

193. L-Onor Stephen Spiteri MP u l-Onor David Agius MP jipponu:

L-Ewwel Qari ta' Abbozz ta' Liġi msejjaħ "Att biex jemenda l-Att dwar Opportunitajiet Indaqs għal Persuni b'diżabilità."

03.12.14

ABBOZZ TA' LIĠI

msejjah

Att li jemenda l-Att dwar Opportunitajiet Indaqs ghal Persuni b'Dizabilità

ATT li jistabbilixxi mill-ġdid il-Kummissjoni Nazzjonali Persuni b'Dizabilità bhala Uffiċċju tal-Parlament indipendenti mill-Eżekuttiv, u għall-ħatra, u t-tneħħija minnha, taċ-Chairman, Vici Chairman u l-membri tal-Kummissjoni.

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:-

Titolu fil-qosor u bidu fis-sehħ.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att li jemenda l-Att dwar Opportunitajiet Indaqs ghal Persuni b'Dizabilità u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar Opportunitajiet Indaqs ghal Persuni b'Dizabilità, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jibdew isehħu f'dik id-data li l-Ministru responsabbli għall-harsien soċjali u l-iżvilupp ta' dan il-qasam jista' jistabbilixxi fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġx xort'ohra –

“Kamra tad-Deputati” tfisser il-Kamra tad-Deputati stabbilita b'Artikolu 51 tal-Kostituzzjoni;

“Kumitat Permanenti dwar l-Affarijiet Soċjali” tfisser il-Kumitat Permanenti dwar l-Affarijiet Soċjali stabbilit bl-artikolu 120G tal-Ordinijiet Permanenti tal-Kamra tad-Deputati;

“Kummissjoni” tfisser il-Kummissjoni Nazzjonali Persuni b'Dizabilità stabbilita bl-artikolu 21 tal-Att, u tinkludi lil kull uffiċjal tal-Kummissjoni minnha debitament awtorizzat biex jaġixxi f'isimha għal xi għan speċifiku jew kategorija ta' għanijiet taħt dan l-Att;

“Ministru” tfisser il-Ministru responsabbli għall-harsien soċjali u l-iżvilupp ta' dan il-qasam.

Skop.

3. L-għan ewlieni ta' dan l-Att huwa li jistabbilixxi mill-ġdid il-Kummissjoni Nazzjonali Persuni b'Diżabilità u li jipprovdi għall-ħatra tal-istess Kummissjoni bħala Uffiċċju tal-Parlament indipendenti mill-Eżekuttiv, u għall-ħatra, u t-tneħħija minnha, taç-*Chairman*, Viċi *Chairman* u l-membri tal-Kummissjoni.

Emenda tal-
artikolu 21 tal-Att
Prinċipali.

4. L-artikolu 21 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) Is-subartikolu (1) tal-artikolu 21 għandu jiġi mibdul b'dan li ġej:

“(1) Il-President, li jaġixxi skont riżoluzzjoni tal-Kamra tad-Deputati li tgħaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha li hemm fil-Kamra, għandu jahtar bħala Uffiċjal tal-Parlament Kummissjoni, bl-isem ta' Kummissjoni Nazzjonali Persuni b'Diżabilità (minn hawn il-quddiem imsejha “il-Kummissjoni”);

(b) Is-subartikoli (2) u (3) għandhom jiġi numerati mill-ġdid bħala subartikoli (3) u (4) rispettivament;

(c) Għandu jidhol is-subartikolu (2) ġdid kif ġej:

“(2) Ir-riżoluzzjoni tal-Kamra tad-Deputati 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 l-aktar jirrapprezentaw lill-Ministeri responsabbli għall-Affarijiet tal-Familja, il-Harsien 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 jirrapprezentaw organizzazzjonijiet volontarji li jaħdmu fil-qasam tad-diżabilità, wara konsultazzjoni, permezz tal-Kumitat Permanenti dwar l-Affarijiet Soċjali, ma' dawk l-organizzazzjonijiet volontarji.

(d) Is-subartikolu (4) kif numerat mill-ġdid għandu jiġi emendat billi il-kliem “Il-Prim Ministru” għandhom jiġu sostitwiti bil-kliem “Il-President, skont ir-riżoluzzjoni tal-Kamra tad-Deputati msemmija fis-subartikolu (1) hawn fuq”.

Emenda tal-
artikolu 22 tal-Att
Prinċipali.

5. L-artikolu 22 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (j) il-kliem “mill-Ministru” għandhom jiġu sostitwiti bil-kliem “mill-Kamra tad-Deputati jew minn xi awtorita' kompetenti oħra”;

(b) fil-paragrafu (m) il-kliem “meta l-Ministru hekk jitlobha li tagħmel” għandhom jiġu sostitwiti bil-kliem “meta l-Kumitat Permanenti dwar l-Affarijiet Soċjali jew il-Ministru hekk jitlobha li tagħmel” u l-kliem “jwasslu rapport lill-Ministru” għandhom jiġu sostitwiti bil-kliem “jwasslu rapport lill-Kumitat Permanenti dwar l-Affarijiet Soċjali”.

Emenda tal-artikolu 23 tal-Att Prinċipali.

6. L-artikolu 23 ta' l-Att prinċipali għandu jiġi emendat billi l-kliem "Malli l-Prim Ministru" għandhom jiġu sostitwiti bil-kliem "Malli l-President, li jaġixxi skont riżoluzzjoni tal-Kamra tad-Deputati li tgħaddi bis-saħha tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha li hemm fil-Kamra,".

Emenda tal-artikolu 24 tal-Att Prinċipali.

7. L-artikolu 24 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) il-kliem "għal żmien sentejn u jista' jerga' jinhatar fi tmiem dak iz-żmien ta' kariga" għandhom jiġu sostitwiti bil-kliem "għal żmien hames snin u jkun eliġibbli biex jerga' jinhatar għal perijodu wiehed konsekuttiv ta' hames snin";
 - (b) fis-subartikolu (2) il-kliem "Il-Prim Ministru" għandhom jiġu sostitwiti bil-kliem "Il-President, li jaġixxi skont riżoluzzjoni tal-Kamra tad-Deputati li tgħaddi bis-saħha tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha li hemm fil-Kamra,".

Emenda tal-artikolu 26 tal-Att Prinċipali.

8. L-artikolu 26 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) il-kliem "bi ftehim mal-Ministru" għandu jiġi mhassar;
 - (b) is-subartikolu (2) għandu jiġi sostitwit kif ġej:

"(2). Bla ħsara għad-disposizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika għal dan, il-Kummissjoni tista' tahtar lil dawk l-uffiċjali u impjegati li jistgħu jenhtieġu għat-twettiq tal-funzjonijiet, setgħat u dmirijiet li jitnisslu minn dan l-Att. Din is-setgħa ta' ħatra tinkludi l-approvazzjoni għall-għadd ta' persuni li jistgħu jinhatru bis-saħha ta' dan l-artikolu sew jekk b'mod ġeneriku jew għar-rigward ta' xi dmirijiet speċifiċi jew klassi ta' dmirijiet, is-salarji u l-kondizzjonijiet tal-ħatra tagħhom."

Emenda tal-artikolu 28 tal-Att Prinċipali.

9. L-artikolu 28 ta' l-Att prinċipali għandu jiġi mhassar u sostitwit kif ġej:
- "28. (1) Il-Kummissjoni tista', filwaqt li tkun qiegħda tagħmel investigazzjoni, tahtar, f'kapacità konsultiva, lil min trid jekk il-perizja partikolari tiegħu tkun meħtieġa biex l-investigazzjoni tkun tista' ssir b'mod iktar effettiv:

Iżda meta l-konsulent meħtieġ ikun uffiċjal pubbliku, il-Prim Ministru għandu jahtar, wara li ssirlu talba mill-Kummissjoni, lil dak l-uffiċjal pubbliku sabiex jagħti l-għajnuna 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 tal-Kummissjoni li jitnisslu minn dan l-Att.

(3) Il-finanzi meħtieġa għas-salarju u allowances tal-Kummissjoni, u għar-rizorsi deskritti fis-subartikoli (1) u (2) ta' hawn fuq u fis-subartikolu (2) ta' artikolu 26, ma għandhomx jeċċedu dak l-ammont massimu li jiġi indikat fi' Pjan ta' Hidma li jiġi approvat mill-Kamra tad-Deputati u dan ikun nefqa li ssir mill-Fond Konsolidat mingħajr il-ħtieġa ta' ebda approprijazzjoni oħra hlief dan l-Att:

Iżda l-Kummissjoni għandha tippreżenta 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 li ġejja.”

Emenda tal-
artikolu 29 tal-Att
Prinċipali.

10. L-artikolu 29 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) il-kliem “tibgħat lill-Ministru” għandu jiġi sostitwit bil-kliem “tibgħat lill-Kumitat Permanenti dwar l-Affarijiet Soċjali”;

(b) is-subartikolu (2) għandu jiġi mhassar u sostitwit kif ġej:

“(2) Il-kontijiet tal-uffiċċju tal-Kummissjoni għandhom jiġu verifikati mill-Awditur Ġenerali u għal dan għandu japplika l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika.

Emenda tal-
artikolu 30 tal-Att
Prinċipali.

11. L-artikolu 30 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) il-kliem “lill-Ministru” għandu jiġi sostitwit bil-kliem “lill-Kumitat Permanenti dwar l-Affarijiet Soċjali”;

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

BILL

Entitled

Equal Opportunities (Persons with Disability) (Amendment) Act

AN ACT 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.

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 coming into force.

1. (1) The short title of this Act is the Equal Opportunities (Persons with Disability) (Amendment) Act and it 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 and its development may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

Interpretation.

2. In this Act, unless the context otherwise requires –

“Commission” means the National Commission Persons with Disability established in terms of article 21 of the Act, and 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 the Act;

“House of Representatives” means the House of Representatives established by article 51 of the Constitution;

“Minister” means the Minister responsible for social policy and its development;

“Social Affairs Committee” means the Standing Committee on Social Affairs established by article 120G of the Standing Orders of the House of Representatives.

Scope.

3. 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 21 of the
principal Act.

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

(a) Sub-article (1) of article 21 shall be substituted by the following:

“(1) The President, acting in accordance with a resolution of the House of Representatives 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");

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

(c) The following new sub-article (2) shall be inserted:

“The resolution of the House of Representatives mentioned in sub-article (1) above 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 of 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”;

(d) Sub-article (4) as renumbered shall be amended by substituting the words “The Prime Minister” with the words “The President in accordance with the resolution of the House of Representatives mentioned in sub-article (1) above”.

Amendment of
article 22 of the
principal Act.

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

(a) in paragraph (j) the words “the Minister” shall be substituted by the words “the House or any other competent authority”;

(b) in paragraph (m) the words “requested to do so by the Minister” shall be substituted with the words “requested to do so by Social Affairs Committee or the Minister” and the words “report to the Minister” shall be substituted with the words “report to the Social Affairs Committee”.

Amendment of
article 23 of the
principal Act.

6. Article 23 of the principal Act shall be amended by substituting the words “by the Prime Minister” with the words “by the President acting in accordance with a resolution of the House of Representatives 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) the words “for a term of two years and may be re-appointed at the end of his term of office” shall be substituted with the words “for a term of five years and shall be eligible for reappointment for one consecutive term of five years”;
 - (b) in sub-article (2) the words “The Prime Minister” shall be substituted with the words “The President acting in accordance with a resolution of the House of Representatives 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) the words “with the concurrence of the Minister” shall be deleted;
 - (b) sub-article (2) shall be substituted with 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 the 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.”

Amendment of article 28 of the principal Act.

9. Article 28 of the principal Act shall be deleted and substituted by the following:
- “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 Ombudsman, 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 the functions, powers and duties of the Commission 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) above and in sub-article (2) of article 26, shall not exceed a maximum amount indicated in a Business Plan approved by the House of Representatives 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."

Amendment of
article 29 of the
principal Act.

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

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

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

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

Amendment of
article 30 of the
principal Act.

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

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

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