

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,522, 15 ta' Jannar, 2016

Taqsimha C

Nru. 139

15. 01. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għat-Turiżmu, u moqri għall-Ewwel darba fis-Seduta tal-11 ta' Jannar, 2016.

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Tourism, and read the First time at the Sitting of the 11th January, 2016.

ATT biex jipprovdi għat-twaqqif tal-Istitut għal Studji Turistiċi, u għal affarijiet ancillari u konsegwenzjali għal dan.

AN ACT to make provision for the establishment of the Institute of Tourism Studies, and for matters ancillary or consequential thereto.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

**ATT TAL-2016 DWAR L-ISTITUT GĦAL STUDJI TURISTIĊI
TAQSIM TAL-ATT**

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ABBOZZ TA' LIĠI
msejjah

ATT biex jipprovdi għat-twaqqif tal-Istitut għal Studji Turistiċi, u għal affarijiet anċillari u konsegwenzjali għal dan.

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

TAQSIMA I
Preliminari

- | | |
|-------------------|---|
| Titolu fil-qosor. | 1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 dwar l-Istitut għal Studji Turistiċi. |
| Skop. | 2. L-għan ta' dan l-Att huwa biex jirregola u jipprovdi dwar hwejjeg li għandhom x'jaqsmu mal-Istitut għal Studji Turistiċi. |
| Tifsir. | 3. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra:

"Bord tal-Gvernaturi " tfisser il-Bord imwaqqaf bl-artikolu 9;

"il-Bord tal-Programm dwar il-Validazzjoni tal-Kwalità (PQVB)" tfisser il-Bord li għandu jhars l-operat effettiv tal-programmi akkademiċi tal-Istitut permezz ta' proċedura ta' validazzjoni;

"Bord ta' Studji " tfisser il-Bord imwaqqaf bl-artikolu 11;

"iċ- <i>Chairman</i> " tfisser iċ- <i>Chairman</i> tal-Bord tal-Gvernaturi tal-Istitut għal Studji Turistiċi;

"id-Direttur Eżekuttiv" tfisser id-Direttur Eżekuttiv tal-Istitut għal Studji Turistiċi li jkollu dawk il-funzjonijiet u responsabbiltajiet kif stabbiliti fl-artikolu 17; |

"l-Istitut" tfisser l-Istitut għal Studji Turistiċi;

"il-Kumitat Intern dwar il-Verifika tal-Kwalità (IQAC)" tfisser il-kumitat li għandu jghasses il-prestazzjoni organizzattiva f'konformità mal-Qafas Nazzjonali għall-Assikurazzjoni ta' Kwalità fl-Edukazzjoni Avanzata u Oghla;

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

"il-Ministru" tfisser il-Ministru responsabbli għat-turiżmu;

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

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

"il-Qafas Malti tal-Kwalifiki" tfisser il-qafas nazzjonali għat-tagħlim tul il-ħajja, li jkun strument nazzjonali għall-iżvilupp u l-klassifikazzjoni ta' kwalifiki skont numru ta' kriterji stabbiliti permezz ta' deskritturi u applikabbli għal numru ta' livelli differenti, kif imwaqqaf taħt l-Att dwar l-Edukazzjoni jew regolamenti magħmulin taħtu; Kap. 327.

"is-Segretarju Permanenti" tfisser il-persuna li tinħatar biex tissorvelja t-turiżmu f'Malta skont l-Att dwar l-Amministrazzjoni Pubblika; Kap. 497.

"is-Segretarju Permanenti Ewlieni" tfisser il-persuna li tinħatar skont l-artikolu 14 tal-Att dwar l-Amministrazzjoni Pubblika; Kap. 497.

"il-Viċi *Chairman*" tfisser il-Viċi *Chairman* tal-Bord tal-Gvernaturi tal-Istitut għal Studji Turistiċi.

4. Id-dispozzizzjonijiet ta' dan l-Att għandhom ikunu mingħajr preġudizzju għall-funzjonijiet tas-Segretarju Permanenti Ewlieni taħt l-Att dwar l-Amministrazzjoni Pubblika, u għas-setgħat li għandu li johrog direttivi u linji gwida li jkunu jirrigwardaw aġenziji tal-gvern. Generali. Kap. 497.

TAQSIMA II

Objettivi ġenerali u personalità ġuridika tal-Istitut għal Studji Turistiċi

5. (1) L-Istitut għandu jkun korp magħqud b'personalità ġuridika distinta u jista' jagħmel kuntratti, jakkwista, ikollu u jiddisponi minn kull proprjetà għall-finijiet tal-funzjonijiet tiegħu, iħarrek u jigi mħarrek, u jagħmel dawk il-ħwejjeġ u transazzjonijiet Personalità ġuridika u rappreżentanza legali tal-Istitut.

kollha li jkunu inċidentali jew li jwasslu għall-eżercizzju jew il-qadi tal-funzjonijiet tiegħu taht l-Att.

(2) Ir-rappreżentanza legali u ġuridika tal-Istitut huma vestiti fid-Direttur Eżekuttiv, iżda l-Bord tal-Gvernaturi jista' jinnomina lil xi membru jew aktar mill-membri tal-Bord jew mill-uffiċjali jew mill-impjegati tal-Istitut biex dawn jidhru f'isem u għall-Istitut fi proċedimenti fil-qorti jew fuq xi att, kuntratt, strument jew dokument ieħor.

(3) L-Istitut għandu jassumi l-personalità ġuridika li qabel kienet vestita fid-Dipartiment tal-Istitut għal Studji Turistiċi fi hdan il-Ministeru responsabbli għall-edukazzjoni u, minn meta jigi fis-seħħ dan l-Att, għandu jassumi r-responsabbiltà għal kull attiv, passiv u obbligu li qabel ikun daħal għalihom dak id-Dipartiment jew kull korp ieħor f'ismu.

Ilsna uffiċjali. 6. L-ilsna uffiċjali tal-Istitut huma l-Malti u l-Ingliż. L-Istitut jista' juza kemm ilsien wieħed jew ieħor għal finijiet uffiċjali.

Għanġiet. 7. (1) L-Istitut għandu jkollu bħala l-missjoni tiegħu li jiżviluppa persuni permezz ta' taġġim ta' kwalità sabiex tinkiseb l-eċċellenza fit-turiżmu.

(2) Fit-twettiq tal-missjoni tiegħu l-Istitut għandu jhars dawn il-prinċipji li ġejjin:

(a) il-provvista ta' kurrikulu bbażat fuq il-ħtiġiet ta' min ikun qed jitgħallem u li jippromwovi l-kreattività, l-innovazzjoni, il-partecipazzjoni, ir-riflessjoni, l-indipendenza personali u l-iżvilupp ħolistiku ta' min ikun qed jitgħallem;

(b) il-provvista ta' ambjent ta' taġġim inklussiv, li jiżgura l-aċċess ekwu għal kulhadd irrispettivament minn kull diversità;

(ċ) il-promozzjoni ta' żvilupp professjonali permezz ta' opportunitajiet ta' taġġim tul il-ħajja għal kull xorta ta' individwi li jkunu qed jitgħallmu;

(d) il-provvista ta' gwida individwali u *mentoring* lil min ikun qed jitgħallem;

(e) l-iżvilupp ta' ħiliet tekniċi, ħiliet ta' tmexxija u intraprenditorjali li jkunu jimxu max-xejriet u l-ħtiġiet tal-industrija tat-turiżmu;

(f) il-promozzjoni tal-internazzjonalizzazzjoni, bi

ftehim holistiku tad-differenzi bejn kulturi lokali u barranin;

(g) il-htieġa tat-twettiq ta' prattiċi etici u li jagħtu każ tal-ambjent u impenn lejn il-professjonalizmu u s-saħħa u s-sigurtà fuq il-post tax-xogħol;

(h) l-iżvilupp dejjem kontinwu u t-tishiħ tal-istudji turistiċi bħala element ewlieni tal-edukazzjoni vokazzjonali f'Malta; u

(i) permezz tal-operat tiegħu, il-promozzjoni ta' Malta bħala post ta' turizmu edukattiv u l-promozzjoni tat-turizmu f'Malta b'mod ġenerali.

(3) (a) L-Istitut għandu jipprovi dawn il-korsijiet u programmi ta' taġġim li ġejjin inkluza esperjenza prattika u dik ta' fuq ix-xogħol, li jwasslu għal kwalifiki rikonoxxuti skont il-Qafas Malti tal-Kwalifiki, fi snajja', ħiliet, u professjonijiet kif jista' jkun meħtieġ fit-turizmu, fir-ristoranti u fl-industrija u servizzi tal-ikel, inkluz bit-taġġim mill-bogħod jew b'kull mezz effettiv ieħor u minn kull post adatt, skont l-għan tal-kors jew tal-programm.

Dawk il-korsijiet u programmi għandhom ikunu jinkludu wkoll għażliet tal-kors u tal-programm li jkunu adatti għal min ikun ser jidhol fl-industrija u programmi speċjalizzati għal persunal fl-industrija tat-turizmu.

(b) L-Istitut għandu jizgura dan li ġej:

(i) li l-korsijiet u programmi li jiġu provduti skont il-paragrafu (a) jkollhom l-għan li jizviluppaw ħiliet u kompetenzi tekniċi, ġeneriċi u ta' aġir, li jintegraw it-teorija u l-prattika u li jippromwovu metodi moderni ta' tmexxija;

(ii) li l-*work placements* għal min ikun qed jitgħallem li jkunu stabbiliti bħala parti mill-korsijiet u l-programmi msemmija fil-paragrafu (a) jiġu provduti skont *standards* ta' kwalità stabbiliti skont il-ħtieġiet tal-Istitut.

TAQSIMA III Korpi ta' Tmexxija

8. Il-korpi ta' tmexxija tal-Istitut jkunu dawn li ġejjin:

(a) il-Bord tal-Gvernaturi;

(b) il-Bord ta' Studji;

Korpi ta'
tmexxija tal-
Istitut.

(ċ) il-Bord tal-Programm dwar il-Validazzjoni tal-Kwalità (PQVB);

(d) il-Kumitat Intern dwar il-Verifika tal-Kwalità (IQAC); u

(e) id-Direttur Eżekuttiv.

Kompożizzjoni
tal-Bord tal-
Gvernaturi.

9. (1) Il-Bord tal-Gvernaturi jkun l-oġhla korp ta' tmexxija tal-Istitut. Dan ikun magħmul minn mhux inqas minn seba' u mhux iżjed minn disa' membri. Tlieta minn dawn il-membri għandhom jiġu nominati mill-Ministru għall-Edukazzjoni u l-bqija tal-membri għandhom jiġu nominati mill-Ministru għat-Turiżmu. Il-membri kollha jiġu maħtura għal zmien ta' mhux aktar minn tliet snin u jkunu jistgħu jerggħu jigu maħtura wara li jiskadi ż-żmien tal-kariga tagħhom. Il-membri tal-Bord iservu fil-kapaċità personali tagħhom.

(2) Il-Ministru responsabbli għat-Turiżmu għandu jahtar minn fost il-membri tal-Bord tal-Gvernaturi *Chairman* u *Vici Chairman*. Fil-każ li *Chairman* ikun msiefer jew għal xi raguni oħra, għal xi zmien, ma jkunx f'pożizzjoni li jwettaq il-qadi tal-funzjonijiet tiegħu, il-*Vici Chairman* għandu jaġixxi ta' *Chairman* u għandu jwettaq is-setgħat u l-funzjonijiet ta' *Chairman*.

(3) Id-Direttur Eżekuttiv ikollu jedd jattendi l-laqgħat tal-Bord tal-Gvernaturi mingħajr ma jkollu d-dritt għal vot, iżda għandu jirtira minn kull laqgħa fejn jiġu diskussi affarijiet li jirrigwardaw lilu personalment.

(4) Il-membri tal-Bord tal-Gvernaturi għandhom ikunu persuni b'kompetenza jew esperjenza fis-settur tal-edukazzjoni, tat-taħriġ vokazzjonali, fl-industrija tat-turiżmu, fl-intraprenditorija, fil-politika dwar it-turiżmu jew fl-ippjanar tat-turiżmu fuq livell makro, u li, fl-opinjoni tal-Ministru kkonċernat, ikollhom kwalitajiet ta' tmexxija, u jkunu jagħrfu l-importanza tal-istudji turistiċi fil-kuntast ta' żvilupp soċjoekonomiku generali:

Iżda l-Ministru kkonċernat għandu jinnomina bhala membri tal-Bord tal-Gvernaturi lil dawk il-persuni biex jirrapprezentaw l-interessi ta' xi fergħa tal-Istitut, li jistgħu jkunu meħtieġa.

(5) Membru tal-Bord tal-Gvernaturi jista' f'kull waqt jitneħħa mill-kariga tiegħu mill-Ministru li jkun hafru minhabba li jkun inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu kif meħtieġ, sew minhabba diżordni mentali jew mard fiżiku, jew għal kull raguni oħra li minhabba fiha l-membru ma jibqax aktar idoneu biex jokkupa dik il-kariga jew minhabba fi mgieba hazina.

(6) Membru tal-Bord tal-Gvernaturi jista' jirriżenja mill-kariga tiegħu permezz ta' ittra indirizzata liż-żewġ Ministri konċernati. Jekk xi membru jagħti r-riżenja tiegħu jew jitneħħa mill-kariga tiegħu mill-Ministru li jkun hafru jew jekk il-kariga ta' xi membru ssir b'xi mod vakanti, il-Ministru konċernat jista' jahtar persuna kwalifikata biex tassumi dik il-kariga u kull min jiġi hekk maħtur għandu jibqa' jokkupa dik il-kariga sakemm jiskadi ż-żmien tal-hatra tal-persuna li tkun qegħda tiġi hekk sostitwita u dik il-persuna tkun eliġibbli biex terġa tiġi maħtura.

(7) Kull assenza jew vakanza fost il-membri tal-Bord tal-Gvernaturi, jew kull partecipazzjoni fil-laqgħat tiegħu minn xi persuna li ma jkollhiex jedd tagħmel dan, ma tinvalidax il-proċeduri tal-Bord, sakemm ikun hemm *quorum* ta' mhux inqas minn nofs in-numru ta' membri tal-Bord tal-Gvernaturi u wiehed.

(8) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord tal-Gvernaturi jista' jahtar kumitati u ġeneralment jirregola l-proċeduri tiegħu nnifsu.

(9) Il-Bord tal-Gvernaturi għandu jahtar Segretarju biex iżomm il-minuti u rekord tal-laqgħat u tad-deċiżjonijiet.

(10) Il-Bord tal-Gvernaturi għandu jiltaqa' mill-inqas darba kull xahrejn.

(11) Il-Bord tal-Gvernaturi għandu jieħu kull prekawzjoni neċessarja u jittratta tagħrif dwar kwistjonijiet kummerċjalment sensitivi bl-aktar mod kunfidenzjali fir-relazzjonijiet tiegħu kemm ma' entitajiet pubbliċi kemm ma' dawk privati li jistgħu jkunu kkonċernati.

10. (1) Il-Bord tal-Gvernaturi jkollu d-dmir li jwettaq l-għanijiet u jeżerċita s-setgħat tal-Istitut kif previst f'dan l-Att, u għandu partikolarment dawn il-funzjonijiet li ġejjin:

Funzjonijiet u setgħat tal-Bord tal-Gvernaturi.

(a) li jiżviluppa d-direzzjoni, l-strategija u d-dehra tal-Istitut u ta' kull fergħa tiegħu, inkluża l-adozzjoni ta' pjani perjodiċi ta' żvilupp għall-Istitut u l-fergħat tiegħu;

(b) li jikseb, jamministra u jikkontrolla r-riżorsi, faċilitajiet u proprjetà, kemm mobbli u immobbli, tal-Istitut, inkluż il-ksib u l-użu ta' riżorsi għat-tmexxija tal-Istitut u ta' kull fergħa tiegħu;

(c) li jqassam bejn id-dipartimenti u l-fergħat fi hdan l-Istitut, kif jista' jkun il-każ, ir-riżorsi li jkollu l-Istitut bħala fondi kif ukoll bħala fondi, faċilitajiet, servizzi, tagħmir u

persuni;

(d) li jaħdem mal-industrija tat-turiżmu u organizzazzjonijiet oħra fl-isforz li jkun qed jagħmel biex jissorvelja u jiżviluppa l-htigiet ta' min ikun qed jitgħallem;

(e) li jassisti u jagħti pariri lid-Direttur Eżekuttiv fil-ksib ta' livell ta' eċċellenza fi *standards* tal-korsijiet u programmi tal-Istitut sabiex il-gradwati tal-Istitut jirnexxielhom jiksbu karrieri ta' sfida u ta' sodisfazzjon għalihom fl-industrija tat-turiżmu;

(f) li jassisti lid-Direttur Eżekuttiv sabiex jiżgura li l-Istitut jikkonforma ruħu mal-htigiet tal-Kummissjoni Nazzjonali għal Edukazzjoni Oġhla u tal-Kunsill Malti għall-Kwalifiki, kif previst f'dan Att jew xi regolamenti magħmulin tahtu u ma' kull politika u strateġija nazzjonali fl-edukazzjoni jew fit-turiżmu kif adottati mill-Gvern minn żmien għal żmien;

(g) bla ħsara għad-dispożizzjonijiet tal-artikolu 7, li jistabbilixxi korsijiet, programmi, dipartimenti, ċentri speċjalizzati, libreriji, postijiet għal xogħol Prattiku, ufficċji u strutturi oħra fi hdan l-Istitut sabiex tkun tista' titwettaq il-missjoni tal-Istitut:

Izda l-korsijiet, programmi u dipartimenti jistgħu biss jitwaqqfu mill-Bord tal-Gvernaturi wara konsultazzjoni mal-Bord ta' Studji;

(h) bl-approvazzjoni tal-Ministru, li jwaqqaf fergħat tal-Istitut f'Malta, Għawdex u barra l-pajjiż;

(i) li jistabbilixxi, skont il-htigiet tal-Qafas Malti tal-Kwalifiki, il-kundizzjonijiet għad-dhul fi programm jew kors provdut mill-Istitut;

(j) li jipprovdi proċeduri adatti għall-assessjar u ċ-ċertifikazzjoni ta' min ikun qed jitgħallem;

(k) li jissorvelja l-ispiza u l-amministrazzjoni tal-Istitut f'kull livell u li japprova l-proposti ta' kull sena dwar l-estimi li jkunu ser jiġu ppreżentati lill-Ministru fi żmien stabbilit;

(l) li jahtar Direttur Eżekuttiv, u bil-parir tiegħu, li jahtar ukoll kull ufficċjal ewlieni ieħor tal-Istitut;

(m) li jistabbilixxi, u jabolixxi, karigi akkademiċi u xort' oħra u jahtar persuni għal dawk il-karigi;

(n) li joħroġ linji gwida u jistabbilixxi proċeduri dwar il-hidma u l-imġieba ta' studenti, għalliema u persuni oħra inkarigati jagħtu servizz fl-Istitut, sew jekk ingaġġati b'kuntratt ta' servizz indefinit jew definit, sew b'kuntratt għal servizz, sew jekk sekondati jew mislufa lill-Istitut mill-gvern, minn entitajiet pubbliċi jew privati;

(o) li joħroġ linji gwida li jistabbilixxu regoli dwar xi programm jew kors provdut mill-Istitut;

(p) li joħroġ kull linji gwida oħra, regoli u proċeduri oħra skont kif previst f'dan l-Att jew f'regolamenti magħmulin taħtu;

(q) li jahtar eżaminaturi Maltin jew barranin skont linji gwida u proċeduri li jkunu stabbiliti bil-quddiem, u li jiżgura li dawn jithallsu għas-servizz li jagħtu;

(r) li jiżgura li jinżammu u jittejbu livelli akkademiċi u ta' taħriġ kif imiss;

(s) li jistabbilixxi skemi ta' assikurazzjoni ta' kwalità interna skont il-htigiet ta' dan l-Att jew xi regolamenti magħmulin taħtu u l-proċeduri ta' awditjar meħtieġa għall-operat tal-Istitut;

(t) li jagħmel mill-aħjar biex l-Istitut iwettaq proġetti ta' xorta transkonfini u li jkun parti f'kull ftehim li jkun jidhirlu li jkun meħtieġ ma' entitajiet pubbliċi jew privati u li jkollu x'jaqsam mat-turiżmu jew mal-edukazzjoni dwar it-turiżmu u ma' istituzzjonijiet tat-tagħlim f'Malta u barra minn Malta biex l-Istitut ikun jista' jwettaq il-missjoni tiegħu;

(u) permezz tal-Ministeru responsabbli għat-turiżmu, f'koperazzjoni mal-Ministeru responsabbli għall-edukazzjoni meta dan jkun meħtieġ, jipubblica u jippromwovi il-politika, pjanijiet, programmi, korsijiet u l-operat tal-Istitut b'mod li jistabbilixxi l-Istitut u l-fergħat tiegħu bħala element vitali fl-infrastruttura tat-turiżmu f'Malta;

(v) li jistabbilixxi attivitajiet anċillari li jkollhom x'jaqsmu mat-turiżmu bl-għan dirett li jtejbu l-esperjenza tat-tagħlim ta' min ikun qed jitgħallem u li jaħdem attivament għall-espansjoni tal-aspetti kummerċjali u d-dimensjoni internazzjonali tal-Istitut;

(w) li jistabilixxi fi hdan l-Istitut, hekk kif u meta jkun

xieraq, residenza li tkun adatta għall-missjoni tal-Istitut inklużi, fi hdanu, kull wiehed mis-servizzi provduti mill-Istitut lill-pubbliku;

(x) li jwettaq kull funzjoni oħra li jista' jqis li tkun meħtieġa biex jeżegwixxi l-poteri u l-funzjonijiet tal-Istitut li m'humiex, b'dan l-Att, vestiti f'xi korp regolatorju ieħor tal-Istitut; u

(z) li jwettaq kull funzjoni oħra mogħtija lilu mill-Ministru minn żmien għal żmien.

(2) Il-Bord tal-Gvernaturi għandu wkoll japprova l-kurrikula u s-sillabi pprezentati mill-Bord ta' Studji u, meta jqis li jkun hekk meħtieġ, li jreġġgħom lura lil dak il-Bord ta' Studji flimkien mal-parir tiegħu dwar xi emendi proposti.

(3) Il-Bord tal-Gvernaturi għandu jiċcertifika, fejn jigi hekk approvat mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oġħla, il-ħiliet għall-eżerċizzju ta' sengħa, vokazzjoni jew professjoni, kif ukoll ta' profiċjenza f'xi sengħa, ħidma teknika, teknoloġija, jew f'kull attività oħra kummerċjali jew ekonomika li jkollhom x'jaqsmu mat-turiżmu.

(4) Il-Bord tal-Gvernaturi għandu jiżgura li r-rikonoxximenti li jagħti l-Istitut jkunu rikonoxxuti kemm f'livell nazzjonali kemm f'dak internazzjonali, u li, kull fejn dan japplika, dawn ikollhom x'jaqsmu ma' *standards* mwaqqfa fil-Qafas Malti tal-Kwalifiki.

Il-Bord ta'
Studji.

11. Il-Bord ta' Studji jkun magħmul minn dawn il-membri li ġejjin:

(a) id-Direttur tal-Istudji, *ex officio*;

(b) id-dipartimenti akkademiċi fi hdan l-istruttura akkademika;

(ċ) ir-Reġistratur, *ex officio*;

(d) membru wiehed li jigi elett minn u minn fost il-persunal akkademiku;

(e) membru wiehed li jigi elett mill-kunsill tal-istudenti; u

(f) żewġ membri minn fost il-membri tal-Bord tal-Gvernaturi.

12. (1) Il-Bord ta' Studji għandu jkun responsabbli għad-direzzjoni ġenerali tal-provvista tal-programmi u korsijiet tal-Istitut, u għandu jkollu dawn il-funzjonijiet li ġejjin:

Funzjonijiet tal-Bord ta' Studji.

(a) li jipproponi lill-Bord tal-Gvernaturi l-programmi u l-korsijiet li għandhom jiġu provduti mill-Istitut, wara konsultazzjoni rigward il-kurrikulu ta' dawk il-programmi u korsijiet ma' partijiet interessati;

(b) li jipproponi lill-Bord tal-Gvernaturi linji gwida dwar programmi u korsijiet provduti mill-Istitut, dokumentazzjoni u eżamijiet fl-Istitut u li jstabilixxi dawk ir-rikonoxximenti u distinzjonijiet għal dawk il-kandidati li jissodisfaw il-kundizzjonijiet applikabbli mat-tmiem tal-programmi u l-korsijiet;

(ċ) li jiddeċiedi dwar il-persuni li għandhom jingħataw ir-rikonoxximenti u distinzjonijiet oħrajn;

(d) li jivverifika li l-proċeduri ta' assessjar użati mill-Istitut jkunu konformi mal-politika akkademika approvata tal-Istitut;

(e) li jstabilixxi, bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin tahtu, il-kundizzjonijiet ta' dħul għal programmi u korsijiet tal-Istitut;

(f) li jinnomina eżaminaturi Maltin jew barranin skont linji gwida u proċeduri stabbiliti bil-quddiem biex dawn jiġu approvati mill-Bord tal-Gvernaturi;

(g) li jirrikonoxxi, wara rakkomandazzjoni mill-awtoritajiet kompetenti skont dan l-Att, kwalifiki, rikonoxximenti u distinzjonijiet ta' provduri tal-edukazzjoni oħrajn, għal-fini ta' aċċess għal programm jew kors tal-Istitut;

(h) li jagħti pariri lill-Bord tal-Gvernaturi dwar kull haġa li jkollha x'taqsam mat-tagħlim relatat mat-turiżmu; u

(i) li jittratta kull haġa oħra li tkun tirreferi għall-edukazzjoni u t-taħriġ u li tista' tokkorri fl-amministrazzjoni tal-Istitut.

(2) Il-Bord ta' Studji għandu jiltaqa' mill-inqas darba kull sitt gimgħat u l-*quorum* għal-laqgħat għandu jkun ta' mhux inqas minn nofs l-għadd ta' membri tal-Bord u wiehed.

(3) Il-Bord ta' Studji jista' jagixxi minkejja kull vakanza fost

C 40

il-membri tiegħu u l-*quorum* għandu jitqies bhallikieku ma kien hemm ebda vakanza bhal dik.

Dispożizzjoni-
jiet komuni
għall-korpi ta'
tmexxija tal-
Istitut.

13. (1) Kull kwistjoni li tingieb għal deċizzjoni f'laqgħa ta' xi korp ta' tmexxija tal-Istitut għandha tiġi deċiża b'maġġoranza tal-voti tal-membri preżenti u votanti, u jekk fuq xi kwistjoni bhal dik il-voti jkunu ndaqs, il-membri li jkun qed jippresjedi jkollu u jitfa' il-vot deċiżiv tiegħu.

(2) Kemm-il darba ma jigix provdut xort'oħra f'dan l-Att, persuni li jkollhom xi kariga f'korp ta' tmexxija li ma tkunx kariga *ex officio* għandhom iżommu dik il-kariga għal żmien sentejn:

Izda dawk il-persuni għandhom ikomplu jzommu dik il-kariga, minkejja li jkun ntemm iż-żmien tagħha, sakemm issir l-elezzjoni jew il-ħatra ta' persuna oħra biex tidhol minflok dik il-persuna.

Uffiċċju
Eżekuttiv ta'
Tmexxija.

14. Ikun hemm Uffiċċju Eżekuttiv ta' Tmexxija tal-Istitut li jkun magħmul minn dawn il-persuni li ġejjin *ex officio*:

(a) id-Direttur Eżekuttiv li jippresjedi l-Uffiċċju Eżekuttiv ta' Tmexxija;

(b) id-Direttur tas-Servizzi Korporattivi; u

(ċ) id-Direttur tal-Istudji.

Funzjonijiet tal-
Uffiċċju
Eżekuttiv ta'
Tmexxija.

15. (1) Mingħajr preġudizzju għall-funzjonijiet u responsabbiltajiet tal-membri tal-Uffiċċju Eżekuttiv ta' Tmexxija kif proevist f'dan l-Att, l-Uffiċċju Eżekuttiv ta' Tmexxija jkun jopera taħt id-direzzjoni tad-Direttur Eżekuttiv u għandu jkollu dawn il-funzjonijiet li ġejjin:

(a) li wara konsultazzjoni mal-Bord ta' Studji, jiżviluppa u jipproponi minn żmien għal żmien lill-Bord tal-Gvernaturi pjan ta' żvilupp għall-Istitut;

(b) li jiżgura djalogu u komunikazzjoni kif imiss fl-Istitut;

(ċ) li jiżgura li kull politika, strateġija u deċizzjoni adottata mill-Bord tal-Gvernaturi u mill-Bord ta' Studji jiġu implimentati;

(d) li jiżgura kordinazzjoni u hidma effettiva u effiċjenti tal-istrutturi, dipartimenti, ċentri, u tal-uffiċjali u l-impjegati tal-Istitut;

(e) li jiżgura li jiġu applikati l-miżuri kollha meħtieġa, inklużi proċeduri dixxiplinarji u l-proċessi ta' assikurazzjoni ta' kwalità u ta' awditjar tal-ħidmiet kollha li jsiru fi ħdan l-Istitut; u

(f) kull funzjoni oħra li tista' tingħata lill-Uffiċċju Eżekuttiv ta' Tmexxija mid-Direttur Eżekuttiv.

(2) L-Uffiċċju Eżekuttiv ta' Tmexxija għandu jagħmel laqgħat fuq bażi regolari li fihom jinżammu l-minuti kif deċiż mill-Bord tal-Gvernaturi skont l-ħtiġiet ta' kuljum tal-Istitut.

16. (1) Il-Bord tal-Gvernaturi jkun l-ogħla uffiċċju fl-Istitut u jkun responsabbli sabiex jiżgura li l-Istitut ikun konformi ma' dan l-Att.

Setgħat u dmirijiet ta-
Chairman tal-
Bord tal-
Gvernaturi

(2) Il-Bord tal-Gvernaturi għandu jöhroġ linji gwida u proċeduri tal-korpi ta' tmexxija tal-Istitut u jista' jreġġa' lura kemm il-darba jkun meħtieġ għand xi korp ta' tmexxija dawk il-linji gwida u proċeduri li fil-fehma tiegħu ma jkunux skont kif indikat fil-liġi.

(3) Il-Bord tal-Gvernaturi, kull meta jqis li jkun hekk meħtieġ, ikollu s-setgħa jlaqqa' u jippresjedi l-Bord ta' Studji u l-Uffiċċju Eżekuttiv ta' Tmexxija.

(4) Il-Bord tal-Gvernaturi jkollu s-setgħa li jagħti r-rikonoxximenti u d-distinzjonijiet tal-Istitut.

17. (1) Mingħajr preġudizzju għals-setgħat vestiti fil-korpi ta' tmexxija tal-Istitut b'dan l-Att, id-Direttur Eżekuttiv ikun, bla ħsara għad-direzzjoni tal-Bord, responsabbli għat-tmexxija ta' kuljum tal-Istitut, ikun *ex officio* iċ-*Chairman* tal-Bord ta' Studji u r-rappreżentanza legali tal-Istitut u ta' kull fergħa tiegħu f'Malta u Għawdex tkun vestita fih.

Funzjonijiet u
responsabbiltà-
jiet tal-Direttur
Eżekuttiv.

(2) Id-Direttur Eżekuttiv jinħatar fil-kariga għal żmien ta' mhux iżjed minn tliet snin:

Izda d-Direttur Eżekuttiv għandu jkun eliġibbli biex jerga' jinħatar għal aktar perjodi li kull wieħed minnhom ma jkunx iżjed minn tliet snin.

(3) Id-Direttur Eżekuttiv għandu jeżerċita awtorità fuq il-persunal akkademiku, l-eżaminaturi, min ikun qed jitgħallem, kandidati għall-eżamijiet, impjegati u kull min ikun fdat li jagħti xi servizz lill-Istitut, u għandu jinforza d-dixxiplina u l-osservanza stretta ta' dan l-Att u tad-dispożizzjonijiet ta' regolamenti magħmulin taħtu u tal-linji gwida u proċeduri tal-Istitut.

(4) Id-Direttur Eżekuttiv m'għandu jkollu ebda kariga jew pozizzjoni oħra jew jiġġestixxi xi attività kummerċjali jekk qabel xejn ma jgibx il-kunsens bil-miktub tal-Ministru għal dan.

(5) Id-Direttur Eżekuttiv ikun responsabbli li jiżgura l-eżekuzzjoni ta' kull politika u deċiżjoni tal-korpi ta' tmexxija tal-Istitut.

(6) Id-Direttur Eżekuttiv ikollu s-setgħa li jlaqqa' l-Bord ta' Studji u l-Uffiċċju Eżekuttiv ta' Tmexxija.

(7) Id-Direttur Eżekuttiv għandu jiżgura li l-korpi ta' tmexxija jkunu regolarment kostitwiti u li x-xogħol tagħhom ikun ippjanat u kkordinat, u jiżgura li dawn jitlaqqgħu regolarment kif stabbilit b'dan l-Att u li d-deċiżjonijiet tal-korpi ta' tmexxija tal-Istitut jitwettqu.

(8) Id-Direttur Eżekuttiv għandu jipprovdi għall-organizzazzjoni ta' dawk l-elezzjonijiet li jkunu meħtieġa b'dan l-Att, inkluż li jara dawn isehħu bil-mod previst u mingħajr ebda dewmien.

(9) Id-Direttur Eżekuttiv għandu jiżgura li l-operazzjonijiet tal-Istitut isegwu ftehim ta' hidma tal-Istitut li għandu jiġi maqbul bejn is-Segretarju Permanenti u l-Istitut u għal dan l-għan l-artikolu 40 tal-Att dwar l-Amministrazzjoni Pubblika għandu japplika *mutatis mutandis*.

Kap. 497.

(10) Id-Direttur Eżekuttiv għandu jgib fis-sehħ, kemm jista' jkun malajr, kull talba bil-miktub, li ma tkunx inkonsistenti ma' xi dispożizzjoni ta' dan l-Att li l-Ministru jista' jagħmel, f'dak li għandu x'jaqsam mal-politika li għandha tiġi segwita minnu fl-eżekuzzjoni tal-funzjonijiet tiegħu, u f'dak li għandu x'jaqsam ma' kull haġa li l-Ministru jkun jidhirlu li tolqot l-Istitut u xi fergħa minn tiegħu.

(11) Id-Direttur Eżekuttiv għandu jipprovdi l-Bord b'rapporti regolari fuq il-hidma u l-finanzi tal-Istitut.

(12) Il-funzjonijiet tad-Direttur Eżekuttiv għandhom jinkludu responsabbiltà assoluta għall-aspetti kollha tal-Istitut u għal kull fergħa tal-Istitut f'Malta jew Għawdex.

(13) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, id-Direttur Eżekuttiv għandu jwettaq kull funzjoni oħra li jiġi ordnat li jagħmel mill-Bord tal-Gvernaturi.

18. Il-hatra ta' kull membru tal-persunal li jkollu dmirijiet formali u regolari ssir mid-Direttur Eżekuttiv u l-Bord tal-Gvernaturi għandu jinżamm infurmat b'kull hatra ġdida li ssir.

Hatriet ta' membri tal-persunal bi dmirijiet formali.

19. L-ilbies uffiċjali xieraq li l-uffiċjali ewlenin tal-Istitut, il-persunal akkademiku, impjegati, gradwati, min ikun qed jitgħallem u l-membri oħra tal-Istitut huma mistennija jilbsu f'okkażjonijiet uffiċjali għandu jiġi provdut dwaru fil-linji gwida maħruġin mill-Bord tal-Gvernaturi. Ilbies uffiċjali.

20. (1) Ir-rikonoxximenti jingħataw f'ċeremonja pubblika jew, bl-approvazzjoni tal-Bord tal-Gvernaturi, f'ċeremonja privata jew *in absentia*. Għoti ta' Rikonoxximenti.

(2) Kandidat ikun eliġibbli għal rikonoxximent mill-Istitut biss wara li d-Direttur Eżekuttiv jiċċertifika li l-kundizzjonijiet kollha previsti fil-linji gwida rilevanti tal-Istitut ikunu twettqu, u sakemm l-obbligi u responsabbiltajiet l-oħra kollha tal-kandidat lejn l-Istitut jkunu ġew ukoll sodisfatti.

(3) Ebda persuna ma titqies li għandha rikonoxximent tal-Istitut kemm-il darba dak ir-rikonoxximent ma jkunx ingħatalha kif mfisser fis-subartikolu (1).

21. (1) L-Istitut għandu jistabbilixxi, bil-mod meħtieġ fl-artikolu 10, u permezz ta' linji gwida adottati mill-Bord tal-Gvernaturi, dawk il-fergħat tal-Istitut f'Malta, Għawdex jew barra minn Malta, b'dawk id-dipartimenti li jista' jkunu meħtieġa. Fergħat tal-Istitut.

(2) Il-Bord tal-Gvernaturi għandu jahtar *Branch Manager* għal kull waħda mill-fergħat tiegħu f'Malta jew Għawdex. Il-*Branch Manager* ikun responsabbli għall-amministrazzjoni tal-fergħa li jkun assenjat fiha, ikun responsabbli lejn id-Direttur Eżekuttiv fir-rigward tal-eżekuzzjoni tal-funzjonijiet tiegħu u jirrapporta lid-Direttur Eżekuttiv hekk kif ikun meħtieġ mid-Direttur Eżekuttiv.

(3) Il-fergħat tal-Istitut f'Malta u f'Għawdex jkunu regolati mill-Bord tal-Gvernaturi mwaqqaf skont l-artikolu 9. Il-Bord tal-Gvernaturi għandu jinvolvi, kif u meta jkun meħtieġ, lil *Branch Managers* skont kif previst fl-artikolu 9(3), *mutatis mutandis*.

(4) L-Istitut għandu jiżgura li l-finanzjament, l-ippjanar, il-provvista ta' edukazzjoni u taħriġ, l-ħatriet u s-salarju tal-persunal u l-ħlasijiet rilevanti kollha tal-fergħat ikunu integrati f'sistema waħda li tkopri kollox li japplika għall-Istitut.

(5) Il-linji gwida msemmija fis-subartikolu (1) għandhom jistabbilixxu, skont dan l-Att, il-mod kif ir-relazzjonijiet bejn il-fergħa rispettiva u l-Istitut għandhom isehħu, partikolarment dawk li jkunu jirrigwardaw l-iżvilupp ta' programmi u korsijiet, ir-rikonoxximenti mogħtija mill-fergħat, ir-relazzjonijiet esterni tal-fergħat, ħatriet ta' persunal fil-fergħat u kull haġa oħra li taqa' taħt ir-

responsabbiltà tal-Bord tal-Gvernaturi u tad-Direttur f'dak li għandu x'jaqsam mal-Istitut.

(6) Il-Bord tal-Gvernaturi għandu jagħmel dawk l-arrangamenti għal kull fergħa tal-Istitut barra minn Malta li tista', bl-approvazzjoni tal-Ministru, tkun eżenti mill-htigiet tas-subartikoli (2) sa (5) sakemm dik il-fergħa tkun isservi biex twettaq il-missjoni tal-Istitut kif previst f'dan l-Att.

Żvelar ta' interessi.

22. (1) Meta membru ta' xi korp ta' tmexxija tal-Istitut, membru tal-persunal tal-Istitut, jew xi persuna li tkun b'xi mod ieħor involuta fl-għoti ta' servizzi edukattivi jew servizzi oħra fl-Istitut, ikollhom xi interess fi, jew materjali għal, xi materja li għandha tigi kkunsidrata minn xi korp ta' tmexxija tal-Istitut, dan -

(a) għandu jiżvela lill-korp tat-tmexxija, skont il-każ, ix-xorta tal-interess tiegħu fl-ewwel laqgħa tal-korp ta' tmexxija, u dan jew wara li jinkiseb dak l-interess jew qabel tigi kkunsidrata l-materja, skont liema tigi l-ewwel;

(b) m'għandux jieħu ebda sehem fil-konsiderazzjoni ta' dik l-materja u m'għandux la jinfluwenza u lanqas jipprova jinfluwenza deċiżjoni li għandha x'taqsam ma' dik l-materja;

(c) jekk jkun membru ta' korp ta' tmexxija tal-Istitut, għandu jirtira mill-laqgħa ta' dak il-korp ta' tmexxija waqt li tkun qegħda tigi diskussa jew ikkunsidrata l-materja u m'għandux jivvota jew b'xi mod ieħor jaġixxi f'dik il-kariga għal dak li għandu x'jaqsam ma' dik il-materja.

(2) Meta tqum kwistjoni dwar jekk ċertu mod ta' imġeba, f'każ li tigi adottata u segwita minn xi persuna, tirriżultax jew le f'nuqqas ta' dik l-istess persuna milli tikkonforma ruħha mal-htigiet tas-subartikolu (1), il-kwistjoni għandha tigi deċiża mill-Bord ta' Gvernaturi u kemm id-deċiżjoni u kif ukoll il-motivazzjoni tagħha għandhom jiġu minizzla fil-minuti tal-laqgħa fejn tkun ittieħdet id-deċiżjoni.

(3) Meta jsir xi żvelar lill-korp ta' tmexxija skont s-subartikolu (1), id-dettalji ta' dan l-iżvelar għandhom jiġu minizzla fil-minuti ta' dik il-laqgħa.

(4) Meta persuna msemmija f'dan l-artikolu tonqos milli tagħmel l-iżvelar meħtieġ, il-Bord tal-Gvernaturi għandu jiddeċiedi dwar liema azzjoni xierqa (inkluża t-tneħħija mill-kariga jew it-terminazzjoni tal-kuntratt) għandu jieħu.

(5) Fejn il-persuna li jkollha l-interess imsemmi fis-

subartikolu (1) tkun membru votanti tal-Bord tal-Gvernaturi, il-materji li jkunu ġew żvelati skont dan ir-regolament għandhom jingiebu quddiem il-Ministru mingħajr dewmien. Meta dak l-interess li l-membri jista' jkollu jkun tali li jwassal għat-tneħħija tiegħu mill-kariga, il-membri għandu minnufih jirrapporta l-fatt lill-Ministru u joffri r-rizenja tiegħu, mingħajr preġudizzju għas-setgħa li għandu l-Ministru li jneħħi lil dak il-membri mill-Bord tal-Gvernaturi.

23. (1) Salv kif xort'ohra provdut b'dan l-Att, jew b'kull ligi ohra, persuna m'għandhiex, hliet meta jkun meħtieġ għat-twettiq xieraq tal-funzjonijiet tagħha, mingħajr il-kunsens tal-Bord tal-Gvernaturi, tiżvela lil xi persuna xi informazzjoni mhux pubblika li tkun kisbet waqt li tkun qegħda twettaq, jew bħala riżultat li tkun wettqet, dmirijiet bħala membru ta' xi korpi ta' tmexxija tal-Istitut jew bħala membru tal-persunal tal-Istitut jew bħala persuna b'kull mod ieħor involuta fl-għoti ta' servizzi edukattivi jew servizzi ohra lill-Istitut.

Żvelar ta' informazzjoni.

(2) Ebda haġa fis-subartikolu (1) m'għandha tipprevjeni l-iżvelar lill-Ministru ta' informazzjoni f'rapport magħmul minn jew lill-Istitut jew għall-Istitut.

TAQSIMA IV **Uffiċjali u Persunal**

24. (1) L-artikoli 113 sa 115 tal-Att dwar l-Edukazzjoni għandhom japplikaw għall-Istitut f'dak li għandu x'jaqsam mal-hatriet ta' persunal:

Uffiċjali u persunal. Kap. 327.

Iżda, għall-finijiet ta' dan l-Att:

(a) kull referenza għall-Prim Ministru fl-artikolu 114 tal-Att dwar l-Edukazzjoni għandha tiftiehem bħala referenza għas-Segretarju Permanenti Ewlieni, li jimxi mad-direzzjoni mogħtija mill-Prim Ministru;

Kap. 327.

(b) fil-kalkolu tal-emolumenti pensjonabbli ta' xi uffiċjal li jkun qiegħed jaqdi dmirijietu mal-Istitut kif previst fl-artikolu 114 ta;-Att dwar l-Edukazzjoni, għall-finijiet ta' jedd għal pensjoni taħt l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, m'għandha tingħata ebda konsiderazzjoni lil xi *allowance*, *bonus* jew gratwità mhallsa lil dak l-uffiċjal mill-Istitut li tkun iżjed minn dak li jkollu jedd għalih bħala uffiċjal pubbliku; u

Kap. 327.

Kap. 93.
Kap. 58

(c) matul iż-żmien li fih xi uffiċjal ikun imqabba sabiex jaqdi dmirijiet mal-Istitut kif previst fil-paragrafu ta' qabel dan, il-pattijiet u l-kundizzjonijiet tas-servizz tiegħu,

matul dan iż-żmien, m'għandhomx ikunu inqas favorevoli minn dawk marbuta mal-hatra tiegħu mal-Gvernwaqt l-imsemmi perjodu. Dawk il-pattijiet u l-kundizzjonijiet m'għandhomx jitqiesu li jkunu inqas favorevoli għax ma jkunux għal kollox identiċi jew ahjar minn dawk li jgawdi l-uffiċjal konċernat fid-data meta ssir dik il-hatra, jekk fil-fehma tal-Prim Ministru, dawk il-pattijiet u l-kundizzjonijiet, meħudin fit-totalità tagħhom, ikunu joffru benefiċċji sostanzjalment ekwivalenti jew ahjar.

(2) (a) Il-karigi u l-gradji salarjali tal-Istitut għandhom ikunu klassifikati f'eżerċizzju li jsir minn bord magħmul minn *chairperson* mahtur mill-Ministru responsabbli għall-finanzi u żewġ membri oħra, wieħed mahtur mill-Ministru responsabbli għall-affarijiet li għandhom x'jaqsmu b'mod generali mal-persunal fis-servizz pubbliku u l-iehor mahtur mill-Bord tal-Gvernaturi. Il-klassifikazzjoni tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(b) Dik il-klassifikazzjoni għandha ssir fi żmien sitt xhur mid-dhul fis-seħh ta' dan l-Att.

(ċ) Mingħajr pregudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni bħal dik imsemmija hawn qabel, ikun intitolat għal xi dritt taht l-Ordinanza dwar il-Pensjonijiet li jkun inqas favorevoli minn dak li kien ikun intitolat għalih qabel dik il-klassifikazzjoni.

Kap. 93.

TAQSIMA V Mixxellanji

Dispożizzjonijiet finanzjarji.
Kap. 327.

25. (1) L-artikoli 116 sa 124 tal-Att dwar l-Edukazzjoni għandhom japplikaw għall-Istitut f'dak li għandu x'jaqsam mal-affarijiet finanzjarji tal-Istitut.

Kap. 174.

(2) L-Istitut ikun regolat bid-dispożizzjonijiet tal-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika, kemm-il darba ma jkunx speċifikat xort'oħra fil-ftehim ta' hidma tal-Istitut li jsir bejn is-Segretarju Permanenti u l-Istitut kif indikat fl-artikolu 17(0), u f'dak il-każ għandhom jipprevalu d-dispożizzjonijiet tal-imsemmi ftehim ta' hidma.

Drittijiet u stipendji.

26. (1) Kull tagħlim *full-time* li jirċievu l-istudenti fl-Istitut matul il-hinijiet normali għandu jkun bla hlas.

(2) Il-Ministru, meta hekk jingħata parir mill-Bord tal-Gvernaturi, jista' b'regolamenti jordna l-hlasijiet li għandhom jithallsu għal eżamijiet u għal programmi u korsijiet speċjali li jsiru

barra l-ħinijiet normali u l-ħlasijiet li għandhom jithallsu minn studenti li ma humiex cittadini Maltin:

Izda l-Ministru jista' jeżenta lil kull persuna milli tagħmel dak il-ħlas.

27. (1) L-artikolu 134 tal-Att dwar l-Edukazzjoni jkun japplika għar-relazzjonijiet tal-Istitut mal-Ministru:

Relazzjonijiet
mal-Ministru.
Kap. 327.

Izda kull riferenza għall-Ministru f'dak l-artikolu għandha tfigher, għall-finijiet ta' dan l-artikolu, il-Ministru responsabbli għat-turiżmu.

(2) L-Istitut għandu jagħti lill-Ministru faċilitajiet għall-ksib ta' kull informazzjoni rigward il-proprjetà u l-attivitajiet tal-Istitut, u għal dan l-għan il-Bord tal-Gvernaturi għandu jipprovdi lill-Ministru b'kull ammont riċevut, kontijiet u informazzjoni oħra li jkollu x'jaqsam ma' dan, u għandu jagħtih l-faċilitajiet kollha għall-verifika ta' kull informazzjoni mogħtija, b'dak il-mod u f'dak iż-żmien li l-Ministru jista' jkun raġonevolment jeħtiegħ.

(3) Hlief kif xort'oħra previst f'dan l-Att jew f'regolamenti magħmulin tahtu, l-Istitut għandu tkun jaqa' taht id-direzzjoni generali tal-Ministru u, bla ħsara għal dik id-direzzjoni, taht is-sorveljanza tas-Segretarju Permanenti.

(4) Il-Ministru jista', għar-rigward ta' dawk l-affarijiet li jkunu jidhrulu li jolqtu l-interess pubbliku, minn żmien għal żmien jagħti lill-Istitut direzzjonijiet bil-miktub ta' xorta generali li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, dwar il-politika li għandha tiġi segwita mill-Istitut fit-twettiq tal-funzjonijiet tiegħu, bis-saħħa ta' dan l-Att jew, u l-Istitut għandu, kemm jista' jkun malajr, iġib fis-seħħ kull direzzjoni bħal dik.

(5) Il-linji gwida li jinħarġu mill-Istitut kif previst f'dan l-Att jeħtiegħu l-approvazzjoni tal-Ministru biex dawn jiġu fis-seħħ.

(6) Salv kif xort'oħra previst f'dan l-Att, l-artikolu 38 tal-Att dwar l-Amministrazzjoni Pubblika għandu jkun japplika *mutatis mutandis* għall-Istitut.

Kap. 497.

(7) Il-Ministru jista' jahtar Bord Konsultattiv biex jgħin lid-Direttur bil-mod prrvist taht l-artikolu 42 tal-Att dwar l-Amministrazzjoni Pubblika;

Kap. 497.

(8) Il-Ministru, bis-saħħa ta' dan l-Att, jista' jagħmel regolamenti li jirregolaw il-funzjonijiet u d-dmirijiet ta' kwalunkwe bord, kumitat jew korp stabbilit skont dan l-Att.

Trasferiment ta' proprjetà.

28. (1) Il-proprjetà u l-imprizi tal-Gvern użati minnu minnufih qabel id-dhul fis-seħħ ta' dan l-Att għat-thaddim ta' xi funzjoni li bis-saħħa ta' dan l-Att qeghdin jiġu trasferiti lil jew vestiti fl-Istitut għandhom, fid-data hawn qabel imsemmija, bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni ulterjuri, jiġu trasferiti lil u jkunu vestiti fl-Istitut taħt l-istess titolu li bih kienu miżmuma mill-Gvern minnufih qabel id-data tad-dhul fis-seħħ ta' dan l-Att. Id-dispożizzjonijiet ta' dan l-artikolu ma japplikawx għal proprjetà immobbli.

(2) L-użu u l-amministrazzjoni ta' proprjetà immobbli minn żmien għal żmien kif speċifikat b'ordni magħmula mill-President ta' Malta u pubblikata fil-Gazzetta (hawn izjed 'il quddiem imsejha "il-proprjetà immobbli") li tkun proprjetà immobbli li, minnufih qabel id-dhul fis-seħħ ta' dan l-Att, kienu proprjetà tal-Gvern u kienu jintużaw minnu għall-operat ta' xi funzjoni li qeghda b'dan l-Att tigi trasferita lil jew vestita fl-Istitut, għandhom, b'seħħ minn dik il-gurnata speċifikata f'dik Ordni u bis-saħħa ta' dan l-Att u mingħajr ebda assikurazzjoni ulterjuri, jiġu trasferiti lil u vestiti fl-Istitut taħt l-istess titolu li bih kienu miżmuma mill-Gvern minnufih qabel dik il-gurnata.

(3) It-trasferiment u l-vestment imsemmi hawn qabel għandu jestendi għal dik il-proprjetà u dawk l-imprizi kollha u, mingħajr preġudizzju għall-ġeneralità msemmija hawn qabel, għandu jinkludi kull impjant, tagħmir, apparat, strument, vettura, inġenju, bini, struttura, installazzjoni, art, toroq, xogħlijiet, hażniet u proprjetà mobbli jew immobbli oħra, attiv, setgħat, drittijiet u privileggi u kull ma hu meħtieġ jew anċillari magħhom li jkunu miżmuma jew gawduti b'konnessjoni magħhom jew li jkun jappertjenu għalihom, kif ukoll l-obbligazzjonijiet kollha li jolqtu jew li għandhom x'jaqsmu ma' xi proprjetà jew imprizi msemmija hawn qabel jew affarijiet oħra inkluzi magħhom kif imsemmija qabel.

(4) Kull trasferiment ta' proprjetà, kemm mobbli u kemm immobbli, għandu jkun sugġett għal dawk il-pattijiet u kundizzjonijiet kollha li l-President ta' Malta, wara konsultazzjoni mal-Ministru, jista' jqis li jkunu meħtieġa sabiex jiġi żgurat li dik il-proprjetà tkun esklussivament użata għall-finijiet tal-funzjonijiet tal-Istitut jew għal finijiet anċillari għal dawk il-funzjonijiet.

Vestiment ta' drittijiet tal-Istitut.

29. Bla hsara għad-dispożizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, digriet, rikonoxximent, att, obbligazzjoni, kuntratt, ftehim, strument, dokument, garanzija u arrangament iehor, li kien jeżisti minnufih qabel id-data tad-dhul fis-seħħ ta' dan l-Att li jolqtu jew għandhom x'jaqsmu ma' xi proprjetà jew impriza trasferita lill-Istitut minn jew taħt dan l-Att għandhom

ikollhom kull saħħa u effett kontra jew favur l-Istitut, u għandhom ikunu infurzabbli liberament u effettivament, bhallikieku l-Istitut għal Studji Turistiċi kien imsemmi fihom jew kien parti kontraenti fihom, minflok il-Gvern jew awtorità governattiva li kienet hemm imsemmija jew kienet parti fiha, u xort'ohra b'sostituzzjoni tal-Gvern jew tal-awtorità governattiva.

30. (1) Meta xi haġa tkun inbdiet bl-awtorità tal-Gvern jew taht dik l-awtorità qabel id-data tad-dhul fis-seħħ ta' dan l-Att, u dik il-haġa jkollha x'jaqsam ma' xi proprjeta' jew impriza jew xi dritt jew passiv trasferit lill-Istitut b'dan l-Att jew tahtu, dik il-haġa tista' titkompla u titwettaq mill-Istitut jew kif awtorizzat minnu.

Dispożizzjonijiet transitorji.

(2) Meta, minnufih qabel id-dhul fis-seħħ ta' dan l-Att, ikun hemm pendenti xi proċedimenti legali li l-Gvern ikun jew ikollu jedd ikun parti fihom, u dawk il-proċedimenti jkollhom x'jaqsmu ma' xi proprjeta' jew impriza, jew ma' xi dritt jew passiv trasferit b'dan l-Att jew tahtu l-Istitut għandu, sa mid-data hawn qabel imsemmija, jiġi sostitwit f'dawk il-proċedimenti minflok il-Gvern, jew għandu jsir jagħmel parti fihom bl-istess mod bħalma l-Gvern seta' ġie sostitwit, u dawk il-proċedimenti m'għandhomx jittiefsu minhabba f'dik is-sostituzzjoni.

(3) Il-Ministru jista', b'ordni, jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali u supplementari hekk kif jista' jqis li jkun meħtieġ jew spedjenti għall-fini li jiddetermina, kif imiss, l-attiv trasferit lill-Istitut b'dan l-Att u jiżgura u jagħti effett sħiħ lit-trasferiment ta' xi proprjeta' jew impriza jew xi dritt jew passiv lill-Istitut b'dan l-Att u jagħmel dawk l-ordnijiet li jistgħu jkunu meħtieġa sabiex kull setgħa u dmir eżerċitabbli mill-Gvern f'dak li għandu x'jaqsam ma' xi proprjeta' jew impriza trasferita hekk kif jistgħu jitwettqu mill-Istitut jew għalih.

31. Ir-Regolamenti dwar Istituzzjoni għal Studji Turistiċi huma b'dan revokati mingħajr hsara għal dak kollu li sar jew li naqas milli jsir tahtom.

Revoka tar-Regolamenti dwar Istituzzjoni għal Studji Turistiċi. L.S. 327.423

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu sabiex jipprovdi għat-twaqqif tal-Istitut għal Studji Turistiċi permezz ta' Att tal-Parlament, biex jipprovdi għall-personalità ġuridika tal-Istitut, il-korpi ta' tmexxija u l-uffiċjali u persunal tiegħu, għat-trasferiment ta' attiv lill-Istitut, u sabiex jipprovdi għar-revoka tar-Regolamenti dwar Istituzzjoni għal Studji Turistiċi (L.S. 327.423).

INSTITUTE OF TOURISM STUDIES ACT, 2016
ARRANGEMENT OF ACT

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**A BILL
entitled**

AN ACT to make provision for the establishment of the Institute of Tourism Studies, and for matters ancillary or consequential 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:-

**PART I
Preliminary**

1. The short title of this Act is the Institute of Tourism Studies Act, 2016. Short title.
2. The object of this Act is to regulate and provide for matters related to the Institute of Tourism Studies. Scope.
3. In this Act, unless the context otherwise requires: Interpretation.
 - "Board of Governors" means the Board established by article 9;
 - "Board of Studies" means the Board established by article 11;
 - "the Chairman" means the Chairman of the Board of Governors of the Institute of Tourism Studies;
 - "the Deputy Chairman" means the Deputy Chairman of the Board of Governors of the Institute of Tourism Studies;
 - "the Executive Director" means the Executive Director of the Institute of Tourism Studies with such functions and responsibilities as established in article 17;

"the Institute" means the Institute of Tourism Studies;

"Internal Quality Assurance Committee (IQAC)" means the committee that will monitor the organisational performance in accordance with the National Quality Assurance Framework for Further and Higher Education;

Cap. 327. "Malta Qualifications Framework" means the national framework for lifelong learning, being the national instrument for the development and classification of qualifications according to a set of criteria, established through descriptors and applicable to a different set of levels, as provided by the Education Act or any regulation made thereunder;

"the Minister" means the Minister responsible for tourism;

Cap. 497. "the Permanent Secretary" means the person appointed to supervise tourism in Malta in terms of the Public Administration Act;

Cap. 497. "the Principal Permanent Secretary" means the person appointed in terms of article 14 of the Public Administration Act;

"Program Quality Validation Board (PQVB)" means the board to oversee the effective operation of the Institute's academic programmes through validation;

Cap. 327. "programme" has the meaning assigned to it by article 63 of the Education Act;

Cap. 327. "provider" has the meaning assigned to it by article 63 of the Education Act;

Cap. 327. "qualification" has the same meaning assigned to it by article 63 of the Education Act.

General. Cap. 497. **4.** The provisions of this Act shall be without prejudice to the functions of the Principal Permanent Secretary under the Public Administration Act and to his powers to issue directives and guidelines with respect to government agencies.

PART II

The Institute's Legal Personality and its general objectives

Legal personality and juridical representation of the Institute.

5. (1) The Institute shall be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions

under this Act.

(2) The legal and juridical representation of the Institute shall vest in the Executive Director, provided that the Board of Governors may appoint any one or more of its members or of the officers or employees of the Institute to appear in the name and on behalf of the Institute in any judicial proceedings or in any act, contract, instrument or any other document.

(3) The Institute shall assume the legal personality previously vested in the Institute of Tourism Studies Department within the Ministry responsible for education and, from the entry into force of this Act, shall assume responsibility for all assets, liabilities and obligations previously entered into by the said Department or by other bodies on its behalf.

6. The official languages of the Institute are Maltese and English. The Institute may use either of both languages for official purposes. Official languages.

7. (1) The Institute shall have as its mission to develop persons through quality learning to achieve excellence in tourism. Aims.

(2) In fulfilling its mission the Institute shall adhere to the following principles:

(a) the provision of a learner-centred curriculum and which promotes creativity, innovation, participation, reflection, personal independence and the holistic development of learners;

(b) the provision of an inclusive learning environment, ensuring equitable access to all persons irrespective of any diversity;

(c) the promotion of professional development through lifelong learning opportunities for all types of learners;

(d) the provision of individual guidance and mentoring to learners;

(e) the development of specialised technical, leadership and entrepreneurial skills in line with trends and requirements of the tourism industry;

(f) the promotion of internationalisation, with a holistic understanding of differences between local and foreign cultures;

(g) the requirement of performance of ethical and

environmentally conscious practices and a commitment towards professionalism and health and safety in the place of work;

(h) the ongoing development and strengthening of tourism studies as a key element of vocational education in Malta; and

(i) through its operations, the promotion of Malta as a place of educational tourism and the promotion of tourism in Malta generally.

(3) (a) The Institute shall provide the following courses and programmes of learning including practical and work experience, that lead to recognised qualifications in accordance with the Malta Qualifications Framework, in trades, skills, and professions as may be necessary in the tourism, restaurants and the catering industry and services, including by distance learning and or by any other effective means and from any suitable place according to the objective of the course or programme.

The courses and programmes shall also include suitable course and programme options for industry pre-entrants and specialised programmes for personnel in the tourism industry.

(b) The Institute shall ensure the following:

(i) that the courses and programmes provided in accordance with paragraph (a) aim to develop technical, generic and behavioural skills and competencies, integrate theory and practice and promote modern leadership approaches;

(ii) that the work placements for learners which are established as part of the courses and programmes referred to in paragraph (a) are provided according to established quality standards as required by the Institute.

PART III Governing Bodies

8. The governing bodies of the Institute shall be the following:

- (a) the Board of Governors;
- (b) the Board of Studies;
- (c) the Program Quality Validation Board (PQVB);

- (d) the Internal Quality Audit Committee (IQAC); and
- (e) the Executive Director.

9. (1) The Board of Governors shall be the highest governing body of the Institute. It shall be composed of not less than seven and not more than nine members. Three members are to be appointed by the Minister for Education and the other members are to be appointed by the Minister for Tourism for a period of not more than three years. The members shall be eligible to be re-appointed after their term of office expires. The members of the Board shall serve in their personal capacity.

Composition of
the Board of
Governors.

(2) The Minister responsible for Tourism shall appoint from among the members of the Board of Governors a Chairman and a Deputy Chairman. Where the Chairman is abroad or for any other reason, for a temporary period, is unable to perform his functions, the Deputy Chairman shall act as Chairman and shall perform the powers and functions of the Chairman.

(3) The Executive Director shall have a right to attend the meetings of the Board of Governors without having a right to vote, provided that he shall withdraw from each meeting where matters concerning him personally are discussed.

(4) The members of the Board of Governors shall be such persons having competence or experience in the education sector, vocational training, the tourism industry, entrepreneurship, tourism policy or macro level tourism planning, and who, in the opinion of the Minister concerned, possess leadership qualities, and have an understanding of the importance of tourism studies within the context of general socio-economic development:

Provided that the Minister concerned shall nominate as members of the Board of Governors such persons to represent the interests of any of the branches of the Institute, as may be required.

(5) A member of the Board of Governors 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 the member would no longer be fit to occupy such office or due to bad conduct.

(6) A member of the Board of Governors may resign from his office through a letter addressed to both Ministers concerned. If any member tenders his resignation or is removed from his office by the Minister who appointed him or should the office of any member

become in any manner vacant, the Minister concerned may appoint a qualified person to take up this post and any person who is so appointed shall keep on occupying that post up to the termination of the term of office of the person being so substituted and such person shall be eligible to be reappointed.

(7) Any absence or vacancy among the members of the Board of Governors, or any participation in its meetings by any person who is not entitled to such act, does not invalidate the procedures of the Board, insofar as there is a quorum of not less than one-half of the number of members of the Board of Governors plus one.

(8) Subject to the provisions of this Act, the Board of Governors may appoint committees and generally regulate its own procedures.

(9) The Board of Governors shall appoint a Secretary to keep minutes and a record of the meetings and of its decisions.

(10) The Board of Governors shall meet at least once every two months.

(11) The Board of Governors shall take all necessary precautions and treat information on commercially sensitive matters in a highly confidential manner in its relations with both public and private entities that may be concerned.

Functions and powers of the Board of Governors.

10. (1) The Board of Governors shall have the duty of performing the objectives and to exercise the powers of the Institute as provided in this Act, and shall in particular have the following functions:

(a) to develop the direction, strategy and image of the Institute and any of its branches, including the adoption of periodic development plans for the Institute and its branches;

(b) to acquire, administer and control the resources, facilities and property, both movable and immovable, of the Institute, including the procurement and utilisation of resources for the running of the Institute and any of its branches;

(c) to distribute between the departments and any branches within the Institute, as the case may be, the resources available to the Institute by way of funds and by way of premises, facilities, services, equipment and persons;

(d) to liaise with the tourism industry and other organisations in its endeavour to constantly monitor and

develop learners' needs;

(e) to assist and advise the Executive Director in achieving a level of excellence in the standards of the Institute's courses and programmes in order to empower the Institute's graduates to succeed in commanding challenging and rewarding careers in the tourism industry;

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

(g) subject to the provisions of article 7, to establish courses, programmes, departments, specialised centres, libraries, practical work stations, offices and other structures within the Institute for fulfilment of the mission of the Institute:

Provided that the courses, programmes and departments may only be established by the Board of Governors following consultation with the Board of Studies;

(h) with the approval of the Minister, to constitute campuses of the Institute in Malta, Gozo and abroad;

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

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

(k) to supervise the expenditure and the administration of the Institute at all levels and to approve the annual budget proposals to be submitted to the Minister within a given time;

(l) to appoint the Executive Director, and on his advice, also appoint all other principal officers of the Institute;

(m) to set up, and abolish, any post of an academic or other nature and make appointments thereto;

(n) to issue guidelines and establish procedures concerning the performance and the conduct of students, teachers and other persons entrusted with rendering any service at the Institute, 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 Institute by government, public or private entities;

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

(p) to issue any other guidelines, rules and procedures as provided in this Act or in any regulations made thereunder;

(q) to appoint Maltese or foreign examiners according to pre-established guidelines and procedures, and to ensure that payment is effected for their service;

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

(s) to 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 Institute;

(t) to endeavour to undertake relevant projects of a cross-border nature and to enter into such agreements as appear to it necessary with public or private entities related to tourism or tourism education and with learning institutions in Malta and overseas for the fulfilment of the mission of the Institute;

(u) through the Ministry responsible for tourism in cooperation with, where necessary, the Ministry responsible for education, to publicise and promote the Institute's policies, plans, courses, programmes and operations in a manner which establishes the Institute and its branches as a vital element of the Malta Tourism infrastructure;

(v) to establish ancillary activities related to tourism with the direct purpose of enhancing the learning experience of learners and to work actively towards the expansion of the commercial aspects and the international dimension of the Institute;

(w) to set up within the Institute, as and when appropriate, a residence conducive to the mission of the Institute including within it any of the services provided by the Institute to the public;

(x) to perform any other function which it may deem necessary to execute the powers and functions of the Institute which are not, by means of this Act, vested in another governing

body of the Institute; and

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

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

(3) The Board of Governors shall, where so approved by the National Commission for Further and Higher Education, certify the capabilities for the exercise of a trade, calling and profession, and also of proficiency in any trade, technical work, technology, or any other commercial or economic activity related to tourism.

(4) The Board of Governors shall ensure that the awards of the Institute 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.

11. The Board of Studies shall be constituted of the following members: Board of Studies.

- (a) the Director of Studies, *ex officio*;
- (b) the academic departments within the academic structure;
- (c) the Registrar, *ex officio*;
- (d) one member elected by and from among the academic staff;
- (e) one member, elected by the students' council; and
- (f) two members from among the members of the Board of Governors.

12. (1) The Board of Studies shall be responsible for the general direction of the provision of programmes and courses of the Institute, and shall have the following functions: Functions of the Board of Studies.

- (a) to propose to the Board of Governors the programmes and courses to be provided by the Institute, following consultation with interested stakeholders regarding the curriculum of such programmes and courses;
- (b) to propose to the Board of Governors guidelines

regarding programmes and courses provided by the Institute, documentation and examinations at the Institute and to establish such awards and distinctions for such candidates satisfying the applicable conditions on completion of the programmes and courses;

(c) to decide about the persons to whom the awards and other distinctions shall be awarded;

(d) to verify that the assessment procedures used by the Institute are in conformity with the approved academic policies of the Institute;

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

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

(g) 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 of the Institute;

(h) to advise to the Board of Governors on any matter related to learning in relation to tourism; and

(i) to deal about any other matter which refers to education and training and as may arise in the administration of the Institute.

(2) The Board of Studies shall meet at least every six weeks and the quorum for the meetings shall be of not less than one-half of the number of members of the Board plus one.

(3) The Board of Studies may act notwithstanding any vacancy in its membership and the quorum shall be computed as if there was no such vacancy.

13. (1) Any question proposed for decision at any meeting of any governing body of the Institute shall be determined by a majority of the votes of the members present and voting, and if on any such question the votes are equally divided the member presiding shall have and exercise a casting vote.

(2) Unless otherwise provided in this Act, persons holding

office on a governing body not *ex officio* shall hold that office for a period of two years:

Provided that such persons shall continue so to hold office, despite the expiry of their term, until the election or appointment of another person to substitute that person.

14. There shall be an Executive Management Office of the Institute which shall be constituted of the following persons *ex officio*:

Executive
Management
Office.

- (a) the Executive Director who presides the Executive Management Office;
- (b) the Director of Corporate Services; and
- (c) the Director of Studies.

15. (1) Without prejudice to the functions and responsibilities of the members of the Executive Management Office as provided in this Act, the Executive Management Office shall operate under the direction of the Executive Director and shall have the following functions:

Functions of the
Executive
Management
Office.

(a) upon consultation with the Board of Studies, to develop and propose periodically to the Board of Governors the development plan of the Institute;

(b) to ensure proper dialogue and communication within the Institute;

(c) to ensure that the policies, strategy and decisions adopted by the Board of Governors and by the Board of Studies are implemented;

(d) to ensure co-ordination and the effective and efficient functioning of the structures, departments, centres, officers and employees of the Institute;

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

(f) any other function as may be assigned to the Executive Management Office by the Executive Director.

(2) The Executive Management Office shall hold minuted meetings on a regular basis as directed by the Board of Governors in

accordance with the daily requirements of the Institute.

Powers and duties of the Chairman of the Board of Governors.

16. (1) The Board of Governors shall be the highest office of the Institute and shall be responsible for ensuring that the Institute complies with this Act.

(2) The Board of Governors shall issue guidelines and procedures of the governing bodies of the Institute and may revert as many times as necessary to any governing body such guidelines and procedures which in its opinion are not in terms of the law.

(3) The Board of Governors shall whenever they deem it necessary, have the power to convene and preside the Board of Studies and the Executive Management Office.

(4) The Board of Governors shall confer awards and distinctions of the Institute.

Functions and responsibilities of the Executive Director.

17. (1) Without prejudice to the powers vested in the governing bodies of the Institute by this Act, the Executive Director shall, subject to the direction of the Board of Governors, be responsible for the daily administration of the Institute, shall be the Chairman of the Board of Studies *ex officio* and shall be vested with the legal representation of the Institute and any of its branches in Malta and Gozo.

(2) The Executive Director shall be appointed to hold office for a term not exceeding three years:

Provided that the Executive Director shall be eligible for reappointment for further periods each of not more than three years.

(3) The Executive Director shall exercise authority over the academic staff, examiners, learners, examination candidates, employees and whosoever is entrusted with rendering any service to the Institute, and he shall enforce discipline and the strict observance of this Act and the provisions of any regulations made thereunder and of the guidelines and procedures of the Institute.

(4) The Executive Director shall not hold any other office or position or carry on any business activity without prior approval in writing from the Minister.

(5) The Executive Director shall be responsible for ensuring the execution of the policies and decisions of the governing bodies of the Institute.

(6) The Executive Director shall have the power to summon

the Board of Studies and the Executive Management Office.

(7) The Executive Director shall ensure that the governing bodies are regularly constituted and that their work is planned and coordinated, ensuring that they meet regularly as established by this Act and that the decisions of the governing bodies of the Institute are executed.

(8) The Executive Director shall provide for the organisation of such elections required by this Act, including that they actually be held in the manner provided and without undue delay.

(9) The Executive Director shall ensure that the operations of the Institute shall follow a performance agreement of the Institute which is to be agreed to between the Permanent Secretary and the Institute and, for this purpose, article 40 of the Public Administration Act shall *mutatis mutandis* apply. Cap. 497.

(10) The Executive Director shall give effect, as soon as practicable, to any written request, not inconsistent with any provision of this Act, which the Minister may make, in relation to the policy to be followed by him in the discharge of his functions, and in relation to any matter which appears to the Minister to affect the Institute and any of its branches.

(11) The Executive Director shall provide the Board with regular reports on the performance and finances of the Institute.

(12) The functions of the Executive Director shall include the overall responsibility for all aspects of the Institute and any of the branches of the Institute in Malta or Gozo.

(13) Without prejudice to the provisions of this Act, the Executive Director shall undertake any other function as directed by the Board of Governors.

18. Appointment of all staff with formal and regular duties shall be made by the Executive Director and the Board of Governors shall be kept aware of any new recruit. Staff appointments with formal duties.

19. The proper official dress which the principal officers of the Institute, academic staff, employees, graduates, learners and other members of the Institute are expected to wear on official occasions shall be provided in guidelines issued by the Board of Governors. Official dress.

20. (1) Awards shall be granted at a public ceremony or, with the consent of the Board of Governors, at a private ceremony or *in absentia*. Granting of Awards.

(2) A candidate shall be eligible for an award of the Institute only after certification by the Executive Director that all the conditions provided by the relevant guidelines of the Institute have been fulfilled, and insofar as all other obligations and responsibilities of the candidate towards the Institute have also been satisfied.

(3) No person may be considered as holding an award of the Institute unless such award has been conferred as prescribed in sub-article (1).

Branches of the Institute.

21. (1) The Institute shall establish, in the manner required in article 10, and by means of guidelines adopted by the Board of Governors, such branches of the Institute in Malta, Gozo or overseas, with such departments as it may deem necessary.

(2) The Board of Governors shall appoint a Branch Manager for each of its branches in Malta or Gozo. The Branch Manager shall be responsible for the administration of the branch to which he is assigned, shall be answerable to the Executive Director with respect to the execution of his functions and shall report to the Executive Director as may be required by the Executive Director.

(3) The Institute's branches in Malta and Gozo shall be governed by the Board of Governors established in accordance with article 9. The Board of Governors, shall involve, as and where necessary, the Branch Managers in the manner provided in article 9(3), *mutatis mutandis*.

(4) The Institute shall ensure that the financing, planning, education and training provision, staff appointments and salaries and any relevant fees of the branches shall be integrated within one overarching system applicable to the Institute.

(5) The guidelines referred to sub-article (1) shall establish, in accordance with this Act, the manner in which the relations between the respective branch and the Institute shall take place, in particular with respect to the development of programmes and courses, the awards given by branches, the external relations of the branches, appointments of staff in the branches and any other matter that falls under the responsibility of the Board of Governors and the Director in relation to the Institute.

(6) The Board of Governors shall make such arrangements for any of the Institute's branches overseas which may, with the approval of the Minister, be exempt from the requirements of sub-articles (2) to (5) insofar as such branch serves to fulfil the mission of the Institute as provided in this Act.

22. (1) Where a member of any of the governing bodies of the Institute, a member of staff of the Institute, or any person in any other manner engaged to provide educational or other services to the Institute, has any interest in, or material to, any matter which falls to be considered by any of the Institute's governing bodies, he shall -

Disclosure of interests.

(a) disclose to the governing body, as the case may be, the nature of his interest at the first meeting of the governing body after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier;

(b) take no part in any consideration of such matter and neither influence nor seek to influence a decision in relation to such matter;

(c) if he is a member of a governing body of the Institute, withdraw from the meeting of such governing body for so long as the matter is being discussed or considered and shall not vote or otherwise act in such capacity in relation to the matter.

(2) Where a question arises as to whether or not a certain course of conduct, if adopted and pursued by a person, would be a failure by him to comply with the requirements of sub-article (1), the question shall be determined by the Board of Governors and the decision and its motivation shall be recorded in the minutes of the meeting where the decision was taken.

(3) Where a disclosure is made to a governing body pursuant to sub-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person referred to in this article fails to make the required disclosure, the Board of Governors shall decide the appropriate action (including removal from office or termination of contract) to be taken.

(5) Where a person having an interest referred to in sub-article (1) is a voting member of the Board of Governors, such matters as are revealed in accordance with this article are to be forwarded to the Minister without delay. When such interest as the member may have is such that it may lead to his removal from office, the member shall immediately report the fact to the Minister and offer to tender his resignation, without prejudice to the Minister's power to remove such member from the Board of Governors.

23. (1) Save as otherwise provided by this Act or any other law, a person shall not, except where necessary for the proper

Disclosure of information.

performance of his functions, without the consent of the Board of Governors, disclose to any person any non-public information obtained while performing, or as a result of having performed, duties as a member of any of the governing bodies of the Institute or as a member of staff of the Institute or as a person in any other manner engaged to provide educational or other services to the Institute.

(2) Nothing in sub-article (1) shall prevent disclosure to the Minister of information in a report made by or to the Institute or on behalf of the Institute.

PART IV Officers and Staff

Officers and
staff.
Cap. 327.

24. (1) Articles 113 to 115 of the Education Act shall apply to the Institute in relation to staff appointments:

Provided that, for the purpose of this Act:

Cap. 327.

(a) any reference to the Prime Minister in article 114 of the Education Act shall be construed as reference to the Principal Permanent Secretary, following the direction of the Prime Minister;

Cap. 327.
Cap. 93.
Cap. 58

(b) in assessing the pensionable emoluments of any officer detailed for duty with the Institute as provided in article 114 of the Education Act, for the purposes of any pension entitlement under the Pensions Ordinance and the Widows' and Orphans' Pensions Act, no account shall be taken of any allowances, bonuses or gratuities paid to such officer by the Institute in excess of what he is entitled to as a public officer; and

(c) during the time in respect of which any officer is detailed to perform duties with the Institute as provided in the previous paragraph, his terms and conditions of service shall not be less favourable than those which are attached to his appointment with the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable because they are not in all respects identical or superior to those enjoyed by the officer concerned at the date of such detailing, if in the opinion of the Prime Minister such terms and conditions, taken as a whole, offer substantially equivalent or greater benefits.

(2) (a) Posts and salary scales with the Institute shall be classified in an exercise carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two

other members, one appointed by the Minister responsible for personnel policies in general in the public service and one appointed by the Board of Governors. The classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within six months from the date of the coming into force of this Act.

(c) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification. Cap. 93.

PART V Miscellaneous

25. (1) Articles 116 to 124 of the Education Act shall apply to the Institute in relation to the financial matters of the Institute. Financial provisions. Cap. 327.

(2) The Institute shall be governed by the provisions of the Financial Administration and Audit Act, unless otherwise stated in the Institute's performance agreement entered into by the Permanent Secretary and the Institute in terms of Article 17(9), in which case the provisions of the said performance agreement shall prevail. Cap. 174.

26. (1) All full-time learning undertaken by students in the Institute during regular hours shall be without any fee being charged. Fees and stipends.

(2) The Minister, upon being so advised by the Board of Governors, may by regulations prescribe the fees to be charged for examinations and special courses and programmes outside regular hours and the fees to be paid by students who are not Maltese citizens:

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

27. (1) Article 134 of the Education Act shall apply to the Institute's relations with the Minister: Relations with the Minister. Cap. 327.

Provided that any reference to the Minister in the said article shall, for the purposes of this article, mean the Minister responsible for tourism.

(2) The Institute shall afford to the Minister facilities for obtaining any information with respect to the property and activities of the Institute, and for this purpose the Executive Director shall furnish the Minister with returns, accounts and other information with

respect thereto, and shall afford to him facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(3) Save as otherwise provided in the Act or in regulations made thereunder, the Institute shall be under the general direction of the Minister and, subject to such direction, under the supervision of the Permanent Secretary.

(4) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Institute directions in writing of a general character not inconsistent with the provisions of this Act, on the policy to be followed by the Institute in the carrying out of its functions, under this Act, and the Institute shall, as soon as possible, give effect to all such directions.

(5) Any guidelines issued by the Institute as provided in this Act require approval by the Minister for them to have effect.

Cap. 497. (6) Save as otherwise provided in this Act, article 38 of the Public Administration Act shall, *mutatis mutandis*, apply to the Institute.

Cap. 497. (7) The Minister may establish an Advisory Board to assist the Director in the manner provided under article 42 of the Public Administration Act;

(8) The Minister may, by virtue of this Act, make regulations governing the functions and duties of any board, committee or body established under this Act.

Transfer of property. **28.** (1) The property and undertakings owned by the Government and used by it immediately before the date of the coming into force of this Act, where used by it for the operation of any of the functions vested in the Institute by virtue of this Act shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and be vested in the Institute under the same title by which they were held by the Government immediately before the said date. The provisions of this article shall not apply to immovable property.

(2) The use and administration of the immovable assets from time to time specified in an order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which, immediately before the coming into force of this Act, were owned by the Government and used by it for the exercise of any of the functions which by this Act are being transferred to or vested in the Institute, shall, with effect

from such day as may be specified in any such Order and by virtue of this Act and without any further assurance, be transferred to and vested in the Institute under the same title by which they were held by the Government before such day.

(3) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

(4) Any transfer of property, whether moveable or immovable, shall be subject to all those terms and conditions that the President of Malta, in consultation with the Minister, may deem necessary to ensure that such property is exclusively used for the purposes of the functions of the Institute or purposes ancillary thereto.

29. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Act affecting or relating to any of the properties or undertakings transferred to the Institute by or under this Act shall have full force and effect against or in favour of the Institute, and shall be enforceable freely and effectually, as if the Institute of Tourism Studies had been named therein or been a party thereto, instead of the Government or governmental authority that had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Vesting of rights
in the Institute.

30. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Act, and such thing relates to any of the properties or undertakings or any right or liability transferred to the Institute by or under this Act, such thing may be carried on and completed by or as authorised by the Institute.

Transitory
provisions.

(2) Where, immediately before the coming into force of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Institute shall, as from the date aforesaid, be

substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become substituted, and such proceedings shall not abate by reason of such substitution.

(3) The Minister may, by order, make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Institute by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Institute by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Institute.

Revocation of
the Institution of
Tourism Studies
Regulations.
S.L. 327.423

31. The Institution of Tourism Studies Regulations are hereby revoked without prejudice to anything done or omitted to be done thereunder.

Objects and Reasons

The object of this Bill is to provide for the establishment of the Institute of Tourism Studies by means of an Act of Parliament, to provide for the Institute's legal personality, its governing bodies and officers and staff, for the transfer of assets to the Institute, and to provide for the revocation of the Institution of Tourism Studies Regulations (S.L. 327.423).

