VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,612, 22 ta' Lulju, 2016
Taqsima A

MALTA

ATT Nru XXXVIII tal-2016

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jipprovdi għat-twaqqif ta' Akkademja li tkun magħrufa bħala l-Akkademja għat-Taħriġ tal-Membri tal-Forzi Dixxiplinati biex tipprovdi prinċipalment taħriġ lill-uffiċjali tal-ingaġġ u l-membri tal-Forzi Armati ta' Malta, il-membri tal-Korp tal-Pulizija ta' Malta, l-Uffiċjali tal-Ħabs u l-Uffiċjali tal-Protezzjoni Ċivili, u għal ħwejjeġ konsegwenzjali u anċillari għal dan.

ACT No. XXXVIII of 2016

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the establishment of an Academy to be known as the Academy for Training of Members of Disciplined Forces to mainly provide training to recruiting officers and members of the Armed Forces of Malta, members of the Malta Police Force, the Prisons Officers and the Civil Protection Officers, and to provide for matters consquential or incidental thereto.

VERŻJONI ELETTRONIKA

Nagħti l-kunsens tiegħi.

(L.S.) **DOLORES CRISTINA**
Aġent President

22 ta' Lulju, 2016

ATT Nru XXXVIII tal-2016

ATT biex jipprovdi għat-twaqqif ta' Akkademja li tkun magħrufa bħala l-Akkademja għat-Taħriġ tal-Membri tal-Forzi Dixxiplinati biex tipprovdi prinċipalment taħriġ lill-uffiċjali tal-ingaġġ u l-membri tal-Forzi Armati ta' Malta, il-membri tal-Korp tal-Pulizija ta' Malta, l-Uffiċjali tal-Ħabs u l-Uffiċjali tal-Protezzjoni Ċivili, u għal ħwejjeġ konsegwenzjali u ančillari għal dan.

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

TAQSIM TAL-ATT

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Taqsima I
Preliminari

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 dwar l-Akkademja għal Korpi Dixxiplinati. Titolu fil-qosor u bidu fis-seħħ.

(2) Dan l-Att għandu jidħol fis-seħħ f'dik id-data li l-Ministru jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu

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hekk stabbiliti għal dispożizzjonijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xorta oħra -

"Akkademja" tfisser l-Akkademja għal Korpi Dixxiplinati mwaqqfa bl-artikolu 3;

"Bord" tfisser il-Bord tal-Akkademja għal Korpi Dixxiplinati stabbilit bl-artikolu 5;

"Bord tal-Validazzjoni tal-Kwalità tal-Programm (VKP) tfisser il-bord li jissorvelja t-tħaddim effettiv ta' programmi akkademiċi tal-Akkademja permezz ta' validazzjoni;

"Dipartiment tal-Protezzjoni Ċivili" tfisser il-Forza tal-Għajnuna u Salvataġġ stabbilita bl-artikolu 8 tal-Att dwar il-Protezzjoni Ċivili; Kap. 411.

"edukatur" tfisser kwalunkwe persuna involuta direttament fil-forniment tal-istruzzjoni u t-tagħlim, lir-rekluti u lill-membri tal-Forzi Armati ta' Malta, tal-Korp tal-Pulizija ta' Malta, tal-Faċilità Korrettiva ta' Kordin u tad-Dipartiment tal-Protezzjoni Ċivili, jew kwalunkwe korp, entità jew organizzazzjoni oħra kemm lokali u kif ukoll barranija kif jista' jiġi indikat mill-Ministru;

"Forzi Armati ta' Malta" għandha l-istess tifsira mogħtija lilha skont l-artikolu 3 tal-Att dwar il-Forzi Armati ta' Malta; Kap. 220.

"Gazzetta" tfisser il-Gazzetta tal-Gvern ta' Malta;

"Korp tal-Pulizija" tfisser il-Korp tal-Pulizija ta' Malta mwaqqaf bl-artikolu 3 tal-Att dwar il-Pulizija; Kap. 164.

"korpi dixxiplinati" tfisser il-Forzi Armati ta' Malta, il-Korp tal-Pulizija ta' Malta, il-Faċilità Korrettiva ta' Kordin u d-Dipartiment tal-Protezzjoni Ċivili;

"kwalifika" għandha t-tifsira assenjata lilha bl-artikolu 63 tal-Att dwar l-Edukazzjoni; Kap. 327.

"Malta" għandha l-istess tifsira kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni ta' Malta;

"Ministru" tfisser il-Ministru responsabbli mill-Intern u tinkludi kull persuna jew awtorità awtorizzata mill-imsemmi Ministru għal dan il-għan jew hekk kif jista' jiġi preskritt;

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"programm" għandha t-tifsira assenjata lilha fl-artikolu 63 tal-Att dwar l-Edukazzjoni; Kap. 327.

"Qafas Malti tal-Kwalifiki" għandha tinftiehem fil-kuntest tal-qafas nazzjonali għat-tagħlim tul il-ħajja u għandha l-istess tifsira mogħtija lilha bl-artikolu 63 tal-Att dwar l-Edukazzjoni; Kap. 327.

"*trainee* tal-korpi dixxiplinati" tfisser kull membru ta' korp dixxiplinat li qed jieħu taħriġ, kemm jekk bħala rekluta jew xort'oħra, jew kwalunkwe persuna oħra eliġibbli għal taħriġ mill-Akkademja skont id-dispożizzjonijiet ta' dan l-Att;

"Uffiċjal tal-Ħabs" għandha l-istess tifsira mogħtija lilha skont l-artikolu 2 tal-Att dwar il-Ħabs. Kap. 260.

Taqsima II

Twaqqif u Għanijiet tal-Akkademja

Twaqqif tal-Akkademja.

3. (1) Għandu jkun hemm Akkademja, li għandha tkun magħrufa bħala "l-Akkademja għal Korpi Dixxiplinati", li għandha tkun awtonoma u li għandha tmexxi l-funzjonijiet relatati mal-membri tal-korpi dixxiplinati u mal-iżvilupp professjonali kontinwu u t-taħriġ tat-*trainees* tal-korpi dixxiplinati.

(2) Korpi dixxiplinati jistgħu jipprovdu taħriġ lill-membri rispettivi tagħhom, barra mill-iskop ta' dan l-Att, li għandu jkun suġġett għall-approvazzjoni bil-miktub tal-Akkademja:

Iżda l-Akkademja għandha żżomm id-dritt li tivvaluta l-kwalità tat-taħriġ provdut u tagħmel rakkomandazzjonijiet fejn applikabbli.

Funzjonijiet tal-Akkademja.

4. Il-funzjonijiet u d-dmirijiet tal-Akkademja għandhom jinkludu:

(a) il-provvediment ta' taħriġ ta' kwalità għolja relatat mal-formazzjoni professjonali u t-titjib tal-ħiliet, attudnijiet u prattiċi li huma użati fil-ħajja professjonali ta' kuljum tal-korpi dixxiplinati u l-kuntesti tagħhom u jiġu kkunsidrati l-kuntesti differenti li jeżistu;

(b) il-provvediment ta' taħriġ u opportunitajiet edukattivi sabiex tippromwovi l-iżvilupp professjonali kontinwu tal-membri tal-korpi dixxiplinati skont il-*policies* tad-dipartimenti li jirriflettu l-iżvilupp tal-karriera tal-individwu;

(ċ) l-iżvilupp ta' prospetti għall-koperazzjoni nazzjonali u internazzjonali li jagħtu lill-membri tal-korpi dixxiplinati opportunitajiet għall-edukazzjoni u taħriġ speċjalizzat f'oqsma

ewlenin. Dan jinkludi l-iżvilupp ta' *networks* ta' koperazzjoni ma' *partners* internazzjonali u nazzjonali sabiex jinkoraġġixxu trasferiment tal-għarfien permezz ta' programmi ta' skambju, apprentistat u *placements*;

(d) l-iżvilupp, l-organizzazzjoni jew faċilitazzjoni ta' programmi edukattivi u tematiċi lil hinn mill-qafas ta' *curricula* strutturali, bħal inizjattivi ta' riċerka u proġetti, konferenzi, *seminars*, pubblikazzjonijiet u avvenimenti oħra, għall-membri ta' korpi dixxiplinati, rappreżentanti internazzjonali minn korpi dixxiplinati, studenti akkademiċi u membri tal-pubbliku;

(e) il-provvediment ta' korsijiet u programmi ta' tagħlim, fosthom esperjenza ta' xogħol, li jwasslu għal kwalifiki rikonoxxuti skont il-Qafas Malti tal-Kwalifiki fil-ħiliet u professjonijiet li jistgħu jkunu meħtieġa għall-korpi dixxiplinati; u

(f) it-twettiq ta' kull funzjoni oħra li hija relatata ma' jew anċillari għall-funzjonijiet msemmija hawn fuq u li jistgħu jiġu assenjati mill-Ministru minn żmien għal żmien.

Taqsima III

Kompożizzjoni, Funzjonijiet u Operat tal-Bord u l-Kumitat Akkademiku

Twaqqif tal-Bord.

5. (1) Għandu jkun hemm Bord li jkun magħruf bħala "il-Bord tal-Akkademja tal-Korpi Dixxiplinati" li jkun l-ogħla korp governattiv tal-Akkademja. Il-Bord għandu jaqdi l-funzjonijiet mogħtija lilu taħt dan l-Att u funzjonijiet oħra kif jista' jiġi preskritt b'regolamenti magħmula taħt dan l-Att, jew skont xi liġi oħra, u għal dan l-iskop għandu jkun rappreżentat minn *Chairperson* li għandu jaġixxi f'ismu.

(2) Il-Bord għandu jinħatar mill-Ministru u jkun kompost minn disa' membri kif ġej:

(a) *Chairperson* li għandu jkun ir-rappreżentant ġuridiku tal-Akkademja;

(b) rappreżentant mill-Forzi Armati ta' Malta;

(ċ) rappreżentant mill-Korp tal-Pulizija;

(d) rappreżentant mid-Dipartiment tal-Protezzjoni Ċivili;

(e) rappreżentant mill-Faċilità Korrettiva ta' Kordin;

(f) rappreżentant tal-Università ta' Malta;

(g) rappreżentant tal-Kulleġġ tal-Arti, Xjenza u Teknoloġija (MCAST); u

(h) żewġ membri oħra:

Iżda, fil-każ tar-rappreżentanti msemmija fil-paragrafi (b), (ċ), (d) u (e), il-ħatra għandha ssir wara li tkun saret konsultazzjoni mal-kapijiet rispettivi u fil-każ tar-rappreżentanti msemmija fil-paragrafi (f) u (g), il-ħatra għandha ssir fuq rakkomandazzjoni tal-kap rispettiv.

(3) Wieħed mill-membri tal-Bord għandu jservi bħala d-*Deputy Chairperson* tal-Bord. Meta ċ-*Chairperson* ikun imsiefer jew għal xi raġuni oħra, għal perjodu temporanju, ma jkunx jista' jaqdi l-funzjonijiet tiegħu, id-*Deputy Chairperson* għandu jaġixxi bħala *Chairperson* u għandu jwettaq il-poteri u d-dmirijiet taċ-*Chairperson*.

(4) Il-membri tal-Bord għandhom jiġu appuntati għal perjodu ta' tliet snin, iżda l-membri hekk maħtura għandhom ikunu eliġibbli għall-ħatra mill-ġdid fl-għeluq tal-perjodu tal-kariga tagħhom. Il-membri tal-Bord għandhom iservu fil-kapaċità personali tagħhom.

(5) Persuna ma tkunx kwalifikata li jkollha kariga ta' membru tal-Bord jekk dik il-persuna:

(a) tkun membru tal-Kamra tad-Deputati jew tal-Parlament Ewropew; jew

(b) tkun Imħallef jew Maġistrat; jew

(ċ) tkun legalment interdetta jew inabilitata; jew

(d) tkun ħatja ta' reat kontra l-fiduċja pubblika, jew ta' serq jew frodi, jew tkun xjentement irċeviet proprjetà miksuba b'serq jew frodi, jew ta' korruzzjoni jew ta' ħasil tal-flus, jew tkun b'xi mod ieħor ġiet ikkundannata għal piena ta' priġunerija; jew

(e) tkun soġġetta għal skwalifika taħt l-artikolu 320 tal-Att dwar il-Kumpanniji; Kap. 386.

(f) ikollha xi interess finanzjarju jew interess ieħor f'xi impriża jew attività li x'aktarx taffettwa t-twettiq tal-funzjonijiet tagħha bħala membru tal-Bord:

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Iżda l-Ministru jista' jirrinunzja għall-iskwalifika taħt dan il-paragrafu jekk din il-persuna tiddikjara l-interess, u dik id-dikjarazzjoni u r-rinunzja jiġu ppubblikati fil-Gazzetta.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Bord għandha ssir vakanti:

(a) meta jiskadi ż-żmien tal-kariga tal-membru;

(b) jekk il-membru jirriżenja;

(ċ) jekk jimmaterjalizza wieħed mix-xenarji msemmijin fis-subartikolu (5); jew

(d) fil-każ tal-paragrafi (b), (ċ), (d) u (e) tas-subartikolu (2), jekk il-membru ma jibqax membru attiv fil-korp dixxiplinat.

(7) Membru tal-Bord jista' f'kull waqt jitneħħa mill-kariga tiegħu mill-Ministru li jkun ħatru minħabba li jkun inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu kif meħtieġ, sew minħabba diżordni mentali jew mard fiżiku, jew għal kull raġuni oħra li minħabba fiha l-membru ma jibqax aktar idoneu biex jokkupa dik il-kariga jew minħabba fi mġiba ħażina.

(8) Jekk membru jirriżenja jew jekk il-kariga ta' membru tal-Bord tkun mod ieħor vakanti jew jekk membru għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jaħtar persuna li tkun kwalifikata li tkun maħtura biex tkun membru temporanju tal-Bord; u kull persuna hekk maħtura għandha, bla ħsara għad-dispożizzjonijiet tas-subartikoli (5) u (6), tieqaf milli tkun membru meta persuna tkun ġiet maħtura biex timla l-vakanza jew, skont kif ikun il-każ, meta l-membru li ma setax jaqdi l-funzjonijiet tal-kariga tiegħu jkompli jwettaq dawk il-funzjonijiet.

(9) Membru tal-Bord għandu jitqies li jkun irriżenja mill-Bord jekk jonqos milli jattendi għal tliet laqgħat konsekuttivi mingħajr ma jagħti raġuni valida bil-miktub liċ-*Chairperson.*

Laqgħat tal-Bord.

6. (1) Il-Bord għandu jiltaqa' mill-inqas darba fix-xahar fil-post li jista' jiġi stabbilit għal dawn il-laqgħat.

(2) Il-*quorum* fil-laqgħat kollha tal-Bord għandu jkun ħames membri tal-Bord inkluż l-uffiċjal li jippresiedi.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċedura tiegħu stess u jista' jappunta kumitati *ad hoc*.

(4) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-

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artikolu, att jew proċediment tal-Bord għandu jkun validu minkejja kull vakanza fost il-membri tiegħu.

(5) Id-deċiżjonijiet tal-Bord għandhom jittieħdu b'maġġoranza tal-voti tal-membri preżenti u li jivvotaw. Fil-każ ta' voti ndaqs min jippresiedi għandu jkollu vot deċiżiv.

(6) Għandhom jinżammu l-minuti u r-rekords tal-laqgħat u tad-deċiżjonijiet.

Funzjonijiet u dmirijiet tal-Bord.

7. (1) Il-funzjonijiet u d-dmirijiet tal-Bord għandhom ikunu li:

(a) jiżviluppa d-direzzjoni, l-istrateġija u l-immaġni tal-Akkademja;

(b) jamministra u jikkontrolla r-riżorsi, faċilitajiet u proprjetà kemm mobbli u kif ukoll immobbli tal-Akkademja inkluż l-akkwist u l-użu ta' riżorsi għat-tmexxija tal-Akkademja;

(ċ) jassisti u jagħti parir lill-Kmandant biex jinkiseb livell ta' eċċellenza fl-i*standards* ta' korsijiet u programmi tal-Akkademja;

(d) jgħin lid-Direttur tal-Istudji sabiex jiżgura li l-Akkademja timxi mar-rekwiżiti tal-Kummissjoni Nazzjonali għall-Edukazzjoni Għolja u tal-Kunsill Malti għall-Kwalifiki, kif previst f'dan l-Att jew f'xi regolament magħmul taħtu u mal-politika u strateġiji nazzjonali fl-edukazzjoni u s-sigurtà nazzjonali kif adottati mill-Gvern minn żmien għal żmien;

(e) jirrevedi u japprova programmi ta' taħriġ, *study units* u korsijiet sottomessi mill-Kumitat Akkademiku għall-inklużjoni jew għat-tħassir mit-taħriġ tal-Akkademja u mill-qafas edukattiv;

(f) jiddetermina, b'mod konformi mar-rekwiżiti tal-Qafas Malti tal-Kwalifiki, il-kundizzjonijiet għall-ammissjoni fil-programm jew kors provdut mill-Akkademja;

(g) jistabbilixxi proċeduri xierqa għall-valutazzjoni u ċ-ċertifikazzjoni tal-għalliema;

(h) joħroġ linji gwida u jistabbilixxi proċeduri li jikkonċernaw il-prestazzjoni u l-imġiba tal-istudenti, edukaturi u persuni oħra li ġew fdati sabiex jirrendu kull servizz fl-Akkademja, kemm jekk jaħdmu permezz ta' kuntratt indefinit jew kuntratt definit ta' servizz, jew kuntratt ta' servizz, jew jekk

sekondati jew mislufin lill-Akkademja mill-Gvern, korpi dixxiplinati, entitajiet pubbliċi jew privati;

(i) joħroġ linji gwida sabiex jistabbilixxi regoli relatati ma' kwalunkwe kors jew programm provdut mill-Akkademja;

(j) jiżgura li l-livelli xierqa akkademiċi u ta' taħriġ huma miżmuma u żviluppati;

(k) jistabbilixxi skemi interni tal-assigurazzjoni ta' kwalità kif meħtieġ skont dan l-Att jew b'xi regolament magħmul taħtu u proċeduri ta' verifika meħtieġa għall-operazzjonijiet tal-Akkademja; u

(l) jwettaq kwalunkwe funzjoni oħra assenjata lilu mill-Ministru minn żmien għal żmien.

(2) Il-Bord għandu wkoll japprova l-*curricula* u sillabi sottomessi mill-Kumitat tal-Akkademja u fejn jidhirlu xieraq, jerġa' jibgħat lura l-istess lill-Kumitat tal-Akkademja flimkien mal-parir tiegħu dwar kull emenda proposta.

(3) Il-Bord għandu, fejn hu xieraq, jiżgura li ċ-ċertifikati tal-Akkademja huma rikonoxxuti kemm fuq livell nazzjonali u kif ukoll fuq livell internazzjonali, u li, fejn applikabbli, huma relatati mal-i*standards* stabbiliti fil-Qafas Malti tal-Kwalifiki.

Il-Kumitat Akkademiku.

8. (1) Il-Ministru għandu jaħtar Kumitat Akkademiku magħmul minn *Chairperson* u erba' membri. Id-Direttur tal-Istudji jkun *ex officio Chairperson* tal-Kumitat Akkademiku. Membru wieħed għandu jkun elett minn fost il-persunal akkademiku fl-Akkademja, żewġ membri maħtura minn fost il-membri tal-Bord u membru wieħed maħtur mill-Ministru. Għandu jinħatar Segretarju tal-Kumitat Akkademiku.

(2) Il-Kumitat Akkademiku għandu jkun responsabbli għad-direzzjoni ġenerali tal-provvediment ta' programmi u korsijiet tal-Akkademja, u għandu jkollu l-funzjonijiet li ġejjin:

(a) li jipproponi lill-Bord il-programmi u korsijiet li għandhom jiġu pprovduti mill-Akkademja, wara li jekk il-Bord iħoss il-ħtieġa, jikkommissjona studju dwar il-ħtiġijiet tat-taħriġ, u f'kull każ wara konsultazzjoni mal-partijiet interessati, rigward il-*curricula* ta' tali programmi u korsijiet;

(b) biex jipproponi linji gwida tal-Bord dwar il-programmi u korsijiet ipprovduti mill-Akkademja, dokumentazzjoni u eżamijiet fl-Akkademja u biex jistabbilixxi

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dawk iċ-ċertifikati u distinzjonijiet għal dawk il-kandidati li jissodisfaw il-kundizzjonijiet applikabbli fi tmiem il-programmi u korsijiet;

(ċ) li jivverifika li l-proċeduri ta' stima użati mill-Akkademja jkunu f'konformità mal-politika akkademika approvata tal-Akkademja;

(d) biex jistabbilixxi, bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regolament magħmul taħtu, il-kundizzjonijiet tad-dħul għall-programmi u korsijiet tal-Akkademja;

(e) li jinnomina eżaminaturi Maltin jew barranin skont il-linji gwida u proċeduri stabbiliti minn qabel, u jissottomettihom lill-Bord għall-approvazzjoni tiegħu;

(f) li jirrikonoxxi, fuq rakkomandazzjoni tal-awtoritajiet kompetenti, skont l-Att, dawk il-kwalifiki, ċertifikati u distinzjonijiet ta' fornituri tal-edukazzjoni oħrajn għall-iskop ta' aċċess fi programm jew kors fl-Akkademja; u

(g) sabiex jittratta dwar kull materja oħra li tirreferi għall-edukazzjoni u t-taħriġ u li tista' tinqala' fl-amministrazzjoni tal-Akkademja.

(3) Il-Kumitat Akkademiku għandu jiltaqa' mill-inqas darba kull erba' ġimgħat u l-*quorum* għal-laqgħat għandu jkun ta' tliet membri.

Taqsima IV
Uffiċjali u Impjegati tal-Akkademja

9. (1) Għandu jkun hemm Kmandant responsabbli għat-tmexxija ta' kuljum tal-Akkademja. Kmandant.

(2) Il-Kmandant għandu jinħatar mill-Ministru wara konsultazzjoni mal-Bord għal perjodu ta' tliet snin u għandu jkun eliġibbli li jerġa' jinħatar.

(3) Il-Kmandant għandu jipprovdi għall-ingaġġ ta' persunal akkademiku, klerikali u persunal ieħor tal-Akkademja.

(4) Il-Kmandant għandu jkollu d-dritt li jattendi l-laqgħat tal-Bord, mingħajr ma jkollu d-dritt għall-vot, bil-kundizzjoni li huwa għandu jirtira minn kull laqgħa fejn ikunu ser jiġu diskussi fatti li jikkonċernawh personalment.

(5) Il-Kmandant għandu jirrappreżenta l-Akkademja fil-midja u avvenimenti pubbliċi.

Direttur tal-Istudji.

10. (1) Għandu jkun hemm Direttur tal-Istudji li għandu jkun responsabbli għat-twaqqif ta' korsijiet, *curricula* u l-aspetti akkademiċi kollha tal-Akkademja. Mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel, id-Direttur tal-Istudji għandu jipprovdi informazzjoni u jagħti parir lill-Bord dwar kwalunkwe kwistjoni u jwettaq dmirijiet oħra li jistgħu jiġu assenjati lilu minn żmien għal żmien mill-Bord.

(2) Id-Direttur tal-Istudji għandu jinħatar mill-Ministru wara li jkun ikkonsulta lill-Bord skont dawk it-termini u kondizzjonijiet li l-Ministru u l-Bord jistgħu jistabbilixxu. Id-Direttur għandu jżomm il-kariga għal perjodu ta' tliet snin mill-1 ta' Jannar tas-sena li għaliha hu jkun appuntat u jista' jerġa' jiġi appuntat għal perjodi oħrajn.

(3) Id-Direttur tal-Istudji għandu jirrapporta lill-Bord u għandu jattendi l-laqgħat tal-Bord kull meta materji akkademiċi jkunu diskussi jew kull meta jiġi mitlub li jagħmel dan.

(4) Mingħajr preġudizzju għall-artikolu 10 (1), id-Direttur tal-Istudji għandu wkoll jiżviluppa, jorganizza jew jiffaċilita programmi edukattivi u tematiċi bħalma huma inizjattivi ta' riċerka u proġetti, konferenzi, *seminars*, pubblikazzjonijiet u avvenimenti oħra, għall-membri tal-korpi dixxiplinati, rappreżentanti internazzjonali ta' korpi dixxiplinati, l-istudenti akkademiċi u membri tal-pubbliku. Id-Direttur tal-Istudji għandu wkoll ifittex li jiżviluppa prospetti ta' koperazzjoni nazzjonali u internazzjonali li joffru lill-membri ta' korpi dixxiplinati opportunitajiet għall-edukazzjoni speċjalizzata u taħriġ f'oqsma ewlenin lokali u barranin.

(5) Jekk il-kariga ta' Direttur tal-Istudji ssir vakanti matul il-perjodu tal-kariga minħabba mewt, riżenja, jew għal xi raġuni oħra, il-Bord għandu jinforma lill-Ministru malajr kemm jista' jkun prattikabbli u l-Ministru għandu jappunta persuna oħra biex timla l-post vakanti u l-persuna hekk appuntata għandha tibqa' fil-kariga għall-bqija tal-perjodu tal-kariga tal-predeċessur tagħha:

Iżda l-Akkademja, l-impjegati tagħha, u l-Bord għandhom ikomplu jaġixxu minkejja kull vakanza bħal din.

Reġistratur.

11. (1) Għandu jinħatar Reġistratur li għandu jaqdi l-funzjonijiet u d-doveri assenjati lilu mill-Kmandant u l-Kumitat Akkademiku.

(2) Ir-Reġistratur għandu jkun responsabbli għall-arkivji u l-kustodja xierqa tar-rekords tal-istudenti u għandu jiddeciedi dwar il-persuni li għandhom jingħataw iċ-ċertifikati u distinzjonijiet oħrajn.

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(3) Ir-Reġistratur għandu jattendi l-laqgħat tal-Bord kull meta jiġi mitlub li jagħmel dan, u għandu jattendi dejjem il-laqgħat tal-Kumitat Akkademiku.

Kumitat Eżekuttiv ta' Ġestjoni.

12. (1) Għandu jkun hemm Kumitat Eżekuttiv ta' Ġestjoni tal-Akkademja li għandu jkun magħmul mill-persuni li ġejjin *ex officio*:

(a) Il-Kmandant;

(b) id-Direttur tal-Istudji; u

(ċ) il-persuna responsabbli mill-amministrazzjoni tal-Akkademja.

(2) Mingħajr preġudizzju għall-funzjonijiet u r-responsabbiltajiet tal-membri tal-Kumitat Eżekuttiv ta' Ġestjoni kif previst f'dan l-Att, il-Kumitat Eżekuttiv ta' Ġestjoni għandu jaħdem taħt id-direzzjoni tal-Kmandant u għandu jkollu l-funzjonijiet li ġejjin:

(a) jikkonsulta mal-Kumitat Akkademiku biex jiżviluppa u jipproponi perjodikament lill-Bord il-pjan tal-iżvilupp tal-Akkademja;

(b) jiżgura li jkun hemm djalogu u komunikazzjoni xierqa mal-Akkademja;

(ċ) jiżgura li l-politika, l-istrateġija u d-deċiżjonijiet adottati mill-Bord u mill-Kumitat Akkademiku jiġu implimentati;

(d) jiżgura li jkun kemm il-koordinazzjoni u l-funzjonament effettiv u effiċjenti tal-istrutturi, l-uffiċjali tad-dipartiment u l-impjegati tal-Akkademja;

(e) jiżgura li jiġu applikati l-miżuri kollha neċessarji, inklużi proċeduri dixxiplinarji u l-proċess ta' verifika u assigurazzjoni tal-kwalità tal-operazzjonijiet kollha fi ħdan l-Akkademja; u

(f) iwettaq kull funzjoni oħra li tista' tiġi assenjata mill-Bord tal-Akkademja.

Edukaturi.

13. (1) Il-Kmandant, wara konsultazzjoni mad-Direttur tal-Istudji, għandu jipprovdi għall-ingaġġ tal-edukaturi tal-Akkademja.

(2) L-edukaturi għandhom:

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(a) jipprovdu taħriġ ta' kwalità għolja relatata mal-formazzjoni professjonali u t-titjib tal-ħiliet, attitudnijiet u l-prattiċi li ser jiġu utilizzati fil-ħajja professjonali ta' kuljum tal-korpi dixxiplinati u l-kuntesti tagħhom b'konsiderazzjoni tal-kuntesti differenti li jeżistu;

(b) jippreparaw u jipprovdu rapporti perjodiċi lill-Akkademja fuq is-servizzi ta' taħriġ u formazzjoni pprovduti lit-*trainees* tal-korpi dixxiplinati;

(ċ) jippreparaw u jipprovdu rapporti perjodiċi lill-Akkademja fuq l-imġiba, il-kondotta u l-progress edukattiv u akkademiku u l-livell tat-*trainees* tal-korpi dixxiplinati;

(d) jirrapportaw kwalunkwe kondotta mhux xierqa jew mhux mixtieqa u, jew l-imġiba tat-*trainees* tal-korpi dixxiplinati lill-Akkademja; u

(e) iwettqu kwalunkwe funzjoni oħra li hija relatata ma' jew anċillari għall-funzjonijiet imsemmija hawn fuq u kif jista' jiġi assenjat mill-Akkademja minn żmien għal żmien.

Taqsima V
Setgħa għall-għemil ta' Regolamenti

Regolamenti dwar ħlas ta' drittijiet.

14. Il-Ministru, fuq il-parir tal-Bord tal-Akkademja, jista' b'regolamenti jippreskrivi miżati li jridu jitħallsu minn studenti li mhumiex membri tal-korpi dixxiplinati għall-korsijiet u programmi ta' studju u taħriġ:

Iżda l-Ministru jista' jeżenta lil kull persuna mill-ħlas ta' dawn id-drittijiet.

Setgħa għall-għemil ta' regolamenti.

15. Il-Ministru jista' jagħmel regolamenti sabiex jagħti effett lid-dispożizzjonijiet ta' dan l-Att u għall-aħjar twettiq ta' kull waħda mill-funzjonijiet taħt dan l-Att.

Taqsima VI
Tħassir

Tħassir tat-Taqsima VI tal-Att dwar il-Pulizija. Kap. 164.

16. It-Taqsima VI tal-Att dwar il-Pulizija hi b'dan imħassra, mingħajr ħsara għal dak kollu li sar jew li naqas milli jsir taħtha.

VERŻJONI ELETTRONIKA

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 419 tat-18 ta' Lulju, 2016.

ĊENSU GALEA
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

VERŻJONI ELETTRONIKA

I assent.

(L.S.) **DOLORES CRISTINA**
Acting President

22nd July, 2016

ACT No. XXXVIII of 2016

AN ACT to provide for the establishment of an Academy to be known as the Academy for Training of Members of Disciplined Forces to mainly provide training to recruiting officers and members of the Armed Forces of Malta, members of the Malta Police Force, the Prisons Officers and the Civil Protection Officers, and to provide for matters consequential or incidental thereto.

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:-

ARRANGEMENT OF THE ACT

		Articles
Part I	Preliminary	1 - 2
Part II	Establishment and Objectives of the Academy	3 - 4
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Part I
Preliminary

Short title and commencement.

1. (1) The short title of this Act is the Academy for Disciplined Forces Act, 2016.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so

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established for different provisions of this Act.

2. In this Act, unless the context otherwise requires - Interpretation.

"Academy" means the Academy for Disciplined Forces established by article 3;

"Armed Forces of Malta" shall have the same meaning assigned to it under article 3 of the Malta Armed Forces Act; Cap. 220.

"Board" means the Academy for Disciplined Forces Board established by article 5;

"Department of Civil Protection" means the Rescue and Assistance Force established by article 8 of the Civil Protection Act; Cap. 411.

“disciplined forces” means the Armed Forces of Malta, the Malta Police Force, the Corradino Correctional Facility and the Department of Civil Protection;

"disciplined forces trainee" means any member of a disciplined force who is undergoing training, whether as recruit or otherwise, or any other person eligible for training by the Academy in accordance with the provisions of this Act;

"educator" means any person directly involved in the provision of teaching, instruction and learning, to recruits and members of the Armed Forces of Malta, the Malta Police Force, the Corradino Correctional Facility and of the Department of Civil Protection and any other force, entity or organisation whether foreign or local as may be indicated by the Minister;

"Gazzette" means the Malta Government Gazette;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"Malta Qualifications Framework" shall be construed within the context of the national framework for lifelong learning and has the same meaning assigned to it by article 63 of the Education Act; Cap. 327.

"Minister" means the Minister responsible for Home Affairs and includes any person or authority authorised by the said Minister in that behalf or as may be prescribed;

"Police Force" means the Malta Police Force established under article 3 of the Police Act; Cap. 164.

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"Prisons Officer" shall have the same meaning assigned to it under article 2 of the Prisons Act;

Cap. 260.

"programme" has the meaning assigned to it by article 63 of the Education Act;

Cap. 327.

"Programme Quality Validation Board (PQVP)" means the board to oversee the effective operation of the Academy's academic programmes through validation;

"qualification" has the same meaning assigned to it by article 63 of the Education Act.

Cap. 327.

Part II
Establishment and Objectives of the Academy

Establishment of the Academy.

3. (1) There shall be an Academy, to be known as the "Academy for Disciplined Forces", which shall be autonomous and which shall carry out functions related to members of disciplined forces and to continuous professional development and training of disciplined forces trainees.

(2) Disciplined forces may provide training to their respective members, outside the scope of this Act, subject to written approval from the Academy:

Provided that the Academy shall retain the right to assess the quality of the training provided and make recommendations where applicable.

Functions of the Academy.

4. The functions and duties of the Academy shall include:

(a) the provision of high quality training related to the professional formation and enhancement of skills, attitudes and practices that are used in the daily professional lives of the disciplined forces and their contexts taking into account the diverse contexts that exist;

(b) the provision of training and educational opportunities to promote continuous professional development for members of disciplined forces that support departmental policies and reflect individual career development;

(c) the development of prospects for national and international cooperation allowing members of the disciplined forces opportunities for specialist education and training in key areas. This includes developing cooperation networks with international and national partners to encourage knowledge transfer through exchange, internship and placement

programmes;

(d) the development, organisation or facilitation of educational and thematic programmes beyond the framework of structured *curricula,* such as research initiatives and projects, conferences, seminars, publications and other events, for members of the disciplined forces, international representatives from disciplined forces, academic students and members of the public;

(e) the provision of courses and programmes of learning including work experience that lead to recognised qualifications in accordance with the Malta Qualifications Framework in skills and professions as may be necessary for the disciplined forces; and

(f) the carrying out of any other function which is related to or ancillary to the above and as may be assigned by the Minister from time to time.

Part III
Composition, Functions and Operations of the Board and Academic Committee

Establishment of the Board.

5. (1) There shall be a Board to be known as the "Academy for Disciplined Forces Board" which shall be the highest governing body of the Academy. The Board shall discharge the functions conferred to it by this Act and such other functions as may be prescribed by regulations made under this Act, or by or under any other law, and for this purpose shall be represented by the Chairperson who shall act on its behalf.

(2) The Board shall be appointed by the Minister and shall be composed of nine members as follows:

(a) Chairperson who shall have the juridical representation of the Academy;

(b) a representative from the Armed Forces of Malta;

(c) a representative from the Police Force;

(d) a representative from the Department of Civil Protection;

(e) a representative from the Corradino Correctional Facility;

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(f) a representative of the University of Malta;

(g) a representative of the Malta College of Arts, Science and Technology (MCAST); and

(h) another two members:

Provided that, in case of representatives mentioned in paragraphs (b), (c), (d) and (e), the appointment shall be made following consultation with the respective heads and in case of paragraphs (f) and (g), the appointment shall be made upon a recommendation of the respective head.

(3) One of the Members of the Board shall serve as the Deputy Chairperson of the Board pursuant to the Minister's appointment. When the Chairperson is abroad or for any other reason, for a temporary period, is unable to perform his functions, the Deputy Chairperson shall act as Chairperson and shall perform the powers and duties of the Chairperson.

(4) The members of the Board shall be appointed for a term of three years, but the members so appointed shall be eligible for re-appointment on the expiration of their term of office. The members of the Board shall serve in their personal capacity.

(5) A person shall not be qualified to hold office as a member of the Board if that person:

(a) is a member of the House of Representatives or of the European Parliament; or

(b) is a Judge or Magistrate; or

(c) is legally interdicted or incapacitated; or

(d) is convicted of an offence affecting public trust, or of theft or fraud, or of knowingly receiving property obtained by theft or fraud, or of bribery or of money laundering, or has otherwise been sentenced to a term of imprisonment; or

(e) is subject to disqualification under article 320 of the Companies Act; or

Cap. 386.

(f) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Board:

Provided that the Minister may waive the

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disqualification of a person under this paragraph if such person declares the interest, and such declaration and waiver are published in the Gazette.

(6) Subject to the provisions of this article, the office of a member of the Board shall become vacant -

(a) on the expiration of the member's term of office;

(b) if the member resigns;

(c) if one of the scenarios mentioned in sub-article (5) materialises; or

(d) in case of paragraphs (b), (c), (d) and (e) of sub-article (2), if the member is no longer an active member of the disciplined force.

(7) A member of the Board may at any time be removed from office by the Minister who appointed him on the grounds of inability to perform the functions of his office as required, either because of mental disorder or physical illness, or for any other reason due to which member would no longer be fit to occupy such office or due to bad conduct.

(8) If a member resigns or if the office of a member of the Board is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a temporary member of the Board; and any person so appointed shall, subject to the provisions of sub-articles (5) and (6), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(9) A member of the Board shall be deemed to have resigned from the Board if he fails to attend three consecutive meetings without giving a valid reason in writing to the Chairperson.

Meetings of the Board.

6. (1) The Board shall meet at least once a month at the place that may be established for such meetings.

(2) The quorum at all meetings of the Board shall be five including the presiding officer.

(3) Subject to the provisions of this Act, the Board may regulate its own procedure and may appoint *ad hoc* committees.

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(4) Subject to the foregoing provisions of this article, an act or proceeding of the Board shall be valid notwithstanding any vacancy among its members.

(5) The decisions of the Board shall be taken by a majority of the votes of the members present and voting. In the case of equal votes the person presiding shall have a casting vote.

(6) There shall be kept the minutes and records of meetings and decisions.

Functions and duties of the Board.

7. (1) The functions and duties of the Board shall be to:

(a) develop the direction, strategy and image of the Academy;

(b) administer and control the resources, facilities and property, both movable and immovable, of the Academy including the procurement and utilization of resources for the running of the Academy;

(c) assist and advise the Commandant in achieving a level of excellence in the standards of the Academy's courses and programmes;

(d) assist the Director of Studies in ensuring that the Academy adheres to the requirements of the National Commission for Higher Education and the Malta Qualifications Council, as provided in this Act or to any regulation made thereunder and to national policies and strategies in education and national security as adopted by Government from time to time;

(e) review and approve training programmes, study units and courses submitted by the Academic Committee for inclusion or deletion from the Academy's training and educational framework;

(f) determine, in accordance with the requirements of the Malta Qualifications Framework, the conditions for admission into a programme or course provided by the Academy;

(g) provide appropriate procedures for the assessment and certification of learners;

(h) issue guidelines and establish procedures concerning the performance and the conduct of students,

educators and other persons entrusted with rendering any service at the Academy, whether engaged by an indefinite or a definite contract of service, or by a contract for service, or if seconded or on loan to the Academy by Government, disciplined forces, public or private entities;

(i) issue guidelines to establish rules relating to any programme or course provided by the Academy;

(j) ensure that proper academic and training levels are retained and improved upon;

(k) establish internal quality assurance schemes as required by this Act or by any regulation made thereunder and required auditing procedures for the operations of the Academy; and

(l) undertake any other function assigned to it by the Minister from time to time.

(2) The Board shall also approve the curricula and syllabi submitted by the Academic Committee and, where it deems it so necessary, to revert the same to such Academic Committee together with its advice about any proposed amendments.

(3) The Board shall, where appropriate, ensure that the awards of the Academy are recognised both at a national and at an international level, and that, wherever applicable, are related to the standards established in the Malta Qualifications Framework.

Academic Committee.

8. (1) The Minister shall appoint an Academic Committee composed of a Chairperson and four members. The Director of Studies shall be *ex-officio* Chairperson of the Academic Committee. One member shall be elected from among academic staff at the Academy, two members appointed from among the members of the Board and one member appointed by the Minister. There shall be appointed a Secretary of the Academic Committee.

(2) The Academic Committee shall be responsible for the general direction of the provision of programmes and courses of the Academy, and shall have the following functions:

(a) to propose to the Board the programmes and courses to be provided by the Academy, when the Board deems it necessary, after commissioning a training needs assessment and in every case following a consultation with interested stakeholders, regarding the curricula of such programmes and courses;

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(b) to propose to the Board guidelines regarding programmes and courses provided by the Academy, documentation and examinations at the Academy and to establish such awards and distinctions for such candidates satisfying the applicable conditions on completion of the programmes and courses;

(c) to verify the assessment procedures used by the Academy are in conformity with the approved academic policies of the Academy;

(d) to establish, subject to the provisions of this Act and of any regulations made thereunder, the entry conditions to programmes and courses of the Academy;

(e) to nominate Maltese or foreign examiners according to pre-established guidelines and procedures to the Board for its approval;

(f) to recognise, following a recommendation by the competent authorities, according to the Act, such qualifications, awards and distinctions of other education providers for the purpose of access into a programme or course at the Academy; and

(g) to deal with any other matter which refers to education and training and as may arise in the administration of the Academy.

(3) The Academic Committee shall meet at least every four weeks and the *quorum* for the meetings shall be of three members.

Part IV
Officers and Employees of the Academy

Commandant.

9. (1) There shall be a Commandant responsible for the day-to-day management of the Academy.

(2) The Commandant shall be appointed by the Minister after consultation with the Board for a term of three years and shall be eligible for re-appointment.

(3) The Commandant shall provide for the engagement of academic, clerical and other personnel of the Academy.

(4) The Commandant shall have a right to attend the meetings of the Board without having a right to vote, provided that he shall withdraw from each meeting where matters concerning him

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personally are discussed.

(5) The Commandant shall represent the Academy in media and public events.

Director of Studies.

10. (1) There shall be a Director of Studies who shall be responsible for the setting up of courses, curricula and all academic aspects of the Academy. Without prejudice to the generality of the aforesaid, the Director of Studies shall provide information and give advice to the Board on any matter and perform such other duties as may be assigned to him from time to time by the Board.

(2) The Director of Studies shall be appointed by the Minister after consulting the Board under such terms and conditions as the Minister and the Board may establish. The Director shall hold office for a period of three years from the 1st January of the year for which he is appointed and may be re-appointed for other terms.

(3) The Director of Studies shall report to the Board and shall attend the Board's meetings whenever academic studies are discussed or whenever requested to do so.

(4) Without prejudice to article 10 (1), the Director of Studies shall also develop, organise or facilitate educational and thematic programmes such as research initiatives and projects, conferences, seminars, publications and other events, for members of disciplined forces, international representatives from disciplined forces, academic students and members of the public. The Director of Studies shall also seek to develop prospects for national and international cooperation allowing members of the disciplined forces opportunities for specialist education and training in key areas locally and abroad.

(5) If the post of Director of Studies becomes vacant during the term of office on account of death, resignation, or for any other cause, the Board shall inform the Minister as soon as practicable and the Minister shall appoint another person to fill the vacancy and the person so appointed shall remain in office for the remainder of the term of office of his predecessor:

Provided that the Academy, its employees, and the Board shall continue to act notwithstanding any such vacancy.

Registrar.

11. (1) There shall be appointed a Registrar who shall perform the functions and duties assigned by the Commandant and the Academic Committee.

(2) The Registrar shall be responsible for the records and proper custody of student records and shall decide about the persons

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to whom the awards and other distinctions shall be awarded.

(3) The Registrar shall attend meetings of the Board whenever requested to do so, and shall always attend the meetings of the Academic Committee.

Executive Management Committee.

12. (1) There shall be an Executive Management Committee of the Academy which shall be constituted of the following persons *ex-officio*:

(a) the Commandant;

(b) the Director of Studies; and

(c) the person responsible for the administration of the Academy.

(2) Without prejudice to the functions and responsibilities of the members of the Executive Management Committee as provided in this Act, the Executive Management Committee shall operate under the direction of the Commandant and shall have the following functions:

(a) upon consultation with the Academic Committee to develop and propose periodically to the Board, the development plan of the Academy;

(b) to ensure proper dialogue and communication with the Academy;

(c) to ensure that policies, strategy and decisions adopted by the Board and by the Academic Committee are implemented;

(d) to ensure coordination and the effective and efficient functioning of the structures, departments officers and employees of the Academy;

(e) to ensure that all necessary measures are applied, including disciplinary procedures and the auditing and quality assurance processes of all operations within the Academy; and

(f) to perform any other function that may be assigned by the Board of the Academy.

Educators.

13. (1) The Commandant, after consultation with the Director of Studies, shall provide for the engagement of educators of the Academy.

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(2) The educators shall:

(a) provide high quality training related to the professional formation and enhancement of skills, attitudes and practices that will be utilized in the daily professional lives of the disciplined forces and their contexts taking into account the diverse contexts that exist;

(b) prepare and provide periodical reports to the Academy upon the training and formation services provided to the disciplined forces trainees;

(c) prepare and provide periodical reports to the Academy upon the conduct, behaviour and educational and academic progress and level of the Disciplined Forces trainees;

(d) report any adverse or undesirable conduct and, or behaviour of the disciplinary forces trainees to the Academy;

(e) carry out any other function which is related to or ancillary to the above and as may be assigned by the Academy from time to time.

Part V
Power to make Regulations

14. The Minister, upon being so advised by the Board of the Academy, may by regulations prescribe fees to be paid by students who are not members of the disciplined forces for study courses and training programmes: Regulations to prescribe payment of fees.

Provided that the Minister may exempt any person from the payment of those fees.

15. The Minister may make regulations to give better effect to the provisions of this Act and for the better performance of any of the functions under this Act. Power to make regulations.

Part VI
Repeal

16. Part VI of the Police Act is hereby repealed, without prejudice to anything done or omitted to be done thereunder. Repeal of Part VI of the Police Act. Cap. 164.

VERŻJONI ELETTRONIKA

Passed by the House of Representatives at Sitting No. 419 of the 18th July, 2016.

ĊENSU GALEA
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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