

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,768, 14 ta' Jannar, 2022

Taqsimha C

Nru. 257

14. 01. 2022

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Julia Farrugia Portelli, M.P., Ministru għall-Inklużjoni, il-Kwalità tal-Ħajja u l-Organizzazzjonijiet Volontarji, u moqri għall-Ewwel darba fis-Seduta tal-10 ta' Jannar 2022.

A BILL introduced by the Honourable Julia Farrugia Portelli, M.P., Minister for Inclusion, Social Wellbeing and Voluntary Organisations, and read the First time at the Sitting of the 10th January 2022.

ATT sabiex jemenda l-Att dwar l-Empowerment tal-Persuni fuq il-Firxa Wiesgħa ta' Awtiżmu, u biex jipprovdi għal materji oħra ancillari jew konsegwenzjali għalih, Kap 557.

AN ACT to amend the Persons within the Autism Spectrum (Empowerment) Act and to provide for other matters ancillary or consequential thereto, Cap. 557.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jemenda l-Att dwar l-Empowerment tal-Persuni fuq il-Firxa Wiesgħa ta' Awtiżmu, u biex jipprovdi għal materji oħra ancillari jew konsegwenzjali għalih, Kap 557.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Att dwar l-Empowerment tal-Persuni fuq il-Firxa Wiesgħa ta' Awtiżmu u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Empowerment tal-Persuni fuq il-Firxa Wiesgħa ta' Awtiżmu, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 557.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(1) minnufih qabel it-tifsira "jippreskrivi", għandhom jiżdiedu t-tifsiriet godda li ġejjin:

"entitajiet ta' implimentazzjoni" tfisser entitajiet imsemmija fl-artikolu 4(4) tal-Att, u illi jkunu Ministeri jew entitajiet oħra governattivi illi, bis-saħħa tal-kompetenzi tagħhom, ikunu direttament involuti fl-implimentazzjoni ta' miżuri speċifiċi illi joħorġu mill-Pjan Nazzjonali ta' Sapport għall-Awtiżmu msemmi fl-artikolu 11;";

"entitajiet ta' monitoraġġ" tfisser entitajiet imsemmija fl-artikolu 4(4) jew (5) tal-Att, illi ma jidhlux fid-definizzjoni ta' entitajiet ta' implimentazzjoni fit-termini tal-Att;".

(2) minnufih qabel it-tifsira "Ministru", għandha tiżdied it-tifsira ġdida li ġejja:

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Kap. 627.

Emenda tal-
artikolu 4 tal-
Att prinċipali.

" "Mekkaniżmu Nazzjonali ta' Koordinazzjoni għall-Konvenzjoni UNCRPD" tfisser il-Mekkaniżmu Nazzjonali ta' Koordinazzjoni għall-Konvenzjoni UNCRPD imwaqqaf fit-termini tal-artikolu 5(3) tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità";

3. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

(1) fis-subartikolu (1) tiegħu, il-kliem "hdax-il membru" għandhom jiġu sostitwiti bil-kliem "tlettax-il membru";

(2) fil-verżjoni Ingliża fis-subartikolu (2) tiegħu, il-kliem "knowledgeable in autism spectrum" għandhom jiġu sostitwiti bil-kliem "knowledgeable about the autism spectrum";

(3) fis-subartikolu (4) tiegħu:

(a) fil-verżjoni Ingliża, fis-subparagrafu (a) tiegħu, il-kliem "Ministry for Health" għandhom jiġu sostitwiti bil-kliem "Ministry responsible for Health";

(b) fis-subparagrafu (b) tiegħu, il-kliem "Ministeru responsabbli mill-Edukazzjoni u Xogħol" għandhom jiġu sostitwiti bil-kliem "Ministeru responsabbli mill-Edukazzjoni";

(ċ) minnufih wara s-subparagrafu (b) tiegħu, għandu jiżdied is-subparagrafu ġdid illi ġej:

" (ba) is-Segretarju Permanenti tal-Ministeru responsabbli mix-Xogħol jew ir-rappreżentant tiegħu;";

(d) fis-subparagrafu (ċ) tiegħu, il-kliem "Ministeru responsabbli mill-Politika Soċjali u Persuni b'Diżabilità" għandhom jiġu sostitwiti bil-kliem "Ministeru responsabbli mid-Drittijiet tal-Persuni b'Diżabilità";

(e) fis-subparagrafu (d) tiegħu, minnufih wara l-kliem "Fakultà għat-Tiŝiħ Soċjali" għandhom jiżdiedu l-kliem "tal-Università ta' Malta";

(f) fis-subparagrafu (e) tiegħu, minnufih wara l-kliem "Fakultà tal-Mediċina u Kirurġija" għandhom jiżdiedu l-kliem "tal-Università ta' Malta";

(g) fis-subparagrafu (f) tiegħu, minnufih wara l-

kliem "Fakultà tal-Edukazzjoni" għandhom jiżdiedu l-kliem "tal-Università ta' Malta";

(h) minnufih wara s-subparagrafu (f) tiegħu, għandu jiżdied is-subparagrafu ġdid illi ġej:

"(fa) iċ-Chairperson taċ-Ċentru ta' Studji dwar ix-Xogħol tal-Università ta' Malta jew ir-rappreżentant tiegħu;"

(4) Fil-verżjoni Ingliża, fis-subartikolu (5) tiegħu, il-kliem "adult with autism spectrum" għandhom jiġu sostitwiti bil-kliem "adult within the autism spectrum".

(5) Minnufih wara s-subartikolu (5) tiegħu, għandu jiżdied is-subartikolu ġdid illi ġej:

"(5A) L-entitajiet surreferiti fis-subartikoli 4(a), (b), (ba), (c) u (h) għandhom jitqiesu bħala entitajiet ta' implimentazzjoni għall-finijiet ta' dan l-Att, filwaqt illi l-entitajiet surreferiti fis-subartikoli 4(d), (e), (f), (fa) u (g) u fis-subartikolu (5), huma entitajiet ta' monitoraġġ għall-finijiet ta' dan l-Att. "

4. Fl-artikolu 6 tal-Att prinċipali, il-kliem "fil-proċeduri addottati mill-Kunsill." għandhom jiġu sostitwiti bil-kliem "fil-proċeduri addottati mill-Kunsill:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-artikolu 6 tal-Att prinċipali.

"Iżda illi meta l-Kunsill jiltaqa' fir-rigward tal-implimentazzjoni tal-Pjan Nazzjonali ta' Sapport għall-Awtiżmu msemmi fl-artikolu 11, għandhom jiltaqgħu unikament ir-rappreżentanti tal-entitajiet ta' monitoraġġ għall-finijiet ta' dan l-Att flimkien maċ-Chairperson u s-Segretarju tal-Kunsill, filwaqt illi l-entitajiet ta' implimentazzjoni għall-finijiet ta' dan l-Att għandhom ikunu involuti fi sforzi rilevanti ta' implimentazzjoni permezz tal-Mekkanizmu Nazzjonali ta' Koordinazzjoni għall-Konvenzjoni UNCRPD."

5. Fis-subartikolu (1) tal-artikolu 7 tal-Att prinċipali, il-kliem "tikkostitwixxi *quorum*." għandhom jiġu sostitwiti bil-kliem "tikkostitwixxi *quorum*:", u minnufih wara dan il-kliem għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-artikolu 7 tal-Att prinċipali.

"Iżda meta l-Kunsill jiltaqa' fir-rigward tal-implimentazzjoni tal-Pjan Nazzjonali ta' Sapport għall-Awtiżmu msemmi fl-artikolu 11, maġġoranza sempliċi tal-membri tal-Kunsill li jkunu rappreżentanti ta' entitajiet ta' monitoraġġ għall-

C 6782

finijiet ta' dan l-Att jew iċ-Chairperson tal-Kunsill għandha tikkostitwixxi *quorum*."

Emenda tal-
artikolu 10 tal-
Att prinċipali.

6. Fis-subparagrafu (e) tas-subartikolu (2) tal-artikolu 10 tal-Att prinċipali, il-kliem "li effettivament jikkordina" għandhom jiġu sostitwiti bil-kliem "li jagħti pariri fuq il-kordinazzjoni effettiva ta'".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jiġu emendati d-dispożizzjonijiet rilevanti tal-Att dwar l-Empowerment tal-Persuni fuq il-Firxa Wiesgħa ta' Awtiżmu (Kap. 557), għal bażi ġuridika aktar b'saħħitha għall-implimentazzjoni u l-monitoraġġ ta' "Nirrispettaw id-Diversità - Inħarsu l-Ekwità", l-Istrateġija Nazzjonali dwar l-Awtiżmu ta' Malta għall-2021 - 2030, u biex jipprovdi għal materji oħra ancillari jew konsegwenzjali.

**A BILL
entitled**

AN ACT to amend the Persons within the Autism Spectrum (Empowerment) Act and to provide for other matters ancillary or consequential thereto, Cap. 557.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Persons within the Autism Spectrum (Empowerment) (Amendment) Act, 2022 and this Act shall be read and construed as one with the Persons within the Autism Spectrum (Empowerment) Act, hereinafter referred to as the "principal Act".

Short title.

Cap. 557.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(1) immediately after the definition "Council", there shall be added the following new definition:

" "implementing entities" means entities mentioned in article 4(4) of the Act, being line Ministries or other Government entities that would, by virtue of their competences, be directly involved in the implementation of specific measures emanating from the Autism State Support Plan referred to in article 11;"

(2) immediately after the definition "Minister", there shall be added the following new definition:

" "monitoring entities" means entities mentioned in article 4(4) or (5) of the Act, that do not fall within the definition of implementing entities in terms of the Act; "

(3) immediately after the definition "prescribe", there

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shall be added the following new definition:

Cap. 627.

" "UNCRPD National Coordination Mechanism" means the UNCRPD National Coordination Mechanism established in terms of article 5(3) of the United Nations Convention on the Rights of Persons with Disabilities Act;"

Amendment of article 4 of the principal Act.

3. Article 4 of the principal Act shall be amended as follows:

(1) in sub-article (1) thereof, the words "eleven members" shall be substituted by the words "thirteen members".

(2) in sub-article (2) thereof, the words "knowledgeable in autism spectrum" shall be substituted by the words "knowledgeable about the autism spectrum".

(3) in sub-article (4) thereof:

(a) in sub-paragraph (a) thereof, the words "Ministry for Health" shall be substituted by the words "Ministry responsible for Health";

(b) in sub-paragraph (b) thereof, the words "Ministry for Education and Employment" shall be substituted by the words "Ministry responsible for Education";

(c) immediately after sub-paragraph (b) thereof, there shall be added the following new sub-paragraph:

"(ba) the Permanent Secretary within the Ministry responsible for Employment or his representative;"

(d) in sub-paragraph (c) thereof, the words "Ministry for Social Policy and Persons with Disability" shall be substituted by the words "Ministry responsible for the Rights of Persons with Disability";

(e) in sub-paragraph (d) thereof, immediately after the words "Faculty for Social Wellbeing" there shall be added the words "of the University of Malta";

(f) in sub-paragraph (e) thereof, immediately after the words "Faculty of Medicine and Surgery" there shall be added the words "of the University of Malta";

(g) in sub-paragraph (f) thereof, immediately after the words "Faculty of Education" there shall be added the words "of the University of Malta";

(h) immediately after sub-paragraph (f) thereof, there shall be added the following new sub-paragraph:

"(fa) the Chairperson of the Centre for Labour Studies of the University of Malta or his representative".

(4) In sub-article (5) thereof, the words "adult with autism spectrum" shall be substituted by the words "adult within the autism spectrum".

(5) Immediately after sub-article (5) thereof, there shall be added the following new sub-article:

"(5A) the entities referred to in sub-articles 4(a), (b), (ba), (c) and (h) above shall be deemed to be implementing entities for the purposes of this Act, while the entities referred to in sub-articles 4(d), (e), (f), (fa) and (g), and in sub-article (5) above, shall be monitoring entities for the purposes of this Act.".

4. In Article 6 of the principal Act, the words "in procedures adopted by the Council." shall be substituted by the words "in procedures adopted by the Council:", and immediately thereafter there shall be added the following new proviso:

Amendment of article 6 of the principal Act.

"Provided that when the Council meets in respect of the implementation of the Autism State Support Plan referred to in article 11, only representatives of monitoring entities for the purposes of this Act shall convene, together with the Chairperson and the Secretary of the Council, while implementing entities for the purposes of this Act shall be involved in relevant implementation efforts through the UNCRPD National Coordination Mechanism.".

5. In sub-article (1) of article 7 of the principal Act, the words "shall constitute a quorum." shall be substituted by the words "shall constitute a quorum:", and immediately thereafter there shall be added the following new proviso:

Amendment of article 7 of the principal Act.

"Provided that when the Council meets in respect of the implementation of the Autism State Support Plan referred to in article 11, a simple majority of members of the Council being either representatives of monitoring entities for the purposes of this Act or the Chairperson of the Council shall constitute a

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quorum."

Amendment of
article 10 of the
principal Act.

6. In sub-paragraph (e) of sub-article (2) of article 10 of the principal Act, the words "to effectively coordinate" shall be substituted by the words "to give advice on effectively coordinating".

Objects and Reasons

The objects and reasons of this Bill are to amend relevant provisions of the Persons within the Autism Spectrum (Empowerment) Act (Cap. 557), for a stronger legal basis for implementing and monitoring 'Respecting Diversity - Safeguarding Equity', Malta's 2021 - 2030 National Autism Strategy, and to provide for other ancillary or consequential matters.
