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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Louis Grech, M.P., Deputat Prim Ministru u Ministru għall-Affarijiet Ewropej u t-Twettiq tal-Manifest Elettorali, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Diċembru, 2015.

A BILL introduced by the Honourable Louis Grech, M.P., Deputy Prime Minister and Minister for European Affairs and Implementation of the Electoral Manifesto, and read the First time at the Sitting of the 2nd December, 2015.

ATT biex jipprovdi għat-twaqqif ta' Servizz Parlamentari u sabiex jipprovdi għal hwejjeg li għandhom x'jaqsmu ma' jew li huma anċillari għalih.

ANACT to provide for the establishment of a Parliamentary Service and to provide for matters consequential and ancillary thereto.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

**Abbozz ta' Liġi
msejjah**

ATT biex jipprovdi għat-twaqqif ta' Servizz Parlamentari u sabiex jipprovdi għal hwejjeġ li għandhom x'jaqsmu ma' jew li huma ancillari għalih.

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:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2016 dwar is-Servizz Parlamentari. Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-affarijiet parlamentari jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu stabbiliti dati differenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx Tifsir. teħtieġ xort'oħra:

"il-Kamra" tfisser il-Kamra tad-Deputati ta' Malta;

"il-Kostituzzjoni" tfisser il-Kostituzzjoni ta' Malta;

"Kumitat dwar ix-Xogħol tal-Kamra" tfisser il-Kumitat Permanenti dwar ix-Xogħol tal-Kamra stabbilit bl-Ordni Permanenti tal-Kamra 120Ċ; jew kull Kumitat simili ieħor li jista' jkun fdat mill-Kamra bir-regolazzjoni tal-affarijiet tagħha;

"Ordnijiet Permanenti" tfisser l-Ordnijiet Permanenti tal-Kamra tad-Deputati;

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"Servizz" tfisser is-Servizz Parlamentari stabbilit taht l-artikolu 4;

"Skrivan" tfisser l-Iskrivan tal-Kamra tad-Deputati kif previst fl-artikolu 64 tal-Kostituzzjoni u fl-artikolu 11 ta' dan l-Att;

"*Speaker*" tfisser l-*Speaker* tal-Kamra tad-Deputati elett taht l-artikolu 59 tal-Kostituzzjoni;

"uffiċjal pubbliku" għandha l-istess tifsira kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

"uffiċjal tas-Servizz" tfisser l-Iskrivan tal-Kamra, Skrivani Assistenti Anzjani, Skrivani Assistenti, u kull uffiċjal ieħor hekk maħtur mill-*Speaker* u tinkludi kull impjegat ieħor imqabbad mas-Servizz.

Kontroll mill-*Speaker*.

3. L-*Speaker* għandu l-kontroll tal-uffiċċji u s-servizzi fil-preċinti tal-Parlament u dawk l-uffiċċji u s-servizzi kollha kif jistgħu jiġu pprovduti xi mkien ieħor mill-Kamra jew mill-membri tagħha.

Twaqqif tas-Servizz Parlamentari.

4. (1) Għandu jkun stabbilit Servizz Parlamentari awtonomu, indipendenti mill-Eżekuttiv.

(2) Is-Servizz ikun korp magħqud li jkollu personalità ġuridika distinta u jkun jista' jagħmel kuntratti, jimpjega persunal, jakkwista, iżomm u jneħhi kull proprjetà għall-finijiet tal-funzjonijiet tiegħu u li jharrek u jiġi mharrek, u li jagħmel dawk il-ħwejjeġ kollha u dawk it-transazzjonijiet kollha li huma inċidentali jew li jwasslu għall-qadi tal-funzjonijiet tiegħu skont dan l-Att, li jkun jinkludi s-self ta' flus.

(3) L-uffiċjali tas-Servizz għandhom jimxu ma' kull Kodiċi ta' Etika li jkun japplika għall-uffiċjali pubbliċi u għandhom, bla ħsara għal kull liġi kuntrarja, ikollhom l-istess obbligi tahtu:

Izda s-Servizz jista', bi qbil mal-Kumitat dwar ix-Xogħol tal-Kamra, ifassal valuri tas-Servizz u Kodiċi ta' Etika sabiex jissupplimentaw kull Kodiċi ta' Etika tas-servizz pubbliku, fir-rigward tas-Servizz.

(4) Ir-rappreżentanza legali u ġuridika tas-Servizz għandha tkun fl-*Speaker*.

(5) Is-Servizz għandu jikkonsisti:

(a) f'uffiċjali tal-Kamra li huma:

(i) l-Iskrivan;

(ii) uffiċjali oħra li huma mitluba jpoġġu mal-Mejda tal-Kamra, u

(iii) dawk l-uffiċjali oħra kif l-*Speaker*, fuq parir tal-Kumitat dwar ix-Xogħol tal-Kamra, jista' jstabbilixxi; u

(b) uffiċjali oħra tas-Servizz.

5. Għandu jkun hemm Bord Amministrattiv ippresedut mill-Iskrivan u magħmul mill-kapijiet tad-diversi sezzjonijiet tas-Servizz u kull uffiċjal ieħor nominat mill-Iskrivan b'konsultazzjoni mal-*Speaker*. Il-Bord għandu jkollu r-rwol konsultattiv li jgħin l-*Speaker* fit-twettiq tal-funzjonijiet tiegħu taht dan l-Att.

Bord
Amministrattiv.

6. Il-Kumitat dwar ix-Xogħol tal-Kamra għandu jiddeċiedi r-remunerazzjoni, kundizzjonijiet tas-servizz u benefiċċji oħra mogħtija lill-Iskrivan tal-Kamra, jikkunsidra l-estimi finanzjarji tas-Servizz u jirrapporta dwarhom lill-Kamra kif previst fl-artikolu 17, u jwettaq dawk il-funzjonijiet oħra kif jista' jiġi stabbilit taht dan l-Att.

Funzjonijiet tal-
Kumitat dwar
ix-Xogħol tal-
Kamra.

7. (1) Il-funzjonijiet tas-Servizz huma li jagħti servizzi amministrattivi u ta' sostenn lill-Kamra u lill-membri u kumitati tagħha, li jistgħu jinkludu:

Funzjonijiet tas-
Servizz.

(a) l-għoti ta' biżżejjed uffiċjali u impjegati oħra biex jippermettu l-Kamra u l-kumitati tagħha jiffunzjonaw b'mod effiċjenti;

(b) l-għoti ta' pariri dwar proċeduri parlamentari u l-funzjonijiet tal-Parlament b'mod generali;

(c) ir-rappurtar preċiż u effiċjenti tal-proċedimenti tal-Kamra u l-kumitati tagħha skont l-Ordni jiet Permanenti;

(d) l-għoti ta' dawk is-servizzi oħra għal Membri tal-Kamra kif il-Kumitat dwar ix-Xogħol tal-Kamra jista' jqis li jkun espedjenti;

(e) il-manutenzjoni u s-sigurtà tal-bini parlamentari; u

(f) l-għoti ta' servizzi ċerimonjali.

(2) Is-Servizz għandu jkollu dawk il-funzjonijiet oħra kif jistgħu jiġu mogħtija jew imposti fuqu, minn jew taht dan l-Att, jew kull liġi oħra jew kif jista' jkun stabbilit mill-*Speaker* flimkien mal-Kumitat dwar ix-Xogħol tal-Kamra minn żmien għal żmien.

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Rwol tal-
iSpeaker fir-
rigward tas-
Servizz
Parlamentari.

8. (1) L-*Speaker* għandu jkun il-Kap tas-Servizz. Ir-rwol ġenerali tal-*Speaker* fir-rigward tas-Servizz għandu jkun li:

(a) jippreżenta l-pjanijiet finanzjarji u l-estimi tas-Servizz lill-Kumitat dwar ix-Xogħol tal-Kamra;

(b) jiddeċiedi dwar il-*policies* ewlenin sabiex jiggwidaw il-ġestjoni u l-operat tas-Servizz;

(c) jissorvelja l-ġestjoni u l-operat tas-Servizz;

(d) jiddeċiedi dwar dawk is-servizzi li għandhom jiġu pprovduti mis-Servizz u għal dan il-għan jista' jistabbilixxi diviżjonijiet u sezzjonijiet kif ikun meħtieġ, li jkollhom dawk ir-responsabbiltajiet kif l-*Speaker* jista' minn żmien għal żmien iqis xieraq;

(e) ikun l-awtorità li timpjega tas-Servizz; u

(f) b'konsultazzjoni mal-Kumitat dwar ix-Xogħol tal-Kamra, jagħmel regolamenti li jkollhom x'jaqsmu mal-mili ta' postijiet battala, reklutaġġ, mandat tal-hatra, tkeċċija, dixxiplina u għal kull kwistjoni oħra li jkollha x'taqsam mal-impjieg taħt dan l-Att.

(2) L-*Speaker* jista' jahtar dawk il-persuni f'kapaċità konsultattiva kif hu jista' jqis meħtieġ għat-tmexxija xierqa tas-Servizz, kif ukoll dawk il-persuni oħra kif jista' jkun meħtieġ biex jaħdmu fl-uffiċċju tiegħu, iżda meta l-Kumitat dwar ix-Xogħol tal-Kamra jkun għamel regoli li jirregolaw dak il-ksib ta' dawk is-servizzi, l-*Speaker* għandu jimxi ma' dawk ir-regoli.

Setgħa tal-
iSpeaker li
jiddelega.

9. L-*Speaker* jista' jiddelega s-setgħat mogħtija lilu taħt dan l-Att lid-*Deputy Speaker* jew lill-Iskrivan tal-Kamra.

Konsultazzjoni
mal-Kumitat
dwar ix-Xogħol
tal-Kamra.

10. L-*Speaker* għandu, fit-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, jikkonsulta mal-Kumitat dwar ix-Xogħol tal-Kamra.

Hatra ta'
Skrivan.

11. L-Iskrivan għandu jinħatar mill-President ta' Malta fuq parir tal-*Speaker*, wara konsultazzjoni mal-Kumitat dwar ix-Xogħol tal-Kamra.

Responsabbiltajiet
tal-Iskrivan.

12. (1) L-Iskrivan tal-Kamra għandu jkun responsabbli:

(a) għall-eżekuzzjoni ta' dawk id-dmirijiet hekk kif huma assenjati lilu taħt il-Kostituzzjoni;

(b) għat-twettiq ta' dawk id-dmirijiet u l-eżerċizzju ta'

dawk is-setgħat kif jistgħu jingħataw lill-Iskrivan permezz tal-ligi jew tal-Ordnijiet Permanenti, il-prassi u l-prattiċi tal-Kamra;

(ċ) għall-eżekuzzjoni u t-tkomplija tal-politika adottata mis-Servizz;

(d) għat-tmexxija tal-Bord Amministrattiv;

(e) għall-preżentazzjoni tal-pjanijiet finanzjarji u l-estimi tas-Servizz b'konsultazzjoni mal-Bord Amministrattiv; u

(f) għal kull dmir ieħor kif jista' jiġi assenjat lil mill-*iSpeaker* u mill-Kumitat dwar ix-Xogħol tal-Kamra.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-Iskrivan għandu jkun responsabbli lejn l-*iSpeaker* għat-tmexxija eżekuttiva tas-Servizz, l-amministrazzjoni u l-organizzazzjoni tiegħu u l-kontroll amministrattiv tal-uffiċjali u impjegati tiegħu. L-Iskrivan għandu wkoll ikollu dawk is-setgħat kif jista' minn żmien għal żmien jiġu mgħoddija lil mill-*iSpeaker*.

(3) L-Iskrivan jista' jagħmel rakkomandazzjonijiet lill-*iSpeaker* fir-rigward ta' kull kwistjoni għal konsiderazzjoni mill-*iSpeaker* u għandu jieħu dawk il-passi kif ikun meħtieġ biex jiġu implimentati dawk il-*policies* u deċiżjonijiet li jkunu jeħtieġu li tittiehed azzjoni mis-Servizz.

13. (1) L-Iskrivan tal-Kamra għandu jzomm il-kariga taħt dawk it-termini hekk kif jistgħu jiġu stabbiliti mill-Kumitat dwar ix-Xogħol tal-Kamra.

Sospensjoni u tneħħija tal-Iskrivan.

(2) L-Iskrivan jista' f'kull żmien jirriżenja b'ittra indirizzata lill-*iSpeaker*.

(3) L-Iskrivan jista' jiġi sospiz mill-kariga tiegħu mill-*iSpeaker* li jaġixxi skont il-parir tal-Kumitat dwar ix-Xogħol tal-Kamra.

(4) L-Iskrivan jista' f'kull żmien jitneħħa mill-kariga mill-President ta' Malta wara indirizz mill-Kamra li jkollu favur tiegħu l-vot ta' mhux anqas minn maġġoranza sempliċi tal-membri kollha tagħha u li jitlob għal dik it-tneħħija minhabba f'inkapaċità ippruvata li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk għal mard korporali jew mentali jew għal xi raġuni oħra) jew imġiba ħażina. Dak l-indirizz għandu jitmexxa fil-Kamra biss wara li l-Kumitat dwar ix-Xogħol tal-Kamra jistabbilixxi li hemm raġuni għal dik it-tneħħija.

C 6

Delega tas-setgħat tal-Iskrivan.

14. L-Iskrivan jista' jiddelega s-setgħat mogħtija lilu, minbarra dawk is-setgħat delegati lilu mill-*Speaker*, lil xi uffiċjal tas-Servizz.

Assenza tal-Iskrivan.

15. (1) F'każ li għal xi raġuni jkun hemm vakanza fl-uffiċċju tal-Iskrivan (kemm jekk ir-raġuni tkun mewt, riżenja, jew għal xi raġuni oħra), u f'każ tal-assenza tal-Iskrivan mid-dmirijiet tiegħu (tkun xi tkun ir-raġuni), u sakemm dik il-vakanza jew assenza tkompli:

(a) il-funzjonijiet, is-setgħat u d-dmirijiet tal-Iskrivan li jpoġġi mal-Mejda tal-Kamra għandhom jiġu moqdija u eżerċitati mill-iskrivani assistenti jew uffiċjali l-iżjed anzjani li jkun imiss;

(b) il-funzjonijiet, setgħat jew dmirijiet oħra tal-Iskrivan għandhom jiġu eżerċitati u jiġu moqdija kif ġej:

(i) fil-każ meta l-assenza tal-Iskrivan tkun ta' xorta temporanja, minn persuna li lilha jkun ġie delegat il-funzjoni, setgħa jew dmir mill-Iskrivan taħt l-artikolu 14,

(ii) f'kull każ ieħor minn uffiċjal maħtur mill-*Speaker* taħt l-artikolu 9.

(2) Il-fatt li persuna teżerċita funzjoni, setgħa jew dmir tal-Iskrivan għandu, fl-assenza ta' prova kontrarja, ikun prova konkluziva tal-awtorità tal-persuna li tagħmel hekk.

Żamma ta' drittijiet.

16. F'każ li uffiċjal tas-servizz pubbliku jsir uffiċjal tas-Servizz, l-uffiċjal ikun intolat iżomm id-drittijiet kollha eżistenti, inkluż kull dritt għal xi pensjoni, akkwistati minnu skont kull liġi applikabbli sad-data ta' meta jsir uffiċjal tas-Servizz, daqs li kieku s-servizz bħala uffiċjal jew impjegat tas-Servizz kien kontinwazzjoni tas-servizz bħala uffiċjal tas-servizz pubbliku.

Rizorsi.

17. (1) L-ispejjeż tas-Servizz meħtieġa għat-tmexxija tal-Kamra (minbarra r-remunerazzjoni tal-*Speaker*, tal-Membri Parlamentari u tal-Iskrivan) sa dik is-somma li tista' tiġi stabbilita mill-Kamra skont dan l-Att, għandhom jiġu addebitati lill-Fond Konsolidat mingħajr il-ħtieġa ta' ebda approprjazzjoni oħra minbarra dan l-Att.

(2) (a) Ir-remunerazzjoni tal-*Speaker* u tal-Membri Parlamentari għandha tiġi stabbilita minn korp indipendenti mwaqqaf għal dan il-għan u tinhareġ bħala parti mill-ispejjeż tas-Servizz.

(b) Ir-remunerazzjoni tal-Iskrivan għandha tiġi stabbilita mill-Kumitat dwar ix-Xogħol tal-Kamra u tinhareġ bħala

parti mill-ispejjeż tas-Servizz.

(3) Sabiex tiġi stabbilita s-somma msemmija fis-subartikolu (1), l-Iskrivan għandu jhejji stima tas-somma li tkun meħtieġa u jressaqha għall-approvazzjoni tal-*Speaker*.

(4) Qabel ma titressaq għall-konsiderazzjoni tal-Kamra, dik l-istima għandha tiġi eżaminata mill-Kumitat dwar ix-Xogħol tal-Kamra.

(5) Meta, matul xi sena finanzjarja, is-somma stabbilita mill-Kamra ma tkunx fil-fehma tal-*Speaker* biżżejjed sabiex is-Servizz ikun jista' jwettaq ir-responsabbiltajiet tiegħu b'mod effiċjenti, l-Iskrivan għandu jipprepara estimi supplimentari għall-approvazzjoni tal-*Speaker* u l-kunsiderazzjoni sussegwenti mill-Kamra wara li dawn jiġu eżaminati mill-Kumitat dwar ix-Xogħol tal-Kamra kif imsemmi qabel fis-subartikolu (4).

(6) (a) Is-somma jew somom imsemmija fis-subartikoli ta' qabel ta' dan l-artikolu għandhom jiġu stabbiliti b'rizoluzzjoni tal-Kamra wara li din tkun ikkunsidrat l-estimi u r-rapport dwarhom mill-Kumitat dwar ix-Xogħol tal-Kamra.

(b) Il-Ministru għall-Finanzi għandu jkun *ex officio* membru tal-Kumitat dwar ix-Xogħol tal-Kamra kull meta dawk l-estimi jiġu diskussi, minflok membru ta' dak il-Kumitat min-naħa tal-Gvern.

(7) Il-Kumitat dwar ix-Xogħol tal-Kamra għandu minn żmien għal żmien iżda mhux inqas spiss minn darba fis-sena jressaq fil-Kamra, permezz tal-*Speaker*, rapport tal-attivitajiet tiegħu u r-rapport tal-eżami li jkun għamel ta' xi estimi li jkunu thejjew mill-Iskrivan.

(8) Meta, waqt ix-xoljiment tal-Kamra, is-somma li jkollha tiġi stabbilita għall-għanijiet tas-subartikolu (1) ma tkunx giet hekk stabbilita jew il-Kamra ma tkunx, wara t-tmiem ta' sena finanzjarja, stabbiliet dik is-somma, l-*Speaker* ikollu l-jedd jonfoq kull xahar somma li tkun ekwivalenti għal wieħed minn tnax tas-somma jew somom stabbiliti għas-sena finanzjarja ta' qabel, sakemm dik is-somma tiġi hekk stabbilita.

18. (1) Il-kontijiet tas-Servizz għandhom jiġu verifikati mill-Awditur Ġenerali jew minn dik il-persuna, minn hawn 'il quddiem imsejha "awditeur", li tinhatar mill-Kumitat dwar ix-Xogħol tal-Kamra minn fost dawk il-persuni li, skont dik il-liġi li tista' tkun fis-seħħ minn żmien għal żmien, ikollhom *warrant* li jagħtihom jedd jivverifikaw il-kontijiet ta' kumpannija pubblika b'responsabbiltà limitata. Verifika.

(2) Għar-rigward tal-kontijiet tas-Servizz, l-awditur ikollu dawk is-setgħat li huma vestiti skont il-liġi fl-Awditur Ġenerali għar-rigward tal-kontijiet li jkunu suġġetti għall-verifika tiegħu.

(3) L-Awditur Ġenerali jew l-awditur għandu jippreżenta r-rapport tiegħu dwar il-verifika li huwa jkun għamel lill-Kumitat dwar ix-Xogħol tal-Kamra li għandu, permezz tal-*iSpeaker*, jippreżenta l-istess rapport lill-Kamra flimkien ma' kull kumment dwaru li jkun sar mill-istess Kumitat jew xi wieħed mill-membri tiegħu.

Xandir ta' attivitajiet parlamentari.

19. L-*iSpeaker*, fuq il-parir tal-Kumitat dwar ix-Xogħol tal-Kamra, jista' jidhol f'kull arrangament għax-xandir ta' seduti parlamentari, laqgħat tal-kumitati u kull attività oħra li jkollha x'taqsam max-xogħol tal-Kamra.

Emendi għall-Kostituzzjoni.

20. Il-Kostituzzjoni għandha tiġi emendata kif ġej:

(a) fl-artikolu 49 tagħha, minflok il-kliem "mill-Prim Imħallef" għandhom jidhlu l-kliem "mill-*iSpeaker* tal-Kamra tad-Deputati"; u

(b) is-subartikolu (2) tal-artikolu 64 tagħha għandu jiġi sostitwit b'dan li ġej:

"(2) Għandu jkun hemm Servizz Parlamentari li jkun jikkonsisti mill-*iSpeaker*, li jkun il-kap ta' dak is-Servizz, l-Iskrivan tal-Kamra u dawk l-uffiċjali l-oħra, kif jistgħu jiġu maħtura taħt l-Att tal-2016 dwar is-Servizz Parlamentari, u d-dispożizzjonijiet tal-artikolu 110 tal-Kostituzzjoni m'għandhomx japplikaw għall-uffiċjali maħtura għas-Servizz Parlamentari."

Emendi għall-Att dwar ix-Xandir. Kap. 350.

21. L-artikolu 10 tal-Att dwar ix-Xandir għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subartikolu (4A) tiegħu, minflok il-kliem "lil xi xandar." għandu jidhol il-kliem "lil xi xandar;" u minnufih wara għandu jizdied dan il-paragrafu ġdid li ġej:

"(c) liċenza għal xandir ta' kontenut parlamentari maħruġa lill-*iSpeaker* tal-Kamra tad-Deputati.";

(b) fit-tifsira "servizz ta' xandir ta' televiżjoni kummerċjali" fis-subartikolu (4E) tiegħu, minflok il-kliem "servizz b'ogġettiv ta' interess ġenerali." għandu jidhol il-kliem "servizz b'ogġettiv ta' interess ġenerali;" u minnufih wara għandha tizdied din it-tifsira ġdida li ġejja:

"liċenza għal xandir ta' kontenut parlamentari" tfisser liċenza għal xandir ta' seduti tal-plenarju u ta' kumitati tal-Kamra tad-Deputati u kull attività oħra li tinzamm fil-binja tal-Parlament li tkun organizzata minn jew flimkien ma' l-Uffiċċju tal-*Speaker*, permezz ta' servizzi tar-radju fuq firxa nazzjonali u jew servizz tat-televiżjoni fuq firxa nazzjonali."; u

(ċ) fis-subartikolu (5) tiegħu, minflok il-kliem "skont l-Att dwar il-Kumpanniji, izda liċenzi għal servizzi tar-radju tal-komunità jistgħu jiġu mogħtija wkoll lil individwi li jkunu soltu residenti f'Malta." għandhom jidhlu l-kliem "skont l-Att dwar il-Kumpanniji:", u minnufih wara għandu jidjed il-proviso ġdid li ġej:

"Izda:

(a) liċenza għal xandir ta' kontenut parlamentari tista' biss tiġi mogħtija lill-*Speaker* tal-Kamra tad-Deputati; u

(b) liċenzi għal servizz tar-radju tal-komunità jistgħu jiġu mogħtija wkoll lil individwi li jkunu soltu residenti f'Malta."

Ghanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu sabiex jipprovdi għat-twaqqif ta' Servizz Parlamentari li jkun awtonomu fl-amministrazzjoni tiegħu, u sabiex jipprovdi għal hwejjeġ li għandhom x'jaqsmu ma' jew li huma anċillari għalih.

**A Bill
entitled**

AN ACT to provide for the establishment of a Parliamentary Service and to provide for matters consequential 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:-

Short title and commencement.

1. (1) The short title of this Act is the Parliamentary Service Act, 2016.

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

Interpretation.

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

"Clerk" means the Clerk of the House of Representatives as provided for in article 64 of the Constitution and in article 11 of this Act;

"Constitution" means the Constitution of Malta;

"House" means the House of Representatives of Malta;

"House Business Committee" means the Standing Committee on House Business established by Standing Order 120C of the House of Representatives; or any other similar Committee which may be entrusted by the House with the regulation of its business;

"officer of the Service" means the Clerk of the House, the Senior Clerk Assistants, the Clerk Assistants, and any other officer so designated by the Speaker and includes any other employees engaged

with the Service;

"public officer" has the same meaning as is assigned to it by article 124 of the Constitution;

"Service" means the Parliamentary Service established under article 4;

"Speaker" means the Speaker of the House of Representatives elected under article 59 of the Constitution;

"Standing Orders" means the Standing Orders of the House of Representatives.

3. The Speaker has the control of the parliamentary offices and services in the parliamentary precincts and all such offices and services as may be supplied elsewhere by the House or its members. Control by the Speaker.

4. (1) There shall be established an autonomous Parliamentary Service independent from the Executive. Establishment of the Parliamentary Service.

(2) The Service shall be a body corporate having a distinct legal personality and shall be capable of entering into contracts, of employing personnel, of acquiring, holding and disposing of any kind of property for the purposes of its operations and of suing and of 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, including the borrowing of money.

(3) The officers of the Service shall abide by any Code of Ethics applicable to public officers and shall, subject to any law to the contrary, have the same obligations thereunder:

Provided that the Service may, with the concurrence of the House Business Committee, draw up service values and a Code of Ethics to supplement any public service Code of Ethics in respect of the Service.

(4) The legal and judicial representation of the Service shall lie in the Speaker.

(5) The Service shall consist of:

(a) officers of the House being:

(i) the Clerk;

(ii) other officers required to sit at the Table of

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the House;

(iii) such other officers as the Speaker, on the advice of the House Business Committee, may establish; and

(b) other officers of the Service.

Administrative Board.

5. There shall be an Administrative Board chaired by the Clerk and composed of the heads of the various sections of the Service and any other officer nominated by the Clerk in consultation with the Speaker. The Board shall perform an advisory role assisting the Speaker in the exercise of his functions under this Act.

Functions of the House Business Committee.

6. The House Business Committee shall determine the remuneration, conditions of service and other benefits given to the Clerk of the House, consider the financial estimates of the Service and report thereon to the House as provided for in article 17, and perform any such other functions as may be established under this Act.

Functions of the Service.

7. (1) The functions of the Service are to provide administrative and support services to the House and to members and committees thereof which may include:

(a) the provision of sufficient officers and employees to enable the House and its committees to operate efficiently;

(b) the provision of advice on parliamentary procedures and the functions of Parliament in general;

(c) the accurate and efficient reporting of the proceedings of the House and its committees in accordance with the Standing Orders;

(d) the provision of such other services for Members of the House as the House Business Committee may deem expedient;

(e) the maintenance and security of parliamentary premises; and

(f) the provision of ceremonial services.

(2) The Service shall have such other functions as are conferred or imposed upon it by or under this Act or any other enactment, or as may be determined by the Speaker together with the House Business Committee from time to time.

- 8.** (1) The Speaker shall be the Head of the Service. The general role of the Speaker in relation to the Service shall be to:
- Role of the Speaker regarding the Parliamentary Service.
- (a) present the financial plans and estimates of the Service to the House Business Committee;
 - (b) decide major policies to guide the operation and management of the Service;
 - (c) supervise the management and operation of the Service;
 - (d) decide on the services to be supplied by the Service and for this purpose may establish divisions and sections as necessary, vested with such responsibilities as the Speaker may from time to time deem appropriate;
 - (e) be the employing authority of the Service; and
 - (f) in consultation with the House Business Committee, make regulations concerning the filling of vacancies, recruitment, tenure of appointment, dismissal, discipline and for all other matters relative to employment under this Act.
- (2) The Speaker may engage such persons in a consultative capacity as he may deem necessary for the proper functioning of the Service, as well as such other persons as may be required to serve in his office, provided that where the House Business Committee shall have made rules regulating such procurement, the Speaker shall in procuring such services, follow such rules.
- 9.** The Speaker may delegate the powers conferred upon him under this Act to the Deputy Speaker or to the Clerk of the House.
- Power of the Speaker to delegate.
- 10.** The Speaker shall, in exercising his functions under this Act, consult with the House Business Committee.
- Consultation with the House Business Committee.
- 11.** The Clerk shall be appointed by the President of Malta on the advice of the Speaker, after consultation with the House Business Committee.
- Appointment of the Clerk.
- 12.** (1) The Clerk of the House shall be responsible for:
- Responsibilities of the Clerk.
- (a) the performance of such duties as are assigned to him under the Constitution;
 - (b) the carrying out of such duties and the exercising of such powers as may be conferred on the Clerk by law or by the

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Standing Orders, customs and practices of the House;

(c) the execution and pursuance of the policy adopted by the Service;

(d) chairing of the Administrative Board;

(e) the preparation of the financial plans and estimates of the Service in consultation with the Administrative Board; and

(f) any other duties as may be assigned to him by the Speaker and the House Business Committee.

(2) Subject to the provisions of this Act, the Clerk shall be responsible to the Speaker for the executive conduct of the Service, its administration and organisation and the administrative control of its officers and employees. The Clerk shall also have such other powers as may from time to time be delegated to him by the Speaker.

(3) The Clerk may make recommendations to the Speaker with respect to any matter for consideration by the Speaker and shall take such steps as are necessary to implement those policies and decisions of the Speaker that require action to be taken by the Service.

Suspension and removal of the Clerk.

13. (1) The Clerk shall hold office under such terms as may be decided upon by the House Business Committee.

(2) The Clerk may at any time resign by a letter addressed to the Speaker.

(3) The Clerk may be suspended from office by the Speaker acting on the advice of the House Business Committee.

(4) The Clerk may at any time be removed from office by the President of Malta upon an address by the House supported by the votes of a simple majority all the members thereof and praying for such removal on the ground of inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or misbehaviour. Such address shall only be moved in the House after the House Business Committee determines that there is a cause for such removal.

Power of the Clerk to delegate.

14. The Clerk may delegate the powers conferred upon him, except for those powers delegated to him by the Speaker, to an officer of the Service.

Absence of the Clerk.

15. (1) On the occurrence from any cause of a vacancy in

the Office of the Clerk (whether by reason of death, resignation, or otherwise), and in the case of absence from duty of the Clerk (from whatever cause arising), and so long as that vacancy or absence continues:

(a) the functions, powers and duties of the Clerk at the Table of the House shall be performed and exercised by the next most senior of the Clerk Assistants or officers of the House;

(b) the other functions, powers and duties of the Clerk shall be exercised and performed as follows:

(i) in the case where the absence of the Clerk is of a temporary nature, by a person to whom the function, power or duty has been delegated by the Clerk under article 14,

(ii) by an officer appointed by the Speaker in any other case under article 9.

(2) The fact that a person exercises a function, power or duty of the Clerk shall, in the absence of proof to the contrary, be conclusive evidence of the authority of the person to do so.

16. If an officer of the public service becomes an officer of the Service, that officer shall be entitled to retain all existing acquired rights, including any pension rights, he may have under all applicable laws up to the date of his becoming an officer of the Service, as if the service of an officer or employee of the Service were a continuation of the service as an officer of the public service. Retention of rights.

17. (1) The expenses of the Service required for the running of the House, (other than the remuneration of the Speaker, the Members of Parliament and the Clerk) up to a sum as may be fixed by the House in accordance with this Act, shall be a charge on the Consolidated Fund without the need of any further appropriation other than this Act. Resources.

(2) (a) The remuneration of the Speaker and the Members of Parliament shall be fixed by an independent body established for this purpose and shall be defrayed as part of the expenses of the Service.

(b) The remuneration of the Clerk shall be fixed by the House Business Committee and shall be defrayed as part of the expenses of the Service.

(3) For the purposes of establishing the sum referred to in sub-

article (1), the Clerk shall prepare an estimate of the sum required and submit it for the Speaker's approval.

(4) Such estimate shall, before consideration by the House, be submitted by the Speaker for examination by the House Business Committee.

(5) Where, during the course of any financial year, the sum fixed by the House is in the opinion of the Speaker insufficient to enable the Service to efficiently fulfil its responsibilities, the Clerk shall prepare supplementary estimates for the Speaker's approval and subsequent consideration by the House after examination by the House Business Committee as aforesaid in sub-article (4).

(6) (a) The sum or sums referred to in the previous sub-articles of this article shall be fixed by a resolution of the House after considering the estimates and the report thereon by the House Business Committee.

(b) The Minister for Finance shall be an *ex officio* member of the House Business Committee whenever such estimates are debated, in lieu of a member of such Committee from the Government side.

(7) The House Business Committee shall from time to time but not less often than once a year present to the House, through the Speaker, a report of its activities and the report of its examination of any estimates prepared by the Clerk.

(8) Where, upon the dissolution of the House, the sum to be established for the purposes of sub-article (1) is not so established or the House has not after the end of a financial year established the said sum, the Speaker shall be entitled to expend, each month, a sum equivalent to one-twelfth of the sum or sums established for the previous financial year, until the said sum is so established.

Audit.

18. (1) The accounts of the Service shall be audited by the Auditor General or by such person or persons, hereinafter referred to as "auditor", appointed by the House Business Committee from among such persons who, in accordance with such law as may from time to time be in force, hold a warrant entitling them to audit the accounts of a public limited liability company.

(2) The auditor shall, with regard to the accounts of the Service, have such powers as are by law vested in the Auditor General with regard to accounts subject to his audit.

(3) The Auditor General or the auditor shall present his report

on the audit carried out by him to the House Business Committee which shall, through the Speaker, present the same to the House together with any comment thereon by the said Committee or any of its members.

19. The Speaker, on the advice of the House Business Committee, may enter into any arrangement for the broadcast of parliamentary sittings, committee meetings and any other activities related to the work of the House.

Broadcast of parliamentary activities.

20. The Constitution shall be amended as follows:

Amendments to the Constitution.

(a) in article 49 thereof, for the words "the Chief Justice" there shall be substituted the words "the Speaker of the House of Representatives"; and

(b) sub-article (2) of article 64 thereof shall be substituted by the following:

"(2) There shall be a Parliamentary Service consisting of the Speaker, who shall be the head of that Service, the Clerk of the House and such other officers, as may be appointed under the Parliamentary Service Act, 2016, and the provisions of article 110 of this Constitution shall not apply to the officers appointed to the Parliamentary Service."

21. Article 10 of the Broadcasting Act shall be amended as follows:

Amendments to the Broadcasting Act. Cap. 350.

(a) in paragraph (b) of sub-article (4A) thereof, for the words "to any broadcaster." there shall be substituted the words "to any broadcaster;" and immediately thereafter there shall be added the following new paragraph:

"(c) a parliamentary broadcast content licence issued to the Speaker of the House of Representatives.";

(b) in the definition "commercial television broadcasting service" in sub-article (4E) thereof, for the words "general interest objective service." there shall be substituted the words "general interest objective service;", and immediately thereafter there shall be added the following new definition:

"parliamentary broadcast content licence" means a licence to broadcast plenary and committee sessions of the House of Representatives and any other activity taking place in the Parliament building organised by or in

conjunction with the Office of the Speaker, through a nationwide radio service and or nationwide television service."; and

(c) in sub-article (5) thereof, for the words "in accordance with the Companies Act, provided that licences for community radio services may also be awarded to individuals who are ordinarily resident in Malta." there shall be substituted the words "in accordance with the Companies Act:", and immediately thereafter there shall be added the following new proviso:

"Provided that:

(a) a parliamentary broadcast content licence may only be awarded to the Speaker of the House of Representatives; and

(b) licences for community radio services may also be awarded to individuals who are ordinarily resident in Malta."

Objects and Reasons

The object of this Bill is to set up an autonomous Parliamentary Service which is autonomous in its administration, and to provide for matters consequential and ancillary thereto.

