Aotearoa is not an equal advisor to the Government on NZSL issues or that Deaf Aotearoa's wealth of NZSL experience and expertise is not worthy enough to be equally included in the NZSL Board.

This option also creates a high risk that the Government receives separate advice on NZSL issues, from the NZSL Board and from Deaf Aotearoa, that may result in inefficiencies for the Government, for example by having to consult and engage with two bodies on NZSL issues, rather than one, as proposed in the original policy proposals for the NZSL Board. Receiving two lots of advice and carrying out two lots of engagements creates a high risk for duplication and the potential for conflicting or confusing advice on NZSL to come from the NZSL Board and from Deaf Aotearoa.

Deaf Aotearoa holds one position on the NZSL Board and its representative casts one vote – why should Deaf Aotearoa's representative not have the same voting rights as other NZSL Board members?

Deaf Aotearoa's long 40+ year history of advocacy and service delivery with the Deaf community throughout New Zealand means that Deaf Aotearoa brings to the NZSL Board a wealth of diverse knowledge of the Deaf community and NZSL throughout New Zealand. This long history and broad representation of the diverse Deaf community provides critical knowledge to ensure the NZSL

Board can effectively support the implementation of the Government's NZSL Strategy and NZSL Act.

Option 3: Partial membership for just some of the Board agenda

Description: No voting rights. Decision to be made on which agenda items but a focus on the more strategic items in the agenda rather than the more operational decision making. Involved in commissioning and advice on strategic work programmes. A source of expert advice and community advice. Not required for some agenda items such as funding decisions

Comment:

As the *only* community organisation representative on the board, Deaf Aotearoa is the *only* source of community advice, not just “a” source. The other 9 board members do not represent the Deaf community, they represent their own views only.

This option does not appropriately acknowledge or respect Deaf Aotearoa’s role as the government appointed voice of Deaf people (DPO) to advise the Government on implementation and monitoring of the CRPD, the Government’s

NZSL Strategy and the NZSL Act. This option risks undermining Deaf Aotearoa’s DPO status and role by promoting the perception that Deaf Aotearoa is not valued by the Government or is only partially valued by the Government.

This option also creates a high risk that the Government receives separate advice on NZSL issues, from the NZSL Board and from Deaf Aotearoa, that may result in inefficiencies for the Government, for example by having to consult and engage with two bodies on NZSL issues, rather than one, as proposed in the original policy proposals for the NZSL Board. Receiving two lots of advice and carrying out two lots of engagements creates a high risk for duplication and the potential for conflicting or confusing advice on NZSL to come from the NZSL Board and from Deaf Aotearoa.

Deaf Aotearoa’s long 40+ year history of advocacy and service delivery with the Deaf community throughout New Zealand means that Deaf Aotearoa brings to the NZSL Board a wealth of diverse knowledge of the Deaf community and NZSL throughout New Zealand. This long-history and broad representation of the diverse Deaf community provides critical knowledge to ensure the NZSL

Board can effectively support the implementation of the Government’s NZSL Strategy and NZSL Act.

Deaf Aotearoa’s long history and advocacy and service delivery provides its representative with arguably greater knowledge than many other NZSL Board members. To remove its voting rights would remove the opportunity for Deaf Aotearoa to genuinely participate and influence critical advice and decisions.

It is not clear how Deaf Aotearoa would be genuinely consulted with on any particular agenda items. How would it be decided which agenda items Deaf

Aotearoa's opinion was required on? The line between strategic and operational decision-making can get very murky.

It is not clear why Deaf Aotearoa is not required for funding decisions? This has not formed any part of any problem definition shared with Deaf Aotearoa.

Option 4: Targeted consultation and advice

Description: Not a member of the NZSL Board, does not attend Board meetings but the Board actively consults Deaf Aotearoa on particular decisions and work programmes

Comments:

This option does not appropriately acknowledge or respect Deaf Aotearoa's role as the government appointed voice of Deaf people (DPO) to advise the Government on implementation and monitoring of the CRPD, the Government's NZSL Strategy and the NZSL Act. This option risks undermining Deaf Aotearoa's DPO status and role by promoting the perception that Deaf Aotearoa is not valued by the Government or is only partially valued by the Government.

This option also creates a high risk that the Government receives separate advice on NZSL issues, from the NZSL Board and from Deaf Aotearoa, that may result in inefficiencies for the Government, for example by having to consult and engage with two bodies on NZSL issues, rather than one, as proposed in the original policy proposals for the NZSL Board. Receiving two lots of advice and carrying out two lots of engagements creates a high risk for duplication and the potential for conflicting or confusing advice on NZSL to come from the NZSL Board and from Deaf Aotearoa.

Deaf Aotearoa note that in the Cabinet paper proposing the establishment of the NZSL Board the argument for a NZSL Board included that its purpose was to provide the Government with one central place to seek and get advice on NZSL issues to support the Government's implementation of the NZSL Strategy and the NZSL Act.

It is not clear how it would be decided which topics Deaf Aotearoa would provide targeted advice on. NZSL Strategy and NZSL Act 2006 implementation and monitoring work programmes and projects can often involve multiple aspects of NZSL and impact on multiple objectives. Trying to clearly separate out issues Deaf Aotearoa might be consulted on risks getting very messy and confusing.

Option 5: General consultation and advice

Description: A series of regular meetings are established where the NZSL Board talks about the work of the Board in general and Deaf Aotearoa has the opportunity to provide input on NZSL Board work programme priorities.

Comments:

This option does not appropriately acknowledge or respect Deaf Aotearoa's role as the government appointed voice of Deaf people (DPO) to advise the Government on implementation and monitoring of the CRPD, the Government's NZSL Strategy and the NZSL Act. This option risks undermining Deaf Aotearoa's DPO status and role by promoting the perception that Deaf Aotearoa is not valued by the Government or is only partially valued by the Government.

This option also creates a high risk that the Government receives separate advice on NZSL issues, from the NZSL Board and from Deaf Aotearoa, that may result in inefficiencies for the Government, for example by having to consult and engage with two bodies on NZSL issues, rather than one, as proposed in the original policy proposals for the NZSL Board. Receiving two lots of advice and carrying out two lots of engagements creates a high risk for duplication and the potential for conflicting or confusing advice on NZSL to come from the NZSL Board and from Deaf Aotearoa.

Deaf Aotearoa note that in the Cabinet paper proposing the establishment of the NZSL Board the argument for a NZSL Board included that its purpose was to provide the Government with one central place to seek and get advice on NZSL issues to support the Government's implementation of the NZSL Strategy and the NZSL Act.

It is not clear how it would be decided which topics Deaf Aotearoa would provide targeted advice on. NZSL Strategy and NZSL Act implementation and monitoring work programmes and projects can often involve multiple aspects of NZSL and impact on multiple objectives. Trying to clearly separate out issues Deaf Aotearoa might be consulted on risks getting very messy and confusing.

Other option: Deaf Aotearoa, VUW Deaf Studies Research Unit, NZSLTA, SLIANZ, AUT hold designated positions on NZSL Board

Description: Additional seats on the board designated for other organisations with a specific interest in the development, promotion and maintenance of NZSL. All NZSL Board members, including those held by representatives of organisations, have the same voting rights.

Comments:

Representatives of organisations with knowledge and expertise in NZSL are equal members of the NZSL Board and are accountable to their organisation, a situation which differs greatly from the current situation where only the Deaf Aotearoa representative is accountable to the organisation that nominated them.

The NZSL organisations that have explicit expertise and knowledge and have a clear stakeholder role in the teaching, promotion and maintenance of NZSL are:

- VUW Deaf Studies Research Centre
- AUT
- Deaf Aotearoa
- NZSL Teachers Association
- SLIANZ

These organisations would need to be consulted with prior to their position on the NZSL Board being confirmed and would need to be supported by ODI to perform their roles effectively.

Two other NZSL Board positions could be filled by community individuals with demonstrated knowledge, skills and expertise in the development, promotion and maintenance of NZSL.

"Expert Advisory Group" feedback

Discussion Summary

- In response to the information provided that the Minister had agreed to a review of the NZSL Act commencing in 2021, and that a more substantive review of the NZSL Board would occur in 2021, your advice was that the two work programmes should be linked together and that an expert advisory group should be engaged to work with the NZSL Board on this
- The "Expert Advisory Group" believe that the number of people on the NZSL Board is a result of the Minister of the time wanting to see broad representation on the Board. The decision on this was not consistent with the advice provided by the Expert Advisory Group at the time when the Board was established.
- Ten people on the NZSL Board is unwieldy, it creates too many agendas, isn't efficient administratively or in decision making, and managing personalities becomes a distraction and barrier to progressing the purpose of the Board.
- If the NZSL Board is smaller then membership should give priority to the following skills/expertise – language policy, NZSL teaching/advocacy, governance and experience in government.
- The need to establish a "selection/nomination process" that ensures the appropriate skills/expertise are targeted and recruited. Invite people with the right skills/expertise to apply, don't rely totally on self-nomination
- The majority of the Board should be Deaf NZSL users, all members should be fluent NZSL users.
- Co-opting could be a mechanism for ensuring that the right skills and expertise are on the Board, even if not as permanent members of the Board, co-option could be for a specific period of time to assist the Board on a key project.
- Capability development of the Deaf community to be an effective Board member could be through involvement in working parties for projects that may be commissioned by the Board or through mentoring. Board membership is not for developing expertise it is for people with expertise with a primary focus of achieving the purpose of the Board
- Board members need to be focussed on providing sound, evidence-based advice to Government not necessarily the "voice of the community", especially as the community, though small, has many voices that at times are contradictory
- The Board needs to create a stronger role on keeping key government agencies such as education, justice, MSD, health to account. This should be through a six-monthly reporting regime as is being pursued for the Disability Action Plan. Those progress reports can then be shared with the community as evidence or otherwise of progress being achieved.
- The Board needs to be future focussed
- The allocation of community funds was an early priority of the Board, took up too much time, created tensions and unfortunately established the Board as a funding mechanism rather than a strategic Board
- A working group of NZSL community members could be engaged to focus on the community grants with the Board focussing on funding decisions to commission strategic work programmes and multi-year projects.
- The formal establishment of a Deputy Chair who could work well with the Chair was a real positive for the functioning of the Board
- A smaller and skilled Board meant that tasks could be distributed across the Board rather than relying on just a few on the Board to do the work with others as observers

- It was acknowledged that the secretariat responsibilities required two people and that the secretariat had actually become a programme office for the Board –commissioning and oversight of projects
- Your advice was that for the above reasons a Board of five or seven people was the ideal with a focus on recruiting for expertise
- Need to look at other ways to engage with Maori Deaf and fulfil Treaty obligations
- Important to not over burden the Board

DPO representation

On the issue of DPO representation I commented that it was not an issue of questioning the value of DPO representation/involvement or whether or not the DPO should be involved in the Board, but a matter of how.

It is also important to note that in considering options on the involvement of Deaf Aotearoa as the DPO representative on the NZSL Board it is not a criticism of Deaf Aotearoa as an organisation or the people from Deaf Aotearoa who have been involved in the Board.

It was acknowledged that the UNCRPD created an obligation for the NZSL Board of close involvement/consultation with the DPO representing the majority of Deaf people in Aotearoa.

I did comment that the involvement of the Deaf Aotearoa as a DPO representative on the Board was a distraction for some in the Deaf community, that there were perceptions of conflict of interest, that perceptions were realities for some, that this created significant work for the ODI secretariat, but that the ODI secretariat was consistent in the view that conflicts of interest were managed appropriately by the Board, even if it did impact on the efficiency of the Board decision making. It was noted that the question in the review survey on DPO involvement was purposely an open question and seeking comment from survey participants.

The “Expert Advisory” feedback on this issue was:

- Deaf Aotearoa as the DPO with national coverage of Deaf people and with strong community links over many years was a an important source of expert advice for the NZSL Board.
- Deaf Aotearoa is a source if valuable information – community information and expertise.
- Deaf Aotearoa had broad coverage of the Deaf community.
- Important that both Deaf Aotearoa and the NZSL Board were aligned in their advice as this strengthens impact and influence. Close involvement and membership on the NZSL Board makes this possible.
- If the Board is smaller, working effectively and with the right expertise and purpose then the close involvement of the DPO becomes less important

A request was made to present some ideas on other options for DPO involvement in the NZSL Board to assist in consideration of this issue. I provided some ideas at the meeting and cautioned that these are “straw person” options, have not been discussed with others,

not well developed, but are provided to assist thinking. As requested, I have documented some options in the table below for your feedback.

Please comment on the options in terms of – manages community perceptions of conflicts of interest, gives effect to the UNCPRD, efficiency, ensures the NZSL Board has access to expert advice, achieves the purpose of the NZSL Board, gives effect to the advocacy role of Deaf Aotearoa, manages the perception of Deaf Aotearoa as a service provider being advantaged through their NZSL Board involvement.

Options for DPO involvement in the NZSL Board. Five options are listed and described below for your consideration, but opportunity to mix elements of options.

Options	Brief Description
Status Quo, full membership and voting rights	Membership including voting rights
Full membership	Membership only, no voting rights. Participates in all discussions but not part of the decision making.
Partial membership for just some of the Board agenda	No voting rights. Decision to be made on which agenda items but a focus on the more strategic items in the agenda rather than the more operational decision making. Involved in commissioning and advice on strategic work programmes. A source of expert advice and community advice. Not required for some agenda items such as funding decisions
Targeted consultation and advice	Not a member of the NZLS Board, does not attend Board meetings but the Board actively consults Deaf Aotearoa on particular decisions and work programmes
General consultation and advice	A series of regular meetings are established where the NZSL Board talks about the work of the Board in general and Deaf Aotearoa has the opportunity to provide input on NZSL Board work programme priorities.
Other?	

The relevant ToR sections are Composition of the Board (10 – 13) and Role of the representative of a Disabled People's Organisation (15 – 18). I am submitting feedback as a member of the Experts Advisory Group (EAG). My feedback is highlighted in yellow. Please note, I have referenced to my past notes on the EAG including what was submitted to Minister Turiana.

The EAG was very clear that the NZSL (NZSLB) was to function as a strong bridge between the Deaf Community and the New Zealand Government. The NZSLB would function as a platform for the Deaf community to provide leadership in matters related to NZSL and national leadership on NZSL.

The intention was for the NZSL Board to report on the Government's activities and monitor progress, basically on how NZSL could be an official language "in reality, not just on paper".

Composition of the Board (ToR 10-13)	EAG feedback	§ 9(2)(a) OIA
<p>0. The Board has up to 10 members in total, all of whom will be NZSL users and a majority of whom will be Deaf.</p> <p>1. The members will reflect the diversity of the Deaf community and NZSL users. It will include, at a minimum, two members who identify as Māori and one member representing a relevant Deaf community member organisation of the Disabled People's Organisations Coalition (i.e. Deaf Aotearoa).</p> <p>2. As far as possible membership will also have a gender balance, and reflect the perspectives of:</p> <ul style="list-style-type: none"> • youth • families • older people • Pacific peoples, and other ethnic groups 	<p><u>Number of members on the NZSL Board</u></p> <ul style="list-style-type: none"> • <i>the "Expert Advisory Group" believe that the number of people on the NZSL Board is a result of the Minister of the time wanting to see broad representation on the Board. The decision on this was not consistent with the advice provided by the Expert Advisory Group at the time when the Board was established.</i> • <i>ten people on the NZSL Board is unwieldy, it creates too many agendas, isn't efficient administratively or in decision making, and managing personalities becomes a distraction and barrier to progressing the purpose of the Board.</i> • <i>if the NZSL Board is smaller then membership should give priority to the following skills/expertise – language</i> 	<ul style="list-style-type: none"> • The EAG highly recommended to Minister Turiana that the NZSL Board was to have 10 members. This was in order to cater for the diversity in the Deaf community, and to ensure that the Deaf community was 'heard'. I do not in any way support the reduction in numbers on the NZSLB. This level of representation is essential. My view on the number of NZSL Board members remains that it should stand at 10 members. • I do not support the concept that "governance and experience in government" is needed as this is a language board, and ODI provides that expertise already. They are supposed to be the liaison with government so having experience already in that area, while useful, is far from essential.

<ul style="list-style-type: none"> people who use NZSL as their primary language, but do not identify as Deaf. <p>3. From time to time the Board will consult with experts from outside of the Board to ensure that broad perspectives regarding NZSL issues are achieved.</p>	<p><i>policy, NZSL teaching/advocacy, governance and experience in government.</i></p>	<ul style="list-style-type: none"> It is also to be noted that the number of Deaf people with government expertise is extremely low so the NZSL Board would be painting itself in a corner if it added this stipulation.
	<p>4. <i>the need to establish a "selection/nomination process" that ensures the appropriate skills/expertise are targeted and recruited. Invite people with the right skills/expertise to apply, don't rely totally on self-nomination.</i></p>	<p>5. This is a concern as this raises a whole lot of other issues, e.g. who decides who is worthy of nomination? This policy would further distance the NZSLB from the community. Self-nomination is encouraged.</p> <p>6. If the NZSL Board, with its open nomination processes, is having difficulty recruiting people with the right expertise, then I don't think shoulder-tapping is going to make any difference?</p>
	<p>7. <i>the majority of the Board should be Deaf NZSL users, all members should be fluent NZSL users</i></p>	<p>8. I believe that fluent hearing NZSL users are highly useful as they may have relevant expertise and background. I agree that most Board members should be Deaf, and agree that, ideally, they should all be fluent NZSL users. However, I know there are some people who could be really useful to have on the NZSLB who are not fluent NZSL users, and while it is highly desirable to have a fluently signing board, this possibility should not be compulsory if the person scores highly in other ways regarding the right skills and expertise. This includes some Deaf people who may not be fluent for whatever reason.</p>
	<ul style="list-style-type: none"> co-opting could be a mechanism for ensuring that the right skills and 	<ul style="list-style-type: none"> The NZSL Board's reporting on govt. departments is very low. It seems

	<p>expertise are on the Board, even if not as permanent members of the Board, co-option could be for a specific period of time to assist the Board on a key project.</p> <ul style="list-style-type: none"> • capability development of the Deaf community to be an effective Board member could be through involvement in working parties for projects that may be commissioned by the Board or through mentoring. Board membership is not for developing expertise it is for people with expertise with a primary focus of achieving the purpose of the Board • Board members need to be focussed on providing sound, evidence based advice to Government not necessarily the "voice of the community", especially as the community, though small, has many voices that at times are contradictory • the Board needs to create a stronger role on keeping key government agencies such as education, justice, MSD, health to account. This should be through a six monthly reporting regime as is being pursued for the Disability Action Plan. Those progress reports can then be shared with the community as evidence or otherwise of progress being achieved. • the Board needs to be future focussed • the allocation of community funds was an early priority of the Board, took up 	<p>distracted and focused on other issues. The NZSLB's focus should be primarily to hold ALL govt. departments to account! And this does not see to be happening at all.</p> <ul style="list-style-type: none"> • I understand the desire to ensure that the NZSLB is fully functional and all members are able to contribute appropriately from the first day. You put this as "Board membership is not for developing expertise". However, this is the reality for the New Zealand Deaf community. We don't yet have enough people who can make participate at that level straightaway, and so some aspect of experience gathering and learning is ALWAYS part of Deaf community governance, and is because the Deaf community have been shut out of governance for so long. Historically only a very few Deaf people have had any meaningful governance roles. Therefore, to insist all members are immediately competent in governance risks retuning to those days when an elite few only gave all the advice and made all the decisions. The EAG said the group should be broadly representative of the Deaf community and this will naturally include some people who are less experienced in governance than others, that is part of what the community needs to grow. • Yes, agree that the Board needs stronger reporting processes from Govt departments. • Yes, agree future focused. Not sure what the alternative is there? • Community working group for the NZSL Fund? Hmm, I am not sure about this as
--	--	---

	<p>too much time, created tensions and unfortunately established the Board as a funding mechanism rather than a strategic Board</p> <ul style="list-style-type: none"> • a working group of NZSL community members could be engaged to focus on the community grants with the Board focussing on funding decisions to commission strategic work programmes and multi-year projects. • the formal establishment of a Deputy Chair who could work well with the Chair was a real positive for the functioning of the Board • a smaller and skilled Board meant that tasks could be distributed across the Board rather than relying on just a few on the Board to do the work with others as observers • it was acknowledged that the secretariat responsibilities required two people and that the secretariat had actually become a programme office for the Board – commissioning and oversight of projects • your advice was that for the above reasons a Board of five or seven people was the ideal with a focus on recruiting for expertise • need to look at other ways to engage with Maori Deaf and fulfil Treaty obligations 	<p>it could risk being seen as being partial, it's a small community, and many with the initiative to be on the group would also likely be the kind of people who would apply! Maybe a group of NZSL Board reps and government representatives instead? There is always grumbling about the NZSL Fund decisions and I think a community group would be open to too much pressure – remember the community and its initiatives are chronically underfunded, hence the pressure.</p> <ul style="list-style-type: none"> • If the distribution of Board tasks is not working in a group of ten then it is no more likely to succeed with a smaller board. If some members are not stepping up to be involved in board tasks then they need more support, I doubt anyone joins the board to NOT make a difference. Also, you say ODI is the programme office, so they seem to be taking on the tasks already? I think it more important to think about what the role of the Board is? Is it to only give advice, or is it to also do some of the work, or get more involved? The advice here left seems contradictory.
--	---	---

Composition of the Board (ToR 10-13)	EAG feedback	s 9(2)(a) QIA
<p>9. The Board has up to 10 members in total, all of whom will be NZSL users and a majority of whom will be Deaf.</p> <p>10. The members will reflect the diversity of the Deaf community and NZSL users. It will include, at a minimum, two members who identify as Māori and one member representing a relevant Deaf community member organisation of the Disabled People's Organisations Coalition (i.e. Deaf Aotearoa).</p> <p>11. As far as possible membership will also have a gender balance, and reflect the perspectives of:</p> <ul style="list-style-type: none"> • youth • families • older people • Pacific peoples, and other ethnic groups • people who use NZSL as their primary language, but do not identify as Deaf. <p>12. From time to time the Board will consult with experts from outside of the Board to ensure that broad perspectives regarding NZSL issues are achieved.</p>	<ul style="list-style-type: none"> • Deaf Aotearoa as the DPO with national coverage of Deaf people and with strong community links over many years was an important source of expert advice for the NZSL Board • Deaf Aotearoa is a source if valuable information – community information and expertise This information comes from the Deaf community, • Deaf Aotearoa had broad coverage of the Deaf community • important that both Deaf Aotearoa and the NZSL Board were aligned in their advice as this strengthens impact and influence. Close involvement and membership on the NZSL Board makes this possible. • if the Board is smaller, working effectively and with the right expertise and purpose then the close involvement of the DPO becomes less important 	<ul style="list-style-type: none"> • Firstly, the issue of 'Deaf Aotearoa' needs clarity. There is a real need for the secretariat to explain the difference between Deaf Aotearoa and Deaf Aotearoa Holdings Limited. To be clear, Deaf Aotearoa is a Disabled Persons Organisation, formally representing the Deaf community in New Zealand. Deaf Aotearoa's Executive Board is elected by Deaf members. It currently commands the position of community representative and its sole DPO position. • In contrast, Deaf Aotearoa Holdings, is a company legally owned by Deaf Aotearoa New Zealand Incorporated, and is a service provider with various Government contracts, run by a Chief Executive and management team. They are not elected by the Deaf community, rather they work in paid positions. The organisation is overseen by a board, none of whom were elected to that position by the Deaf community (although it does contain members of the Executive Board). As it is DAHL staff have no community mandate to represent the community is matters outside of direct DAHL work (such as contracts etc) • That is why it is important to state that "Deaf Aotearoa New Zealand Incorporated Executive Board" as being the DPO and make note of this in the

		ToR instead of simply stating 'Deaf Aotearoa'.
--	--	--

Role of the representative of a Disabled People's Organisation (ToR 15 – 18)

I did comment that the involvement of the Deaf Aotearoa as a DPO representative on the Board was a distraction for some in the Deaf community, that there were perceptions of conflict of interest, that perceptions were realities for some, that this created significant work for the ODI secretariat, but that the ODI secretariat was consistent in the view that conflicts of interest were managed appropriately by the Board, even if it did impact on the efficiency of the Board decision making. It was noted that the question in the review survey on DPO involvement was purposely an open question and seeking comment from survey participants.

Please comment on the options in terms of – manages community perceptions of conflicts of interest, gives effect to the UNCPRD, efficiency, ensures the NZSL Board has access to expert advice, achieves the purpose of the NZSL Board, gives effect to the advocacy role of Deaf Aotearoa, manages the perception of Deaf Aotearoa as a service provider being advantaged through their NZSL Board involvement.

Options	Brief Description	Comment
Status Quo, full membership and voting rights	Membership including voting rights	Do not agree with this. DANZ Executive Board is voted by the Deaf community, and the DANZ EB may not have the necessary expertise and skills required to stand on the NZSLB.
Full membership	Membership only, no voting rights. Participates in all discussions but not part of the decision making.	Do not prefer this. DANZ Executive Board is voted by the Deaf community, and DANZ EB may not have the necessary expertise and skills required to stand on the NZSLB. However this is preferable and safer than the first option of status quo.
Partial membership for just some of the Board agenda	No voting rights Decision to be made on which agenda items but a focus on the more strategic items in the agenda rather than the more operational decision making	I do not prefer this option. Again, it depends on whether the DANZ Executive Board or a staff member of DAHL. I would be wary of this: "Involved in commissioning and advice on strategic work programmes" - as DA owns DAHL and so there would be serious concerns about influence and impartiality.

	<p>Involved in commissioning and advice on strategic work programmes</p> <p>A source of expert advice and community advice</p> <p>Not required for some agenda items such as funding decisions</p>	Partial attendance could be very messy for the rep and the NZSLB.
Targeted consultation and advice	Not a member of the NZLS Board, does not attend Board meetings but the Board actively consults Deaf Aotearoa on particular decisions and work programmes	OK, but I prefer the below option as it is more structured.
General consultation and advice	A series of regular meetings are established where the NZSL Board talks about the work of the Board in general and Deaf Aotearoa has the opportunity to provide input on NZSL Board work programme priorities.	I prefer this option. However again the consultation should be primarily with the DANZ Executive Board, and it will be up to them to invite DAHL staff or not.
Other?		

Appendix D – Proposed Terms of Reference

Terms of Reference for the New Zealand Sign Language Board

Revised 30 June 2020

Vision: New Zealand Sign Language is a strong and vibrant language, recognised and embraced by New Zealand Society.

* Aspects of this Terms of Reference that may impact the operation of the NZLS Board will be reviewed annually, with a full review being conducted biennially.

Contents

Vision	1
Principles	1
Approaches	1
Purpose	2
Roles and Functions.....	2
Members	3
Specific roles	4
Appointments	5
Expectation of members.....	6
Secretariat	9
Governance	9
Processes	10
Board performance.....	11

Vision

1. The New Zealand Sign Language (NZSL) Board (the Board) has a vision where:
 - NZSL is a strong, vibrant language, recognised and embraced by New Zealand society.
 - The right to use NZSL as a first or preferred language is acknowledged.
 - There are sufficient opportunities and resources for D/deaf people, their families and whānau, and other NZSL users to acquire and use NZSL.
 - NZSL is accessible and available to all NZSL users.

Principles

2. The principles of the following legislation guide how the Board will work:
 - The New Zealand Sign Language Act 2006.
 - The Treaty of Waitangi.
 - The United Nations Convention on the Rights of Persons with Disabilities.

Approaches

3. The following approaches guide how the Board will work:

The Board:

- recognises that access to and the use of sign language is a human right for Deaf people as outlined in the United Nations Convention on the Rights of Persons with Disabilities and the NZSL Act 2006
- recognises that Deaf NZSL users will lead the maintenance and promotion of NZSL
- will work in partnership with the key government agencies, member organisations of the Disabled People's Organisations Coalition which represent the Deaf community (i.e. Deaf Aotearoa), and other non-government organisations to implement the Board's NZSL Strategy and support government agencies to implement their own NZSL strategic plans and/or activities
- will work in partnership with the Office for Disability Issues to include appropriate NZSL actions within the New Zealand Disability Strategy (NZDS)
- will operate according to the principle of transparency, including through open communication, roles, responsibilities and areas of work.

Purpose

4. The Board's purpose is to:

- maintain and promote the use of NZSL by ensuring the development and preservation and acquisition of the language
- help ensure the rights of D/deaf people and NZSL users to use NZSL as outlined in the NZSL Act 2006 and United Nations Convention on the Rights of Persons with Disabilities and other relevant national and international legislation
- provide expert advice to government and the community on NZSL.

Roles and Functions

Leadership

5. The Board will:

- lead the maintenance and promotion of NZSL
- be responsible for oversight of the NZSL Fund, and make recommendations on the allocation of funds from it to maintain and promote NZSL
- provide a national role and focal point of reference for government and support for NZSL
- provide leadership of the NZSL sector
- provide an expert voice on NZSL.

Advice

6. The Board will:

- advise on measures to give effect to NZSL as an official language, including advice on matters relating to the NZSL Act, and advice on the regulation of interpreting standards.
- provide centralised, expert, high level and systemic advice on NZSL across government agencies including providing advice on implementing the NZSL Strategy priorities, action plan, vision and purpose.
- refer enquiries/issues to other stakeholders or government agencies as appropriate.

Strategy and coordination

7. The Board will:

- set and keep current a five-year strategy and priority initiatives for the maintenance and promotion of NZSL, in consultation with government agencies
- engage with the Deaf community from time to time as required

- build key stakeholder relationships across public, private, and community sectors to achieve joint goals in relation to NZSL.

Monitoring

8. The Board will:

- monitor and report on key government activity supporting the five-year NZSL Strategy and priority initiatives
- report to the Minister for Disability Issues annually, and as required, on matters relating to NZSL
- provide input into other key monitoring reports as appropriate, for example, on the Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy.

9. In supporting the Board to fulfil its monitoring requirements, the Ministries of Education, Social Development, Justice and Health, will report to the Board on their progress against the NZSL Strategy and priority initiatives annually, or as required.

Members

Composition of the Board

10. The Board has up to 10 members in total, all of whom will be NZSL users and a majority of whom will be Deaf.
11. The members will reflect the diversity of the Deaf community and NZSL users. It will include, at a minimum, two members who identify as Māori and one member representing a relevant Deaf community member organisation of the Disabled People's Organisations Coalition (i.e. Deaf Aotearoa).
12. As far as possible membership will also have a gender balance, and reflect the perspectives of:
 - youth
 - families
 - older people
 - Pacific peoples, and other ethnic groups
 - people who use NZSL as their primary language, but do not identify as Deaf.
13. From time to time the Board will consult with experts from outside of the Board to ensure that broad perspectives regarding NZSL issues are achieved.
14. Senior managers, owners or others closely related to a Deaf Business may be excluded from Board membership or excluded from voting on funding decisions as recommended by the Office for Disability Issues

Skills and attributes required of members

15. Desirable skills and attributes for Board members are:
 - personal experience using NZSL

- a wide knowledge of NZSL users and a critical awareness of language issues in the community
- active linkages with the Deaf community, families with D/deaf members, and other NZSL users
- experience in governance
- a 'big picture' orientation, including an ability to think strategically and to prioritise
- an appreciation of practical measures to implement strategic priorities
- the ability to influence, without dominating
- an ability to work cooperatively as part of a group
- sound judgement
- sufficient competency in written English to deal with the complexity and volume of Board business.
-

Specific roles

Role of the representative of a Disabled People's Organisation

16. The Board membership includes a representative of a relevant Deaf community member organisation of the Disabled People's Organisations Coalition.
17. Meeting the membership requirements of this Coalition gives assurance that the organisation is Deaf led, has national coverage and is a registered incorporated society. Currently Deaf Aotearoa is the only Disabled People's Organisation meeting this requirement. Deaf Aotearoa is also a member of the World Federation of the Deaf.
18. The role of the Disabled People's Organisation representative on the Board is to present the views of the Disabled Persons Organisation recognised as representing the majority of the Deaf community.
19. The Disabled People's Organisation representative is a member of the Board but is excluded from voting on funding decisions. All other expectations apply as set out in this Terms of Reference and the Board Code of Conduct.
20. The Office for Disability Issues will work with the DPO to identify suitable candidates for appointment based on the identified skills and experience required to balance the current Board composition.

Roles, skills and attributes required of the Chair and Deputy Chair

21. The Office for Disability Issues will hold, and make available to Board members, job descriptions for the roles of Chair and Deputy Chair.
22. In brief, the Chair's role is to:
 - consult with the Board on all matters where guidance is required, or mandate is unclear
 - set and manage the agenda for Board meetings

- manage meeting procedures and guide discussions, but not 'referee' disputes. The Chair may also contribute their own views to discussions
- promote and provide oversight of the Board's:
 - compliance with this Terms of Reference, and Board policies and processes
 - member compliance with its Code of Conduct
- lead on behalf of the Board:
 - liaison with the Office for Disability Issues' Secretariat
 - external relationships, as agreed by the Board
 - on-going evaluation and review, promoting a culture of continuous improvement
- provide support for Board members on request
- provide input for reports, correspondence and Ministerials on behalf of the Board and in liaison with the Office for Disability Issues.

23. The Chair:

43*Must have:* board experience, or to be willing to receive training in this.

44*Should have:*

- clear understanding of the roles and responsibilities of the Board within Government
- experience in working with government
- ability to attend additional meetings
- an ability to facilitate meetings and support members
- an ability to act as a credible spokesperson
- experience in managing a wide range of relationships, including Secretariat, community, and Ministerial relations.

24. The Deputy Chair's role is to:

- support the Chair in the execution of their role
- act in the place of the Chair in the absence of the Chair, on request from the Chair or in the case of a Conflict of Interest for the Chair.

25. The Deputy Chair will:

- have the ability to fully undertake the role of Board Chair.

Appointments

Appointment to the NZSL Board

26. The Minister for Disability Issues (the Minister) will recommend appointments to the Cabinet Appointments and Honours Committee after considering advice from a selection panel convened by the Office for Disability Issues.

27. Cabinet will be notified of the appointments to the Board.

28. Members of the Board may be removed if they:

- are adjudicated bankrupt
- have a conflict of interest that cannot be managed
- are convicted of a serious offence under the Crimes Act 1961
- are appointed to a permanent full-time position in the public service working on issues relevant to NZSL.

29. The Office for Disability Issues will convene a process to recommend to the Minister the person best suited to undertake the role of the Chairperson.

30. The Board may request co-option of replacement Board members when:

- a Board member resigns
- the Board appointment process does not recruit to all the Board member vacancies.

31. The Minister for Disability Issues may appoint co-opted members after considering advice from a selection panel convened by the Office for Disability Issues.

Term of office

32. The standard term of office for each member of the Board is three years except for members appointed on its establishment, or as otherwise determined by the Minister.

33. The standard term of office for the role of Chair and Deputy Chair is three years. The term of office will be adjusted for either or both roles to provide at least six months overlap to support continuity.

34. At times, members of the Board may need to leave prior to the end of their term of office. In such cases, the Minister will consider recommendations from the selection panel to identify a suitable candidate for appointment to maintain the Board's mix of representation and background.

35. Any member may sit on the Board for a maximum of two terms (six years) consecutively except for establishment members who, at the Minister's discretion, may sit for a consecutive period of up to eight years. All members wishing to be considered for a new term will need to complete the nomination process for reselection.

Expectation of members

36. Members of the Board must ensure the Board acts in a manner consistent with this Terms of Reference and the priorities issued by the Minister for Disability Issues.

37. Board members will comply with all Board policies, including its Code of Conduct and Conflict of Interest Policy, and relevant legislation.

38. The Board will meet at least four times per year. The Board Chair may call additional meetings as required, within available budget.

39. Members may also be required to undertake work additional to attendance at Board meetings.

40. Members are expected to commit up to ten days a year on Board business, including attending meetings.

41. Members are expected to be able to travel to Wellington for all full meetings of the Board.
42. The Board Chair and Deputy Chair may be required to attend additional meetings from time to time.
43. Members are appointed as individuals with knowledge and expertise of NZSL. They are expected to understand and communicate the views of the user community but are expected to govern on behalf of all stakeholders.
44. The Board will operate collaboratively to achieve the Board's purpose, rather than pursuing individual views.
45. Individual Board members are expected to:
- attend, to the greatest extent possible, all meetings of the Board
 - examine issues before the Board from a strategic viewpoint
 - support a consensus decision-making approach.
46. Board members must publicly support and endorse all actions of the Board, even if they do not privately agree with them. This includes:
- recommendations on funding proposals
 - work programme priorities
 - the five-year NZSL Strategy, priority initiatives and strategies
 - communications strategies
 - advice to the Minister.
47. Where a Board member disagrees with a Board decision, they may:
- vote against the decision
 - abstain from voting
 - request that the Chair records their alternative view or objection in the record of the meeting
 - raise the matter as an issue by using the Code of Conduct procedures.
48. In addition the Deputy Chair of the Board is expected to assume the duties and powers of the Chair as delegated to them by the Board.
49. In addition the Chair of the Board is expected to:
- facilitate meetings
 - manage communications
 - ensure the objectives of working with the Board are achieved
 - build good working relationships with members, with the Minister for Disability Issues, government agencies, and the Deaf community.
50. A member may be removed from the Board if, in any 12-month period, in the sole opinion of the Minister, they have failed to attend sufficient meetings to appropriately take part in the Board's deliberations.

Remuneration, expenses and reimbursements

51. Each Board member will be paid per day and pro-rata for a half day, for each day that they undertake work arising from their membership of the Board, including preparation for meetings. Remuneration will be in accordance with the Cabinet Office Circular Fees Framework for members appointed to bodies in which the Crown has an interest (the Fees Framework).
52. Board members will be paid allowances, if appropriate. Any allowances will be paid in accordance with Annex 1 of the Fees Framework.
53. All payments will be made by direct credit to the bank account nominated by the Board member.

Additional work

54. Additional work may be requested from time to time by the Board.
55. Any payment for additional work must be agreed by the Office for Disability Issues, as the fee setting authority, in writing in advance before such work is undertaken.
56. Any additional work should relate to the governance role of the Board and should not cover activities that sit more properly with the Secretariat or are of a consultancy nature.
57. The key objectives for the additional work must be clearly specified and evaluated on completion.

Intellectual property

58. Nothing will affect the rights of a Board member in the intellectual property owned by that member prior to entering this engagement or developed by the member other than in the performance of this engagement.

Confidentiality

59. The Board will be presented with a range of information and papers on aspects of NZSL. Some of this information will be commercially sensitive or contain personal information about individuals.
60. Board members shall at all times comply with the Privacy Act 1993 and the Official Information Act 1982.
61. The Board will need to ensure there are no surprises for Ministers, by ensuring that all members follow agreed processes for sharing information. Under the "no surprises" policy, Ministers expect to be informed well in advance of any material or significant events, transactions and other issues relating to the Board that may be contentious or could attract public interest, whether positive or negative.
62. Other information can be shared and discussed more widely to gather feedback and ideas. These ideas can then be shared with the Board and government agency staff.
63. The Board will need to agree whether information is for sharing or to be kept private, subject to the Official Information Act 1982.
64. Members shall not disclose any confidential information obtained in the course of carrying out their role as a member of the Board.

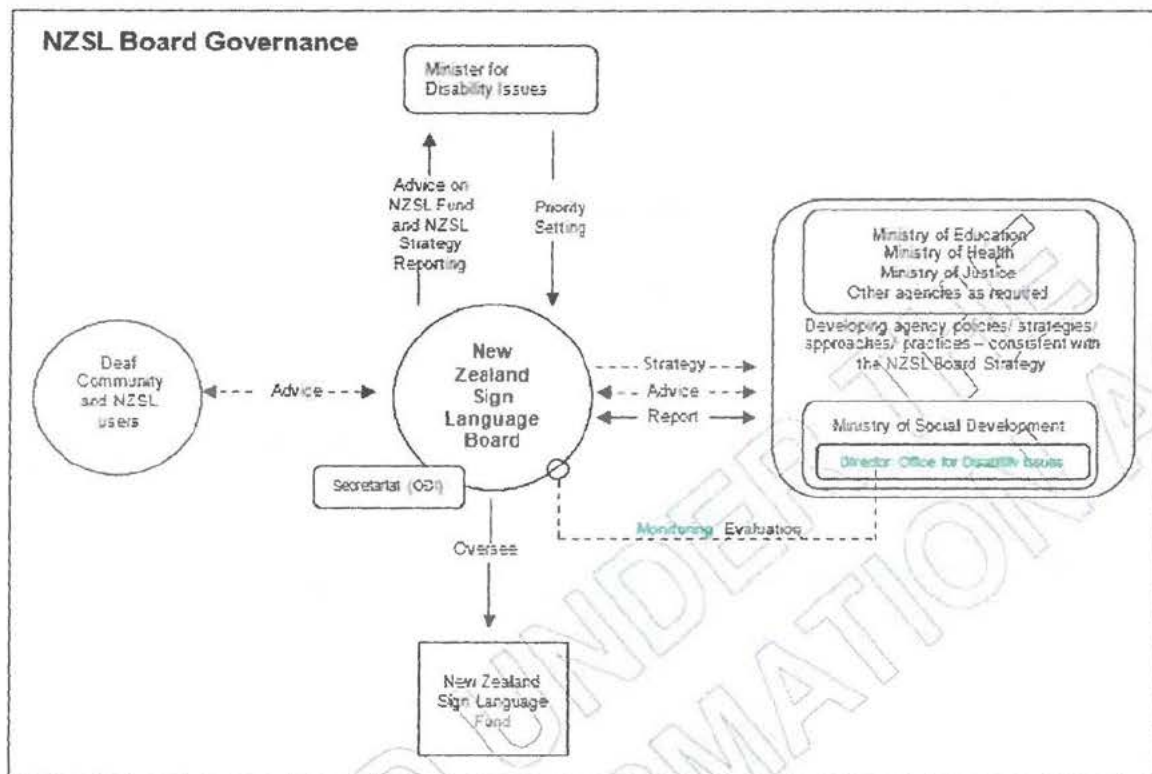
Secretariat

65. The Board is supported by a Secretariat within the Ministry of Social Development (Office for Disability Issues).
66. The Board and Secretariat will operate cohesively to ensure that objectives are successfully delivered. The Board may delegate responsibility to the Secretariat for specified strategic objectives or for decisions when the Board is unable to make a decision.
67. The role of the Secretariat is to:
- support the Board to undertake its role
 - act as a co-ordination and liaison point with government agencies in respect of the Board's monitoring and reporting duties as set out in this Terms of Reference
 - monitor Board performance, including its impacts and effectiveness.
68. The Secretariat provides the Board with:
- administrative support and contract management services
 - policy advice
 - the development and implementation of work programmes in line with the NZSL Strategy and as directed by the Board
 - implementation of agreed measures to effectively maintain and promote NZSL.
69. The Secretariat will confirm the Agenda for Board meetings with the Chair and Deputy Chair one month ahead of the meeting.
70. The Secretariat will distribute papers for Board meetings to all Board members two weeks ahead of the meeting.

Governance

71. Figure 1 presents the Board's governance structure and sector relationships.

Figure 1: New Zealand Sign Language Board Governance



72. The Board reports to the Minister for Disability Issues on government progress against the five-year NZSL Strategy and priority initiatives for the promotion and maintenance of NZSL.
73. The Board provides advice to the Minister for Disability Issues on allocation of the NZSL Fund.
74. To ensure the purposes of the Board are achieved, ODI will take responsibility for NZSL funding decisions for an agreed period of time and, if necessary, consult with the Minister, if the Board has difficulty forming a quorum because of conflicts of interest.
75. The Board receives input and advice from government departments and consults the Deaf community and the NZSL user community in developing the five year NZSL Strategy and Action Plan.

Processes

76. Meetings will follow an agenda and will normally be conducted in NZSL, or otherwise as agreed by the attending Board members. Interpreters will be provided as required for any meeting participants who are not conversant in NZSL.
77. Papers, and any NZSL translation of these, are to be circulated for Board members' consideration in advance of the relevant meeting, where possible.
78. Consideration of issues and related decisions can be made outside of formal meetings, as required, through processes agreed by members and confirmed by the Office for Disability Issues.

79. Where the Office for Disability Issues does not agree with a Board decision, it:

- will raise this with the Chair in the first instance
- may raise the difference in views with MSD Officials for consideration
- may provide alternative advice to the Minister.

Sub-committees

80. The Board may agree to establish subcommittees, such as for Finance.
81. Subcommittee membership selection will prioritise the relevant skill set required, and where possible will seek to include a membership balance as set out in this Terms of Reference under '*Composition of the Board*'.
82. The Board may delegate decision-making authority to a subcommittee for specified aspects consistent with the NZSL Strategy. Without such delegated authority, a sub-committee may only make recommendations to the Board for consideration.
83. Any subcommittee will report to the Board on all meetings, decisions and recommendations.
84. A record of all actions and decisions agreed at Board meetings and sub-committee meetings will be kept and confirmed and made available to all Board members prior to the next Board meeting.

Quorum

85. The Board quorum shall be half plus one of Board members present.
86. The sub-committee quorum shall require all members vote.
87. Where a quorum is not possible, such as due to Conflicts of Interest, the Board may agree to:
- delegate a specified mandate to a sub-committee to make a recommendation to the Board
 - nominate the Secretariat as a voting participant to meet quorum requirements
 - delegate a specified mandate to the Secretariat to make a decision.

Board performance

88. The Board is required to report to the Minister for Disability Issues annually on progress in implementing the NZSL Strategy, and any other matters relevant to the Board carrying out its role.
89. The Director, Office for Disability Issues, is responsible for monitoring the effectiveness of the Board, including its processes, impacts and effectiveness.
90. The Director, Office for Disability Issues, will commission biennially an independent review of the Board, including the Secretariat function.