



## **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 TUARASCÁLA REPORT 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 TUARASCÁIL

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

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

- \*1.** In page 5, to delete lines 6 to 16 and substitute the following:  
“An Act to provide for the recognition of Irish Sign Language, its use in legal proceedings and the provision of interpretation into Irish Sign Language by public bodies and to provide for related matters.”.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*2.** In page 5, to delete lines 17 to 25.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*3.** In page 5, to delete lines 28 to 30, and in page 6, to delete lines 1 to 4.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*4.** In page 6, to delete lines 5 to 13.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*5.** In page 6, between lines 14 and 15, to insert the following:  
““prescribed” means prescribed by regulations made by the Minister;”.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*6.** In page 6, line 35, to delete “following consultation with the Commission;”.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*7.** In page 6, to delete lines 37 and 38.  
*—Senators Mark Daly, Lorraine Clifford-Lee.*
- \*8.** In page 7, to delete lines 1 to 22 and substitute the following:

#### **“Regulations**

- 3.** (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

- (2) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulations is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

9. In page 7, to delete lines 24 to 29 and substitute the following:

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

—*Senators Mark Daly, Lorraine Clifford-Lee.*

- \*10. In page 7, lines 24 to 26, to delete all words from and including “(1) The” in line 24 down to and including line 26 and substitute the following:

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

- \*11. In page 7, lines 28 and 29, to delete “, as well as to foster, extend and transmit deaf culture”.

- \*12. In page 7, to delete lines 30 to 37 and substitute the following:

**“Use of Irish Sign Language in legal proceedings**

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 the person 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.”.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

- \*13. In page 8, to delete lines 1 to 5 and substitute the following:

**“Educational supports for deaf children**

6. The Minister for Education and Skills shall—
- (a) establish a scheme for the provision of Irish Sign Language classes to—

- (i) the parents, siblings and grandparents of a child who is deaf, and
  - (ii) other persons who serve in *loco parentis* or as a guardian to a child who is deaf,
- (b) pending the conclusion of the review of the Special Needs Assistant Scheme which the National Council for Special Education is undertaking and the implementation of any recommendations arising from the review, establish a scheme to provide Irish Sign Language support for children attending recognised schools (within the meaning of the Education Act 1998) whose primary language is Irish Sign Language,
  - (c) ensure there is established by institutions of higher education in the State, as part of programmes of teacher education and training provided by those institutions, such provision, as he or she deems necessary, to ensure that there are a sufficient number of educational placements offering Irish Sign Language training for teachers of children who are deaf or hard of hearing and who are attending recognised schools, and
  - (d) shall, where practicable and having regard to the need to ensure the provision of education and support services to children who are deaf or hard of hearing and who are attending recognised schools, determine, from time to time, minimum qualifications of teachers of those children.”.

*—Senators Mark Daly, Lorraine Clifford-Lee.*

\*14. In page 8, to delete lines 6 to 24.

*—Senators Mark Daly, Lorraine Clifford-Lee.*

\*15. In page 8, to delete lines 25 to 34, and in page 9, to delete lines 1 to 6 and substitute the following:

**“Duty of public bodies**

- 8. (1) A public body shall do all that is reasonable 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.”.

*Amendment to amendment No. 15*

1. To delete subsection (4) and substitute the following:

“(4) Provision of or availing of a remote, web-based service shall, if the Irish Sign

Language user consents, be sufficient to meet the obligations of a public body under this section.”.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*16. In page 9, between lines 6 and 7, to insert the following:

**“Engagement of verified competent Irish Sign Language interpreters**

9. A court or a public body, in compliance with its obligations under this Act, shall not engage the services of a person providing Irish Sign Language interpretation unless the person’s competence has been verified by having been accredited in accordance with an accreditation scheme funded by the Minister for Employment Affairs and Social Protection.”.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

17. In page 9, between lines 6 and 7, to insert the following:

**“Access by Irish Sign Language users to social, cultural and other activities**

9. The Minister for Employment Affairs and Social Protection shall make provision for funding for users of Irish Sign Language for interpretation services so to facilitate users of Irish Sign Language access to social, cultural and other activities.”.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*18. In page 9, between lines 6 and 7, to insert the following:

**“Broadcasting principles**

10. Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules made under section 43(1) (c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.”.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*19. In page 9, to delete lines 7 to 29.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*20. In page 9, to delete lines 30 to 38, and in page 10, to delete lines 1 to 6.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*21. In page 10, to delete lines 7 to 11.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

- \*22. In page 10, to delete lines 12 to 23.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*23. In page 10, to delete lines 24 to 31.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*24. In page 10, to delete lines 32 to 34, to delete page 11, and in page 12, to delete line 1.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*25. In page 12, to delete lines 2 to 24.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*26. In page 12, to delete lines 25 to 32.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*27. In page 12, to delete lines 33 to 37, and in page 13, to delete lines 1 to 8.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*28. In page 13, to delete lines 9 to 22.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*29. In page 13, to delete lines 23 to 28.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*30. In page 13, to delete lines 29 to 33.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*31. In page 13, to delete lines 34 to 38, and in page 14, to delete line 1.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*32. In page 14, to delete lines 2 to 16.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*33. In page 14, to delete lines 17 to 35, and in page 15, to delete lines 1 to 19.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*34. In page 15, to delete lines 20 to 36, and in page 16, to delete lines 1 to 11.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*35. In page 16, to delete lines 12 to 20.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*
- \*36. In page 16, to delete lines 21 to 35.  
—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*37. In page 17, to delete lines 1 to 7.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*38. In page 17, to delete lines 8 to 14.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*39. In page 17, to delete lines 15 to 20.

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*40. In page 17, to delete lines 21 to 31.

41. In page 17, to delete lines 21 to 31 and substitute the following:

**“Review of the operation of the Act**

30. (1) The Minister shall, 3 years after the date on which this act is enacted and every 5 years thereafter require a report to be prepared on—

- (a) the operation of this Act,
- (b) without prejudice to the generality of the foregoing, a report under this section shall include an assessment of:
  - (i) whether any amendments to the scope and contents of this Act are necessary or desirable;
  - (ii) whether additional provisions need to be made in relation to supports for a child within the school system whose primary language is Irish Sign Language;
  - (iii) the qualifications for the minimum level of Irish Sign Language competency for persons who are teaching a child whose primary language is Irish Sign Language.

(2) The Minister shall ensure that persons or organisations that are representative of the interests of the members of the deaf community are consulted on the matters to be considered in a report prepared under this section.

(3) The Minister shall cause a copy of a report prepared under this section to be laid before each House of the Oireachtas.”

—*Senators Mark Daly, Lorraine Clifford-Lee.*

\*42. In page 17, after line 31, to insert the following:

**“Short title and commencement**

30. (1) This Act may be cited as the Recognition of Irish Sign Language for the Deaf Community Act 2017.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or



provisions.”.

**43.** In page 17, after line 31, to insert the following:

**“Short title and commencement**

**30.** (1) This Act may be cited as the Recognition of Irish Sign Language for the Deaf Community Act 2017.

(2) This Act shall come into operation on such day or days not later than 3 years after the passing of this Act as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.”.

*—Senators Mark Daly, Lorraine Clifford-Lee.*

**\*44.** In page 18, to delete lines 1 to 19.

*—Senators Mark Daly, Lorraine Clifford-Lee.*

**\*45.** In page 18, to delete lines 20 to 24.

*—Senators Mark Daly, Lorraine Clifford-Lee.*

**\*46.** In page 19, to delete lines 1 to 37, to delete pages 20 and 21, and in page 22, to delete lines 1 to 8.

*—Senators Mark Daly, Lorraine Clifford-Lee.*