

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,440, 12 ta' Ġunju, 2015

Taqsimha C

Nru. 101

12. 06. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Stephen Spiteri, M.P., u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Mejju, 2015.

A BILL introduced by the Honourable Stephen Spiteri, M.P., and read the First time at the Sitting of the 25th May, 2015.

ATT biex jemenda l-Att dwar Opportunitajiet Indaqs (Persuni b'Dizabilità), Kap. 413.

AN ACT to amend the Equal Opportunities (Persons with Disability) Act, Cap. 413.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

ATT biex jemenda l-Att dwar Opportunitajiet Indaqs (Persuni b'Diżabilità), Kap. 413.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda Att dwar Opportunitajiet Indaqs għal Persuni b'Diżabilità, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar Opportunitajiet Indaqs għal Persuni b'Diżabilità, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 413.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdeu isehhu f'dik id-data li l-Ministru responsabbli għall-harsien soċjali dan il-qasam jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. L-għan ta' dan l-Att huwa li jstabbilixxi mill-ġdid il-Kummissjoni Nazzjonali Persuni b'Diżabilità u li jipprovdi għall-hatra tal-istess Kummissjoni bhala Uffiċċju tal-Parlament indipendenti mill-Eżekuttiv, u għall-hatra, u t-tnehhija minnha, taç-Chairman, Viċi Chairman u l-membri tal-Kummissjoni.

Għan.

3. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "istituzzjoni edukattiva" għandha tiżdied it-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

"Kumitat Permanenti dwar l-Affarijiet Soċjali" tfisser il-Kumitat Permanenti dwar l-Affarijiet Soċjali stabbilit bl-ordni

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permanenti 120G tal-Ordnijiet Permanenti tal-Kamra tad-Deputati;"

Emenda tal-artikolu 21 tal-Att prinċipali.

4. L-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(1) Il-President, li jaġixxi skont riżoluzzjoni tal-Kamra li tghaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha tal-Kamra, għandu jahtar bhala Uffiċjal tal-Parlament Kummissjoni, bl-isem ta' Kummissjoni Nazzjonali Persuni b'Diżabilità (minn hawn 'il quddiem imsejha "il-Kummissjoni").

Għall-finijiet ta' dan l-Att, il-kelma "Kummissjoni" tinkludi lil kull uffiċjal jew impjegat tal-Kummissjoni minnha debitament awtorizzat biex jaġixxi f'isimha għal xi għan speċifiku jew kategorija ta' għanijiet taht dan l-Att.";

(b) is-subartikoli (2) u (3) tiegħu għandhom jiġu enumerati mill-ġdid bħa s-subartikoli (3) u (4) rispettivament;

(c) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Ir-riżoluzzjoni tal-Kamra msemmija fis-subartikolu (1) għandha tipprovdi wkoll għall-kompożizzjoni tal-Kummissjoni, li għandha tkun magħmula minn mhux anqas minn erbatax-il membru. Seba' membri jinhatru minn fost dawk il-persuni li l-Kamra jidhrilha li jistgħu jirrappreżentaw bl-aħjar mod lill-Ministeri responsabbli għall-Politika Soċjali, ix-Xogħol, is-Saħħa, l-Edukazzjoni, id-Djar u l-Ippjanar Ekonomiku, kif ukoll xi Ministeri oħra rilevanti. Seba' membri oħra jinhatru minn fost dawk il-persuni li, fil-fehma tal-Kamra, ikunu l-aħjar biex jirrappreżentaw organizzazzjonijiet volontarji li jaħdmu fil-qasam tad-diżabilità, wara konsultazzjoni, permezz tal-Kumitat Permanenti dwar l-Affarijiet Soċjali, ma' dawk l-organizzazzjonijiet volontarji."; u

(d) fis-subartikolu (4) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "Il-Prim Ministru" għandhom jidhlu l-kliem "Il-President, li jaġixxi skont ir-riżoluzzjoni tal-Kamra msemmija fis-subartikolu (1)".

5. L-artikolu 22 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 22 tal-Att prinċipali.

(a) fil-paragrafu (j) tiegħu minflok il-kliem "mill-Ministru" għandhom jidhlu l-kliem "mill-Kamra jew minn xi awtorità kompetenti oħra"; u

(b) fil-paragrafu (m) tiegħu minflok il-kliem "(meta l-Ministru hekk jitlobha li tagħmel)" għandhom jidhlu l-kliem "(meta l-Kumitat Permanenti dwar l-Affarijiet Soċjali jew il-Ministru hekk jitlobha li tagħmel)"; u minflok il-kliem "jwasslu rapport lill-Ministru" għandhom jidhlu l-kliem "jwasslu rapport lill-Kumitat Permanenti dwar l-Affarijiet Soċjali".

6. Fl-artikolu 23 tal-Att prinċipali minflok l-kliem "Malli l-Prim Ministru" għandhom jidhlu l-kliem "Malli l-President, li jaġixxi skont riżoluzzjoni tal-Kamra li tgħaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha tal-Kamra". Emenda tal-artikolu 23 tal-Att prinċipali.

7. L-artikolu 24 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 24 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "għal żmien sentejn u jista' jerga' jinħatar fi tmiem dak iż-żmien ta' kariga" għandhom jidhlu l-kliem "għal żmien hames snin u jkun eliġibbli biex jerga' jinħatar għal perijodu wiehed konsekuttiv ta' hames snin"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "Il-Prim Ministru" għandhom jidhlu l-kliem "Il-President, li jaġixxi skont riżoluzzjoni tal-Kamra li tgħaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha tal-Kamra".

8. L-artikolu 26 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 26 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem "bi ftehim mal-Ministru" għandhomk jiġu mhassra; u

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika għal dan, il-Kummissjoni tista' taħtar lil dawk l-uffiċjali u impjegati li jistgħu jenħtieġu għat-twettiq tal-funzjonijiet, setgħat u dmirijiet tagħha li jitnissu minn dan l-Att. Din is-setgħa ta' ħatra tinkludi l-approvazzjoni għall-għadd ta' persuni li

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jistgħu jinħatru bis-saħħa ta' dan l-artikolu sew jekk b' mod ġenerali jew għar-rigward ta' xi dmirijiet speċifiċi jew klassi ta' dmirijiet, is-salarji u l-kondizzjonijiet tal-ħatra tagħhom."

Sostituzzjoni tal-artikolu 28 tal-Att prinċipali.

9. L-artikolu 28 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"28. (1) Il-Kummissjoni tista', filwaqt li tkun qiegħda tagħmel investigazzjoni, taħtar, f'kapaċità konsultiva, kull persuna li l-perizja partikolari tagħha tkun meħtieġa biex l-investigazzjoni tkun tista' ssir b' mod iktar effettiv:

Izda meta l-konsulent meħtieġ ikun uffiċjal pubbliku, il-Prim Ministru għandu jaħtar, wara li ssirlu talba mill-Kummissjoni, lil dak l-uffiċjal pubbliku sabiex jagħti l-għajjnuna tiegħu.

(2) Bla ħsara għad-disposizzjonijiet ta' dan l-Att il-Kummissjoni tkun responsabbli li tapprova l-livell ta' tagħmir kapitali, mobbilja, materjal u attivitajiet amministrattivi meħtieġa għat-twettiq tal-funzjonijiet, setgħat u dmirijiet tagħha li jtnisslu minn dan l-Att.

(3) Il-finanzi meħtieġa għas-salarju u *allowances* tal-Kummissjoni, u għar-rizorsi deskritti fis-subartikoli (1) u (2) u fl-artikolu 26(2), ma għandhomx jeċċedu dak l-ammont massimu li jiġi indikat fi Pjan ta' Hidma li jiġi approvat mill-Kamra u li jkun addebitat lill-Fond Konsolidat mingħajr il-ħtieġa ta' ebda approprjazzjoni oħra ħlief dan l-Att:

Izda l-Kummissjoni għandha tipprezenta quddiem il-Kamra, mhux iktar tard mill-15 ta' Settembru ta' kull sena, Pjan ta' Hidma, li jinkludi Pjan Finanzjarju, li jkun jindika l-attivitajiet tas-sena ta' wara."

Emenda tal-artikolu 29 tal-Att prinċipali.

10. L-artikolu 29 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "tibgħat lill-Ministru" għandhom jidhlu l-kliem "to the Social Affairs Committee"; u

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Il-kontijiet tal-uffiċċju tal-Kummissjoni għandhom jiġu verifikati mill-Awditur Ġenerali u

għandhom japplikaw għalihom id-dispożizzjonijiet tal-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika."

11. L-artikolu 30 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 30 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "lill-Ministru" għandhom jidhlu l-kliem "lill-Kumitat Permanenti dwar l-Affarijiet Soċjali"; u

(b) is-subartikolu (3) tiegħu għandu jiġi mhassar.

Għanijiet u Raġunijiet

L-għanijiet prinċipali ta' dan l-Abbozz ta' Liġi huma sabiex tiġi stabbilita mill-ġdid il-Kummissjoni Nazzjonali Persuni b'Diżabilità bhala Uffiċċju tal-Parlament indipendenti mill-Eżekuttiv, u għall-hatra, u t-tneħhija minnha, tač-*Chairman*, *Vici Chairman* u l-membri tal-Kummissjoni.

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**A Bill
entitled**

AN ACT to amend the Equal Opportunities (Persons with Disability) Act (Cap. 413).

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:-

Short title and commencement.

Cap. 413.

1. (1) The short title of this Act is the Equal Opportunities (Persons with Disability) (Amendment) Act, 2015, and this Act shall be read and construed as one with the Equal Opportunities (Persons with Disability) Act, hereinafter referred to as "the principal Act".

(2) The provisions of this Act shall come into force on such date as the Minister responsible for social policy may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

Scope.

2. This Act intends to re-establish the National Commission Persons with Disability and provide for its appointment as an Office of Parliament independent from the Executive, and for the appointment, and termination thereof, of its Chairman, Deputy Chairman and members.

Amendment of article 2 of the principal Act.

3. In article 2 of the principal Act, immediately after the definition "reasonable accommodation" there shall be added the following new definition:

" "Social Affairs Committee" means the Standing Committee on Social Affairs established by standing order 120G of the Standing Orders of the House of Representatives;"

4. Article 21 of the principal Act shall be amended as follows: Amendment of article 21 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following:

"(1) The President, acting in accordance with a resolution of the House supported by the votes of not less than two-thirds of all the members of the House, shall appoint as an Officer of Parliament a Commission, called the National Commission Persons with Disability (hereinafter referred to as the "Commission").

For the purposes of this Act, the term "Commission" includes any officer or employee of the Commission duly authorised by it to act on its behalf for a specific purpose or class of purposes under this Act.";

(b) sub-articles (2) and (3) thereof shall be renumbered as sub-articles (3) and (4) respectively;

(c) immediately after sub-article (1) thereof there shall be added the following new sub-article:

"(2) The resolution of the House mentioned in sub-article (1) shall also provide for the composition of the Commission, which shall be composed of not less than fourteen members. Seven of the members shall be appointed from amongst persons who appear to the House that can best represent the Ministries responsible for Social Policy, Labour, Health, Education, Housing and Economic Planning, as well as any other relevant Ministry. Another seven of the members shall be appointed from among such persons who appear to the House that can best represent voluntary organisations working in the field of disability issues, after consultation, through the Social Affairs Committee, with such voluntary organisations."; and

(d) in sub-article (4) thereof, as renumbered, for the words "The Prime Minister" there shall be substituted the words "The President, acting in accordance with the resolution of the House referred to in sub-article (1)".

5. Article 22 of the principal Act shall be amended as follows: Amendment of article 22 of the principal Act.

(a) in paragraph (j) thereof for the words "by the Minister" there shall be substituted the words "by the House or

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any other competent authority"; and

(b) in paragraph (m) thereof for the words "(when requested to do so by the Minister)" there shall be substituted the words "when requested to do so by Social Affairs Committee or the Minister"; and for the words "report to the Minister" there shall be substituted the words "report to the Social Affairs Committee".

Amendment of article 23 of the principal Act.

6. In article 23 of the principal Act for the words "by the Prime Minister" there shall be substituted the words "by the President acting in accordance with a resolution of the House supported by the votes of not less than two-thirds of all the members of the House".

Amendment of article 24 of the principal Act.

7. Article 24 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof for the words "for a term of two years and may be re-appointed at the end of his term of office" there shall be substituted the words "for a term of five years and shall be eligible for reappointment for one consecutive term of five years"; and

(b) in sub-article (2) thereof for the words "The Prime Minister" there shall be substituted the words "The President acting in accordance with a resolution of the House supported by the votes of not less than two-thirds of all the members of the House".

Amendment of article 26 of the principal Act.

8. Article 26 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "with the concurrence of the Minister" shall be deleted; and

(b) sub-article (2) thereof shall be substituted by the following:

"(2) Subject to the provisions of the Constitution and any other relevant enactment, the Commission may appoint such officers and employees as may be necessary for the carrying out of its functions, powers and duties under this Act. This power to appoint includes approval to the numbers of persons that may be appointed under this article whether generally or in respect of any specific duties or classes of duties, their salaries and conditions of appointment."

9. Article 28 of the principal Act shall be substituted by the following: Substitution of article 28 of the principal Act.

"28. (1) The Commission may, in the conduct of an investigation, engage, in a consultative capacity, any person whose particular expertise is essential to the effectiveness of the investigation:

Provided that if the consultant required is a public officer the Prime Minister shall, at the request of the Commission, designate the public officer to assist.

(2) Subject to the provisions of this Act the Commission shall be responsible for approving the level of capital equipment, furnishings, materials, and administrative activities for the carrying out of its functions, powers and duties under this Act.

(3) The finance required for the Commission's salary and allowances, and for the resources described in sub-articles (1) and (2) and in article 26(2), shall not exceed a maximum amount indicated in a Business Plan approved by the House and shall be a charge on the Consolidated Fund without any further appropriation other than this Act:

Provided that the Commission shall present to the House by the 15th day of September of each year, a Business Plan, which shall include a Financial Plan, which will indicate the ensuing year's activities."

10. Article 29 of the principal Act shall be amended as follows: Amendment of article 29 of the principal Act.

(a) in sub-article (1) thereof for the words "to the Minister" there shall be substituted the words "to the Social Affairs Committee"; and

(b) sub-article (2) shall be substituted by the following:

"(2) The accounts of the office of the Commission shall be audited by the Auditor General and the provisions of the Financial Administration and Audit Act shall apply thereto."

11. Article 30 of the principal Act shall be amended as follows: Amendment of article 30 of the principal Act.

(a) in sub-article (1) thereof for the words "to the

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Minister" there shall be substituted the words "to the Social Affairs Committee"; and

(b) sub-article (3) thereof shall be deleted.

Objects and Reasons

The main objects of this Bill are to re-establish the National Commission Persons with Disability as an Office of Parliament independent from the Executive, and for the appointment, and termination thereof, of its Chairman, Deputy Chairman and members.

