

Nru. 28

6. 6. 97

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Evarist Bartolo, M.P., Ministru ta' l-Edukazzjoni u Kultura Nazzjonali, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Ġunju, 1997.

ATT biex jemenda l-Att dwar l-Edukazzjoni, Kap. 327.

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Evarist Bartolo, M.P., Minister of Education and National Culture, and read for the First time at the Sitting of the 2nd June, 1997.

AN ACT to amend the Education Act, Cap. 327.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar l-Edukazzjoni, Kap. 327.

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1997 li jemenda l-Att dwar l-Edukazzjoni, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar l-Edukazzjoni, hawn aktar 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.
Kap. 327

(2) Dan l-Att għandu jiġi fis-sehh f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' b'ordni fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet jew għanijiet differenti tiegħu.

2. Fil-paragrafu (ġ) ta' l-artikolu 28 ta' l-Att prinċipali, minflok il-kliem "tixrid ta' l-għerf u x-xjenza." għandhom jidhlu l-kliem "tixrid ta' l-għerf u x-xjenza kif ukoll it-twaqqif ta' skemi ta' verifika akkademika u li jiżguraw il-kwalità."

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

3. Minflok l-artikolu 29 ta' l-Att prinċipali għandu jidhol dan li ġej:

Emenda ta' l-artikolu 29 ta' l-Att prinċipali.

"Finanzjament u kontroll tal-finanzi ta' l-Università.

29. (1) Il-finanzi ta' l-Università għandhom, in parti, johorġu minn ftehim li perjodikament isir bejn l-

Università u l-Gvern li jistipula, fost hwejjeġ ohra, l-ghoti ta' fondi lill-Università mill-Gvern.

(2) Il-ftehim stipulat bejn il-Gvern u l-Università u kull estensjoni jew sostituzzjoni tiegħu, għandu jitqiegħed meta għadu abbozz fuq il-Mejda tal-Kamra tad-Deputati, u għandu jiġi konkluż biss wara li jgħaddu 28 jum mill-jum minn meta jkun hekk imqiegħed.

(3) L-Università għandha f'kull sena finanzjarja tara li jiġu mhejjija u għandha taddotta estimi tad-dhul u infieq tagħha għas-sena ta' wara.

(4) L-Università għandha tara li jinżammu kontijiet sew u dokumentazzjoni ohra dwar l-operazzjonijiet u t-transazzjonijiet tagħha, u għandha tara li jiġi ppreparat rendikont tal-kontijiet tagħha dwar kull sena finanzjarja.

(5) Il-kontijiet ta' l-Università għandhom jiġu verifikati minn awditur jew awdituri mahtura mill-Kunsill minn żmien għal żmien.

(6) L-Università għandha tara, mhux aktar tard minn wara l-gheluq ta' kull sena finanzjarja, li kopja tar-rendikont tal-kontijiet verifikati tagħha flimkien ma' rapport ta' l-attivitajiet tagħha matul is-sena, jintbagħat lill-Ministru flimkien ma' kopja tar-rapport ta' l-awditur jew awdituri dwar dak ir-rendikont, u l-Ministru għandu bla dewmien iqiegħed dawk ir-rendikonti u rapporti fuq il-Mejda tal-Kamra tad-Deputati.”.

Emenda ta'
l-artikolu 30 ta'
l-Att prinċipali.

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

(a) fis-subartikolu (2) tiegħu:

(i) minflok il-kelma “Pro-Rettur” fil-paragrafu (d) tiegħu, għandhom jidhlu l-kliem “Pro-Retturi”;

(ii) minflok il-kelma “Dekani” fil-paragrafu (f) tiegħu, għandhom jidhlu l-kliem “Dekani u il-Viċi-Dekani”; u

(iii) minnufih wara l-paragrafu (f) tiegħu, għandu jidhol il-paragrafu li ġej:

“(g) l-Ombudsman ta' l-Università.”;

(b) minflok is-subartikolu (12) tieghu ghandu jidhol dan li ġejj:

“(12) Il-Pro-Rettur ghandhom jigu mahtura mir-Rettur ghal żmien sena u ghandhom kif delegati mir-Rettur jaqdu l-funzjonijiet tar-Rettur fl-istess ċirkostanzi li l-Pro-Kanċillier jkollu jaqdi l-funzjonijiet ta’ Kanċillier taht id-dispożizzjonijiet tas-subartikolu (7) ta’ dan l-artikolu. Wiehed mill-Pro-Rettur magħżul minn żmien ghal żmien mir-Rettur, ghandu wkoll jaqdi l-funzjonijiet tar-Rettur fl-istess ċirkostanzi li l-Pro-Kanċillier jkollu jaqdi l-funzjonijiet ta’ Kanċillier taht id-dispożizzjonijiet tas-subartikolu (8) ta’ dan l-artikolu.”;

(ċ) fis-subartikolu (14) tieghu, minflok il-kelma “sentejn” ghandhom jidhlu l-kliem “erba’ snin”;

(d) minnufih wara s-subartikolu (14) tieghu, ghandhom jidhlu s-subartikoli li ġejja:

“(15) L-Ombudsman ta’ l-Università ghandu jigi mahtur ghal żmien hames snin mill-Ombudsman mahtur taht l-Att ta’ l-1995 dwar l-Ombudsman, hawn aktar ’il quddiem imsejjah “l-Ombudsman Nazzjonali”. Hu ghandu, sugġett ghall-istatuti u regolamenti ta’ l-Università, ikollu l-obbligu li jinvestiga u jirrapporta fuq kull ilment minn studenti jew impjegati ta’ l-Università dwar affarijiet relatati ma’ l-Università kif ukoll ilmenti minn persuni li jkunu ġew miċhuda d-dhul fl-Università, u li jissugġerixxu rimedju. Persuni li jkollhom ilment, li jkunu eżawrew dan ir-rimedju, jistghu jgibu l-ilment taghhom quddiem l-Ombudsman Nazzjonali. L-Ombudsman ta’ l-Università ghandu jirċievi dak is-salarju u *allowances*, li jkunu piż fuq il-Fond Konsolidat, kif jista’ jigi determinat mill-Ministru.

(16) L-Ombudsman ta’ l-Università jista’ jitnehha mill-kariga biss mill-Kanċillier minhabba inabilità ppruvata li jwettaq il-funzjonijiet tal-kariga tieghu jew imġieba hażina ppruvata, wara indirizz mill-Kunsill ghal dak il-ghan li jkollu l-appoġġ tal-voti ta’ mhux anqas minn żewġ terzi tal-membri tieghu.

(17) Il-Viċi-Dekan ta’ Fakultà jigi mahtur mir-Rettur ghal żmien sena, wara li jkun ikkonsulta mad-Dekan tal-Fakultà rispettiva.

(18) Il-Viçi-Dekan, barra minn dawk il-funzjonijiet li jistghu jiġu delegati lilu mid-Dekan, ghandu jaqdi l-funzjonijiet ta' Dekan fl-istess ċirkostanzi li l-Pro-Kanċillier ikollu jaqdi l-funzjonijiet ta' Kanċillier taht id-dispożizzjonijiet tas-subartikoli (7) u (8) ta' dan l-artikolu.”.

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

5. Minflok il-paragrafu (h) ta' l-artikolu 32 ta' l-Att prinċipali, ghandu jidhol dan li ġej:

“(h) għadd ta' membri mahtura mill-Prim Ministru, minn fost rappreżentanti minn ta' quddiem fl-oqsma ta' l-ekonomija industrijali jew soċjali, biex jirrappreżentaw l-interess ġenerali tal-pajjiż, liema għadd qatt ma ghandu jkun iżjed mill-għadd tal-membri kollha msemmija fil-paragrafi (ċ), (d), (e), (f) u (g) ta' dan l-artikolu.”.

Emenda ta' l-artikolu 34 ta' l-Att prinċipali.

6. Minflok il-paragrafu (b) ta' l-artikolu 34 ta' l-Att prinċipali, ghandu jidhol dan li ġej:

“(b) Il-Pro-Retturi, li minnhom wiehed kif jista' jiġi minn żmien għal żmien determinat mir-Rettur, ikun il-Viçi-president;”.

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

7. Minnufih f'tarf is-subartikolu (1) ta' l-artikolu 39 ta' l-Att prinċipali, ghandu jidhol il-proviso li ġej:

“Iżda kull persuna li jkollha kariga f'korp ta' tmexxija ta' l-Università għandha tkompli żżomm dik il-kariga, minkejja li jkun temm iż-żmien tagħha, sakemm issir l-elezzjoni jew il-hatra ta' persuna oħra biex tiehu post dik il-persuna.”.

Emenda ta' l-artikolu 40 ta' l-Att prinċipali.

8. Il-paragrafu (ċ) fl-artikolu 40 ta' l-Att prinċipali ghandu jiġi mħassar.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu biex iwettaq ir-riformi mhabbra fil-White Paper dwar l-Università “Għal Università aktar Moderna, Demokratika u Trasparenti”.

**A BILL
entitled**

AN ACT to amend the Education Act, Cap. 327

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:

1. (1) This Act may be cited as the Education (Amendment) Act, 1997, and shall be read and construed as one with the Education Act, hereinafter referred to as "the principal Act".

Short title and commencement.
Cap. 327

(2) This Act shall come into force on such date as the Minister responsible for education may by order in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

2. In paragraph (g) of section 28 of the principal Act for the words "diffusion of knowledge and sciences;" there shall be substituted the words "diffusion of knowledge and sciences as well as the establishment of academic audit and quality assurance schemes;"

Amendment of section 28 of the principal Act.

3. For section 29 of the principal Act there shall be substituted the following:

Amendment of section 29 of the principal Act.

"Financing and control of the finances of the University.

29. (1) The finance of the University shall, in part, derive from periodic agreements entered into between the University and the Government stipulating, among other things, the supply of funds to the University by the Government.

(2) The agreement stipulated between the Government and the University, and any extension or substitution thereof, shall be laid in draft on the Table of the House of Representatives, and shall be entered into only after the lapse of 28 days from the day on which it is so laid.

(3) The University shall in each financial year cause to be prepared and shall adopt estimates of its income and expenditure for the following year.

(4) The University shall cause to be kept proper accounts and other records in respect of its operation and transactions and shall cause to be prepared a statement of accounts in respect of each financial year.

(5) The accounts of the University shall be audited by an auditor or auditors appointed by the Council from year to year.

(6) The University shall, not later than after the end of each financial year, cause a copy of a statement of its audited accounts together with a report on its activities during the year to be sent to the Minister together with a copy of the report of the auditor or auditors with respect to such statement, and the Minister shall without delay lay such statements and reports on the Table of the House of Representatives.”.

Amendment of section 30 of the principal Act.

4. Section 30 of the principal Act shall be amended as follows:
- (a) in subsection (2) thereof:
 - (i) for the word “Pro-Rector” in paragraph (d) thereof, there shall be substituted the word “Pro-Rectors”;
 - (ii) for the word “Deans” in paragraph (f) thereof, there shall be substituted the words “Deans and Deputy Deans”, and
 - (iii) immediately after paragraph (f) thereof, there shall be added the following new paragraph:
 - “(g) the University Ombudsman.”;
 - (b) For subsection (12) thereof there shall be substituted the following:

“(12) The Pro-Rectors shall be appointed by the Rector for a term of one year and shall as delegated by the Rector, perform the functions of the Rector in the circumstances that the Pro-Chancellor would perform the functions of the Chancellor under the provisions of subsection (7) of this section. One of the Pro-Rectors determined from time to time by the Rector, shall also perform the functions of the Rector in the same circumstances that the Pro-Chancellor would perform the functions of the Chancellor under the provisions of subsection (8) of this section.”;

(c) in subsection (14) thereof for the word “two” there shall be substituted the word “four”;

(d) immediately after subsection (14) thereof there shall be added the following new subsections:

“(15) The University Ombudsman shall be appointed for a term of five years by the Ombudsman appointed in terms of the Ombudsman Act, 1995, hereinafter referred to as “the National Ombudsman”. He shall, subject to the statutes and regulations of the University, have the duty to investigate and report on any complaint by the students or employees of the University on matters related to the University as well as complaints by persons who have been refused entry into the University, and to suggest redress. Complainants, who have exhausted this remedy may still, bring their complaint to the National Ombudsman. The University Ombudsman shall be paid such salary and allowances, which shall be a charge on the Consolidated Fund, as may be determined by the Minister.

(16) The University Ombudsman may only be removed from office by the Chancellor for proven inability to perform the functions of his office or proved misbehaviour, upon an address by the Council to that effect supported by the vote of at least two thirds of the members thereof.

(17) The Deputy Dean of a Faculty shall be appointed by the Rector for a period of one year, in consultation with the Dean of the respective Faculty.

(18) The Deputy Dean besides such other functions as may be delegated to him by the Dean, shall perform the functions of the Dean in the same circumstances that the Pro-Chancellor would perform the functions of Chancellor under the provision of subsection (7) and subsection (8) of this section.

Amendment of section 32 of the principal Act.

5. For paragraph (h) of section 32 of the principal Act there shall be substituted the following:

“(h) a number of members appointed by the Prime Minister from among the leading representatives of the economical, industrial and social fields, to represent the general interest of the country, such number never to exceed the number of all the members mentioned in paragraphs (c), (d), (e), (f) and (g) of this section.”.

Amendment of section 34 of the principal Act.

6. For paragraph (b) of section 34 of the principal Act there shall be substituted the following:

“(b) the Pro-Rectors, one of whom as may be designated by the Rector from time to time shall be the Vice-president;”.

Amendment of section 39 of the principal Act.

7. Immediately at the end of subsection (1) of section 39 of the principal Act, there shall be added the following proviso:

“Provided that any person holding office on the governing body of the University shall continue so to hold office, despite the expiry of his term, until the election or appointment of another person to substitute that person.”.

Amendment of section 40 of the principal Act.

8. Paragraph (c) in section 40 of the principal Act shall be deleted.

Objects and Reasons

The object of the Bill is to put into effect the reforms announced in the White Paper on the University “For a more modern, democratic, and transparent University”.