VERŻJONI ELETTRONIKA

A 1258

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

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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

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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,

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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

Regulations to prescribe payment of fees.

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:

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

Power to make regulations.

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.

Part VI
Repeal

Repeal of Part VI of the Police Act.
Cap. 164.

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 Part VI of the Police Act is hereby repealed, without prejudice to anything done or omitted to be done thereunder.

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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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