



## **SEANAD ÉIREANN**

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### **AN BILLE UM THEANGA CHOMHARTHAÍOCHTA NA HÉIREANN DO NA BODHAIR A AITHINT, 2016 RECOGNITION OF IRISH SIGN LANGUAGE FOR THE DEAF COMMUNITY BILL 2016**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM THEANGA CHOMHARTHAÍOCHTA NA hÉIREANN DO NA BODHAIR A AITHINT, 2016 —An Coiste

### RECOGNITION OF IRISH SIGN LANGUAGE FOR THE DEAF COMMUNITY BILL 2016 —Committee Stage

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 2

1. In page 6, line 13, to delete “means of communication” and substitute “language”.

*—Senator Mark Daly.*
2. In page 6, line 19, to delete “the Republic of Ireland” and substitute “the State”.

*—Senator Mark Daly.*
3. In page 6, to delete lines 29 to 36 and substitute the following:
  - “(a) Department of State (other than, in relation to the Department of Defence, the Defence Forces) for which a Minister of the Government is responsible;
  - (b) a local authority within the meaning of the Local Government Act 2001;
  - (c) the Health Service Executive;
  - (d) a university or institute of technology;
  - (e) an education and training board established under section 9 of the Education and Training Boards Act 2013;
  - (f) any other person, body or organisation established—
    - (i) by or under an enactment (other than the Companies Acts) or charter,
    - (ii) by any Scheme administered by a Minister of the Government, or
    - (iii) under the Companies Acts in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government;
  - (g) a company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government;
  - (h) any other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas that stands prescribed for the time being (being a person, body, organisation or group that, in the opinion of the Minister,

[SECTION 2]

following consultation with the Commission, ought, in the public interest and having regard to the provisions and spirit of this Act, to be prescribed);”.

—*Senator Mark Daly.*

SECTION 4

4. In page 7, to delete lines 25 to 27 and substitute the following:

“4. (1) The State recognises the right of Irish Sign Language users to use Irish Sign Language as their native language, and the corresponding onus on all public bodies to provide Irish Sign Language users with free interpretation when availing of or seeking to access statutory entitlements and services.”.

—*Senator Mark Daly.*

SECTION 5

5. In page 7, to delete line 32 and substitute the following:

“5. (1) A person may use Irish Sign Language in, or in any pleading in, any court.

(2) Every court has, in any proceedings before it, the duty to do all that is reasonable to ensure that any person competent in Irish Sign Language and who cannot hear or understand English or Irish appearing in or giving evidence before it may be heard in that language, if that is his or her choice, and that in being so heard will not be placed at any disadvantage.

(3) For the purposes of ensuring that no person is placed at a disadvantage as aforesaid the court may cause such facilities to be made available, as it considers appropriate for the simultaneous or consecutive interpretation of proceedings into Irish Sign Language.

(4) In legal proceedings, Irish Sign Language may be used by any of the following persons”.

—*Senator Mark Daly.*

6. In page 8, between lines 1 and 2, to insert the following:

“(5) Where the presiding officer in any legal proceedings is aware that any person entitled under *subsection (1)#* to use Irish Sign Language in those proceedings intends to do so, the presiding officer must ensure that a competent interpreter is available.

(6) Regulations made under this Act and rules of court or other appropriate rules of procedure made under any enactment may require any person intending to use Irish Sign Language in any legal proceedings to give reasonable notice of that intention, and generally regulate the procedure to be followed where Irish Sign Language is, or is to be, used in such proceedings.

(7) For the avoidance of doubt users of Irish Sign Language shall be entitled to be called for and empanelled for jury service as of right and appropriate provision shall be made for the facilitation of same.”.

[#This is a reference to the subsection proposed to be inserted by amendment no. 5.]

—*Senator Mark Daly.*

[SECTION 6]

SECTION 6

7. In page 8, between lines 1 and 2, to insert the following:

**Communication for deaf children**

“6. (1) The Minister shall, by regulations made under this section, without prejudice to the operation of the Home Tuition Scheme, establish a programme for the provision of Irish Sign Language classes, appropriate to the user and their language requirements, to—

- (a) persons who are deaf, hard of hearing, and persons who, for other reasons, require Irish Sign Language,
- (b) parents, siblings, children of deaf parents, grandparents of a child who is deaf,
- (c) other persons who serve in *loco parentis* or as a guardian to a child who is deaf.

(2) The Minister may, in consultation with the Commission, consult the National Commission for Curriculum and Assessments (NCCA) and such other person or bodies as the Minister considers appropriate to, pass regulations to address the particular requirements of the deaf community in education including but not limited to:

- (a) facilitating Irish Sign Language being offered in schools where appropriate and subject to Section 30 of the Education Act 1998;
- (b) making provision for the promotion of education through the medium of Irish Sign Language in recognised schools;
- (c) making provision for a scheme to ensure that the amount of instruction time allocated to Irish Sign Language meets the educational and vocational needs of the students in the schools;
- (d) the introduction of Irish Sign Language as an examination subject in the national State examinations;
- (e) prescribe a minimum range of qualifications for teachers who are teaching deaf and hard of hearing children in mainstream and special education settings. Those qualifications shall be not less than those which apply to teachers in equivalent mainstream education;
- (f) specify the additional qualifications for teachers following entry into the Visiting Teacher Service;
- (g) make provision to ensure all teachers working with the deaf and hard of hearing pupils are competent in the use of Irish Sign Language;
- (h) allocate to primary and post primary pupils who use Irish Sign Language as their primary language, the services of a teacher who, minimally, meets a B2 level competence in Irish Sign Language (Common European Framework of Reference for Languages);
- (i) make provision to ensure that deaf, hard of hearing and deaf/blind persons are, as far as reasonably possible, able to access general tertiary education, vocational

[SECTION 6]

training, adult education, and lifelong learning without discrimination and on an equal basis with their hearing peers.”.

—*Senator Mark Daly.*

[*Acceptance of this amendment involves the deletion of section 6 of the Bill.*]

SECTION 7

8. In page 8, to delete lines 10 and 11 and substitute the following:

- “(a) 18,000 hours with a maximum of 60 hours per person per year by 2018, and
- (b) 36,000 hours with a maximum of 120 hours per person per year by 2020.”.

—*Senator Mark Daly.*

9. In page 8, between lines 22 and 23, to insert the following:

- “(4) The Minister shall, within 12 months of the passage of this Act, make Regulations to provide for a scheme addressing this section and such ancillary matters as the Minister shall deem appropriate.”.

—*Senator Mark Daly.*

SECTION 8

10. In page 8, between lines 24 and 25, to insert the following:

**Principles to guide public bodies**

- “8. (1) A public body shall do all that is required to ensure that interpretation into Irish Sign Language is provided for a person who is competent in that language and cannot hear or understand English or Irish when that person is seeking to avail of or access statutory entitlements or services provided by that public body.
- (2) The provision of interpretation shall be at no cost to the person concerned.
- (3) The Minister by regulations may provide for advance notification by a person wishing to avail of such interpretation services and for other practical matters in relation to the provision of the service.
- (4) Provision of or availing of a remote, web-based service shall be sufficient to meet the obligations of a public body under this section.”.

—*Senator Mark Daly.*

[*Acceptance of this amendment involves the deletion of section 8 of the Bill.*]

SCHEDULE 1

11. In page 18, to delete line 4 and substitute the following:

“  

2018	2019	2020	2021
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”.

—*Senator Mark Daly.*

[SCHEDULE 1]

12. In page 18, to delete line 22 and substitute the following:

“  
2018                      2019                      2020                      2021  
”  
—*Senator Mark Daly.*

PREAMBLE

13. In page 5, to delete lines 17 to 28.

—*Senator Mark Daly.*