

Abbozz ta' Liġi msejjah

ATT biex jipprovdi dwar ir-regolamentazzjoni tal-Professjoni tal-Counselling u biex jipprovdi għal hwejjeġ konnessi magħha u li huma anċillari għaliha.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2013 dwar il-Professjoni tal-*Counselling*.

Titolu fil-qosor
u bidu fis seħh.

(2) Dan l-Att għandu jidhol fis-seħh fid-data li l-Ministru responsabbli għall-professjoni tal-*counselling* jistabbilixxi permezz ta' avviż fil-Gazzetta u dati differenti jistgħu jigu stabbiliti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

Tifsir.

"assoċjazzjoni" tfisser kull assoċjazzjoni stabbilita skont l-artikolu 12;

"*counselling*" tfisser l-osservazzjoni, id-deskrizzjoni, il-valutazzjoni, l-interpretazzjoni, ir-riċerka jew l-għajnuna li tingħata, skont il-prinċipji aċċettati mill-professjoni tal-*counselling*, il-metodi jew proċeduri għall-fini tal-prevenzjoni jew l-eliminazzjoni ta' mgħiba limitattiva u għal titjib fir-relazzjonijiet interpersonali u riflessjoni intrapersonali kif ukoll bidla personali fuq ix-xogħol u fil-ħajja, żvilupp u tishih personali, tagħlim, saħha fiżika jew mentali;

"*counselling* bi speċjalizzazzjoni" tfisser li l-persuna tkun tħarget f'qasam speċifiku ta' mhux anqas minn 30 ECTS jew ekwivalenti mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oghla. *Counselling* bi speċjalizzazzjoni tingħata biss lil persuna li għandha *warrant* shih.

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"*counsellor*" tfisser persuna li tkun registrata f'wiehed mir-reġistri uffiċjali tal-counsellors miżmuma mill-Kunsill u li tkun ingħatat *warrant* taht dan l-Att sabiex tipprattika l-professjoni tal-*counselling*, skont l-artikolu 3(4);

"ECTS" tfisser *European Credit Transferable System*;

"grad rikonoxxut" tfisser livell ta' *Master* fil-*Counselling* mogħti mill-Università ta' Malta jew grad ieħor mogħti minn awtorità kompetenti fi Stat Membru jew f'pajjiż ieħor mhux Ewropew ekwivalenti għall-grad mogħti mill-Università ta' Malta;

"grad ta' *Masters*" ifisser grad li huwa magħmul minn hames komponenti li huma teorija, numru ta' siegħat ta' prattika, żvilupp personali, riċerka, hilet fil-*counselling* - u dan minbarra l-grad tal-Università. Il-hames komponenti għandu jkollhom bejn 90 u 120 ECTS;

"il-Kunsill" tfisser il-Kunsill dwar il-Professjoni tal-*Counselling* f'Malta stabbilit bl-artikolu 4;

"MACP" tfisser l-Assoċjazzjoni Maltija għall-Professjoni tal-*Counselling*;

"il-Ministru" tfisser il-Ministru responsabbli għall-professjoni tal-*counselling*;

"perjodu ta' adattament" ifisser perjodu li matulu persuna ma tistax teżerċita l-professjoni ta' *counsellor* f'Malta, liema perjodu jista' jinkludi l-għoti ta' dak it-tahriġ addizzjonali lil dik il-persuna, kif jista' jkun meħtieġ mill-Kunsill, u fi tmiem dak il-perjodu għandu jsir test ta' hila;

"prattika", fir-rigward tal-professjoni tal-*counselling* tinkludi:

(a) li tittiehed jew li tiġi segwita l-professjoni tal-*counselling*; u

(b) l-użu, waqt li l-professjoni tkun b'hekk qed tiġi segwita, tat-titolu professjonali "*Counsellor* Registrat" jew ta' l-ittri li jindikaw dak it-titolu "RCouns" minn min għandu *warrant* sħiħ u tat-titolu professjonali "*Counsellor* b'*warrant* temporanju" jew tal-ittri li jindikaw dak it-titolu "RTCouns" minn min għandu *warrant* temporanju jew tal-ittri li jindikaw dak it-titolu "RRCouns" minn min għandu *warrant* ristrett;

"preskritt" tfisser preskritt b'regolamenti magħmula mill-Ministru taht dan l-Att;

"professjoni" sakemm ma jkunx indikat xort'ohra tfisser il-professjoni tal-*counselling*;

"supervizur" tfisser persuna kwalifikata fil-*counselling* bi kwalifika ta' mhux inqas minn RCouns u, jew *warrant* kif rikonoxxut mill-Kunsill. Is-supervizur hekk registrat mill-Kunsill jista' jipprovdi s-servizzi ta' superviżjoni għall-*counsellors*;

"test ta' ħila" tfisser test li l-għan tiegħu jkun li jivvaluta l-ħila ta' persuna biex issegwi l-professjoni tal-*counselling* f'Malta skont kif ikun mehtieg mill-Kunsill skont id-dispożizzjonijiet ta' dan l-Att;

"*warrant*" tfisser *warrant* maħruġ taħt l-artikolu 6;

"*warrant* ristrett" ifisser permess li bih persuna li, fid-data mis-seħħ ta' dan l-Att, tkun qed taħdem bħala *counsellor* ma' aġenzija jew istituzzjoni b'taħriġ mogħti jew rikonoxxut biss minn din l-istess aġenzija jew istituzzjoni u li ma għandhiex teżerċita l-professjoni tal-*counselling* b'mod privat;

"*warrant* shiħ" tfisser permess li bih persuna tkun reġistrata fir-reġistru uffiċjali tal-*counsellors* miżmum mill-Kunsill;

"*warrant* temporanju" tfisser permess li bih persuna tkun reġistrata fir-reġistru uffiċjali tal-*counsellors* miżmum mill-Kunsill, iżda li ma jkollhiex elf siegħa ta' esperjenza fil-qasam tal-professjoni tagħha.

3. (1) L-ebda persuna ma tista' teżerċita l-professjoni tal-*counselling* jew twettaq il-professjoni tal-*counselling* għal rimunerazzjoni jew mod ieħor jew turi ruhha li tkun professjonalment kwalifikata biex hekk tagħmel jew tassumi t-titolu jew l-ittri li jindikaw it-titolu ta' *counsellor* registrat b'*warrant* shiħ jew *counsellor* b'*warrant* temporanju jew *counsellor* b'*warrant* ristrett, kemm-il darba ma tkunx id-detentur ta' *warrant* maħruġ taħt dan l-Att. *Warrant.*

(2) Sakemm ma jkunx speċifikat mod ieħor fil-*warrant*, il-*warrant* maħruġ taħt is-subartikolu (1) ma jintitolax lid-detentur tiegħu li jeżerċita l-professjoni ta' *counsellor* f'dawk l-oqsma ta' *counselling* speċjalizzat li jkunu jeħtieġu kwalifiki addizzjonali u, jew taħriġ, skont ma jkun preskritt mill-Ministru.

(3) Persuna tikkwalifika għal *warrant* temporanju jekk dik il-persuna:

(a) tkun ċittadina ta' Malta jew tal-UE, jew xort'ohra tkun legalment intitolata jew awtorizzata biex taħdem f'Malta;

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(b) jkollha kondotta tajba u jkollha karattru morali tajjeb; u

(ċ) jkollha kapaċità sħiħa legali; u

(d) tkun kisbet grad ta' *Masters* fil-*Counselling* mill-Università ta' Malta jew xi kwalifika professjonali jew akkademika oħra Ewropea jew kwalifika oħra ta' xi pajjiż ieħor mhux Ewropew rikonoxxuta bħala ekwivalenti biex tiġi prattikata l-professjoni.

(4) Persuna tikkwalifika għal *warrant* sħiħ jekk dik il-persuna -

(a) tissodisfa ir-rekwiżiti elenkati fil-paragrafi (a) sa (d) tas-subartikolu (3); u

(b) tissodisfa lill-Kunsill li jkollha esperjenza xierqa biex tipprattika l-professjoni tal-*counselling* għal żmien aggregat ta' mill-anqas sentejn fuq bażi *full-time*, jew 1,000 siegħa taħt is-sorveljanza ta' superviżur reġistrat liema minnhom jintlaħaq l-ewwel, jew l-ekwivalenti ta' dak iż-żmien fuq bażi *part-time* fi żmien ta' mhux aktar minn sitt snin, wara li tkun kisbet dak il-grad jew kwalifika professjonali oħra.

(5) Il-Ministru jista' jippreskrivi, minflok xi waħda mill-htigiet minimi stabbiliti taħt id-dispożizzjonijiet ta' qabel ta' dan l-artikolu, htigiet minimi oħra skont xi trattati internazzjonali jew multinazzjonali li Malta tkun parti fihom, jew skont id-dispożizzjonijiet ta' xi leġislazzjoni li tingieb fis-seħħ bis-saħħa ta' xi trattat jew ftehim bħal dawk.

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(6) Mingħajr preġudizzju għal xi dispożizzjoni magħmula bl-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki jew tahtu, meta t-tul tal-kors li jkun iwassal għall-kwalifika professjonali li jkollu l-applikant ikun anqas mit-tul tal-kors li jwassal għall-grad mogħti mill-Università ta' Malta jew meta l-esperjenza msemmija fis-subartikolu (4)(b) tkun ta' anqas minn sentejn, il-Kunsill jista' jeħtieġ lill-applikant li jagħmel dak il-perjodu ta' adattament li ma jkunx itwal mid-doppju tad-differenza, skont ma jista' jiġi speċifikat mill-Kunsill. Il-Kunsill jista' wkoll jissottometti lill-applikant għal test ta' hila sabiex tiġi stabbilita l-hila tiegħu.

Kunsill dwar il-Professjoni tal-*Counselling* f'Malta.

4. (1) Għandu jkun hemm Kunsill li jkun magħruf bħala l-Kunsill dwar il-Professjoni tal-*Counselling* f'Malta li jkun magħmul minn seba' membri kif ġej:

(a) erba' membri maħtura mill-Ministru wara konsultazzjoni mal-Assoċjazzjoni Maltija għall-Professjoni tal-

Counselling (MACP) imwaqqfa fl-2002, u reġistrata mal-Kunsill skont id-dispożizzjonijiet ta' dan l-Att, u ma' assoċjazzjonijiet oħra rikonoxxuti mill-istess Kunsill, li minnhom:

(i) wiehed ikun *chairperson*, li jkollu grad rikonoxxut fil-professjoni tal-*counselling*, u li jkun kiseb *warrant* shih mill-Kunsill u li jkollu mill-inqas sitt snin esperjenza fil-prattika tal-professjoni tal-*counselling*;

(ii) tnejn ikunu jeżerċitaw il-professjoni tal-*counselling*, u jkunu kiseb *warrant* shih mill-Kunsill. Wiehed minn dawn il-membri jiġi mahtur minn fost is-settur pubbliku; u

(iii) persuna waħda li tkun avukat b'esperjenza ta' mhux anqas minn hames snin;

(b) żewġ persuni nominati wara konsultazzjoni mal-MACP u assoċjazzjonijiet rikonoxxuti mill-istess Kunsill sakemm dawn iż-żewġ persuni ma jiġux nominati mill-istess assoċjazzjoni fil-każ fejn aktar minn assoċjazzjoni waħda tkun rikonoxxuta mill-Kunsill u mahtura mill-Ministru;

(c) *counsellor* wiehed nominat mill-Università ta' Malta jew nominat minn fost l-istaff akkademiku permanenti tad-Dipartiment tal-*Counselling* fi hdan il-Fakultà għat-Tishih fis-Socjeta' fl-Università ta' Malta;

(2) Fil-każ tat-twaqqif tal-ewwel Kunsill wara l-introduzzjoni u l-implementazzjoni ta' dan l-Att, kull referenza f'dan l-artikolu għal *counsellors* li jiffurmaw parti minn dan il-Kunsill għandha tinftiehem li qed tirreferi għal dawk kollha li jkunu eliġibbli għall-*warrant* shih taht dan l-Att.

(3) In-nominazzjonijiet magħmula skont is-subartikolu (1)(a)(i) u (ii) għandhom, għall-ewwel darba, isiru fi żmien ġimghatejn minn talba bil-miktub magħmula għalhekk mill-Ministru, u għal kull nominazzjoni sussegwenti, fi żmien xahar minn meta tinholoq xi vakanza jew meta l-vakanza tirrizulta wara li jiskadi ż-żmien tal-kariga, dik in-nominazzjoni għandha ssir fi żmien xahar qabel dik l-iskadenza. Fin-nuqqas ta' nominazzjoni bhal dik, il-Ministru għandu jahtar persuna minn fost il-*counsellors* reġistrati b'*warrant* shih.

(4) Il-membri tal-Kunsill għandhom jibqgħu fil-kariga għal sentejn. Il-kariga tal-ewwel membri tal-Kunsill mahtura taht is-

subartikolu (1)(a)(i), (ii) u (iii) għandha tkun ta' tliet snin, u t-tieni ha tra jew kull ha tra sussegwenti li jsiru mal-gheluq taż-żmien inizjali għandhom ikunu għal sentejn.

(5) Il-membri tal-Kunsill, wara li jispiċċa ż-żmien tal-hatra tagħhom, ikunu eliġibbli biex jergħu jinhatru, iżda ma jistgħux iservu fil-Kunsill għal iktar minn tliet perjodi konsekuttivi.

(6) Fil-każ li xi membru tal-Kunsill ibattal il-kariga tiegħu qabel ma jispiċċa ż-żmien tal-hatra, il-persuna mahtura minfloku għandha tinhatar għaž-żmien li jifdal tal-hatra originali.

(7) L-għadd ta' membri preżenti meħtieġ biex ikun hemm *quorum* ikun ta' erbgħa. Il-Kunsill jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(8) Il-Ministru għandu wkoll jappunta uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Kunsill, iżda s-segretarju ma jkollux vot.

(9) Iċ-*chairperson* tal-Kunsill ikollu kemm vot originali u fil-każ ta' voti ndaq, ikollu vot deċiżiv.

(10) Bla hsara għal dak li ntqal hawn qabel, il-Kunsill jista' jagħmel ir-regoli tiegħu nnifsu u xort'ohra jirregola l-proċeduri tiegħu nnifsu.

(11) Il-laqgħat kollha tal-Kunsill għandhom jiġu msejja miċ-*chairperson* u l-Kunsill għandu jiltaqa' kemm jista' jkun ta' spiss skont kif meħtieġ, iżda mill-anqas darba kull tliet xhur.

(12) Fit-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, il-Kunsill jista' jikkonsulta ruħu ma' daww il-persuni li jidhrulu xierqa. Għal dak il-għan, il-Kunsill jista' jistieden lil kull persuna bħal daww biex tattendi għal-laqgħat tal-Kunsill.

(13) Il-Kunsill għandu jzomm kopja vera u korretta tal-proċeduri tiegħu kollha u l-Kunsill għandu jagħti lill-Ministru kull informazzjoni mitluba minnu.

Setgħat u
funzjonijiet tal-
Kunsill.

5. (1) Bla hsara għas-setgħat u għall-funzjonijiet l-oħra tiegħu, l-iskop tal-Kunsill huwa li jirregola l-prattika u l-eliġibiltà biex tkun ipprattikata l-professjoni tal-*counselling* f'Malta, u b'mod partikolari biex:

(a) jistabbilixxi u, meta meħtieġ, jivvaluta *standards* ta' *counselling* eżistenti u jizviluppa *standards* ġodda ta' żvilupp professjonali kontinwu fil-*counselling* u *standards* oħra. Il-Kunsill jista' jirakkomanda lill-Ministru l-edukazzjoni inizjali

u kontinwa, il-profiċjenza, l-esperjenza u l-kwalifiki l-oħra meħtieġa biex jinżamm *warrant* taħt dan l-Att;

(b) jikkonsidra, jipproċessa u jagħmel rakkomandazzjonijiet lill-Ministru dwar applikazzjonijiet għal *warrants* taħt dan l-Att kif ukoll għal ekwivalenza u għarfien ta' kwalifiki fil-*counselling*;

(ċ) jeżamina applikazzjonijiet għal *warrant* għall-prattika tal-professjoni tal-*counselling* f'Malta u jagħmel ukoll rakkomandazzjonijiet lill-Ministru dwar l-għoti jew rifjut ta' *warrants*;

(d) iżomm u jemenda skont il-każ ir-reġistri uffiċjali tal-*counsellors* li ġejjin:

(i) Reġistru għall-*Counsellors* b'*warrant* ristrett, b'referenza għal xi speċjalizzazzjoni, jekk dan ikun il-każ;

(ii) Reġistru għall-*Counsellors* b'*warrant* temporanju, b'referenza għal xi speċjalizzazzjoni, jekk dan ikun il-każ;

(iii) Reġistru għall-*Counsellors* b'*warrant* sħiħ, b'referenza għal xi *counselling* bi speċjalizzazzjoni, jekk dan ikun il-każ;

(iv) Reġistru tas-Superviżuri skont kriterji stabbiliti mill-Kunsill u l-Kodiċi tal-Etika;

(e) iżomm dak it-tagħrif li jista' jkun meħtieġ dwar l-MACP jew dwar xi assoċjazzjonijiet oħra li jkunu rikonoxxuti mill-Kunsill;

(f) jagħmel rakkomandazzjonijiet lill-Ministru dwar il-Kodiċi ta' Etika li jkun preskritt għall-imġiba professjonali ta' *counsellors*;

(g) jagħti pariri, jew jagħmel rakkomandazzjonijiet, jew xort'oħra jagħti l-fehmiet tiegħu lill-Ministru dwar kull haġa li dwarha l-Ministru għandu jikkonsulta mal-Kunsill, jew li dwarha l-Kunsill għandu jagħmel rakkomandazzjonijiet lill-Ministru jew li fuqha l-Kunsill ikun mitlub mill-Ministru biex jagħti l-fehma tiegħu jew jagħmel rakkomandazzjoni;

(h) jagħmel rakkomandazzjonijiet lill-Ministru biex jippreskrivi dwar l-impjeg ta' persuni li jkollhom grad rikonoxxut jew ekwivalenti tiegħu iżda li ma jkunux

jikkwalifikaw għal *warrant* taht dan l-Att, u li jkunu qegħdin jahdmu taht is-supervizjoni ta' *counsellor* registrat f'dawk l-istabbilimenti jew aġenziji skont kif jista' jkun preskritt;

(i) jagħmel rakkomandazzjonijiet lill-Ministru għall-ħruġ ta' xi *warrant* taht dan l-Att skont id-dispożizzjonijiet kollha ta' dan l-Att u kull regolament magħmul taht dan l-Att;

(j) jaqdi dawk il-funzjonijiet l-oħra li jistgħu jinqalgħu minn dan l-Att jew minn xi liġi oħra, jew kif jista' jkun delegat lilu mill-Ministru.

(2) Il-Kunsill għandu, sa mhux aktar tard minn tliet xhur wara l-aħhar ta' kull sena, jipubblika fil-Gazzetta lista ta' persuni li fil-31 ta' Diċembru tas-sena ta' qabel, kienu regjistri fir-registru uffiċjali bhala *counsellors*.

(3) Il-Kunsill għandu jagħmel u jipubblika rapport annwali dwar l-operat ġenerali tiegħu.

Formula tal-applikazzjoni għall-*warrant*.

6. (1) Kull persuna li tkun trid tikseb *warrant* biex tipprattika l-professjoni ta' *counsellor* f'Malta għandha tiġbor il-formula tal-applikazzjoni għall-*warrant* mill-Kunsill u tissottometti dik l-applikazzjoni fl-uffiċċju registrat tal-Kunsill.

(2) Jekk il-Kunsill ikun sodisfatt li l-applikant jissodisfa r-rekwiziti għall-ħruġ tal-*warrant* taht dan l-Att, dan għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' *warrant*. Qabel il-ħruġ tal-*warrant* hadd ma jista' juza il-kelma *counsellor* wara ismu mid-data tal-bidu fis-sehħ ta' dan l-Att.

(3) Meta, wara l-perjodu indikat fl-artikolu 3(4)(b), il-Kunsill ikun sodisfatt li l-applikant ikun temm b'suċċess it-taħriġ tiegħu, il-Kunsill għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' *warrant*.

(4) Sabiex jiġi stabbilit jekk applikant ikunx temm b'suċċess it-taħriġ tiegħu kif intqal qabel, il-Kunsill jista' jissottometti lill-applikant għal test ta' hila taht id-dispożizzjonijiet ta' dan l-Att.

(5) *Warrant* mahruġ mill-Ministru taht dan l-Att jista' jkun mahruġ sugġett għal dawk il-limitazzjonijiet jew kondizzjonijiet kif il-Kunsill jista' jirakkomanda f'xi każ partikolari. Dak il-*warrant* għandu jkun fih il-qasam ta' xogħol speċjalizzat ta' *counselling*, li fih id-detentur tal-*warrant* jista' jipprattika u jista' jkun fih kondizzjonijiet speċjali għal perjodi speċifiċi skont ir-rakkomandazzjonijiet magħmula mill-Kunsill f'konformità mad-dispożizzjonijiet ta' dan l-Att u regolamenti magħmulin tahtu.

(6) Fil-konsiderazzjoni ta' applikazzjoni minn xi persuna jew minn xi detentur ta' *warrant* għall-prattika tal-professjoni f'qasam speċjalizzat ta' *counselling*, il-Kunsill jista' jordna li dik il-persuna tkun trid tagħmel u ttejjem b'suċċess, b'żieda mas-sottomissjoni ta' dawk il-kwalifiki li jistgħu jkunu preskritti, taħriġ jew perjodu ta' adattament kif il-Kunsill jista' jindika.

(7) *Warrant* maħruġ taħt dan l-Att għandu jitqies li jkompli fis-seħh kemm-il darba d-detentur tal-*warrant*, meta mitlub mill-Kunsill, jagħti prova għas-sodisfazzjon tal-Kunsill li jkun wettaq dak il-programm jew dawk il-programmi ta' svilup professjonali kontinwu, skont il-kriterji stabbiliti mill-Kunsill minn żmien għal żmien:

Iżda meta d-detentur ta' *warrant* jonqos li jagħti prova għas-sodisfazzjon tal-Kunsill li jkun għamel dak il-programm jew dawk il-programmi ta' żvilupp professjonali kontinwu, il-*warrant* tiegħu għandu jitqies li hu sospiż sakemm hu ma jagħtix prova għas-sodisfazzjon tal-Kunsill li jkun jissodisfa dawk il-htigiet li jistgħu jkunu preskritti.

(8) Kull superviżur approvat mill-Kunsill għandu jingħata liċenza valida għal hames snin, liema liċenza tista' tiġi estiza għal perjodu ta' tliet snin oħra, jew revokata, skont kif ikun il-każ.

(9) Kull persuna li tkun ingħatat *warrant* mill-Kunsill biex teżerċita l-professjoni ta' *counsellor* għandha tesponi f'post prominenti dak il-*warrant* fil-post fejn tipprattika bħala *counsellor* u għandha żżomm fuqha l-karta ta' identità maħruġa mill-Kunsill li tindika li l-persuna tista' tipprattika bħala *counsellor*. Dan is-subartikolu għandu jgħodd ukoll għal kull persuna li tingħata *warrant* speċjalizzat ta' superviżur, kif ukoll għal assoċjazzjonijiet, li l-persuna tkun tiffirma parti minnhom, għall-finijiet sabiex wiehed jipprattika l-professjoni bħala *counsellor* jew superviżur.

(10) Mad-dhul fis-seħh ta' dan l-Att, l-ebda persuna, barra minn dawk il-persuni mogħtija *warrant* ta' *counsellor* mill-Kunsill, ma tkun tista' tagħmel użu mill-kelma "*Counsellor*" jew "*Counselling*":

Iżda persuni li għandhom inkarigu uffiċjali fid-diplomazija jistgħu jużaw il-kelma "*Counsellor*" u mhux "*Counselling*", u psikologi li għandhom *warrant* tal-psikologi professjonali maħruġ mill-Bord dwar il-Professjoni tal-Psikolġija jistgħu jużaw il-kelma "*Counselling*" u mhux "*Counsellor*".

7. (1) Il-Kunsill għandu, mhux aktar tard minn erba' xhur minn meta jkun irċieva l-applikazzjoni b'talba għall-ħruġ ta' *warrant*

Rakkomandazzjonijiet dwar applikazzjonijiet għal *warrant*.

maħruġ skont l-artikolu 6, flimkien mal-informazzjoni u d-dokumentazzjoni kollha rilevanti biex isostnu l-applikazzjoni, jagħmel ir-rakkomandazzjonijiet tiegħu dwar applikazzjonijiet għal *warrant* sabiex l-applikant ikun jista' minnufih jipprattika l-professjoni ta' *counsellor*. Fil-perjodu indikat hawn fuq l-applikant jista' jagħmel talba bil-mitkub lill-Kunsill sabiex jingħata l-fakultà biex jipprattika taħt supervizjoni, u dan skont kull provvediment indikat mill-Kunsill.

(2) Il-Kunsill għandu, flimkien mar-rakkomandazzjonijiet tiegħu lill-Ministru, javża lill-applikant b'dawn ir-rakkomandazzjonijiet u b'dawk ir-raġunijiet li fuqhom dawn ir-rakkomandazzjonijiet ġew ibbażati.

Nuqqas ta' kisba, jew telfien, ta' *warrant*.

8. (1) L-ebda persuna ma tikkwalifika li tirċievi u żżomm *warrant* skont dan l-Att jekk dik il-persuna tkun instabet haġja minn xi qorti kompetenti ta' xi reat li għalih hemm piena ta' iktar minn sena priġunerija jew tkun instabet haġja ta' xi reat li jittqies bħala ta' detriment għall-professjoni ta' *counsellor* u, jew mhuwiex kompatibbli mal-professjoni ta' *counsellor*.

(2) Meta persuna titlef il-*warrant* wara li tkun instabet haġja skont is-subartikolu (1), għandu jingħata avviz ta' dak it-telf mill-Ministru fil-Gazzetta u jkun komunikat mill-Kunsill lill-persuna skwalifikata kemm-il darba l-persuna ma tkunx giet interdetta bis-sentenza nnifisha. Jekk il-persuna tkun impjegata, kopja ta' din l-iskwalifika għandha tintbagħat lil min jimpjegaha.

(3) Il-Ministru jista', f'kull żmien, fuq ir-rakkomandazzjoni tal-Kunsill, jerga' jagħti lura l-*warrant* lill-persuna li tkun tilfet dan il-*warrant* jew jagħti *warrant* lill-persuna li giet hekk skwalifikata skont id-dispożizzjonijiet tas-subartikolu (1).

Kumitat ta' Investigazzjoni.

9. (1) Il-Kunsill jista' jistabbilixxi kumitat sabiex jinvestiga dwar kull allegazzjoni ta' mgħiba professjonali hażina, negligenza qawwija jew inkompetenza dwar *counsellor*.

(2) Għall-finijiet ta' dan l-artikolu, il-frazzjonijiet "imgħiba professjonali hażina", "negligenza qawwija", jew "inkompetenza", jinkludu dawn li ġejjin:

- (a) li jinkiseb *warrant* b'mod qarrieqi jew b'mod frawdolenti, jew li b'mod ieħor wiehed jagħmilha ta' *counsellor* mingħajr il-*warrant* meħtieġ;
- (b) ksur tal-Kodiċi ta' Etika stabbilit taħt dan l-Att;
- (ċ) nuqqas ta' tharis ta' regolamenti dwar *standards* jew

prattika professjonali;

(d) nuqqas ta' tharis ta' xi kondizzjoni mqieghda fil-*warrant* maħruġ taħt dan l-Att;

(e) suppożizzjoni ta' kompetenza professjonali li dwarha l-persuna ma tkunx kwalifikata jew li l-persuna konċernata ma tkunx awtorizzata li tipprattika skont il-*warrant* tagħha;

(f) imġiba b'mod li tkun ta' ħsara għall-professjoni tal-*counselling*;

(g) l-għoti ta' informazzjoni mhux korretta, wiri ta' nuqqas ta' hila jew ġudizzju fil-prattika tal-professjoni tal-*counselling* jew fit-twettiq ta' dmirijiet jew obbligi fil-prattika ta' *counselling*.

(3) Kull *counsellor* li jkun is-sugġett ta' xi inkjesta li ssir mill-Kumitat mahtur mill-Kunsill għandu jingħata l-opportunità kollha biex jagħmel id-difiża tiegħu u jgħib provi favur tiegħu u għal dan il-għan jista' jkun rappreżentat minn avukat jew minn xi persuna oħra li jagħżel hu.

(4) Meta jiffinalizza l-inkjesta, il-Kumitat mahtur mill-Kunsill għandu -

(a) jekk ir-riżultanzi jkunu favur il-*counsellor*, iwaqqa' l-każ; jew

(b) jekk isib lill-*counsellor* ħati ta' mġiba professjonali ħażina, negliġenza qawwija jew inkompetenza, jagħmel rapport dwar ir-riżultanzi u jissottomettih lill-Kunsill flimkien mar-rakkomandazzjonijiet tiegħu għall-impożizzjoni ta' xi penali li ġejjin:

(i) is-sospensjoni jew it-tħassir ta' dik il-*warrant* taħt dawk il-kondizzjonijiet li jistgħu jiġu rakkomandati;

(ii) is-sospensjoni jew it-tħassir tar-registrazzjoni ta' soċjetà ta' *counsellors*;

(iii) l-impożizzjoni ta' xi kondizzjonijiet li jistgħu jkunu marbuta ma' *warrant*;

(iv) ċanfira;

(v) ħlas li jkopri l-ispejjeż tal-inkjesta;

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(vi) jordna li xi drittijiet li jintalbu għal servizzi mogħtija ma jithallsux, jitnaqqsu jew jithallsu lura; jew

(vii) kull penali ohra li tista' tiġi preskritta.

(5) Mat-thassir tal-*warrant* ta' *counsellor*, il-Kunsill għandu jaqta' isem dik il-persuna minn fuq ir-registru ufficjali ta' *counsellors*. It-thassir ta' kull *warrant* għandu jiġi ppublikat fil-Gazzetta.

Kap. 273.

(6) Għall-finijiet ta' dan l-artikolu, is-setgħat li huma jew li jistgħu jingħataw lill-membri tal-Kumitat maħtur mill-Kunsill għandhom ikunu dawk previsti taħt l-Att dwar l-Inkjesti u u l-Kumitat għandu jmexxi l-investigazzjoni skont kif previst fl-istess Att.

Appell lill-Qorti tal-Appell.

10. (1) Meta tittiehed deċiżjoni biex jiġi sospiż jew jiġi revokat *warrant* jew li l-*warrant* jiġi soġġett għal xi kondizzjonijiet addizzjonali, id-detentur tal-*warrant* jista' jappella lill-Qorti tal-Appell fil-ġurisdiżjoni inferjuri tagħha fi żmien wiehed u għoxrin jum minn meta l-avviż ikun ingħata lill-Ministru. It-terminu għall-appell jibda jiddekorri mid-data tan-notifika tal-avviż bil-posta registrata.

(2) Il-*warrant* għandu jiġi sospiż jew revokat, skont il-każ, sakemm toħrog id-deċiżjoni finali tal-Qorti tal-Appell.

(3) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu lill-Registru tal-Qorti dwar appelli magħmula taħt dan l-artikolu:

Kap. 12.

Iżda sakemm jiġu preskritti d-drittijiet mill-Ministru responsabbli għall-ġustizzja taħt dan l-artikolu sabiex isiru appelli, id-drittijiet imsemmija fil-Kodiċi tal-Organizzazzjoni u Proċedura Ċivili għandhom, *mutatis mutandis*, japplikaw.

Kap. 12.

(4) Il-Bord imsemmi fl-artikolu 29 tal-Kodiċi tal-Organizzazzjoni u Proċedura Ċivili għandu jagħmel regolamenti li jistabbilixxu l-forma ta' dawk l-appelli u hwejjeġ li għandhom x'jaqsmu ma' dan.

Twarrib ta' sospensjoni jew thassir.

11. Il-Ministru jista', fuq ir-rakkomandazzjoni tal-Kunsill, u wara li ssir talba għaldaqstant, iwarrab dik is-suspensjoni jew dak it-thassir, jekk l-applikant jissodisfa dawk il-htigiet skont ma jistgħu jiġu preskritti. Meta l-*warrant* tal-*counsellor* ikun ġie restitwit, dak il-*counsellor* għandu jiġi registrat mill-ġdid fir-registru ufficjali.

Assoċjazzjoni ta' *counsellors*.

12. (1) Kull assoċjazzjoni ta' *counsellors* tista' tissottometti applikazzjoni lill-Kunsill biex tkun registrata bhala assoċjazzjoni ta' *counsellors* għall-finijiet ta' dan l-Att.

(2) Assoċjazzjoni tikkwalifika biex tkun reġistrata taħt dan l-artikolu jekk iġġib prova lill-Kunsill li jkollha mill-inqas għoxrin *counsellor* reġistrati li jkunu membri, u li tikkonforma ruħha ma' dawk il-kondizzjonijiet l-oħra li jistgħu jkunu preskritti mill-Kunsill. Assoċjazzjoni għandha tissottometti, flimkien mal-applikazzjoni, lista ta' membri u dak it-tagħrif l-ieħor li l-Kunsill jista' jeħtieġ sabiex jipproċessa l-applikazzjoni.

(3) Il-Kunsill ikollu s-setgħa li jeħtieġ minghand kull assoċjazzjoni reġistrata taħt dan l-artikolu biex tipproduċi dawk ir-records u dak it-tagħrif dwar l-assoċjazzjoni u l-membri tagħha li l-Kunsill jista' jeħtieġ b'mod raġonevoli minn żmien għal żmien.

13. (1) Żewġ detenturi ta' *warrant* jew iktar jistgħu jiffurmaw soċjetà ċivili, f'dan l-Att imsejha "soċjetà ta' *counsellors*", li jkollha bħala skop waħdieni l-prattika tal-professjoni tal-*counselling* u dawk is-setgħat li huma meħtieġa biex jintlaħqu l-għanijiet ta' din is-šhubija.

Soċjetà ta' *counsellors*.

(2) L-ebda persuna, barra minn detentur ta' *warrant*, ma tista' tkun šhab f'soċjetà ta' *counsellors*.

(3) Kull šhubija bħal din, meta tkun iffurmata kif imiss skont il-liġi u mal-hlas tad-dritt preskrit, tkun reġistrata mal-Kunsill u ma' dik ir-reġistrazzjoni l-imsieħba jkunu, sakemm is-soċjetà tibqa' hekk reġistrata, awtorizzati biex jaġixxu f'isem u fir-rappreżentanza tas-soċjetà li jkollha l-jedd li tuża l-isem "*Counsellors*" bħala parti mill-isem tas-soċjetà.

(4) Kull soċjetà ta' *counsellors* għandha tipprovdi lill-Kunsill dak it-tagħrif li jkun meħtieġ b'mod raġonevoli mill-Kunsill jew kif jista' jiġi preskrit, u għandha tagħti avviz lill-Kunsill dwar kull tibdil rilevanti f'kull tagħrif li qabel ikun ingħata lill-Kunsill fi żmien hmistax-il jum wara d-data li fiha jkun sar it-tibdil.

14. (1) Minkejja d-dispożizzjonijiet ta' xi liġi oħra jew ta' xi ftehim ieħor kuntrarju, id-dispożizzjonijiet li ġejjin għandhom japplikaw biss għal soċjetà ta' *counsellors*, u mhux għal membri ta' assoċjazzjoni ta' *counsellors* skont l-artikolu 12:

Dispożizzjonijiet li japplikaw biss għal soċjetà ta' *counsellors*.

(a) l-imsieħba jkunu responsabbli *in solidum* għall-għemil u għan-nuqqasijiet ta' kull wiehed minnhom fil-qadi tad-dmirijiet professjonali tagħhom, iż-żamma tal-istandards u l-imġiba professjonali u b'mod generali fit-twettiq tal-obbligi tagħhom taħt dan l-Att jew taħt xi liġi oħra applikabbli, u għandhom ukoll ikunu responsabbli *in solidum* għal kull telf jew danni riżultanti;

(b) kull ghemil jew haġa li tista' ssir minn detentur ta' *warrant* tista' ssir minn wiehed jew iżjed mill-imsieħba f'isem is-soċjetà; u kull ghemil jew haġa li ssir f'isem is-soċjetà għandha ssir minn imsieħeb wiehed jew aktar;

(ċ) ir-responsabbilitajiet u l-obbligi għal kull haġa li tkun saret jew li tkun naqset milli ssir matul il-perjodu li fih il-persuna kienet imsieħba f'soċjetà ta' *counsellors* m'għandhomx jieqfu, dwar dik il-persuna, minhabba f'li din tkun irtirat, mietet, jew għal xi raġuni oħra li minhabba fiha ma tibqax imsieħba.

(2) Minkejja d-dispożizzjonijiet ta' qabel ta' dan l-artikolu, l-ebda imsieħeb f'soċjetà ta' *counsellors* ma jista' jeżerċita l-professjoni tal-*counselling* f'qasam speċjalizzat jekk mhux awtorizzat bil-*warrant* tiegħu kemm-il darba ma jagħmilx dan ix-xogħol taht is-superviżjoni ta' imsieħeb li għandu *warrant* li jawtorizzah jeżerċita l-professjoni tal-*counselling* f'dak il-qasam speċjalizzat.

Applikabilità
tal-artikoli 9, 10
u 11.

15. Id-dispożizzjonijiet tal-artikoli 9, 10 u 11 għandhom japplikaw għal soċjetajiet ta' *counsellors* kif japplikaw għal *counsellors* individwali.

Tagħrif hażin,
frawdolenti jew
qarrieqi.

16. (1) Kull persuna li, sabiex tikseb *warrant* jew reġistrazzjoni ta' soċjetà ta' *counsellors* taht id-dispożizzjonijiet ta' dan l-Att, xjentement tagħti xi tagħrif hażin, frawdolenti jew qarrieqi, tkun haġja ta' reat, u tehel meta tinsab haġja, multa ta' mhux iżjed minn elfejn u tliet mija u tletin euro (€2,330) jew prigunerija għal mhux iżjed minn tnaħ-il xahar jew dik il-multa u prigunerija flimkien.

(2) Kull persuna li tinstab haġja ta' xi reat ieħor mhux imsemmi taht dan l-artikolu tehel, meta tinstab haġja, multa ta' mhux iżjed minn elf u mija u hamsa u sittin euro (€1,165), jew prigunerija ta' mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien, u fil-każ ta' reat kontinwat, multa ta' hdaħ-il euro u hamsa u sittin ċenteżmu (€11.65) għal kull jum li matulu jkompli r-reat, sa massimu ta' erbat elef u sitt mija u sittin euro (€4,660).

(3) Kull persuna li, waqt li ma tkunx detentur ta' *warrant* maħruġ taht dan l-Att -

- (a) tipprattika l-professjoni ta' *counsellor*; jew
- (b) tassumi l-isem ta' *counsellor*; jew
- (ċ) tagħmilha ta' *counsellor*; jew
- (d) taħdem bhala *counsellor*,

tkun hatja ta' reat taht dan l-Att.

(4) Kull persuna li tagħmel użu mill-kliem "*Counsellor*" dwar soċjetà ta' *counsellors* meta dik is-soċjetà ma tkunx reġistrata skont id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod ikun li jkun tagħmel użu minn isem li b'mod qarrieqi jindika l-eżistenza ta' soċjetà ta' *counsellors*, tkun hatja ta' reat kontra dan l-Att.

(5) Għall-finijiet tas-subartikoli (2) u (3), l-użu fuq xi biljett, karta tal-ittri, tabella, kartellun, pjanċa, reklam jew mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, jew permezz ta' mezzi elettronici tal-kliem "*Counsellor*", jew "*Counsellor* Reġistrat" dwar isem, jew "Soċjetà ta' *Counsellors*" jew "*Counsellors*", dwar soċjetà, tkun prova biżżejjed tat-tagħrif ta' dak l-użu minn kull persuna li f'isimha jew f'isem is-soċjetà jkunu ntużaw l-imsemmija kliem, kemm-il darba dik il-persuna ma tagħtix prova li l-użu ta' dak il-kliem ikun sar mingħajr l-għarfien tagħha u li meta saret taf b'dak l-użu ħadet il-passi xierqa biex jitwaqqaf dak l-użu.

(6) Għall-finijiet ta' dan l-artikolu, persuna ma titqiesx li tkun qed tikser xi dispożizzjonijiet ta' dan l-Att jekk dik il-persuna tipprattika xogħol ta' *counselling* waqt perjodu ta' adattament jew meta tkun qed tagħmel taħriġ, f'kull każ taht is-sorveljanza xierqa ta' superviżur reġistrat u skont dawk ir-regolamenti li jistgħu jiġu preskritti.

(7) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (6), l-ebda persuna jew organizzazzjoni m'għandha timpjega xi persuna barra minn *counsellor* reġistrat għall-fini tal-prattika tal-professjoni tal-*counsellor*.

(8) Id-dispożizzjonijiet ta' dan l-Att li jistabbilixxu reati jkunu bla ħsara għad-dispożizzjonijiet ta' kull liġi oħra li jistabbilixxu reati u pieni dwar l-istess atti jew ommissjonijiet u m'għandhomx, b'mod partikolari, jolqtu l-applikazzjoni ta' xi piena oġġla taht xi liġi oħra.

17. Meta, wara inkjesta skont id-dispożizzjonijiet tal-artikolu 9, il-Kunsill isib *counsellor* ħati ta' nuqqas ta' mgħiba professjonali jew ksur tal-Kodiċi ta' Etika, il-Kunsill jista' jimponi dawk il-penalitajiet li jista' jippreskrivi l-Ministru.

Nuqqas ta' mgħiba professjonali jew ksur tal-Kodiċi ta' Etika.

18. Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jagħmel regolamenti li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, biex jagħti effett aħjar lil kull waħda minn dawk id-dispożizzjonijiet u b'mod ġenerali biex jirregola l-professjoni tal-*counselling*, u bla ħsara għall-ġeneralità ta' dan li ntqal qabel, dawk ir-regolamenti jistgħu b'mod partikolari jinkludu dispożizzjonijiet dwar:

Setgħa li jsiru regolamenti.

(a) it-twaqqif ta' *standards*, proċeduri u dmirijiet fl-eżerċizzju tal-professjoni tal-*counselling* u prattici oħra li għandhom ikunu mharsa minn *counsellors*, kemm b'mod generali kif ukoll f'oqsma ta' attivit partikolari;

(b) l-imgiba professjonali u l-Kodiċi ta' Etika ta' *counsellors* u l-livelli ta' kompetenza u integrit li għandhom jinżammu mill-professjoni tal-*counselling*;

(c) il-htigiet dwar l-iżvilupp kontinwu tal-professjoni biex ikun jista' jinżamm *warrant*;

(d) ix-xogħol li jista' jsir u s-servizzi li jistgħu jingħataw skont il-*warrant*, u l-pattijiet u l-kondizzjonijiet li jistgħu jkunu marbuta ma' dak il-*warrant*, u l-kwalifiki addizzjonali meħtiega għal *warrants* previsti għall-eżerċizzju tal-professjoni tal-*counselling* f'oqsma speċjalizzati;

(e) id-drittijiet li jistgħu jingabru mill-Kunsill b'konnessjoni mal-ħruġ ta' *warrant*, għal kull reġistrazzjoni taħt dan l-Att, u għal kull xogħol ieħor li jista' jsir mill-Kunsill skont id-dispożizzjonijiet ta' dan l-Att;

(f) id-drittijiet li jistgħu jingabru mill-*counsellors* għas-servizzi professjonali tagħhom;

(g) il-proċeduri li għandhom jiġu segwiti f'kazijiet ta' mgiba professjonali hażina;

(h) l-impjeg ta' persuni li jkollhom grad rikonoxxut jew l-ekwivalenti tiegħu iżda li ma jkunux jikkwalifikaw għal *warrant* taħt dan l-Att, u li jkunu qegħdin jaħdmu taħt is-supervizjoni ta' *counsellor* reġistrat f'dawk l-istabbilimenti jew aġenziji skont kif jista' jkun preskritt;

(i) kull proċedura oħra li tista' tkun adottata mill-Kunsill;

(j) kull haġa oħra li tkun meħtiega jew awtorizzata b'dan l-Att li tiġi preskritta;

(k) il-pieni, il-penalitajiet u l-konsegwenzi u l-effetti l-oħra li persuna tista' tkun soġġetta għalihom jew li jistgħu jiġru f'kaz ta' xi kontravenzjoni, jew nuqqas ta' tharis ta' xi dispożizzjoni ta' xi regolament taħt dan l-artikolu:

Iżda l-ebda piena hekk preskritta ma għandha tkun iżjed minn elf u mija u ħamsa u sittin euro (€1,165) jew

prigunerija għal żmien ta' tliet xhur, jew dik il-multa u prigunerija flimkien, u, fil-każ ta' reat kontinwat, ta' hdax-il euro u ħamsa u sittin ċenteżmu (€11.65) għal kull jum li matulu jkompli r-reat, sa massimu ta' erbat elef u sitt mija u sittin euro (€ 4,660);

(l) il-penali amministrattivi li jistgħu jiġu imposti mill-Kunsill, li ma għandhomx ikunu iżjed minn elf u mija u ħamsa u sittin euro (€1,165).

19. (1) Kull persuna li, fid-data tal-bidu fis-sehħ ta' dan l-Att, ikollha kwalifika professjonali fil-*counselling* li tagħmilha eliġibbli biex teżerċita l-professjoni tal-*counselling* fil-pajjiż fejn tkun kisbet il-kwalifika professjonali, titqies li tissodisfa d-dispożizzjonijiet tal-artikolu 3(3)(d).

Persuna li fid-data tal-bidu fis-sehħ ta' dan l-Att ikollha kwalifika professjonali fil-*counselling*.

(2) Għall-finijiet tal-artikolu 3(3)(d), kull taħriġ li jsir minn xi persuna li tkun kisbet il-kwalifiki msemmija fl-artikolu 3(3)(d) bejn id-data meta tkun irċeviet dik il-kwalifika u l-bidu fis-sehħ ta' dan l-Att, għandu jitqies bħala taħriġ taht sorveljanza ta' *counsellor* reġistrat jew superviżur kwalifikat.

(3) Minkejja kull dispożizzjoni oħra ta' dan l-Att, kull persuna li tissodisfa lill-Kunsill qabel id-dhul fis-sehħ ta' dan l-Att li:

(a) ikollha kwalifika ta' *Masters* fil-*Counselling* li tinkludi taħriġ professjonali; u

(b) tkun eżerċitat il-professjoni tal-*counselling* regolarment jew kienet tokkupa kariga ta' *counsellor* f'dipartiment jew aġenzija tal-Gvern għal perjodu ta' mhux anqas minn tliet snin; jew

(ċ) ikollha kwalifika ta' diploma maħruġa mill-Università ta' Malta jew l-ekwivalenti tiegħu skont l-*standards* tač-Ċentru Malti għar-Rikonoxximent ta' Kwalifiki u ta' Informazzjoni (MQRIC), u

(d) kienet tokkupa kariga ta' *counsellor* f'dipartiment tal-Gvern, istituzzjoni jew aġenzija mhux governattiva approvata mill-Kunsill bħala hekk, jew taħdem għal rasha u ċertifikata minn superviżur illi ħadmet għal mill-inqas sentejn, minimu ta' 200 siegħa fi żmien sentejn,

għandha titqies li tissodisfa l-ħtigiet tal-artikolu 3(3)(d) ta' dan l-Att.

(4) Il-Kunsill jista' jordna li jsir taħriġ addizzjonali għall-persuni msemmija fis-subartikolu (3)(a), (b) u (ċ).

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(5) Għandu jinghata sentejn żmien mill-bidu fis-sehħ ta' dan l-Att, biex persuni registrati f'korsijiet mhux ekwivalenti għall-kors kif offrut mill-Università ta' Malta skont l-Ordinamenti għall-Grad ta' *Master in Counselling - M.Couns.* - taħt il-patroċinju tal-Fakultà tal-Edukazzjoni biex ikun hemm biżżejjed żmien biex dak il-kors jintemm b'suċċess u l-Kunsill jista' jordna taħriġ addizzjonali. Wara l-perjodu ta' sentejn kif imsemmi hawn fuq, il-grad ta' *Masters fil-Counselling* mogħti mill-Università ta' Malta, jew l-ekwivalenti tiegħu biss, għandhom jitqiesu bħala l-kwalifiki minimi għall-professjoni tal-*counselling*.

Applikazzjoni
għal warrant
ristrett.

20. (1) Kull persuna li ma tkunx eliġibbli għal *warrant* temporanju, jew *warrant* shiħ taħt dan l-Att iżda li fid-data tal-bidu fis-sehħ ta' dan l-Att tkun qed taħdem bħala *counsellor* ma' aġenzija jew istituzzjoni b'taħriġ mogħti jew rikkonoxxut biss minn din l-istess aġenzija jew istituzzjoni, tista' sa mhux aktar tard minn sitt xhur mid-data tal-implementazzjoni effettiva ta' dan l-Att, tapplika mal-Kunsill sabiex tinghata *warrant* ristrett. Din il-persuna tista' tkompli taħdem mal-aġenzija jew l-istituzzjoni li tkun taħdem magħha meta tkun inghatat il-*warrant* ristrett, jew ma' aġenziji jew istituzzjonijiet oħra biss. *Warrant* ristrett mhuwiex trasferibbli għal xogħol privat ta' *counsellor*.

(2) Id-dispożizzjonijiet tal-artikoli 3(1), (2), (5), u (6), 6, 7, 8, 9, 10, 11, 12, 17, u 18 għandhom japplikaw għal persuni li jkollhom *warrant* ristrett.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa biex tiġi regolata l-professjoni tal-*counselling*, kif ukoll materji li għandhom x'jaqsmu magħha

**A Bill
entitled**

AN ACT to make provision for the regulation of the counselling profession and to provide for matters which are connected and ancillary 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:-

1. (1) The title of this Act is the Counselling Professions Act, 2013. Short title and commencement.

(2) This Act shall come into force on such a date as the Minister responsible for the counselling profession may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

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

"ability test" means a test, the purpose of which is to assess the person's ability for him to be able to pursue the counselling profession in Malta as required by the Council under the provisions of this Act;

"adaptation period" means the period during which a person may not exercise the profession of counsellor in Malta, which period may include the provision of such further training to such person, as may be required by the Council, and that at the end of such period an ability test shall be held;

"association" means any association established in terms of article 12;

"the Council" means the Council of the Counselling Profession in Malta established by article 4;

"counselling" means the observation, description, evaluation,

interpretation, research, or assistance given in accordance with accepted principles of the counselling profession, methods or procedures for the purpose of preventing or eliminating restrictive behaviour and improvement on interpersonal relationships and intrapersonal reflection, personal change at the place of work, in life, personal development and empowerment in learning, physical well being or mental health;

"counsellor" means a person registered in one of the official registers kept by the Council and who has been granted a warrant under this Act to practise the profession of counselling, in accordance with article 3(4);

"counselling with specialisation" means that the person is trained in a specific area of not less than 30 ECTS or the equivalent by the National Commission for Higher and Further Education. Counselling with specialisation is awarded only to a person having a full warrant;

"ECTS" means European Credit Transferable System;

"full warrant" means a warrant which entitles the person to be registered in the official register of counsellors kept by the Council;

"MACP" means the Maltese Association for the Counselling Profession;

"the Minister" means the Minister responsible for the counselling profession;

"Masters degree" means a degree made up of five components which are theory, number of hours of training, personal development, expertise in counselling, apart from a University degree. The five components shall have between 90 and 120 ECTS;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"profession" unless otherwise indicated, means the counselling profession;

"practise" in relation to the counselling profession shall include:

(a) the taking up or the pursuit of the counselling profession; and

(b) the use, in the course of such pursuit, of the professional title of "Registered Counsellor" or the designatory

letters "RCouns" by a person in possession of a permanent warrant, and of the professional title "Counsellor in possession of a temporary warrant" or the designatory letters "RTCouns" by a person in possession of a temporary warrant or the designatory letters "RRCouns" by whoever is in possession of a restricted warrant;

"recognised degree" means a Masters degree in Counselling awarded by the University of Malta or any other degree awarded by a competent authority in a Member State or other non-European country equivalent to the degree awarded by the University of Malta;

"restricted warrant" means a permission entitling person who, from date of entry of this Act, is employed as counsellor with an agency or institution and undergone training given or recognised only by the same agency or institution and who shall not exercise the profession privately;

"supervisor" means a person qualified in counselling with a qualification not below RCouns and, or some other qualification recognised by the Council and duly registered by the Council under this Act subject to the conditions established by the Council. The supervisor so registered by the Council may provide services of supervision to the Council;

"temporary warrant" means a warrant entitling a person to be registered in the official register of counsellors kept by the Council, provided that such person does have one thousand hours experience in the area of his profession;

"warrant" means a warrant issued under article 6.

3. (1) No person shall practise the profession of counselling or pursue the counselling profession against remuneration or purport to be professionally qualified to do so, or assume the title or letters indicating the title of a registered counsellor who is in possession of a full warrant or a counsellor who is in possession of a temporary warrant or a counsellor who is in possession of a restricted warrant, unless he is the holder of a warrant issued under this Act. ^{Warrant.}

(2) Unless otherwise specified in the warrant, the warrant issued under sub-article (1) shall not entitle the holder to exercise the counselling profession in fields of specialised counselling, which requires additional qualifications, and, or training as may be prescribed by the Minister.

(3) A person shall qualify to obtain a temporary warrant if such person:

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(a) is a citizen of Malta or a citizen of the EU, or is otherwise legally entitled or authorised to work in Malta;

(b) is in possession of a clean conduct and is of a good moral character;

(c) has full legal capacity; and

(d) has obtained a Masters Degree in Counselling from the University of Malta, or any other professional or academic qualification in counselling from a European Member State or any other non-European State recognised as a professional qualification equivalent to exercise the profession.

(4) A person shall qualify to obtain a full warrant if such person -

(a) satisfies the requisites listed in paragraphs (a) to (d) of sub-article (3); and

(b) has satisfied the Council that he has adequate experience to practise the counselling profession for an aggregate period of not less than two years on a full-time basis, or has performed 1,000 hours of work, whichever is attained first, or the equivalent to that period on a part-time basis of not more than six years, after obtaining the grade or another professional qualification.

(5) The Minister may prescribe, in place of the minimum requirements established under the preceding provisions of this article, other minimum requirements in terms of international or multinational treaties entered into by Malta, or with the provisions of any legislation brought into force by virtue of any such treaty or agreement.

Cap. 451.

(6) Without any prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, where the duration of the course leading to the professional qualification possessed by the applicant is less than the duration of the course leading to the degree awarded by the University of Malta or when the experience referred to in sub-article (4)(b) is less than two years, the Council may require the applicant to undertake such adaptation period of not longer than twice the shortfall, as specified by the Council. The Council may also submit the applicant to a test in order to be able to examine his skill.

Council of the
Counselling
Profession in
Malta.

4. (1) There shall be a council to be known as the Council of the Counselling Profession in Malta which shall consist of seven members as follows:

(a) four members appointed by the Minister following consultation with the Malta Association of the Counselling Profession (MACP) founded in 2002, and registered with the Council according to the provisions of this Act, and with other associations recognised by the same Council, of which:

(i) one person shall be a chairperson with a recognised degree in the counselling profession, who has attained the full warrant from the Council and must have at least six years experience of practice in the counselling profession;

(ii) two persons who exercise the counselling profession, and who have attained the full warrant from the Council. One of such members shall be appointed from the public sector; and

(iii) one person who shall be an advocate with at least five years of experience;

(b) two persons nominated after consultation with MACP and other associations recognised by the same Council, unless these two members are nominated from the same association in the case where more than one association is recognised by the Council and appointed by the Minister;

(c) a counsellor nominated by the University of Malta or nominated from the permanent academic staff of the Department of Counselling within the Fakultà għat-Tishih fis-Socjeta' at the University of Malta;

(2) In the event of the setting up of the first Council after the introduction and implementation of this Act, any reference in this article to counsellors forming part of such Council shall be understood as referring to persons eligible to the full warrant in accordance with this Act.

(3) The nominations made in terms of sub-article (1)(a)(i) and (ii) shall, for the first time, be made within two weeks of the date of the request in writing, made for that purpose by the Minister, and for any subsequent nomination, within one month from the date the vacancy arises, or when the vacancy arises due to the expiry of the term of office, such nomination shall be made within one month before the said expiration. In the absence of a nomination, the Minister shall appoint a person from amongst registered counsellors with a full warrant.

(4) The members of the Council shall be appointed for two years. The term of office of the first members of the Council appointed under sub-article (1)(a)(i), (ii) and (iii) shall be three years, and the second or any subsequent appointment on the lapse of the initial term shall be for a term of two years.

(5) The members of the Council shall, on the expiration of their term of office, be eligible to be re-appointed, but they may not serve the Council for more than three consecutive terms.

(6) In the event that any Council member vacates his office before completing the appointed term, the person appointed in his stead shall be appointed for the remaining period of the original appointment.

(7) The number of members attending a meeting needed to be present to form a quorum shall be four. The Council may act notwithstanding any vacancy among its members.

(8) The Minister shall designate a public officer to act as secretary to the Council and the secretary shall have no vote.

(9) The chairperson of the Council shall have an original vote as well as a casting vote in case of a tie.

(10) Save as aforesaid, the Council may make its own rules and may also regulate its own procedures.

(11) All Council meetings shall be summoned by the chairperson and the Council shall meet as frequently as possible as may be necessary, at least once every three months.

(12) In the exercise of its functions under this Act, the Council may consult such persons as it may deem appropriate. For this purpose, the Council may invite such individuals to attend the Council meetings.

(13) The Council shall keep true and correct copies of records of all its proceedings and the Council shall give to the Minister any information as he may require.

Powers and
functions of the
Council.

5. (1) Without prejudice to its other powers and other functions, the purpose of the Council is to regulate the practice and eligibility to practise the counselling profession in Malta, and in particular to:

(a) establish, and where necessary, assess existing counselling standards and to develop new continuing

professional development in counselling and other standards. The Council may recommend to the Minister initial and continuing education in counselling, proficiency, experience and other qualifications required to hold a warrant under this Act;

(b) consider, process and make recommendations to the Minister regarding applications for warrants issued under this Act and applications for equivalence and recognition of qualifications in counselling;

(c) examine applications for a warrant to practise the counselling profession in Malta and also make recommendations to the Minister on the award or refusal thereof;

(d) keep and amend accordingly the following official registers of counsellors:

(i) Register for Counsellors with a restricted warrant, with reference to any specialisation, if the case arises;

(ii) Register for Counsellors with a temporary warrant, with reference to any specialisation, if the case arises;

(iii) Register for Counsellors with a full warrant with reference to counselling with specialisation, if the case arises;

(iv) Register for Supervisors according to the criteria established by the Council and the Code of Ethics;

(e) keep such information as may be required in relation to MACP or any other association recognised by the Council;

(f) make recommendations to the Minister on the Code of Ethics which shall be prescribed for the professional conduct of counsellors;

(g) advise or make recommendations or otherwise express its views to the Minister on any matter on which the Minister is to consult the Council or on which the Council is to make recommendations to the Minister or on which the opinion or recommendation of the Council is sought by the Minister;

(h) make recommendations to the Minister to prescribe

regulations in relation to the employment of persons who have a recognized degree or its equivalent but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered counsellor in such establishments or agencies as may be prescribed;

(i) make recommendations to the Minister for the issue of warrants under this Act according to all the provisions of this Act and every regulation made under this Act;

(j) perform such other functions that may arise from this Act or any other law, or as may be assigned to it by the Minister.

(2) The Council shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, until the 31st December of the previous year, were registered in the official Register of Counsellors.

(3) The Council shall draw up and publish an annual report concerning its activities.

Application
form for
warrant.

6. (1) Any person seeking to obtain a warrant to practise the profession of counsellor in Malta shall obtain an application form for the warrant from the Council and submit such application in the registered office of the Council.

(2) If the Council is satisfied that the applicant satisfies the requirements for the issue of the warrant established under this Act, it shall make a recommendation to the Minister to issue a warrant. Before the issue of the warrant no person may use the word "counsellor" after his name from the date of entry into force of this Act.

(3) Where, following the period indicated in article 3(4)(b), the Council is satisfied that the applicant has successfully completed his training, the Council shall make a recommendation to the Minister to issue a warrant.

(4) For the purpose of establishing whether an applicant has successfully completed his training as aforesaid, the Council may submit the applicant to undergo a skill test under the provisions of this Act.

(5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions in accordance with recommendations made by the Council in any particular case. Such warrant shall also include the area of specialised counselling work,

which the holder of the warrant may practise and may include such special conditions for specific periods in accordance with recommendations made by the Council according to the provisions of this Act and any regulations made thereunder.

(6) In the consideration of an application by any person or by a warrant holder for the practice of the profession in a specialisation of counselling work, the Council may direct that such person shall, in addition to the submission of such qualifications as may be prescribed, undertake and successfully complete such training or adaptation period as the Council may indicate.

(7) A warrant issued under this Act shall continue to have effect provided that the warrant holder, when requested by the Council, shall prove to the satisfaction of the Council that he did such programme or programmes of continuous professional development, according to the criteria established by the Council from time to time:

Provided that when the warrant holder fails to provide proof to the satisfaction of the Council that he did such programme or programmes of continuous professional development, that warrant shall be deemed to be suspended unless the warrant holder proves to the satisfaction of the Council that he meets the requirements that may be prescribed.

(8) Each supervisor approved by the Council shall be granted a valid license for three years, which license may be extended for a period of another three years, or revoked, as the case may be.

(9) Every person who is granted a warrant by the Council to exercise the profession of a counsellor shall display in a prominent position such warrant in the place where he practises as a counsellor and shall keep on him his identity card issued by the Council which shall indicate that he may practise the profession of a counsellor. This sub-article shall also apply to any person granted a specialised warrant of a supervisor, as well as to associations, of which the person forms part, for the purposes of the profession to practise as a counsellor or supervisor.

(10) With the entry into force of this Act, no person, except those persons given the warrant of a counsellor by the Council, may use the word "Counsellor" or "Counselling":

Provided that a person holding an official capacity in diplomacy may use the word "Counsellor" but not "Counselling", and psychologists holding a warrant of professional psychologists issued by the Malta Psychology Profession Board may use the word

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"Counselling" but not the word "Counsellor".

Recommendations regarding applications for a warrant.

7. (1) The Council shall, not more than four months from the date of receipt of the application with a request for the issue of a warrant issued in terms of article 6, together with the information and all relevant documentation in support of the application, make its recommendations regarding applications for a warrant in order for the applicant to immediately exercise the profession of counsellor. In the above-mentioned period the applicant may make a request in writing to the Council to be given the faculty to practise under supervision, and this in terms of any disposition indicated by the Council.

(2) The Council shall, together with its recommendations to the Minister, inform the applicant about these recommendations and the reasons upon which such recommendations are based.

Failure to obtain, or loss of, a warrant.

8. (1) No person shall be qualified to obtain or retain a warrant in terms of this Act if he has been convicted of a criminal offence, by a competent court, which carries a punishment of imprisonment for a term exceeding one year, or if he has been convicted of a criminal offence considered as detrimental to the profession of counsellor and, or which is not compatible with the profession of counsellor.

(2) Where a person loses his warrant following a conviction as referred to in sub-article (1), notice of such loss shall be given by the Minister in the Gazette and shall be communicated by the Council to the person disqualified unless the person has been interdicted by the judgement itself. If the disqualified person is in employment, a copy of such disqualification shall be sent to his employer.

(3) The Minister may, at all times, upon the recommendation of the Council, reinstate the person who has lost such warrant or grant a warrant to the person who has been so disqualified according to the provisions of sub-article (1).

Committee of inquiry.

9. (1) The Council may set up a committee to inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a counsellor.

(2) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", include the following:

(a) obtaining a warrant in a deceitful or fraudulent manner, or otherwise purporting to be a counsellor without the required warrant;

(b) contravention against the Code of Ethics established under this Act;

(c) failure to observe any regulations regarding professional standards or practice;

(d) failure to observe any conditions attached to the warrant issued under this Act;

(e) assumption of professional competence for which the person is not qualified or the person concerned is not authorised to practise in terms of his warrant;

(f) acting in any manner which may be detrimental to the counselling profession;

(g) giving incorrect information or displaying lack of skill or judgement in the practice of the counselling profession or in the performance of any duties or obligations in the counselling practise.

(3) Any counsellor who is the subject to an inquiry carried out by the Committee appointed by the Council shall be given the opportunity to make his defence and bring evidence in his favour, and for this purpose, the counsellor may be represented by an advocate or by any other person of his choice.

(4) The Committee appointed by the Council shall, upon finalising the inquiry:

(a) if it results in favour of the counsellor, dismiss the case; or

(b) if it finds the counsellor guilty of professional misconduct, gross negligence or incompetence, make a report of such findings, which report shall be submitted to the Council together with its recommendations to impose any of the following penalties:

(i) the suspension or the cancellation of such warrant subject to such conditions as may be recommended;

(ii) the suspension or the cancellation of the registration in a society of counsellors;

(iii) the imposition of conditions that may be attached to a warrant;

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- (iv) reprimand;
- (v) the payment to cover the costs of the inquiry;
- (vi) order the waiver, reduction or refund of any fees charged for services rendered; or
- (vii) any other penalties that may be prescribed.

(5) Upon the cancellation of the warrant, the Council shall strike off the name of the holder of that warrant from the official Register of Counsellors. The cancellation of any warrant shall be published in the Gazette.

Cap. 273.

(6) For the purposes of this article, the powers vested, or the powers which may be vested, in the members of the Committee appointed by the Council shall be those provided under the Inquiries Act and the Council shall conduct inquiries as provided for in the said Act.

Appeal to the Court of Appeal.

10. (1) Where a decision is reached to suspend or revoke a warrant or to subject the warrant to other additional conditions, the holder of the warrant may appeal to the Court of Appeal in its inferior jurisdiction within twenty-one days from the date when notice thereof has been given to the Minister. The term of appeal shall commence to run from the date of service of the notice by registered post.

(2) The warrant shall be suspended or revoked, as the case may be, until the final decision of the Court of Appeal.

(3) The Minister responsible for justice may make regulations prescribing the fees to be paid to the Registry of the Court on appeals made under this article:

Cap. 12.

Provided that until fees are prescribed by the Minister responsible for justice under this article for the lodging of appeals, the fees referred to in the Code of Organization and Civil Procedure shall, *mutatis mutandis*, apply.

Cap. 12.

(4) The Board referred to in article 29 of the Code of Organization and Civil Procedure shall make rules establishing the form of such appeals and matters relating thereto.

Removal of suspension or cancellation.

11. The Minister, may on the recommendation of the Council, and after a request is made, remove such suspension or cancellation, if the applicant meets such requirements that may be prescribed. Where the warrant is reinstated to the counsellor, the counsellor shall be registered again in the official register.

12. (1) Any counselling association may submit an application to the Council to be registered as an association of counsellors for the purposes of this Act.

Association of counsellors.

(2) An association shall be qualified to be registered under this article if it proves to the Council that it has at least twenty counsellors registered as members, and that it conforms with such other conditions as may be prescribed. Upon application, the association must present the list of members and other information as may be requested by the Council to process such application.

(3) The Council shall have the power to require such association registered under this article to produce such records and information regarding the association and its members as the Council may reasonably require from time to time.

13. (1) Two or more holders of a warrant may form a civil partnership, in this Act referred to as a "society of counsellors", having for its exclusive object the practice of the counselling profession and such powers as are necessary for the attainment of the objects of the partnership.

Society of counsellors.

(2) No person, other than a holder of a warrant, may be a partner in a society of counsellors.

(3) Any such partnership shall, when duly formed according to law and on payment of the prescribed fee, be registered with the Council and upon registration the partners shall, for as long as it is so registered, be authorised to act in the name and on behalf of the society which shall be entitled to use the designation "Counsellors" as part of the name of the society.

(4) Every society of counsellors shall provide the Council such information which may be reasonably required by the Council or as may be prescribed, and shall notify the Council of any relevant changes in any information which has been provided to the Council within fifteen days of the date on which the change occurred.

14. (1) Notwithstanding the provisions of any other law or any other agreement to the contrary, the following provisions shall apply solely to a society of counsellors, and not to members of an association of counsellors in terms of article 12:

Provisions applicable solely to a society of counsellors.

(a) the partners shall be jointly and severally responsible for all their actions and, or omissions in the performance of their professional duties, the maintenance of the required professional standards and conduct and generally in the fulfilment of their obligations under this Act or under any other

applicable law, and shall also be jointly and severally liable for any loss or damage therefrom;

(b) any act or thing that may be done by a holder of a warrant may be done by one or more of the partners on behalf of the society; and any act or thing done on behalf of the society shall be done by one or more partners;

(c) the responsibilities and the liabilities for anything done or for an omission done during the period the person was a partner in the society of counsellors shall not cease in the case where the person either retired, died or for any other reason the person did not remain in partnership.

(2) Notwithstanding the foregoing provisions, no partner in a society of counsellors shall exercise the profession of a counsellor in a specialised area, unless so authorised by his warrant, unless he is acting under the supervision of a partner who is in possession of a warrant that entitles him to perform the counselling profession in such specialised area.

Applicability of articles 9, 10 and 11.

15. The provisions of articles 9, 10 and 11 shall apply to societies of counsellors as they apply to individual counsellors.

Incorrect, fraudulent or misleading information.

16. (1) Any person who, for the purpose of obtaining a warrant or registering a society of counsellors according to the provisions of this Act, knowingly gives incorrect, fraudulent or misleading information, shall be guilty of an offence, and shall on conviction, shall be liable to a fine (*multa*) of not more than two thousand three hundred and thirty euro (€2,330) or to imprisonment of not more than twelve months or to both such fine and imprisonment.

(2) Any person who is found guilty of any other offence not referred to under this article shall be liable, on conviction, to a fine (*multa*) of not more than one thousand one hundred and sixty-five euro (€1,165), or to imprisonment of not more than three months, or to both such fine and imprisonment, and in the case of a continuous offence, to a fine (*multa*) of eleven euro and sixty-five cents (€11.65) for each day during which the offence continues, subject to a maximum of four thousand, six hundred and sixty euro (€4,660).

(3) Any person who, not being a holder of a warrant issued under this Act -

(a) practises the counselling profession; or

(b) assumes the designation of counsellor; or

- (c) purports to be a counsellor; or
- (d) performs the work of a counsellor,

shall be guilty of an offence under this Act.

(4) Any person who makes use of the word "Counsellor" in relation to society of counsellors, in the case where such partnership is not registered according to the provisions of this Act, or in any manner makes use of a name which falsely implies the existence of a society of counsellors, shall be guilty of an offence under this Act.

(5) For the purposes of sub-articles (2) and (3), the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, or by electronic means, of the words "Counsellor", or "Registered Counsellor" in relation to a name, or "Society of Counsellors" or "Counsellors" in relation to a partnership, shall be sufficient evidence of the knowledge of such use by any person in relation to whose name or partnership the said words are used, unless such person proves that the use of such words was made without his knowledge and that upon becoming aware of the use he took adequate steps to stop it.

(6) For the purposes of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is practicing counselling work during an adaptation period or when in training, in any case under the appropriate supervision of a registered supervisor and subject to such regulations as may be prescribed.

(7) Without prejudice to sub-article (6), no person or organisation shall employ any person other than a registered counsellor for the purpose of exercising the profession of a counsellor.

(8) The provisions of this Act establishing offences shall be without prejudice to the provisions of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

17. Where, following an inquiry under the provisions of article 9, the Council finds a counsellor guilty of any breach of professional conduct or of the Code of Ethics, the Council may impose such penalties as the Minister may prescribe.

Breach of professional conduct or of the Code of Ethics.

18. The Minister may, after consultation with the Council, make regulations not inconsistent with the provisions of this Act, to

Power to make regulations.

give better effect to any of such provisions and, in general, to regulate the profession of counsellors, and without any prejudice to the generality to the foregoing, such regulations that may in particular include provisions relating to:

(a) the establishment of standards, procedures and duties in the exercise of the counselling profession and other practices which shall be followed by counsellors, in general as well as in particular fields of activities;

(b) the professional conduct and the Code of Ethics of counsellors and standards of competency and integrity that must be maintained in the counselling profession;

(c) the requirements in relation to the continuing professional development for the maintenance of a warrant;

(d) the work which may be performed and the services which may be provided in terms of the warrant, and the terms and conditions which may be attached to the warrant, and the additional qualifications necessary for warrants providing for the practice of the counselling profession in specialised fields;

(e) the fees that may be charged by the Council in connection with the application for the issue of a warrant, for any registration under this Act, and for any other work that may be performed by the Council according to the provisions of this Act;

(f) the fees that may be charged by the counsellors for their professional services;

(g) the procedures to be followed in cases of professional misconduct;

(h) the employment of persons with a recognised degree or its equivalent but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered counsellor in such establishments or agencies as may be prescribed;

(i) any other procedure that may be adopted by the Council;

(j) any matter that may be required or is authorised by this Act to be prescribed;

(k) the punishments, the penalties and other

consequences and effects to which a person may become liable or which may take place in the event of any contravention, or non-compliance with any provision of any regulation under this article:

Provided that no penalty so prescribed shall exceed one thousand one hundred and sixty-five euro (€1,165) or imprisonment for a term of three months, or both such fine and imprisonment, and in the case of a continuing offence, eleven euro and sixty-five cents (€11.65) for each day during which the offence continues, subject to a maximum of four thousand, six hundred and sixty euro (€4,660);

(l) the administrative fines that may be imposed by the Council, which shall not exceed one thousand one hundred and sixty five euro (€1,165).

19. (1) Any person who, on the date of coming into force of this Act, has a professional qualification in counselling which makes him eligible for a licence of a warrant to exercise the counselling profession in a country where the professional qualification has been obtained, shall be considered to satisfy the provisions of article 3(3)(d).

Person who, on the date of coming into force of this Act, has a professional qualification.

(2) For the purposes of article 3(3)(d), any training undertaken by a person who successfully obtained the qualification referred to in article 3(3)(d) between the date of receipt of such qualification and the coming into force of this Act, shall be deemed to be training undertaken under the supervision of a registered counsellor or a qualified supervisor.

(3) Notwithstanding any other provisions of this Act, any person who satisfies the Council before the coming into force of this Act that:

(a) he is qualified in Masters in Counselling that includes professional training; and

(b) has exercised the counselling profession on a regular basis or has occupied the post of a counsellor in a Government department or agency for a period of not less than three years; or

(c) has a diploma issued by the University of Malta or its equivalent in accordance with the standards of the Malta Qualifications Recognition Information Centre (MQRIC), and

(d) has occupied the post of a counsellor in a Government department, institution or a non-governmental

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agency approved by the Council as such, or is self-employed and certified by a supervisor, that he has worked for at least two years, a minimum of 200 hours within two years,

shall be deemed to satisfy the requirements of article 3(3)(d).

(4) The Council may order additional training to the persons referred to in sub-article (3)(a), (b) and (c).

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(5) Any person who is registered in courses which are not equivalent to the course offered by the University of Malta under the Bye-Laws for the Degree of Master in Counselling - M.Couns. - offered under the auspices of the Faculty of Education shall be allowed a period of two years from the coming into force of this Act, to have enough time to complete such course and the Council may order additional training. After the above mentioned period of two years, the degree of Master in Counselling obtained from the University of Malta, or its equivalent only, shall be considered as the minimum qualification for the counselling profession.

Application for
restricted
warrant.

20. (1) Any person not eligible to a temporary warrant or full warrant under this Act who, on the date of coming into force of this Act, is employed with an agency or institution with training given or recognised only by the same agency or institution, may by not later than six months from the date of effective implementation of this Act, apply to the Council to be given a restricted warrant. When given the restricted warrant such person may continue to be employed with the agency or institution with which he was employed when awarded the restricted warrant, or with other agencies or institutions only. A restricted warrant is not transferable to the private practice of counsellor.

(2) The provisions of articles 3(1), (2), (3), and (6), 6, 7, 8, 9, 10, 11, 12, 17, and 18 shall apply to persons with a restricted warrant.

Objects and Reasons

The object of this bill is to regulate the counselling profession, as well matters related and connected thereto.