

RIGHTS OF PERSONS WITH DISABILITIES ACT 2018
(ACT NO. 4 OF 2018)

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SCHEDULE REGISTRATION OF ORGANISATIONS AFFILIATED WITH THE NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES

ACT NO. 4 OF 2018

I assent.

J. K. KONROTE
President

[16 March 2018]

AN ACT

TO MAKE PROVISIONS FOR THE PROTECTION OF THE RIGHTS OF PERSONS
WITH DISABILITIES IN ACCORDANCE WITH THE UNITED NATIONS
CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND
FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Rights of Persons with Disabilities Act 2018.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

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

“communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Constitution” means the Constitution of the Republic of Fiji;

“Council” means the National Council for Persons with Disabilities established under section 3;

“impairment” means a condition which involves any loss or abnormality of the psychological, physiological, or anatomical structure or function of the body and may include—

- (a) sensory impairments, such as those affecting sight or hearing;
- (b) impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
- (c) progressive impairment, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
- (d) developmental impairment, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- (e) learning difficulties; or
- (f) mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and some self-harming behaviour;

“language” includes spoken and sign language and other forms of non-spoken languages;

“Minister” means the Minister responsible for persons with disabilities;

“persons with disabilities” includes those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

“reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that persons with disabilities enjoy or exercise on an equal basis with others all human rights and fundamental freedoms;

“Register” means the Register of Organisations established under section 21;

“CRPD” means the United Nations Convention on the Rights of Persons with Disabilities; and

“universal design” means the design of products, environment programmes and services to be usable by all persons, to the greatest extent possible, without the need for adaptation or specialised design and includes assistive devices for particular groups of persons with disabilities where this is needed.

PART 2—NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES

Establishment of the National Council for Persons with Disabilities

3.—(1) This section establishes the National Council for Persons with Disabilities.

(2) The Council must operate as a body corporate with perpetual succession and a common seal, and may—

- (a) sue and be sued;
- (b) acquire, hold, possess, dispose of or otherwise deal with any property;
- (c) enter into contracts; and
- (d) do all other acts that may be done in law by a body corporate.

Objectives of the Council

4. The objectives of the Council are as follows—

- (a) to act as a coordinating body for all organisations dealing with the care and rehabilitation of persons with disabilities;
- (b) to raise awareness throughout society including awareness at the family level, regarding persons with disabilities and to foster respect for the rights and dignity of persons with disabilities;
- (c) to work toward eliminating the causes of disabilities or impairment;
- (d) to promote the recognition of skills, merits and abilities of persons with disabilities, and their contributions to the workplace and labour market;
- (e) to foster at all levels of society and the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities; and
- (f) to uphold, promote and enforce the rights of persons with disabilities.

Functions of the Council

5.—(1) The functions of the Council are to—

- (a) advise the Minister on all matters relating to persons with disabilities in Fiji;
- (b) formulate a national policy that ensures that services are provided to all persons with disabilities in Fiji;
- (c) draw up a national plan of action for rehabilitation services for persons with disabilities for approval by Cabinet and implement such a plan;
- (d) seek financial assistance from Government and aid donors and support financial assistance applications from registered organisations providing service to persons with disabilities;