



PRESS RELEASE

Date: 14th July 2017

BILL FOR THE DISABILITY ACT 2017

AGNES' LAW

Mr Speaker,

I beg to move that the Bill the Disability Act 2017, also known as Agnes' Law, be read a second time.

Mr Speaker, our Government is one that truly represents equality and diversity and our track record shows that we recognise the duty on society to treat people of all backgrounds with dignity and respect.

There are times when we need to legislate to ensure that there are sufficient protections in place. As a Government, we have an established track record on protecting rights and this Bill is another milestone in respect of equality.

It takes determination and courage of conviction to take action and make real change when it comes to achieving equality in our society and I am honoured to be Gibraltar's first Minister for Equality.

This Bill implements one of our Manifesto commitments. The purpose of this Bill is to legislate to further protect people with disabilities using the terms of the UN Convention on the Rights of People with Disabilities as a model.

Indeed Mr Speaker, the Chamber of Commerce in its February edition of Chamber News referred to this bill as possibly one of the most significant pieces of legislation introduced by the GSLP/Liberal Government. This, Mr Speaker, speaks volumes.

Mr Speaker, this Bill is particularly important to me as it transcends my time as a Minister and has been quite a personal journey for a long time. While in private practice as a Barrister, I first met with the Disability Society in January 2006 and offered to help them in their mission to achieve legislation for disability rights in Gibraltar given the vacuum that existed. I have a very vivid recollection of that meeting over 10 years ago where I was presented with a draft piece of legislation that had been prepared by the late Mrs Agnes Valarino. Mrs Valarino had previously been the Chairperson of the Disability Society and at that meeting when the Committee presented me with the draft, they referred to it as Agnes' Law because they wanted a fitting tribute to a lady who had worked so

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hard to progress the rights of people with disabilities in Gibraltar. In 2006 I promised to help, little did I know then how literally this would happen. A true pioneer and champion of the rights of people with disabilities, I felt it only right and fitting that Mrs Valarino's wish to legislate be honoured by referring to the proposed Disability Act in her memory.

Members of this House will be aware that a Command Paper was presented and published in October. Responses to the Command Paper were received and the views of the public have been taken on board. My Ministry and I have met with everyone who responded to the consultation process and charities and representatives groups. I have also had the opportunity to discuss this with the Honourable member opposite Mr Llamas who held this portfolio. I am grateful to everyone involved in the consultation process which was very favourable and helped to clarify certain points. This Mr Speaker is why we introduced the consultation process when we came to office in 2011.

Historically, disability legislation has been an area of law which has been overlooked. The existing Equal Opportunities Act 2006 is specific to employment related matters alone. The Disabled people Act 1992 is outdated and fails to meet the demands of a modern and inclusive society, such as the one that this Government is building. For this reason we have decided to repeal the Disabled people Act 1992 and instead publish this new modern piece of legislation which aims to create an equal playing field in all aspects of society for people with disabilities.

I can say with confidence Mr Speaker, that since we have come into Government, equality and inclusion have gained more importance. This, I dare say, is because of what we have invested in changing our policies and all the work that we have done on delivering training and creating awareness of disability equality principles. It is clear, Mr Speaker, that on this subject, we have been leading from the front.

On to the Bill itself, it introduces a standalone piece of legislation for people with disabilities setting out several principles and obligations that should be considered by any person taking policy decisions or actions. The ultimate purpose being to promote, protect and ensure the full and equal enjoyment of all fundamental rights and freedoms by people with disabilities, and to promote respect for their inherent dignity.

The Bill is modelled on the UN Convention in a way that is relevant to our community. The Bill is not intended to create new rights, these already exist in our law. The fundamental right not to be unfairly discriminated against is already enshrined in our constitution. This Bill clarifies existing obligations and legal duties and provides a framework to give practical effect to the Conventions aims which is to provide the equal enjoyment by all people with disabilities.

This Bill is a significant step forward and will make important changes to the lives of people with disabilities and their families.

Mr Speaker, turning to the Bill itself; I do not propose to go through each individual section as these are quite self-explanatory, but I will only refer to some of the more pertinent ones.

Sections 4 to 7 introduce the definitions and the general principles and obligations of the Act, and



in relation to Section 6 we will be producing guidance notes to promote understanding of obligations and facilitate the introduction of these.

Section 12 sets out a power to introduce policies, strategies and initiatives on awareness-raising. Mr Speaker, while not yet a legal obligation for us, we have nevertheless been leading on this for the last five years. We have invested heavily in training and awareness; we have not only made this widely available to the public sector but also through our hugely successful Equality Means Business seminars for the private sector, which have also been embraced by the Chamber and the GFSB, and finally our Understanding Autism seminars for parents of people on the autism spectrum. The uptake and interest in all of these have been wonderful and by delivering this intense programme of training, we have been setting the groundwork for the implementation of this legislation.

Sections 13 and 14 relate to accessibility, and implement a requirement for people undertaking the provision of public buildings or premises to consider and cater for the access and use of facilities by people with disabilities. Again Mr Speaker, a lot of work has been done in preparation for this and is of course a continuous process. This in fact, Mr Speaker, will be the first section that will have practical implementation almost immediately as we will introduce the Part R Regulations of the Building Rules which will mean that all new buildings, alterations or change of use of existing buildings must take account of people with disabilities. This will give legal effect to what already exists as a Government Policy for the last 5 years and has been applied to all Government projects. Again Mr Speaker, another example of the Government leading from the front.

Section 23 deals with the collection of useful data and statistics to enable the formulation and implementation of successful policies to cater for people with disabilities. This is something which has always been lacking in Gibraltar and will assist us in making even further improvements in the future for people with disabilities in all aspects of their daily lives. At this point Mr Speaker, I would like to thank not only my Ministry and the Government departments who have been working on compiling the disability register, but also the Data Protection Commissioner and his staff at the GRA for their guidance to ensure that we do not fall foul of the data protection legislation in so doing.

Mr Speaker,

Stigma, prejudice and discrimination against people with disabilities is unfortunately still prevalent. Although we still have a long way to go in changing cultural norms, perceptions and attitudes, this law aims to make those rights real by building on and giving effect to the right not to be unfairly discriminated against on the grounds of disability and put the rights of people with disabilities on an equal footing as everyone else's.

Mr Speaker, if you may indulge me to make the point that a new law is not enough, and my work does not stop here. In order for the rights and the framework to become meaningful, I consider that continuous education and awareness is essential to ensure that the community can properly understand and become more responsible in ensuring that people with disabilities are no longer treated less favourably. We will therefore continue our work at every level, in the public sector particularly in the training of professional staff who work with people with disabilities, those in management and those who work in the front line, the private sector, and of course support parents and families.

We need everybody to embrace the principal that while we provide a statutory framework, we each



have an individual and collective responsibility to go beyond this and make Gibraltar more inclusive of people with disabilities. This is about embracing the principals and is about changing hearts and minds.

I would like to acknowledge the work that has been done by the strong and extremely motivated team at the Ministry for Equality on this legalisation and importantly on the implementation of these principles and in particular to Mr Tito Garro from the Government Law office who was responsible for drafting the legislation and his advice throughout.

Of course Mr Speaker, special mention to the Disability Society, who last year celebrated their 50th anniversary and whose advice and guidance has been very welcome. The Disability Society inspired me when I met them in 2006, and they and the values that they represent continue to inspire me today. Equally of course, I must refer to all the individuals and other representative organisations who have worked with us and who also represent these goals and values including the Chamber of Commerce, the GFSB and the new Unite Equalities Committee as well. I will continue to work with all the stakeholders who share these ideals in the implementation of the legislation and the development of Government policy.

Finally Mr Speaker, I again refer to a very special person in respect of whom this legislation is in honour, the late Mrs Agnes Valarino.

I said at the beginning of my intervention that in December last year, when I published this Bill, I announced that it would be referred to as Agnes' Law as a tribute to her and her dedication to championing the rights of people with disabilities. I did not know Agnes personally Mr Speaker, but I have always heard great things about her. I have had the pleasure of working with her husband, Mr Maurice Valarino, in my current role, her son Bernard in my previous role, and also have the pleasure of knowing her other son Matthew, who among other attributes is a wonderful artist and a beautiful abstract painting of his hangs in my office.

Together with my ministerial colleagues and the rest of the community we will work together to break down barriers, promote equality and achieve a more inclusive society.

Mr Speaker, I am honoured to commend this Bill to the House.