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# Nru. 143

3. 07. 2020

## MALTA

### KAMRA TAD-DEPUTATI

### HOUSE OF REPRESENTATIVES

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-1 ta' Lulju 2020.

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A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 1st July 2020.

**ATT sabiex jemenda diversi liġijiet bil-għan li jirrifirma l-proċedura li biha jsiru l-ħatriet fil-Kummissjoni Permanenti Kontra l-Korruzzjoni.**

**AN ACT to amend various laws aimed at reforming the procedure by which appointments to the Permanent Commission Against Corruption are made.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



## ABBOZZ TA' LIĠI msejjah

*ATT sabiex jemenda diversi liġijiet bil-għan li jirrifirma l-proċedura li biha jsiru l-ħatriet fil-Kummissjoni Permanenti Kontra l-Korruzzjoni.*

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

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda l-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni u għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni, hawn iżjed 'il quddiem msejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 326.

**2.** L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda għall-artikolu 3 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(1) Għandu jkun hemm Kummissjoni, li għandha tkun magħrufa bħala l-Kummissjoni Permanenti Kontra l-Korruzzjoni, li għandha tikkonsisti minn *Chairman* u żewġ membri oħra. Il-membri tal-Kummissjoni għandhom jiġu mahtura mill-President ta' Malta li, fil-ħatra taç-*Chairman* għandu jaġixxi skont Riżoluzzjoni tal-Kamra li tghaddi bil-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, fil-ħatra ta' wieħed miż-żewġ membri għandu jaġixxi skont il-parir tal-Prim Ministru u fil-ħatra tal-membri l-ieħor għandu jaġixxi skont il-parir tal-Kap tal-Oppożizzjoni:

C 4208

Iżda jekk ir-Riżoluzzjoni ma jkollhiex favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, għandu jittiehed it-tieni vot fuq ir-Riżoluzzjoni mhux aktar kmieni minn sebat (7) ijiem mill-ewwel vot li jkun ukoll jinhtieg il-vot ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra u jekk ir-Riżoluzzjoni fit-tieni vot ma jkollhiex favur tagħha l-voti ta' mhux inqas minn żewġ terzi tal-membri kollha tal-Kamra, għandu jittiehed it-tielet vot fuq ir-Riżoluzzjoni mhux aktar kmieni minn sebat (7) ijiem mit-tieni vot u f'dak it-tielet vot ir-Riżoluzzjoni tkun approvata jekk jkollha favur tagħha l-maġġoranza tal-voti tal-membri kollha tal-Kamra:

Iżda wkoll jekk ikun se jittiehed it-tieni vot, kandidati ġodda għall-kariga ta' *Chairman* ikunu jistgħu jiġu nominati qabel jittiehed it-tieni vot.";

(b) fis-subartikolu (5) tiegħu, il-kliem "mill-President ta' Malta li jaġixxi skont il-parir tal-Prim Ministru," għandhom jiġu sostitwiti bil-kliem "mill-President ta' Malta, li jaġixxi skont il-parir tal-Kabinett tal-Ministri,";

(ċ) fis-subartikolu (6) tiegħu, il-kliem "il-President ta' Malta li jaġixxi skont il-parir tal-Prim Ministru," għandhom jiġu sostitwiti bil-kliem "il-President ta' Malta li jaġixxi skont il-parir tal-Kabinett tal-Ministri,"; u

(d) fis-subartikolu (7) tiegħu, il-kliem "li jinħatar mill-President ta' Malta li jaġixxi skont il-parir tal-Prim Ministru, mogħti wara li jkun ikkonsulta il-Kap tal-Oppożizzjoni," għandhom jiġu sostitwiti bil-kliem "li jinħatar mill-President ta' Malta li jaġixxi fuq il-parir tal-Kabinett tal-Ministri, mogħti wara li jkunu kkonsultaw il-Kap tal-Oppożizzjoni,".

Emenda għall-artikolu 6 tal-Att prinċipali.

**3.** Fil-paragrafu (a) tas-subartikolu (1) tal-artikolu 6 tal-Att prinċipali, minnufih wara n-numri "118, 120, 121" għandhom jiżdiedu n-numri ", 121A, 121B".

Emenda għall-artikolu 11 tal-Att prinċipali.

**4.** Fil-paragrafu (a) tal-artikolu 11 tal-Att prinċipali, il-kliem "lill-Ministru responsabbli għall-ġustizzja;" għandhom jiġu sostitwiti bil-kliem "lill-Ministru responsabbli għall-ġustizzja:" u minnufih wara għandu jiżdied il-proviso li ġej:

"Iżda jekk fil-fehma tal-Kummissjoni, l-imġieba investigata hija korrotta jew tista' tkun konnessa ma', jew tista' twassal għal atti ta' korruzzjoni, ir-rapport tar-riżultati tal-investigazzjoni għandhom jiġu mġhodija lill-Avukat Ġenerali.".

### **Ghanijiet u Raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Ligi huma sabiex jiġu riveduti l-metodu tal-ħatra taç-*Chairman* u tal-membri tal-Kummissjoni Permanenti Kontra l-Korruzzjoni u jipprovdi mekkaniżmu ta' *anti-deadlock* għall-ħatra taç-*Chairman*. L-Abbozz itejjeb il-poteri tal-Kummissjoni billi jwessgħa d-definizzjoni ta' prattiki korrotti u jaħseb ukoll għall-poter addizzjonali fejn il-Kummissjoni ssib riżultanzi ta' prattiçi korrotti jew li tista' tkun, għandha tirrapporta direttament lill-Avukat Ġenerali.

C 4210

**A BILL  
entitled**

*AN ACT to amend various laws aimed at reforming the procedure by which appointments to the Permanent Commission Against Corruption are made.*

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:-

Short title.

**1.** The short title of this Act is the Permanent Commission Against Corruption (Amendment) Act, 2020 and this Act shall be read and construed as one with the Permanent Commission Against Corruption Act, hereinafter referred to as "the principal Act".

Cap. 326.

Amendment of  
article 3 of the  
principal Act.

**2.** Article 3 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) There shall be a Commission, to be known as the Permanent Commission Against Corruption, which shall consist of a Chairman and two other members. The members of the Commission shall be appointed by the President of Malta who, in appointing the Chairman shall act with a Resolution of the House supported by the votes of not less than two-thirds of all the members of the House, in appointing one of the two other members shall act in accordance with the advice of the Prime Minister and in appointing the other member shall act in accordance with the advice of the Leader of the Opposition:

Provided that if the Resolution is not supported by the votes of not less than two-thirds of all the members

of the House, a second vote on the Resolution shall be taken not earlier than seven (7) days from the first vote which shall also require the votes of not less than two thirds of all the members of the House and if the Resolution in the second vote is not supported by the votes of not less than two-thirds of all the members of the House, a third vote on the Resolution shall be taken not earlier than seven (7) days from the second vote and at the said third vote the Resolution will be approved if supported by the majority of the votes of all the members of the House:

Provided further that when a second vote is taken, new candidates for the office of Chairman may be nominated before the taking of the second vote.";

(b) in sub-article (5) thereof, the words "by the President of Malta, acting in accordance with the advice of the Prime Minister," shall be substituted by the words "by the President of Malta, acting in accordance with the advice of the Cabinet of Ministers,";

(c) in sub-article (6) thereof, the words, "the President of Malta acting in accordance with the advice of the Prime Minister," shall be substituted by the words "the President of Malta acting in accordance with the advice of the Cabinet of Ministers,"; and

(d) in sub-article (7) thereof, the words "appointed by the President of Malta acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition," shall be substituted by the words "appointed by the President of Malta acting in accordance with the advice of the Cabinet of Ministers, given after consulting the Leader of the Opposition,".

**3.** In paragraph (a) of sub-article (1) of article 6 of the principal Act, immediately after the numbers "118, 120, 121", there shall be added the numbers ". 121A, 121B". Amendment of article 6 of the principal Act.

**4.** In paragraph (a) of article 11 of the principal Act, the words "to the Minister responsible for justice;" shall be substituted by the words "to the Minister responsible for justice:" and immediately thereafter the following proviso shall be added: Amendment of article 11 of the principal Act.

"Provided that if in the opinion of the Commission, the conduct investigated is corrupt or connected with or conducive to corrupt practices, the report of the results of the investigation shall be transmitted to the Attorney General."

C 4212

### **Objects and Reasons**

The objects and reasons of this Bill are to revise the method of appointment of the Chairman and the members of the Permanent Commission Against Corruption and includes provisions for an anti-deadlock mechanism in the appointment of the Chairman. The Bill enhances the powers of the Commission by widening the definition of corrupt practices and provides for an additional power whereby when the Commission finds a corrupt practice or an appearance thereof it is to report directly to the Attorney General.