

Abbozz ta' Liġi msejjah

ATT biex jipprovdi għal hatra ta' Kummissarju u Kumitat Permanenti bis-setgħa li jinvestigaw ksur ta' dmirijiet statutorji jew etiċi ta' kategoriji ta' persuni fil-ħajja pubblika, u għal hwejjeg anċillari jew li għandhom x'jaqsmu ma' dan.

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:-

PRELIMINARI

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2014 dwar *Standards* fil-Ħajja Pubblika. Titolu fil-qosor.

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

"att ta' korruzzjoni" għandha l-istess tifsira kif mogħti lilha fl-artikolu 6 tal-Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni; Kap. 326.

"atti tat-taxxa" tfisser l-Att dwar it-Taxxa fuq l-*Income*, l-Att dwar l-Amministrazzjoni tat-Taxxa, l-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti, l-Att dwar il-Monte di Pietà, l-Ordinanza dwar il-Haddiema d-Deheb u Haddiema l-Fidda (Argentiera), l-Att dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni Mhux Residenti, l-Att dwar Taxxa fuq il-Valur Mizjud, l-Att dwar l-Eko-Kontribuzzjoni, l-Ordinanza tad-Dwana, l-Att dwar id-Dazji ta' Importazzjoni, l-Att dwar Dazju tas-Sisa, u kull regolament magħmul taħthom; Kap. 123.
Kap. 372.
Kap. 364.
Kap. 269.
Kap. 46.
Kap. 246.
Kap. 406.
Kap. 473.
Kap. 37.
Kap. 337.
Kap. 382.

"korp imwaqqaf b'ligi" tfisser kull korporazzjoni jew enti morali ieħor imwaqqaf b'ligi u kull soċjetà jew korp ieħor li fih il-Gvern ta' Malta jew xi korp kif intqal qabel ikollhom sehem biżżejjed biex jikkontrollaw, jew li fuqu jkollhom kontroll effettiv;

"il-Kumitat" tfisser il-Kumitat Permanenti dwar *Standards* fil-Hajja Pubblika imwaqqaf taħt l-artikolu 26;

"il-Kummissarju" tfisser il-Kummissarju għall-*Standards* fil-Hajja Pubblika imwaqqaf taħt l-artikolu 4 u tinkludi kull uffiċjal jew impjegat tal-Kummissarju awtorizzat minnu biex jaġixxi f'ismu;

"il-Ministru" tfisser il-Ministru responsabbli għall-Ġustizzja;

"pożizzjoni ta' fiduċja" tfisser kull impjegat f'kull Ministeru, Segretarjat Parlamentari jew f'kull dipartiment jew entità oħra tal-Gvern fejn l-impjegat ma ġiex impjegat skont il-proċedura stabbilita taħt l-artikolu 110 tal-Kostituzzjoni.

Skop.

3. (1) Dan l-Att japplika għal:

(a) Membri tal-Kamra tad-Deputati inklużi Ministri, Segretarji Parlamentari u Assistenti Parlamentari;

(b) impjegati f'pożizzjoni ta' fiduċja u għal persuni impjegati bħala persuni li jaġhtu parir jew konsulenti lill-Gvern jew lil kull korp statutorju.

(2) Dan l-Att japplika wkoll għal kull persuna oħra jew kategorija ta' persuni kif il-Ministru jista' b'regolamenti, imsaħħa b'rizoluzzjoni affermattiva tal-Kamra tad-Deputati, jippreskrivi.

Kodiċi ta' Etika.

(3) (a) Il-Kodiċi ta' Etika li jinsab fl-Ewwel Skeda għandu japplika għall-Membri tal-Kamra tad-Deputati.

(b) Mingħajr preġudizzju għad-dispożizzjonijiet tal-paragrafu (a) il-Kodiċi tal-Etika li jinsab fit-Tieni Skeda għandu japplika għal Ministri, Segretarji Parlamentari u Assistenti Parlamentari.

Kap. 497.

(ċ) L-Att dwar l-Amministrazzjoni Pubblika u kull kodiċi applikabbli ieħor, direttivi jew linji gwida maħruġin taħt l-Att dwar l-Amministrazzjoni Pubblika jew kull Att ieħor, għandhom *mutatis mutandis* japplikaw għal persuni msemmija fis-subartikolu (1)(b), u kull referenza f'ihom għal "impjegati pubbliċi" għandha tiftiehem bħala referenza għal persuni msemmija fl-imsemmi subartikolu.

(4) Il-Ministru jista', minn zmien għal zmien, fuq rakkomandazzjoni tal-Kumitat Permanenti dwar *Standards* fil-Hajja Pubblika, b'ordni fil-Gazzetta, imsaħħa b'riżoluzzjoni affermattiva tal-Kamra tad-Deputati, jemenda jew jissostitwixxi l-iskedi.

(5) Għandu jkun id-dmir tal-persuni kollha li għalihom japplika dan l-Att, li jikkonformaw mal-Kodiċi tal-Etika applikabbli kif previst f'dan l-artikolu.

TAQSIMA I

KUMMISSARJU GHALL-*ISTANDARDS* FIL-HAJJA PUBBLIKA

4. Għandu jinħatar Kummissarju għall-*Standards* fil-Hajja Pubblika li jinħatar mill-President ta' Malta li jaġixxi skont riżoluzzjoni tal-Kamra tad-Deputati li tgħaddi bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha li hemm fil-Kamra:

Hatra ta' Kummissarju.

Izda meta persuna li ma tkunx membru tal-Kamra tad-Deputati tiġi eletta bħala *Speaker* tal-Kamra tad-Deputati, dik il-persuna ma għandhiex titqies li tkun membru tal-Kamra bil-għan li tiġi stabbilita l-maġġoranza meħtieġa b'dan l-artikolu.

5. (1) Persuna ma tikkwalifakx biex tinħatar fil-kariga ta' Kummissarju jekk hija tkun membru tal-Kamra tad-Deputati, membru ta' kunsill lokali, jew uffiċjal pubbliku.

Skwalifiki u inkompatibilitajiet.

(2) Il-kariga ta' Kummissarju ma tkunx kompatibbli mal-eżerċizzju ta' xi attività professjonali, bankarja, kummerċjali jew ta' *trade union*, jew ma' kull attività oħra li ssir għal profitt jew kumpens ħlief għal dik l-attività oħra li l-membri tal-ġudikatura huma awtorizzati bil-liġi li jsegwu b'żieda mad-dmirijiet ġudizzjarji tagħhom.

(3) Il-Kummissarju ma għandu jkun f'ebda kariga li ma tkunx kompatibbli mat-tweqqif korrett tad-dmirijiet uffiċjali tiegħu jew mal-imparzjalità u l-indipendenza tiegħu jew mal-fiduċja pubblika dwarhom. Il-Kummissarju għandu jiddikjara lill-*Speaker* tal-Kamra tad-Deputati, u jikseb l-approvazzjoni tiegħu dwar, kull kariga, *trust* jew tesserament li l-Kummissarju jqis bħala li ma jolqtux l-imparzjalità, jew indipendenza u fiduċja pubblika, u li huwa jkun jixtieq li jzomm matul iż-żmien tal-kariga tiegħu.

6. (1) Kemm-il darba ma jiġix provdut mod ieħor f'dan l-Att, Kummissarju għandu jibqa' f'dik il-kariga għal zmien ħames snin u jkun eliġibbli biex jerga' jinħatar għal perijodu wiehed konsekuttiv ta' ħames snin.

Żmien tal-kariga.

(2) Sakemm dik il-kariga ma ssirx vakanti qabel, persuna li tinġatar Kummissarju għandha tibqa' f'dik il-kariga sa meta jinġatar is-suċċessur tagħha.

(3) Kummissarju jista' f'kull żmien jaġġi r-riżenja tiegħu mill-kariga bil-miktub lill-President.

Tnehhija jew
sospensjoni
mill-kariga.

7. (1) Kummissarju jista' f'kull żmien jitneħħa jew jiġi sospiż mill-kariga tiegħu mill-President ta' Malta, meta jsirli indirizz mill-Kamra tad-Deputati li jsir bis-saħħa tal-voti ta' mhux anqas minn żewġ terzi tal-membri kollha tal-Kamra, li fih jintalab biex inehħih mill-kariga minhabba f'inkapaċità evidenti li jwettaq il-funzjonijiet tal-kariga tiegħu (sew jekk din tkun minhabba f'nuqqas ta' saħħa fiżika jew mentali jew għal xi raġuni oħra ppruvata) jew minhabba f'imġiba hażina evidenti, u d-dispożizzjonijiet tal-proviso għall-artikolu 4 għandhom japplikaw ukoll għall-għan li tiġi stabbilita l-maġġoranza meħtieġa b'dan is-subartikolu.

(2) F'kull żmien meta ma jkunx hemm sessjoni tal-Parlament, Kummissarju jkun jista' jiġi sospiż mill-kariga tiegħu mill-President ta' Malta li jaġixxi skont id-diskrezzjoni tiegħu, dwar inkapaċità li jwettaq il-funzjonijiet tal-kariga tiegħu jew imġiba hażina li dwarha tingieb prova li tissodisfa lill-President ta' Malta; iżda kull sospensjoni bħal dik ma għandhiex tkompli sseħħ għal iktar minn xahrejn wara l-bidu tas-sessjoni tal-Parlament li jkun imiss minnufih wara.

Okkupazzjoni
tal-kariga
vakanti.

8. (1) Jekk Kummissarju imut, jew jirriżenja mill-kariga tiegħu, jew jivvaka l-kariga tiegħu jew jitneħħa mill-kariga, il-post vakanti li hekk jirriżulta għandu jiġi okkupat skont ma jingħad f'dan l-artikolu.

(2) Jekk il-kariga vakanti ta' Kummissarju sseħħ f'xi żmien meta l-Parlament ikun qiegħed f'sessjoni, din għandha tiġi okkupata bil-hatra tal-Kummissarju mill-President ta' Malta fuq ir-rakkomandazzjoni tal-Kamra tad-Deputati skont l-artikolu 4:

Iżda jekk il-kariga vakanti sseħħ inqas minn xahrejn qabel l-għeluq ta' dik is-sessjoni u ma ssir ebda rakkomandazzjoni bħal dik f'dik is-sessjoni, id-dispożizzjonijiet tas-subartikolu (3) għandhom ikunu japplikaw bħallikieku l-kariga vakanti seħħet filwaqt li l-Parlament ma kienx qiegħed f'sessjoni.

(3) Jekk dik il-kariga vakanti sseħħ f'xi żmien meta l-Parlament ma jkunx qiegħed f'sessjoni, il-President ta' Malta għandu jaħtar Kummissarju sabiex jokkupa l-kariga, u min jiġi hekk mahtur għandu, kemm-il darba l-kariga tiegħu ma ssirx vakanti qabel, jibqa' fil-kariga sakemm jinġatar Kummissarju ieħor skont l-artikolu 4.

9. (1) Il-President ta' Malta jista' -

Hatra
temporanja ta'
Kummissarju.

(a) f'kull żmien li matulu l-Kummissarju jkun marid jew assenti, jew

(b) għal kull raġuni oħra temporanja meta l-Kummissarju jqis li jkun hekk jeħtieġ li ma jmexxix investigazzjoni hu nnifsu minhabba f'dawk iċ-ċirkostanzi li, kieku huwa kien imħallef tal-qrati superjuri, huwa kien jastjeni,

jaħtar Kummissarju sabiex jidhol fil-kariga skont dan l-artikolu, u dak il-Kummissarju għandu jithallas dak is-salarju, li ma jkunx aktar mill-ammont li jkun qed jithallas lill-Kummissarju, skont kif il-President ta' Malta jikkonsidra li jkun xieraq.

(2) Is-setgħa mogħtija bid-dispożizzjonijiet tas-subartikolu (1)(b) għandha biss titwettaq wara li jsir ċertifikat li jiġi ffirmat mill-Kummissarju fejn jingħad li, fil-fehma tiegħu, ikun jenħtieġ sabiex ikun jista' jsir ix-xogħol ta' Kummissarju skont dan l-Att li jinħatar temporanjament Kummissarju addizzjonali.

(3) Kummissarju li jinħatar bis-saħħa ta' dan l-artikolu minhabba f'li l-Kummissarju jkun marid jew assenti għandu jibqa' fil-kariga sa dak iż-żmien meta l-Kummissarju jerga' jidhol fil-kariga tiegħu, u kull Kummissarju iehor li jinħatar għal għan temporanju għandu jibqa' fil-kariga sakemm huwa jwettaq il-funzjoni lilo mogħtija.

(4) (a) Persuna ma tikkwalifakx biex tinħatar taħt dan l-artikolu jekk ma tkunx tikkwalifika biex tinħatar fil-kariga ta' Kummissarju taħt l-artikolu 5(1).

(b) Id-dispożizzjonijiet tal-artikolu 5(2) u (3) japplikaw għal persuna maħtura taħt dan l-artikolu:

Iżda persuna maħtura taħt dan l-artikolu tkun tista' teżerċita attività li ssir għal profitt jew kumpens li ma tkunx b'xi mod inkompatibbli mad-dispożizzjonijiet tal-artikolu 5(3).

10. (1) Qabel ma jibda jwettaq id-dmirijiet tal-kariga tiegħu, Kummissarju għandu jieħu għurament li jkun ser jaqdi d-dmirijiet tal-kariga tiegħu b'fedeltà u imparzjalità, u li huwa ma jikxifx, hliet skont l-artikolu 21, xi tagħrif li jkun kiseb bis-saħħa ta' dan l-Att.

Gurament tal-
kariga.

(2) l-gurament jingħatalu mill-*Speaker* tal-Kamra tad-Deputati.

Rizorsi.

11. (1) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull liġi oħra li tapplika għal dan, u bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-Kummissarju jista' jahtar lil dawk l-uffiċjali u impjegati li jistgħu jenħtieġu għat-twettiq tal-funzjonijiet, setgħat u dmirijiet li jitnisslu minn dan l-Att. Din is-setgħa ta' ħatra tinkludi l-approvazzjoni għall-għadd ta' persuni li jistgħu jinħatru bis-saħħa ta' dan l-artikolu sew jekk b'mod ġenerali jew għar-rigward ta' xi dmirijiet speċifiċi jew klassi ta' dmirijiet, is-salarji u l-kondizzjonijiet tal-ħatra tagħhom.

(2) Il-Kummissarju jista' filwaqt li jkun qiegħed jagħmel investigazzjoni, jahtar, f'kapaċità konsultattiva, lil min irid jekk l-perizja partikolari tiegħu tkun meħtieġa biex l-investigazzjoni tkun tista' ssir b'mod iktar effettiv:

Izda meta l-konsulent meħtieġ ikun uffiċjal pubbliku, il-Prim Ministru jista' jahtar, wara li ssirlu talba mill-Kummissarju, lil dak l-uffiċjal pubbliku sabiex jagħti l-għajjnuna tiegħu.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu l-Kummissarju jkun responsabbli li japprova l-livell ta' tagħmir kapitali, mobbilja, materjal u attivitajiet amministrattivi meħtieġa għat-twettiq tal-funzjonijiet, setgħat u dmirijiet li jitnisslu minn dan l-Att.

(4) Il-finanzi meħtieġa għas-salarju u *allowances* tal-Kummissarju, u għar-rizorsi deskritti fis-subartikoli (1), (2) u (3) ma għandhomx jeċċedu dak l-ammont massimu li jiġi indikat fi pjan finanzjarju li jiġi approvat mill-Kamra tad-Deputati u dan ikun nefqa li ssir mill-Fond Konsolidat mingħajr il-ħtieġa ta' ebda approprjazzjoni oħra hlief dan l-Att:

Izda l-Kummissarju għandu jipprezenta quddiem il-Kamra, mhux iktar tard mill-15 ta' Settembru ta' kull sena, pjan finanzjarju li jkun jindika l-attivitajiet tas-sena li ġejja.

(5) Is-salarju, *allowances* u spejjeż li jithallsu lill-Kummissarju għandhom ikunu bir-rati li jkunu daqs dawk li japplikaw fil-każ ta' mħallef tal-qrati superjuri. Is-salarju ma għandux jitnaqqas matul it-tkomplija tal-ħatra tal-Kummissarju.

(6) L-uffiċjali u l-impjegati mahtura skont is-subartikolu (1) għandhom, qabel ma jibdew iwettqu l-kariga jew l-impjeg tagħhom, jieħdu ġurament li jkunu ser iwettqu d-dmirijiet tal-kariga jew tal-impjeg tagħhom fedelment u b'imparzjalità, u li ma jikxfu, hlief skont ma hemm fl-artikolu 21, ebda informazzjoni li huma jkunu kisbu bis-saħħa ta' dan l-Att. Dak il-ġurament għandu jingħatalhom

mill-Kummissarju.

12. Il-kontijiet tal-uffiċċju tal-Kummissarju għandhom jigu verifikati mill-Awditur Ġenerali u għal dan għandu japplika l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika.

Verifika.
Kap. 174.

FUNZJONIJIET

13. (1) Il-Kummissarju għandu jkollu dawn il-funzjonijiet li ġejjin:

Funzjonijiet tal-Kummissarju.

(a) li jeżamina u jekk ikun meħtieġ jivverifika, dawk id-dikjarazzjonijiet li jkollhom x'jaqsmu ma' dhul jew attiv, jew interessi jew benefiċċji oħra ta' kull xorta ta' persuni li għalihom japplika dan l-Att, li għandhom id-dmir li jagħmlu dawk id-dikjarazzjonijiet kif jista' jkun provdut taht dan l-Att jew kull liġi oħra;

(b) li jinvestiga b'inizjattiva tiegħu jew fuq allegazzjoni bil-miktub ta' xi persuna xi kwistjoni allegata li tikser kull dmir statutorju jew etiku ta' kull persuna li għaliha jkun japplika dan l-Att:

Izda persuna li tkun qiegħda tagħmel allegazzjoni skont dan l-artikolu ma għandhiex tintalab li turi xi interess personali biex issaħħaħ l-allegazzjoni tagħha;

(ċ) li jagħti deciżjoni, meta mitlub minn persuna li għaliha jkun japplika dan l-Att, jekk azzjoni jew imġiba maħsuba minnha hijiex projbita mill-Kodiċi tal-Etika applikabbli jew minn kull dmir partikolari ieħor statutorju jew etiku, u ma tinzamm l-ebda responsabbiltà għal xi ksur tal-Kodiċi tal-Etika applikabbli jew kull dmir statutorju jew etiku meta persuna tkun aġixxiet f'konformità ma' kull deciżjoni bħal dik.

Approvazzjoni
negattiva.

(2) Għall-fini ta' dan l-artikolu 'dmir etiku' jinkludi l-obbligu li jkun osservat il-Kodiċi tal-Etika.

(3) Il-Kummissarju ma għandux jgħaddi biex jinvestiga xi allegazzjoni fuq xi kwistjoni li fuqha jkun hemm pendenti proċedimenti fil-qorti jew quddiem xi tribunal ieħor, u għandu jissospendi l-investigazzjoni jekk xi persuna li jkollha interess tagħmel talba quddiem qorti jew tribunal ieħor dwar il-kwistjoni li tkun qed tiġi investigata:

Izda l-investigazzjoni tista' tibqa' għaddejja jekk il-Kummissarju jqis li l-allegazzjoni tqajjem kwistjonijiet ta' interess

ġenerali.

(4) Fit-twettiq tal-funzjonijiet tiegħu l-Kummissarju ma għandu jkun suġġett għal ebda direzzjoni jew kontroll ta' xi persuna jew awtorità oħra.

Preskrizzjoni
għal
allegazzjonijiet.

14. (1) Ebda haġa f'dan l-Att ma għandha tippermetti lill-Kummissarju li jinvestiga xi allegazzjoni fuq xi att li ġara qabel id-data meta dan l-Att jibda jsehh.

(2) Ma għandhiex tittiehed konjizzjoni ta' allegazzjoni taht dan l-Att kemm-il darba din l-allegazzjoni ma ssirx mhux iktar tard minn sentejn mill-jum li fih min jagħmel l-allegazzjoni sar jaf bil-kwistjonijiet li jkun qed jallega dwarhom; iżda l-Kummissarju jista' jmexxi investigazzjoni fuq allegazzjoni li ma tkunx saret matul dak iż-żmien jekk huwa jqis li jkun hemm ċirkostanzi speċjali li jkunu jiġġustifikaw li ssir dik l-investigazzjoni.

Regoli dwar kif
jimxi l-
Kummissarju.

15. (1) Minn żmien għal żmien il-Kamra tad-Deputati tista' b'riżoluzzjoni tagħmel, jekk hekk ikun jidhrilha li tagħmel, regoli ġenerali dwar kif għandu jimxi l-Kummissarju fit-twettiq ta' dmirijietu taht dan l-Att, u tista' f'kull żmien bl-istess mod tirrevoka jew tiddel kull regola li tkun għamlet.

(2) Ir-regoli kollha magħmulin taht dan l-artikolu għandhom isiru bi, u jiġu pubblikati bħala, leġislazzjoni sussidjarja magħmula taht dan l-Att.

Kif issir l-
allegazzjoni.

16. Kull allegazzjoni li ssir lill-Kummissarju għandha ssir bil-miktub jew bil-fomm. Meta allegazzjoni ssir bil-fomm din għandha titniżzel bil-miktub kemm jista' jkun malajr.

Rifjut ta'
investigazzjoni
ta' allegazzjoni.

17. (1) Jekk meta ssir allegazzjoni, jew filwaqt li jkun qiegħed jinvestiga allegazzjoni, il-Kummissarju jidhirlu li, fil-qies taċ-ċirkostanzi kollha tal-każ, kull investigazzjoni, jew investigazzjoni ulterjuri ma tkunx meħtieġa, huwa jista' jiċhad li jinvestiga, jew ikompli jinvestiga dik l-allegazzjoni.

(2) Bla ma jitqiegħed ebda limitu għall-ġeneralità tas-setgħat mogħtija lill-Kummissarju b'dan l-Att, il-Kummissarju jista' fid-diskrezzjoni tiegħu jiddeċiedi li ma jinvestigax, jew, skont il-ħtieġa tal-każ, li ma jkomplix jinvestiga allegazzjoni jekk fil-fehma tiegħu -

(a) is-sustanza tal-allegazzjoni tkun waħda trivjali; jew

(b) l-allegazzjoni tkun waħda frivola jew vessatorja jew ma ssirx *bona fide*.

(3) F'kull każ meta l-Kummissarju jiddeċiedi li ma jinvestigax jew li ma jkomplix jinvestiga allegazzjoni, huwa għandu jgħarraf b'dan lil min ikun għamel l-allegazzjoni, u jagħti r-raġunijiet għal dik id-deċiżjoni.

PROCEDIMENTI

18. (1) Kull investigazzjoni li ssir mill-Kummissarju skont dan l-Att għandha titmexxa bil-magħluq. Procedimenti.

(2) Il-Kummissarju jista' jisma' jew jirċievi tagħrif minn dawk il-persuni li jidhirlu xierqa, u jista' jagħmel dawk l-inkjesti li jidhirlu xierqa.

(3) Il-Kummissarju ma għandux jagħmel xi sejba jew rakkomandazzjoni li tista' tolqot hażin ir-reputazzjoni ta' kull persuna li tkun qiegħda tiġi investigata mingħajr ma jagħti lil dik il-persuna d-dritt li tinstema'.

(4) Jekk il-Kummissarju, matul jew wara xi investigazzjoni, ikun tal-fehma li jkun hemm prova sostanzjali ta' xi ksur sinjifikattiv ta' xi dmir jew ta' imġiba hażina li titwettaq minn xi persuna li għaliha jkun japplika dan l-Att, huwa għandu jirreferi l-kwistjoni lill-awtorità konċernata inklużi l-Pulizija:

Izda l-Kummissarju jista' jkompli għaddej bl-investigazzjoni tiegħu wara li jirreferi l-kwistjoni kif imsemmi qabel.

(5) Kull persuna li għaliha japplika dan l-Att għandha d-dmir li tikkopera, f'kull stadju, f'investigazzjoni taht dan l-Att.

(6) Bla hsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regola magħmula bis-saħħa tiegħu, il-Kummissarju jista' jirregola l-proċedura tiegħu b'kull mod li huwa jqis li jkun xieraq.

19. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu u tal-artikolu 20, il-Kummissarju jista' minn żmien għal żmien jeħtieġ lil xi persuna li fil-fehma tiegħu tkun tista' tagħti xi tagħrif li jkollu x'jaqsam ma' xi kwistjoni li tkun qiegħda tiġi investigata mill-Kummissarju li tagħtih dak it-tagħrif, u li tipproduci kull dokument jew inkartament jew oġġett li fil-fehma tal-Kummissarju jkollhom x'jaqsmu mal-kwistjoni kif imsemmija qabel u li tista' tkun fil-pussess jew taht il-kontroll ta' dik il-persuna. Provi.

(2) Il-Kummissarju għandu jkollu s-setgħa li -

(a) jħarrek ix-xhieda;

(b) jagħti gura ment lil kull xhud u persuna involuti fl-investigazzjoni,

u jeħtieghom li jixhdu u li jipproduċu dokumenti fil-pussess tagħhom jew taħt il-kustodja tagħhom f'dawk iċ-ċirkostanzi kif jista' jiġi mitlub sabiex jagħtu x-xhieda jew jipproduċu dokumenti quddiem qorti tal-gustizzja.

(3) Tahrikiet għal attendenza ta' xhieda jistgħu jkunu fil-forma kif murija fit-Tielet Skeda li tinsab ma' dan l-Att jew f'kull forma oħra kif jista' jkun xieraq għall-każ, u għandhom jiġu ffirmati mill-Kummissarju.

(4) Tahrika tista' tiġi notifikata jew bl-idejn jew bil-posta. Meta tiġi notifikata bl-idejn ikun bizżejjed biex tiġi ppruvata n-notifika li jiġi ppruvat li t-tahrika thalliet ma' persuna 'l fuq mill-età ta' sittax-il sena fil-post tar-residenza jew tan-negozju tal-persuna mharrka; u jekk tiġi notifikata bil-posta jkun bizżejjed biex tiġi ppruvata n-notifika li jiġi ppruvat li t-tahrika kienet indirizzata u impustata tajjeb.

(5) Kull persuna mharrka kif imsemmi hawn qabel li tirrifjuta jew mingħajr kawża ġusta tonqos milli tattendi fil-hin u fil-post imsemmija fit-tahrika, jew tirrifjuta mingħajr kawża ġusta li twieġeb jew li twieġeb bis-shih u b'mod sodisfaċenti fil-qies ta' kemm taf u tifhem kull mistoqsija li ssirilha mill-Kummissarju, jew li tirrifjuta jew tonqos mingħajr kawża ġusta li tipproduċi xi dokument li l-Kummissarju jkun ħtiegħa li tipproduċi, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elfejn u hames mitt euro (€2,500) jew priġunerija għal żmien ta' mhux iżjed minn tliet xhur, jew dik il-multa u priġunerija flimkien:

Izda, mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet tas-subartikolu (2), ebda persuna li tkun qieghda tixhed quddiem il-Kummissarju ma tista' tiġi mgieghla twieġeb għal xi domanda li għandha mnejn tesponiha għal xi prosekuzzjoni kriminali, u kull tali persuna għandu jkollha jedd, għar-rigward ta' kull xhieda minnha mogħtija quddiem il-Kummissarju, għall-istess privileġġi li jkollu jedd għalihom xhud li jkun qed jixhed quddiem qorti tal-gustizzja.

(6) Id-dispożizzjonijiet li ġejjin għandhom japplikaw *mutatis mutandis* għall-persuna li jkollha tinstema' mill-Kummissarju:

Kap. 9.

(a) id-dispożizzjonijiet tal-artikolu 522 tal-Kodiċi Kriminali, meta l-persuna li jkollha tinstema' tonqos milli tixhed meta hekk meħtieġa tagħmel mill-Kummissarju; għal dan

il-għan, il-proċedimenti quddiem il-Kummissarju għandhom jitqiesu li jkunu proċedimenti li jkunu qegħdin isiru quddiem qorti tal-gustizzja;

(b) id-dispożizzjonijiet tal-artikoli 104, 105, 107, 108 u 109 tal-Kodiċi Kriminali, skont ma jkun il-każ, meta l-persuna li jkollha tinstema' ma tixhidx il-verità; għal dan il-għan il-proċedimenti quddiem il-Kummissarju għandhom jitqiesu li jkunu proċedimenti li jkunu qegħdin isiru quddiem qorti u l-persuna li jkollha tinstema' għandha titqies li tkun persuna li tkun qed tixhed f'dawk il-proċedimenti. Għall-għan li tiġi determinata l-piena li tkun tgħodd skont kif jista' jkun meħtieġ fi proċedimenti għal spjegur taħt dan is-subartikolu, l-allegazzjoni indagata jew li tkun se tiġi ġudikata mill-Kummissarju għandha titqies li tkun sugġetta għall-piena li għaliha kienet tkun sugġetta kieku l-istess fatt ġara quddiem qorti tal-gustizzja.

Kap. 9.

20. (1) Meta l-Prim Ministru jiċcertifika li l-għoti ta' xi tagħrif jew it-tweġib ta' xi mistoqsija jew il-produzzjoni ta' xi oġġett, inkartament jew dokument ieħor -

Eżenzjonijiet minn kxif.

(a) ikun jolqot is-sigurtà jew id-difiza ta' Malta jew ir-relazzjonijiet jew arrangamenti bejn il-Gvern ta' Malta u xi Gvern ieħor jew xi organizzazzjoni internazzjonali ta' Stati jew Gvernijiet; jew

(b) ikun x'aktarx jagħmel ħsara serja lill-ekonomija nazzjonali; jew

(c) ikun jinvolti l-kxif tad-diskussjonijiet jew proċedimenti tal-Kabinett jew ta' xi kumitat tal-Kabinett; jew

(d) ikun jippreġudika l-investigazzjoni jew is-sejbien ta' reati,

il-Kummissarju ma għandux jenħtieġ li t-tagħrif jew ir-risposta jkollhom jingħataw jew, skont il-każ, li l-oġġett, inkartament jew dokument ieħor jiġu prodotti.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1), kull ligi li tawtorizza jew teħtieġ iż-żamma ta' xi dokument, oġġett jew inkartament, jew ir-rifjut li tkun imwieġba xi mistoqsija, għar-raġuni li l-kxif tad-dokument, oġġett jew inkartament jew it-tweġib tal-mistoqsija jkun ta' ħsara għall-interess pubbliku, ma għandhiex tapplika għar-rigward ta' xi investigazzjoni jew proċedimenti quddiem il-Kummissarju.

(3) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-Kummissarju għandu jkollu d-dritt ta' aċċess għal kull dokument li jkollu x'jaqsam ma' atti tat-taxxa.

It-tagħrif ikun sigriet.

21. (1) Tagħrif li jinkiseb mill-Kummissarju u minn kull persuna li jkollha xi kariga, hatra jew pożizzjoni li jkunu jaqgħu taħt il-Kummissarju, filwaqt li tkun qiegħda ssir investigazzjoni bis-saħħa ta' dan l-Att jew għall-ghan tagħha, ma għandux jinkixef hlief għall-ghanijiet tal-investigazzjoni u ta' kull rapport li jkollu jsir fuq dik l-investigazzjoni bis-saħħa ta' dan l-Att, jew bil-ghan ta' xi proċedimenti li jkollhom x'jaqsmu ma' xi reat li jsir taħt dan l-Att, u l-Kummissarju u l-membri tal-uffiċċju tiegħu ma għandhomx jiġu mħarrka sabiex jixhdu f'xi proċedimenti, hlief dawk imsemmija qabel, dwar kull haġa li jsiru jafu biha matul l-investigazzjoni li tkun qiegħda ssir bis-saħħa ta' dan l-Att.

Kap. 9.

(2) Id-dispożizzjonijiet tal-artikolu 133 tal-Kodiċi Kriminali għandhom japplikaw għall-Kummissarju u l-membri tal-uffiċċju tiegħu, u dwarhom, l-istess bħalma japplikaw għal jew dwar uffiċċjal jew impjegat pubbliku kif hemm imsemmi fl-artikolu 133 tal-Kodiċi Kriminali.

PROĊEDURA WARA L-INVESTIGAZZJONI

Proċedura wara investigazzjoni.

22. (1) Id-dispożizzjonijiet ta' dan l-artikolu għandhom ikunu japplikaw f'kull każ meta, wara li ssir investigazzjoni bis-saħħa ta' dan l-Att, il-Kummissarju jkun tal-fehma li l-allegazzjoni li tkun tiffirma l-qofol tal-investigazzjoni -

(a) tidher li *prima facie* tkun saret kontra dak li trid il-ligi; jew

(b) tkun *prima facie* kisret xi dmir statutorju jew etiku kif previst taħt dan l-Att jew kull ligi oħra.

(2) Id-dispożizzjonijiet ta' dan l-artikolu għandhom ikunu wkoll japplikaw f'kull każ meta l-Kummissarju jkun tal-fehma li fl-imġiba li tikkostitwixxi l-qofol tal-allegazzjoni, tkun twettqet xi setgħa diskrezzjonali għal xi għan mhux tajjeb.

(3) Jekk f'xi każ li japplika għalih dan l-artikolu l-Kummissarju jkun tal-fehma -

(a) li l-kwistjoni għandha tiġi riferita lill-awtorità propizja sabiex tiġi kkunsidrata aktar; jew

(b) li xi Prattika jew imġiba tikser xi dmir statutorju jew etiku jew li dik il-prattika jew imġiba għandha tinbidel; jew

(ċ) li għandhom jittieħdu xi passi oħra,

il-Kummissarju għandu jirrapporta l-fehma tiegħu, u r-raġunijiet tiegħu għaliha, lill-Kumitat, u jista' jagħmel dawk ir-rakkomandazzjonijiet li jidhrulu xierqa.

(4) Jekk fi żmien raġonevoli wara li jsir ir-rapport ma tittiehed ebda azzjoni li l-Kummissarju jkun tal-fehma li tkun waħda adegwata u xierqa, il-Kummissarju jista', fid-diskrezzjoni tiegħu, jibgħat kopja tar-rapport u tar-rakkomandazzjonijiet lill-*Speaker* li għandu jqiegħed kopja tagħhom fuq il-Mejda tal-Kamra.

(5) Meta l-Kummissarju jsib li ksur tal-Kodiċi tal-Etika jew ta' xi dmir statutorju jew etiku ma jkunx ta' xorta gravi, hu jista' jagħti perijodu ta' żmien lill-persuna investigata li fih tkun tista' tirrimedja dak il-ksur.

Permess biex jiġi rimedjat il-ksur.

(6) Meta mill-investigazzjoni jkun jidher *prima facie* li jkun sar reat kriminali jew att ta' korruzzjoni, il-Kummissarju għandu jirreferi r-rizultanzi tiegħu lill-Kummissarju tal-Pulizija jew lill-Kummissjoni Permanenti Kontra l-Korruzzjoni, skont kif ikun il-każ, u għandu minnufih javża li-*Chairman* tal-Kumitat.

23. (1) Ma jistgħu jittieħdu ebda proċedimenti, ċivili jew kriminali, kontra l-Kummissarju jew kontra xi membru tal-uffiċċju tiegħu għal dak li jista' jagħmel jew jirrapporta jew jgħid matul it-twettiq jew it-twettiq maħsub tal-funzjonijiet tiegħu bis-saħħa ta' dan l-Att kemm-il darba ma jiġix ippruvat li jkun aġixxa b'*mala fede*.

Proċedimenti privileġġjati.

(2) Kemm il-Kummissarju kif ukoll dawk il-persuni msemmija qabel ma għandhomx jitharrku sabiex jixhdu quddiem xi qorti, jew matul xi proċedimenti ta' xorta ġudizzjarja, dwar xi haġa li huma jsiru jafu biha fit-twettiq tal-funzjonijiet tagħhom bis-saħħa ta' dan l-Att.

(3) Kull haġa li tingħad jew kull tagħrif li jingħata jew kull dokument, inkartament jew oġġett prodott minn xi persuna matul inkjesta mill-Kummissarju jew proċedimenti quddiemu bis-saħħa ta' dan l-Att għandhom ikunu privileġġjati bl-istess mod bħallikieku l-inkjesta jew il-proċedimenti kienu proċedimenti quddiem qorti tal-ġustizzja.

24. (1) Il-Kummissarju għandu jikkonkludi l-investigazzjoni tiegħu fi żmien sitt xhur minn meta jirċievi l-allegazzjoni.

Konkluzjoni tal-investigazzjoni.

(2) Meta l-investigazzjoni ma tkunx giet konkluzja fi żmien sitt xhur minn meta jkun irċieva l-allegazzjoni, il-Kummissarju għandu

jagħmel rapport li fih jagħti r-raġuni għad-dewmien, u dan ir-rapport għandu jiġi trasmess mill-Kummissarju liċ-*Chairman* tal-Kumitat mhux iżjed tard minn sebat ijiem tax-xogħol minn meta jkunu għaddew is-sitt xhur.

(3) Fi tmiem kull xahar wara li jkun sar l-ewwel rapport, il-Kummissarju għandu jagħmel rapport ieħor li fih għal darb'ohra jagħti r-raġuni għad-dewmien, u kull rapport sussegwenti bħal dan għandu jiġi trasmess mill-Kummissarju liċ-*Chairman* tal-Kumitat mhux iżjed tard minn sebat ijiem tax-xogħol minn meta jkun għadda x-xahar.

Rapporti.

25. Il-Kummissarju għandu jagħmel rapport, ta' mill-inqas kull sena jew b'dik il-frekwenza li huwa jista' jqis spedjenti, lill-Kamra tad-Deputati dwar it-tweqqif tal-funzjonijiet tiegħu bis-saħħa ta' dan l-Att. Kull rapport bħal dan għandu jingħata lill-*Speaker* tal-Kamra tad-Deputati u l-*Speaker* għandu jqiegħed kull rapport bħal dan fuq il-Mejda tal-Kamra mal-ewwel opportunità li jkollu.

TAQSIMA II

KUMITAT GĦALL-*ISTANDARDS* FIL-*HAJJA* PUBBLIKA

Għamla tal-Kumitat.

26. (1) Għandu jkun hemm Kumitat li jkun Kumitat Permanenti tal-Kamra tad-Deputati, li jkun jikkonsisti:

(a) fl-*Speaker* tal-Kamra tad-Deputati bħala *Chairman*;

(b) f'żewġ membri nominati mill-Prim Ministru u f'żewġ membri nominati mill-Kap tal-Oppożizzjoni.

(2) Meta l-voti jkunu ndaqs l-*Speaker* għandu jkollu vot deciziv iżda ma jkollux vot originali.

Setgħat tal-Kumitat.

27. (1) Il-Kummissarju għandu jibgħat lill-Kumitat ir-rapporti tiegħu, magħmulin taħt l-artikolu 22.

(2) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 13(4), il-Kumitat għandu jissorvelja u jifli l-ħidma tal-Kummissarju, għall-finijiet li jiżgura li l-Kummissarju qiegħed iwettaq id-dmirijiet tiegħu u jaħdem b'mod effiċjenti, u għandu jeżamina kull rapport li jirċievi mill-Kummissarju.

(3) Il-Kumitat għandu jiddeciedi dwar jekk jadottax il-konklużjonijiet u kull rakkomandazzjoni fl-imsemmija rapporti.

(4) Il-Kumitat, meta jqis li ma jkunx jista' jadotta xi rapport tal-Kummissarju, jista' jew jiddeciedi li jiċhad ir-rapport imsemmi

jew jiddeċiedi li l-allegazzjoni tkun teħtieġ li tiġi investigata iżjed, f'liema każ il-Kumitat jista', bl-ġhajnuna tal-Kummissarju, iwettaq dawk l-investigazzjonijiet addizzjonali u jisma' iżjed provi dwar il-kwistjoni tal-allegazzjoni. Għal dan il-ġhan il-Kumitat għandu jkollu s-setgħat mogħtija lill-Kummissarju taħt l-artikolu 19.

(5) Il-Kumitat jista' wkoll jitlob lill-Kummissarju sabiex jispjega kull aspett tar-rapport jew sabiex iwettaq iżjed investigazzjonijiet.

(6) Jekk il-Kumitat jiddeċiedi li jiċhad il-konklużjonijiet tal-Kummissarju, għandu jagħti raġunijiet għad-deċiżjonijiet tiegħu.

28. (1) Meta l-Kumitat isib li jkun hemm ksur tal-Kodiċi tal-Etika jew ta' xi dmir statutorju jew etiku il-Kumitat jista', wara li jagħti lill-persuna involuta d-dritt li tagħmel is-sottomissjonijiet tagħha, jiddeċiedi fuq waħda jew iżjed minn dawn is-sanzjonijiet li ġejjin:

Sanzjonijiet
mill-Kumitat.

(a) iċanfar lill-persuna investigata;

(b) jirrakkomanda li l-kwistjoni tkun irrappurtata lill-Kummissarju tal-Pulizija jew lill-Kummissjoni Permanenti Kontra l-Korruzzjoni, skont kif ikun il-każ, għal iżjed investigazzjoni;

(c) fil-każ meta l-persuna investigata tkun impjegata, il-Kumitat jista' jordna lill-Gvern jew lil kull entità jew korp statutorju, sabiex jieħu dawk il-miżuri kollha meħtieġa skont il-kuntratt ta' impjieg tal-persuna msemmija, bil-ġhan li jirrimedja l-ksur;

(d) fil-każ ta' Membru tal-Kamra tad-Deputati -

(i) jirrakkomanda li l-imsemmija Kamra għandha tordna l-Membru sabiex jirrimedja kull ksur;

(ii) jitlob apoloġija bil-miktub li ssir lill-Kumitat;

(iii) jitlob apoloġija permezz ta' dikjarazzjoni personali fil-Kamra;

(iv) jitlob pagament mill-ġdid ta' jew pagament ta' riżorsi użati hażin;

(v) jirrakkomanda li l-Kamra tad-Deputati tieħu kull miżura oħra li jidhrilha xierqa;

(e) f'kull każ, il-Kumitat jista' jirrakkomanda li l-Kamra tad-Deputati tordna lil persuna li tkun qieghda tigi investigata sabiex tirrimedja l-ksur.

Regolamenti.

29. Il-Ministru jista' jagħmel regolamenti biex jimplimenta u jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-Att u mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, jista' b'dawk ir-regolamenti, jippreskrivi dak kollu li għandu jkun jew li jista' jiġi preskritt u jipprovdi għal kull kwistjoni konsegwenzjali, inċidentali għal jew konnessa mad-dispożizzjonijiet ta' dan l-Att.

L-EWWEL SKEDA

(Artikolu 3)

KODIĊI TA' ETIKA TAL-MEMBRI TAL-KAMRA TAD-DEPUTATI

1. Membru tal-Kamra tad-Deputati għandu f'kull waqt, sew jekk ġewwa jew barra l-Kamra, iġib ruħu b'mod li jkun jixhed l-istatus u d-dinjità tal-Kamra tad-Deputati.

2. Membru tal-Kamra tad-Deputati għandu jkun konformi mal-ispirtu u l-ittra tar-regoli tal-Kamra tad-Deputati u mar-regoli tal-kumitati tagħha kif debitament imwaqqfin bl-Ordinijiet Permanenti tal-Kamra jew ma' kull riżoluzzjoni li tigi approvata mill-Kamra tad-Deputati.

3. Membru tal-Kamra tad-Deputati ma jista' jirċievi ebda ħlas jew kumpens ta' liema xorta jkun għax-xogħol tiegħu bħala Membru tal-Kamra tad-Deputati, ħlief ir-rimunerazzjoni uffiċjali tiegħu bħala Membru.

4. Filwaqt li Membru tal-Kamra tad-Deputati għandu d-dmir li jwassal l-ilmenti tal-kostitwenti tiegħu u li jagħmel rappreżentanzi f'isimhom lill-awtoritajiet tal-Gvern, mhux mistenni li l-Membru juża xi influwenza mhux xierqa, theddid jew pressjoni li m'għandhiex issir fit-twettiq ta' dmirijietu.

5. (1) Kull Membru tal-Kamra tad-Deputati għandu ta' kull sena fiż-żmien stabbilit mill-*iSpeaker* tal-Kamra tad-Deputati jindika f'reġistru li jinżamm għal dan l-għan mill-*iSpeaker*, liema reġistru jkun miftuħ għall-ispezzjoni tal-pubbliku u għandu jkun fih:

(a) x'ikunu ix-xogħol jew il-professjoni tiegħu, u jekk ikun impjegat, x'jismu min jimpjegah;

(b) il-proprjetà immobbli tiegħu, dik tal-konjuġi jekk ikun hemm il-komunjoni tal-akkwisti, dik tal-ulied tiegħu ta' taħt l-età kif ukoll, jekk ikun hekk jixtieq, il-mod kif din tkun inkisbet u kif tkun qieghda tiġi użata;

(c) azzjonijiet f'investimenti ta' kumpanniji kummerċjali inklużi flus depozitati fil-banek u kull xort'oħra ta' interess finanzjarju;

(d) pożizzjonijiet ta' direttur u pożizzjonijiet ufficjali oħra f'kumpanniji kummerċjali, assoċjazzjonijiet, bordijiet, soċjetajiet koperattivi jew kull grupp ieħor ukoll jekk dawn ikunu għaqdiet volontarji.

(2) Membru tal-Kamra tad-Deputati -

(a) li jkollu interess professjonali, inklużi konsulenza dwar interess ta' xogħol, tmexxija jew kull għamla ta' konnessjoni, sew finanzjarja jew mod ieħor, ma' persuni, gruppi jew kumpanniji li għandhom interess dirett f'xi leġislazzjoni li l-Kamra jkollha quddiemha, għandu jiddikjara l-interess tiegħu fil-Kamra, mal-ewwel opportunità, qabel ma jittiehed vot fit-Tieni Qari ta' Abbozz ta' Ligi;

(b) ma għandux jaċċetta rigali mingħand persuni, gruppi jew kumpanniji li kellhom xi interess dirett jew indirett f'leġislazzjoni li tkun quddiem il-Kamra tad-Deputati;

(c) ma għandu jaċċetta ebda onorarju għal xi diskors, kitba jew pubblikazzjoni, jew attività oħra bħal dawk mingħand xi persuna, organizzazzjoni jew kumpannija b'żieda fuq il-valur li s-soltu u b'konswetudni jingħata għal dawk is-servizzi;

(d) li jkun għamel zjara barra minn Malta, li tkun giet imħallsa kollha kemm hi jew f'parti minnha minn xi persuna, grupp jew kumpannija li jkollha interess dirett f'leġislazzjoni li tkun quddiem il-Kamra, għandu jiddikjara dak il-fatt f'registru miżmum mill-*Speaker* għal dak l-għan u li jkun miftuħ għall-ispezzjoni tal-pubbliku;

(e) huwa mistenni li jirrapporta lil-*Speaker* u lill-awtoritajiet kompetenti kull tentattiv ta' korruzzjoni, pressjoni jew influwenza li m'għandhiex issir, minn terzi u li tkun maħsuba biex tinfluwenza l-imġiba tiegħu bħala Membru.

6. Fil-waqt ta' xogħol professjonali, okkupazzjonali jew kummerċjali ma għandha ssir ebda referenza għal shubija bħala

Membru tal-Kamra tad-Deputati li b'xi mod tista' tagħti lil xi membru vantaġġ mhux xieraq.

IT-TIENI SKEDA

(Artikolu 3)

KODIĊI TA' ETIKA GĦALL-MINISTRI U SEGRETARJI PARLAMENTARI

(F'dan il-Kodiċi il-kelma "Ministru" tinkludi wkoll Segretarju Parlamentari).

Introduzzjoni

Dan il-Kodiċi ta' Etika għandu jiggwida l-aġir tal-Ministri. Huwa intenzjonat li jkun ta' gwida billi jelenka r-regoli u l-preċedenti li jistgħu japplikaw. Izda dan għandu jitqies fil-kuntest tal-integrità tal-ħajja pubblika li trid tiġi protetta. Għalhekk iridu jkunu l-Ministri individwali li jiġġudikaw kif l-aħjar jaġixxu biex jiġu rispettati l-ogħla kriterji ta' mgħiba.

Il-Ministri jkunu jridu jaraw li la jkun hemm, u lanqas ma tingħata l-impressjoni li jista' jkun hemm, konflitt bejn l-interessi privati li jista' jkollhom u d-doveri pubbliċi tagħhom. Huma jkunu jixtiequ jaġixxu kemm jista' jkun bil-miftuħ mal-Parlament u mal-pubbliku. Hu għalhekk fl-isfond ta' dawn l-obbligi li dan il-Kodiċi għandu jinqara.

A. Il-Kabinett

1. Ix-xogħol tal-Kabinett hu li jgħarbel u jiddeċiedi dwar materji li jikkonċernaw ir-responsabbiltà kollettiva tal-Gvern, materji ta' *policy*, materji ta' importanza nazzjonali jew kwistjonijiet li ma hemmx qbil dwarhom fost il-Ministri.

2. Materji jaqgħu strettament taħt Ministru wiehed u m'għandhomx riperkussjonijiet nazzjonali jew huma biss materji amministrattivi m'għandhomx bżonn l-approvazzjoni tal-Kabinett, sakemm il-Ministru kkonċernat ma jkunx irid il-pariri tal-kollegi tiegħu. Ma tistax tingħata definizzjoni preċiża ta' dawn il-materji iżda f'każi dubjużi l-Ministru għandu jirreferi lill-Kabinett.

3. Materji li jinvolvu iktar minn Ministeru wiehed għandhom jiġu eżaminati fuq livell interministerjali qabel issir is-sottomissjoni lill-Kabinett.

4. Il-minuti tal-Kabinett għandhom jinkludu biss id-deċiżjonijiet meħuda u rijassunt tad-diskussjoni għandu jkun biżżejjed biex jippermetti lil dawk ikkonċernati biex jieħdu azzjoni. Sa fejn hu prattikabbli l-ebda opinjoni m'għandha tiġi attribwita lil xi Ministru partikolari.

5. Il-Ministri huma responsabbli biex jinfurmaw lid-dipartimenti li jaqgħu taħthom bid-deċiżjonijiet li jikkonċernawhom u jagħtuhom direttivi skont id-deċiżjonijiet meħuda.

6. Ministru li jtemm il-kariga tiegħu mingħajr ma jkun hemm bidla fil-Gvern għandu jiżgura li d-dokumenti tal-Kabinett jiġu rritornati lill-Uffiċċju tal-Kabinett jew miżmuma mill-ex Ministru personalment. Dan iżda, għandu jiżgura li s-suċċessur tiegħu jingħata kopji ta' dawk id-dokumenti li huma neċessarji għall-amministrazzjoni kurrenti.

7. Fi tmiem leġislatura l-Ministri għandhom jiżguraw li d-dokumenti kollha tal-Kabinett jiġu rritornati lill-Uffiċċju tal-Kabinett, jew miżmuma mill-Ministri personalment. Madankollu l-Prim Ministru li jkun tilef postu jista' jagħti istruzzjonijiet speċjali dwar x'għandu jsir mid-dokumenti tal-amministrazzjoni tiegħu.

8. Ex-Ministri għandhom id-dritt ta' aċċess għal *memos* u minuti tal-Kabinett li kienu rċevew f'dak il-perijodu meta kienu jokkupaw il-kariga.

9. Ebda Ministru m'għandu jiżvela l-proċess ta' dibattitu intern li jkun sar fil-Kabinett biex tittiehed deċiżjoni. Normalment deċiżjoni meħuda mill-Kabinett tithabbar pubblikament mill-Ministru kkonċernat bħala deċiżjoni tal-Gvern u hu biss f'każi speċifiċi li deċiżjoni tkun imħabbra bħala deċiżjoni tal-Kabinett u jkun il-Prim Ministru li jiddetermina meta dan għandu jsir. Ministru għandu jevita li jesprimi opinjoni personali fil-pubbliku dwar *policy* li x'aktarx ser tkun jew kienet deċiża mill-Kabinett.

10. Ir-responsabbiltà kollettiva tal-Kabinett titlob li l-Ministri jkunu jistgħu jesprimu l-veduti tagħhom apertament waqt li fl-istess ħin ikollhom moħħhom mistrieħ li r-responsabbiltà tad-deċiżjoni tintrefa' minn kulhadd. Hemm ukoll diversi ċirkostanzi fejn informazzjoni li tinstab f'dokumenti tal-Kabinett għandha tkun protetta fl-interess nazzjonali. Il-privatezza tad-diskussjoni fil-Kabinett u tad-dokumenti ċirkolati hija għalhekk indispensabbli. Il-Ministri għandhom jiżguraw li ma jiżvelawx il-kontenut tad-diskussjoni li tkun saret fil-Kabinett kif ukoll l-opinjoni personali ta' Ministri oħra.

11. Il-prinċipju tar-responsabbiltà kollettiva u l-bżonn li tiġi mharsa s-sigurtà nazzjonali u r-relazzjonijiet ma' pajjiżi oħra jimponu ċerti obbligi fuq ex-Ministri li jkunu qed jikkonsidraw il-pubblikazzjoni ta' materjal ibbażat fuq l-esperjenzi tagħhom fil-Kabinett. Dawn huma mistennija li jissottomettu l-manuskritt tagħhom lis-Segretarju tal-Kabinett qabel il-pubblikazzjoni.

12. Il-laqgħat tal-Kabinett jieħdu preċedenza fuq kull attività oħra. Ministru li f'ċirkostanzi rari ma jkunx jista' bl-ebda mod jattendi għal laqgħa tal-Kabinett għandu minn qabel javża b'dan lill-Prim Ministru.

B. Parlament

13. Kull Ministru huwa responsabbli lejn il-Parlament għal dak kollu li hu, u d-dipartimenti u entitajiet governattivi li jaqgħu taħtu, jagħmlu fil-qadi ta' dmirijiethom. Il-Ministri għandhom id-dover li jagħtu rendikont tal-imġiba tagħhom lill-Parlament u lill-Kumitati tal-Kamra. Dan id-dover jimplika li għandha tingħata informazzjoni kemm jista' jkun shiha lill-Parlament, lill-Kumitati tal-Kamra u lill-pubbliku dwar *policies*, deċiżjonijiet u azzjonijiet tal-Gvern.

14. Ix-xogħol tal-Parlament u tal-Kumitati tal-Kamra li fihom ikun involut Ministru jieħdu preċedenza fuq xogħol ieħor. Il-Ministri għandhom jiżguraw li jattendu għas-seduti kollha. Meta għal xi raġuni speċjali, u li għandha tkun eċċezzjoni, il-Ministru ma jistax jattendi, dan għandu jiżgura li javża lill-*Whip* ukoll jekk ir-raġuni tkun safar fuq xogħol tal-Gvern.

Ċ. Responsabbiltà Ministerjali

15. Il-Prim Ministru huwa responsabbli għall-organizzazzjoni tal-Eżekuttiv tal-Gvern kif ukoll għall-allokazzjonijiet tar-responsabbiltajiet Ministerjali u Dipartimentali. L-approvazzjoni tal-Prim Ministru hija meħtieġa kull meta jkun hemm bżonn ta' bidla fir-responsabbiltajiet.

16. L-approvazzjoni tal-Prim Ministru hija meħtieġa wkoll meta trid tiġi allokata funzjoni ġdida lil xi Ministru partikolari, liema funzjoni ma tkunx taqa' preċiż fil-kwadru ta' responsabbiltajiet ta' Ministru wieħed, partikolarment meta jkun hemm nuqqas ta' qbil dwar l-allokazzjoni tar-responsabbiltà. Il-Prim Ministru huwa l-unika persuna bl-awtorità li tista' tiddeċiedi f' dawn il-każi.

17. Il-Prim Ministru għandu jiġi kkonsultat dwar kwalunkwe proposta biex jitwaqqfu kumitati ta' inkjesta, kumitati li jkunu

mmexxija minn membru tas-servizz pubbliku jew kumitati biex jagħmlu proposti dwar *policy*.

18. Il-Ministri għandhom ifittxu l-parir u l-approvazzjoni tal-Prim Ministru fil-ħatriet taç-*Chairperson* u l-membri tal-bordijiet kollha kif ukoll dwar il-ħatra ta' konsulenti jew persuni ingaġġati b'kuntratt għal terminu speċifiku.

19. Għandha ssir enfasi biex fil-bordijiet tal-Gvern jinħatru l-aħjar persuni li jistgħu jagħtu kontribut.

D. Is-Servizz Pubbliku

20. Il-Ministri għandhom jagħtu widen għall-pariri imparzjali u infurmati li jingħataw minn uffiċjali pubbliċi kemm dwar l-ifformular ta' *policies* kif ukoll dwar oqsma oħra. Il-Ministri għandhom id-dover li jonoraw l-obbligi ta' prinċipal tajjeb fir-rigward tal-kundizzjonijiet tax-xogħol ta' dawk jaħdmu taħthom, u qatt m'għandhom jitolbu lill-membri tas-servizz pubbliku biex jagħmlu affarijiet li jmorru kontra l-obbligi u l-imparzjalità mistennija minnhom. Il-Ministru għandu jiżgura wkoll li l-influenza tiegħu fil-ħatriet ma tiġix abbużata għal skopijiet partiġġani.

21. Il-Ministri m'għandhomx jitolbu lill-membri tas-servizz pubbliku biex jattendu jew jieħdu sehem f'konferenzi ta' partiti politiċi. Madankollu, hemm attivitajiet organizzati mill-partiti li l-kontenut tagħhom jista' jgħin lill-membri tas-servizz pubbliku biex jaqdu dmirijietom aħjar u kif ukoll biex iwasslu aħjar il-*policies* tad-dipartiment tagħhom. F'dawn iċ-ċirkustanzi, Ministru jista' jippermetti l-membri tas-servizz pubbliku jattendu sakemm jiżgura li r-rwol tagħhom ikun 'il fuq mill-politika partiġġana.

22. Il-Ministru jista' jitlob mingħand membri tas-servizz pubbliku *memos* li jispjegaw *policies* jew azzjonijiet ministerjali biex jintużaw f'attivitajiet politiċi.

23. Il-Ministru jista' jkollu segretarjat privat kompost skont istruzzjonijiet li minn żmien għal żmien jinħarġu mill-Prim Ministru. Il-Ministri għandhom jiżguraw li kemm jista' jkun jiġu maħtura persuni li huma membri permanenti tas-servizz pubbliku. Iżda, bil-permess tal-Prim Ministru, il-Ministru jkun jista' jingagġa persuni minn barra s-servizz pubbliku b'kuntratt definit. Il-Ministri għandhom jevitaw li jappuntaw qraba fis-segretarjati privati tagħhom.

24. Waqt li hu rikonoxxut li s-segretarjat privat tal-Ministru jrid neċessarjament jaqdi funzjoni aktar politika milli jagħmlu d-

dipartimenti - li għandhom dejjem ikunu 'l fuq mill-politika - il-Ministru għandu jiżgura li din il-funzjoni qatt ma tkun waħda biex iġġib 'il quddiem politika partigjana jew jintużaw ir-riżorsi tas-segretarjat privat għal dan l-iskop.

E. Il-Kostitwenza

25. Waqt li hu rikonoxxut li fis-sitwazzjoni lokali hu diffiċli li tidistingwi b'mod prattiku u skjett il-ħidma ta' Ministru bħala tali mill-ħidma tiegħu bħala membru parlamentari li jirrappreżenta distrett elettorali partikolari u l-votanti tiegħu, il-Ministru huwa fl-obbligu li jaċċerta ruħu li r-riżorsi u l-faċilitajiet tal-Gvern ma jintużawx minnu b'mod indebitu u mhux raġonevoli meta jkun qed jaġixxi bħala Membru tal-Parlament.

26. Il-Ministri m'għandhomx jagħmlu rappreżentanzi pubbliċi lil Ministri oħra f'isem il-kostitwenti tagħhom iżda jistgħu juru l-fehmiet tagħhom lill-Ministru konċernat bil-miktub jew bil-fomm sakemm dawn ma jmorrux kontra l-*policies* tal-Kabinett.

27. Meta Ministru jrid jieħu deċiżjonijiet (f'xi dipartiment li jaqa' tahtu) li jista' jkollhom impatt kbir fuq il-kostitwenza tiegħu, hu għandu jieħu kull prekawzjoni biex jevita kull possibbiltà ta' konflitt ta' interess.

F. Safar

28. Kull Ministru li għandu bżonn iħalli l-pajjiż għal xi raġuni għandu bżonn l-approvazzjoni tal-Prim Ministru. L-ittra lill-Prim Ministru għandha tinkludi r-raġunijiet għaz-żjara u l-lista ta' pajjiżi li jkun se jżur il-Ministru. F'każ ta' żjarat uffiċjali għandu jingħata wkoll in-numru ta' uffiċjali inkluzi fid-delegazzjoni, ir-raġunijiet għaliex ġew inkluzi u l-ispiza prevista. Il-Ministri huma mistennija jibagħtu rapport lill-Prim Ministru meta jaslu lura minn żjara uffiċjali.

29. F'ċirkustanzi normali m'għandux isir safar mhux konness max-xogħol tal-Gvern barra l-pajjiż meta jkun qed jiltaqa' l-Parlament. Meta l-Parlament ikun wieqaf għandu jkun hemm bizzejjed Ministri biex ix-xogħol tal-Gvern jibqa' għaddej. Għal din ir-raġuni l-Ministri għandhom javżaw lis-Segretarju tal-Kabinett kull meta jkunu sejr in isiefru.

30. Il-Ministru hu responsabbli biex jiddetermina n-numru ta' membri u l-kompożizzjoni tad-delegazzjonijiet. Il-Ministri għandhom iżommu n-numru tal-membri tad-delegazzjonijiet tagħhom zgħir kemm jista' jkun.

31. Meta Ministri jkunu fuq xogħol tal-Gvern m'għandomx jaċċettaw offerta ta' safar b'xejn mingħand Gvernijiet jew organizzazzjonijiet oħra hliet daww previsti fil-programm uffiċjali. Il-Prim Ministru għandu jiġi kkonsultat kull fejn ikun hemm dubju.

32. F'każi fejn ikun kkunsidrat il-preżenza ta' mart jew ir-raġel tal-Ministru tkun ikkunsidrata neċessarja, l-ispejjeż tas-safar tal-mara tal-Ministru (jew raġel skont il-każ) jistgħu jiġihallu mill-fondi pubbliċi, sakemm ikun aċċertat li din il-partecipazzjoni tkun fl-interess pubbliku. F'dawn il-każi għandha tintalab l-approvazzjoni tal-Prim Ministru.

33. Jekk hemm bżonn, Ministru jista' jiehu konsulent speċjali miegħu fuq żjara Governattiva. F'kull każ bħal dan għandha tintalab l-approvazzjoni tal-Prim Ministru.

34. Il-Ministri għandhom jinfurmaw bil-miktub lill-Ministru tal-Affarijiet Barranin dwar iż-żjarat li jkunu ser jagħmlu barra minn Malta u bit-taħditiet li jkollhom ma' rappreżentanti ta' Gvernijiet oħra. Dan japplika kemm għal taħditiet formali kif ukoll għal daww informali.

35. Il-Ministru tal-Affarijiet Barranin għandu jiġi infurmat qabel ma Ministri ta' Gvernijiet oħra jiġu mistiedna biex iżuru Malta. Il-Ministri għandhom jinfurmaw lill-Ministru tal-Affarijiet Barranin meta jsiru jafu b'xi żjara uffiċjali jew privata ta' Ministru ta' Gvern ieħor, jew ta' xi persuna oħra tal-istess status.

36. Il-Ministri għandhom jirreferu kull offerta ta' unuri barranin lill-Prim Ministru, qabel ma jaċċettaw.

37. Il-Ministri għandhom jieħdu f'konsiderazzjoni l-implikazzjonijiet għall-politika barranija, f'affarijiet ta' kuljum bħal meta wiehed joffri ospitalità lil personagġi barranin li jżuru Malta, jilqa' stedina simili, jagħti appoġġ pubbliku lil xi petizzjoni, ittra miftuħa, eċċ. F'każ ta' dubju l-Ministru tal-Affarijiet Barranin għandu jiġi kkonsultat qabel ma jikkommettu ruħhom.

38. Il-Ministru tal-Affarijiet Barranin għandu jiġi kkonsultat kull darba li Ministru jkun bi ħsiebu jagħmel stqarrija li b'xi mod ikollha x'taqsam mal-politika barranija.

39. Il-Ministri għandhom jiftakru li l-fatt li tagħti jew tirċievi rigali mingħand Gvernijiet, organizzazzjonijiet jew persuni hi materja delikata. Ministri għandhom normalment bħala regola jagħtu biss *mementos* tal-okkażjoni u għandhom jikkonsultaw mal-Prim Ministru f'każ jkun jidhrilhom li f'ċirkostanzi partikolari l-Gvern

għandu jagħti rigal aktar sostanzjali.

40. Ministri għandhom dritt iżommu rigali li jirċievu jekk dawn ikunu *mementos* tal-okkażjoni jew ma jkunux ta' xi valur sostanzjali. F'każ ta' dubju għandu jiġi kkonsultat il-Prim Ministru u hi responsabbiltà tal-Ministru li jiżgura li jimxi bl-iktar mod għaqli u integru.

G. Interessi Privati

41. Il-Ministri għandhom jiftakru li mal-ħatra tagħhom tista' tinholq sitwazzjoni fejn l-interessi privati tagħhom jikkonfligġu jew jidhru li jikkonfligġu mal-eżerċizzju tal-poteri ministerjali tagħhom. Sabiex tiġi protetta l-integrità personali tal-Ministru u dik kollettiva tal-Gvern, kull Ministru hu fl-obbligu li jevita kull konflitt ta' interess, reali jew potenzjali, bejn l-interessi privati tiegħu u l-obbligi pubbliċi tiegħu.

42. Normalment il-Ministru stess għandu jiddeċiedi kif l-aħjar jipproċedi f'dawn il-każi iżda r-regola generali għandha tkun li jkun aħjar għall-Ministru li jitlaq l-interessi privati tiegħu jew jiddisponi minnhom, iżda huwa l-Prim Ministru li jiddeċiedi kif għandu jimxi l-Ministru li għandu jissottomettulu kull każ bħal dan għad-deċiżjoni tal-Prim Ministru.

43. Malli jinħatar, Ministru hu mistenni li ma jkomplix bix-xogħol privat tiegħu u għandu jiddedika l-hin kollu tiegħu għal xogħol tal-Gvern. Din il-projbizzjoni tkopri wkoll konsulenti, attendenzi f'uffiċċji/kliniċi biex jingħataw pariri professjonali, eċċ., ukoll jekk dan isir mingħajr hlas.

44. Malli jinħatar, Ministru għandu jirriżenja minn kull kariga pubblika oħra kif ukoll minn kull kariga ta' direttur jew kariga oħra simili kemm jekk f'azjenda pubblika kif ukoll jekk f'azjenda privata jew assoċjazzjoni volontarja. L-uniċi eċċezzjonijiet huma l-każi ta' ħatriet onorarji jew ħatriet f'għaqdiet filantropiċi sakemm ma jkunx hemm konflitt ta' interess u f'dawn il-każi iżda għandha tinkiseb l-approvazzjoni tal-Prim Ministru.

45. Ministru li qabel il-ħatra tiegħu jkun jaħdem għal rasu, jeżerċita professjoni jew ikun fin-negozju, kemm jekk personalment u kemm jekk permezz ta' forma legali oħra, kemm jekk waħdu, u kemm jekk le, mhuwiex obligat jiddisponi mill-interess jew sehem tiegħu iżda jrid jagħmel immedjatament l-arrangamenti neċessarji sabiex jassigura li:

- jinqata' mit-tmexxija u *management* tal-uffiċċju,

sengħa jew negozju;

- jagħmel arrangamenti biex ikun jista' jithallas ta' xogħol li jkun għamel qabel jew profitti dovuti lilu;

- ma jibqax jieħu sehem mill-ħlas jew profitti ta' xogħol li jsir wara li jkun gie maħtur Ministru, għajr għal somma fissa kull sena kkunsidrata bħala dħul fuq l-investment li jkun għamel fl-avvjament.

46. F'dawn il-kazijiet kollha, il-Ministru għandu jinforma bil-miktub lill-Prim Ministru bl-arrangamenti li jkun għamel.

47. Jibqgħu każijiet fejn minkejja li jittieħdu dawn il-prekawzjonijiet kollha, l-interess - żgħir kemm hu żgħir - ta' Ministru f'xi uffiċċju, negozju jew sengħa jew xi investment li jista' jkollu ma jkunux jistgħu jiġu rikonċiljati mal-ħtieġa ta' fiduċja pubblika fil-Ministru. Dan jista' jiġri kemm-il darba l-Ministru jkun jista' jgħolli l-valur tal-investment jew meta Ministru jista' jkollu xi informazzjoni kunfidenzjali li taffettwa l-valur tal-investment. F'dawn il-kazi, il-Ministru għandu jew jiddisponi minn dak l-investment jew interess jew jirranġa biex il-*management* tiegħu ma jibqax f'idejh. Id-deċiżjoni tal-Prim Ministru f'dawn il-kazi hija finali.

48. Fi zmien xahrejn mill-ħatra tiegħu u mhux aktar tard mix-xahar ta' Marzu ta' kull sena, kull Ministru għandu jiddepożita mas-Segretarju tal-Kabinett dikjarazzjoni li telenka:

(a) il-proprjetà immobbli tal-Ministru jew li fuqha l-Ministru għandu xi forma ta' titolu;

(b) l-ishma, *bonds*, jew interess ieħor, li jista' jkollu f'kumpannija jew soċjetà, pubblika jew privata;

(c) is-somma totali ta' flus li għandu depożitati f'banek;

(d) id-direttorati jew karigi oħra li jokkupa;

(e) id-dħul tiegħu s-sena ta' qabel;

(f) is-somma totali ta' self li jista' jkun irċieva jew li tkun għadha ma thallsitx lura.

49. Din id-dikjarazzjoni għandha tirrifletti l-pozizzjoni kif kienet fil-31 ta' Diċembru tas-sena ta' qabel u taħt l-partiti (a), (b) u (c) imsemmija hawn fuq, għandha tinkludi l-proprjetà tal-mara/raġel tal-Ministru jekk din tkun parti mill-komunjoni tal-akkwisti kif ukoll

tat-tfal minuri tal-Ministru kemm-il darba għandu l-kustodja tagħhom.

50. Is-Segretarju tal-Kabinett, taht id-direzzjoni tal-Prim Ministru, għandu d-dover jipprepara l-formola neċessarja għal din id-dikjarazzjoni. Is-Segretarju tal-Kabinett jagħti aċċess għal kopji ta' kull dikjarazzjoni kif ikun awtorizzat mill-Prim Ministru.

51. Kull darba li l-Kabinett ikun se jiddiskuti materja li tista' tolqot l-interessi privati ta' xi Ministru, dak il-Ministru għandu jiddikjara l-interess tiegħu u għandu jirtira mil-laqgħa.

52. Meta jinhatar, Ministru għandu jagħmel analiżi tal-investimenti tiegħu u jekk jidher li jista' jkun hemm konflitti ta' interessi, reali jew potenzjali, ikun għaqli li l-Ministru jiddisponi minn dawn l-investimenti. Il-Ministri għandhom jaraw ukoll li waqt li jkunu jokkupaw il-kariga ministerjali ma jagħmlux investimenti li jistgħu joħolqu kunflitt ta' interess.

53. Fejn Ministri, minkejja l-azzjoni li jkunu ħadu mal-ħatra tagħhom, jiġu mitluba jeżerċitaw xi poter, diskrezzjoni jew influenza oħra li tista' tagħti lok għal konflitt ta' interess li jkun reali jew jidher li jista' jkun reali, huma għandhom jiddelegaw din l-azzjoni lil Ministru ieħor li ma jkollux u lanqas ma jidher li jista' jkollu konflitt ta' interess, u huma m'għandhomx jieħdu sehem fit-tnejjija u proċess ta' deċiżjonijiet relatati. Il-Prim Ministru għandu jkun infurmat b'dawn l-arrangamenti.

54. Il-Ministri għandhom jevitaw investiment spekulattiv li dwaru huma jkollhom, jew dak li jkun jista' jaħseb li jistgħu jkollhom bis-saħħa tal-uffiċċju ministerjali tagħhom, informazzjoni bikrija jew kunfidenzjali li x'aktarx taffettwa l-prezz ta' dawk l-investimenti.

55. Il-Ministri għandhom jittrattaw bl-istess mod l-investimenti tal-mara/raġel tagħhom jekk tkun fis-seħħ bejniethom il-komunjoni tal-akkwisti kif ukoll dawk tat-tfal minuri tagħhom.

56. Ministru m'għandux jinnomina jew jappoġġja xi nomina għal premju jew onorefidenza lokali, barranija jew internazzjonali peress li din l-azzjoni tista' tiġi interpretata bħala waħda tal-Gvern kollu. B'danakollu, Ministru jista' jitlob l-approvazzjoni tal-Prim Ministru għal nomina jew appoġġ bħal dan.

57. Il-Ministri għandhom joqogħdu attenti biex ma jiġux assoċjati ma' organizzazzjonijiet li l-għanijiet tagħhom jistgħu jikkonfliggu ma' dawk tal-Gvern. Normalment m'għandux ikun hemm oġġezzjoni jekk l-organizzazzjoni tkun waħda filantropika iżda

f'dawn il-każijiet ukoll, il-Ministri għandhom joqogħdu attenti sabiex jassiguraw li bil-partecipazzjoni tagħhom f'attivitajiet ta' ġbir ta' flus, huma ma jpoġġux lilhom infushom, jew jagħtu l-impressjoni li qed ipoġġu lilhom infushom, taħt xi obbligu bħala Ministri lejn dawk li lilhom ikun qed isir l-appell (u għal din ir-raġuni huma normalment m'għandhomx personalment javviċinaw persuni jew kumpanniji għal dan l-iskop). F'każ ta' dubju, il-Prim Ministru għandu jiġi kkonsultat qabel ma Ministru jaċċetta li jinvolti ruhu ma' dawn l-organizzazzjonijiet. Il-Ministri għandhom joqogħdu attenti wkoll f'appoġġ pubbliku li jagħtu lil petizzjonijiet, ittri miftuħa, eċċ.

58. L-ebda Ministru m'għandu jaċċetta rigali jew servizzi li l-entità tagħhom tkun tali li jistgħu jpoġġuh f'obbligazzjoni, kemm jekk din tkun reali kif ukoll jekk tidher li tista' tkun. L-istess regola tapplika għall-mara/raġel tal-Ministru u għall-ulied minuri tiegħu. L-istess regoli li japplikaw għal rigali mingħand rappreżentanti ta' Gvernijiet oħra japplikaw f'dawn il-każi wkoll.

59. Il-Ministri jokkupaw kariga li tagħmilhom suġġetti aktar minn haddiehor għall-possibbiltà ta' pressjoni żejda minn persuni li jkunu jridu li l-Ministru juża l-pożizzjoni tiegħu biex jivvantagġjahom ingustament. Il-Ministri huma obbligati li immedjatement ixejnu bl-aktar mod assolut kull tentativ ta' dan it-tip iżda meta dan it-tentattiv ikun akkumpanjat minn offerta ta' xi rigal - tkun xi tkun l-entità tiegħu - il-Ministru għandu wkoll jirrapporta dan lill-Prim Ministru mingħajr dewmien.

60. Ikun hemm każi fejn Ministru jkun involut fi proċeduri legali li jinvolve kemm l-obbligi tiegħu bħala Ministru kif ukoll lili bħala persuna privata. F'dawn iċ-ċirkustanzi, il-Ministru għandu, qabel ma jiehu pariri legali oħra, jikkonsulta mal-uffiċċju tal-Avukat Ġenerali dwar kif għandu jiġi ttrattat il-każ. Normalment, f'każi simili, il-Ministru speċjalment fejn il-Ministru jkun qed jitlob il-ħlas ta' danni personali, bħal każ ta' libell, għandu juża s-servizz ta' konsulent legali personali, sakemm l-Avukat Ġenerali ma jindikalux mod ieħor.

H. Assistenti Parlamentari

61. Ministru jista' jkun assistit minn Assistent Parlamentari, maħtur mill-Prim Ministru minn fost il-Membri tal-Parlament, wara konsultazzjoni mal-Ministru konċernat.

62. Ghalkemm l-Assistenti Parlamentari ma jagħmlux parti formali mill-Gvern, huma għandhom jiżguraw li ma jkunu involuti f'ebda konflitt ta' interess, veru jew perċepit, bejn il-ħidma tagħhom bħala Assistent Parlamentari u l-interessi privati tagħhom.

63. Bħala regola generali, l-aċċess tal-Assistenti Parlamentari għall-informazzjoni uffiċjali għandu jkun limitat għal dak li hu meħtieġ biex iwettqu d-dmirijiet parlamentari u politiċi tagħhom. Dan ma jfissirx li ma jistgħux jiġu mistiedna, skont il-bżonn u bl-approvazzjoni tal-Ministru, għal laqgħat fil-Ministeru.

64. Assistent Parlamentari m'għandux jagħmel stqarrijiet jew mistoqsijiet fil-Kamra dwar materji marbuta mal-Ministeru fejn ikun qed iservi. Assistent Parlamentari jista' jservi fuq Kumitati tal-Kamra u jippresjedi Kumitati Magħzula, imma m'għandux ikun involut f'inkjesti dwar il-Ministeru fejn iservi u dwar dipartimenti u entitajiet fl-istess Ministeru. Huma għandhom jevitaw li jkunu assoċjati f'rakkomandazzjonijiet li jikkritikaw jew jimbarazzaw lill-Ministeru kkonċernat. L-Assistenti Parlamentari għandhom jużaw il-prudenza f'diskorsi u xandir barra l-Parlament.

65. L-approvazzjoni tal-Prim Ministru hija meħtieġa meta jkun ikkunsidrat li Assistent Parlamentari għandu jsiefer fuq xogħol uffiċjali. Is-safar uffiċjali minn Assistent Parlamentari għandu jkun ikkunsidrat fuq bażi eċċezzjonali.

66. L-Assistenti Parlamentari, partikolarment dawk li jservu f'Ministeri b'responsabbiltajiet fil-qasam tal-ippjanar, għandhom jużaw prudenza partikolari meta jagħmlu rappreżentazzjonijiet lill-Ministri dwar materji ta' ppjanar. B'mod partikolari huma m'għandhomx jiddiskutu każijiet ta' ppjanar individwali ma' partijiet interessati jew jagħtu x'jifhmu li għandhom influwenza fuq deċiżjonijiet ta' ppjanar. L-Assistenti Parlamentari għandhom ikunu ggwidati mis-Sezzjoni E ta' dan il-Kodiċi meta jkunu qed jirrapreżentaw l-interessi tal-kostitwenza tagħhom.

IT-TIELET SKEDA

(Artikolu 19)

(Att dwar *Standards* fil-Ħajja Pubblika)

Taħrika ta' Xhud

Lil A.B. (isem il-persuna mharrka u fejn toqgħod)

Inti hawnhekk tinsab imharrek biex tidher quddiem
fi (post) fi (data u ħin) u li
tixhed dwar
..... (il-kwistjoni tal-inkjesta).

Iffirmat minni llum ta' 20

(Firma tal-Kummissarju jew Kunitat)

Għanijiet u Raġunijiet

L-għan principali ta' dan l-Abbozz ta' Liġi hu biex jipprovdi għal haħra ta' Kummissarju u Kunitat Permanenti bis-setgħa li jinvestigaw ksur ta' dmirijiet statutorji jew etiċi ta' kategoriji ta' persuni fil-ħajja pubblika.

**A Bill
entitled**

AN ACT to provide for the appointment of a Commissioner and a Standing Committee with power to investigate breaches of statutory or ethical duties of categories of persons in public life, and for matters ancillary or related 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:-

PRELIMINARY

Short title. **1.** The short title of this Act is the Standards in Public Life Act, 2014.

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

 "Commissioner" means the Commissioner for Standards in Public Life appointed under article 4 and includes any officer or employee of the Commissioner authorised by him in that behalf;

 "Committee" means the Standing Committee on Standards in Public Life established under article 26;

Cap. 326. "corrupt practice" has the meaning assigned to it in article 6 of the Permanent Commission against Corruption Act;

"Minister" means the Minister responsible for Justice;

"position of trust" means any employment in any Ministry, Parliamentary Secretariat or in any department or other entity of the Government wherein the employee has not been engaged according to the procedure established under article 110 of the Constitution;

"revenue acts" means the Income Tax Act, the Income Tax Management Act, the Duty on Documents and Transfers Act, the Monte di Pietà Act, the Goldsmiths and Silversmiths Ordinance, the Immovable Property (Acquisition by Non-Residents) Act, the Value Added Tax Act, the Eco-Contribution Act, the Customs Ordinance, the Import Duties Act, the Excise Duty Act, and any regulations made thereunder;

Cap. 123.
Cap. 372.
Cap. 364.
Cap. 269.
Cap. 46.
Cap. 246.
Cap. 406.
Cap. 473.
Cap. 37.
Cap. 337.
Cap. 382.

"statutory body" means any corporation or other body corporate established by law or any partnership or other body in which the Government or such body as aforesaid has a controlling interest, or over which it has effective control.

3. (1) This Act applies to:

Scope.

(a) Members of the House of Representatives including Ministers, Parliamentary Secretaries and Parliamentary Assistants;

(b) employees in a position of trust and to persons engaged as advisors or consultants to Government or to any statutory body.

(2) This Act shall also apply to any other person or category of persons as the Minister may by regulations, supported by an affirmative resolution of the House of Representatives, prescribe.

(3) (a) The Code of Ethics set out in the First Schedule shall apply to Members of the House of Representatives.

Code of Ethics.

(b) Without prejudice to the provisions of paragraph (a) the code of ethics set out in the Second Schedule shall apply to Ministers, Parliamentary Secretaries and Parliamentary Assistants.

(c) The Public Administration Act and any other applicable codes, directives or guidelines issued under the Public Administration Act or any other Act, shall *mutatis mutandis* apply to persons referred to in subarticle (1)(b), and any reference therein to "public employees" shall be construed as a reference to persons referred to in the said subarticle.

Cap. 497.

(4) The Minister may, from time to time, upon a recommendation by the Standing Committee on Standards in Public Life, by Order in the Gazette, supported by an affirmative resolution of the House of Representatives, amend or substitute the schedules.

(5) It shall be the duty of all persons, to whom this Act applies, to comply with the applicable Code of Ethics as provided in this article.

PART I

COMMISSIONER FOR STANDARDS IN PUBLIC LIFE

Appointment of
Commissioner.

4. There shall be appointed a Commissioner for Standards in Public Life who shall be appointed by the President of Malta acting in accordance with a resolution of the House of Representatives supported by the votes of not less than two-thirds of all the members of the House:

Provided that when a person who is not a member of the House of Representatives is elected to be the Speaker of the House of Representatives he shall not be treated as a member of the House for the purpose of establishing the majority required by this article.

Disqualification
and incompati-
bilities.

5. (1) A person shall not be qualified to be appointed to the office of Commissioner if he is a member of the House of Representatives, a member of a local council, or if he is a public officer.

(2) The office of Commissioner shall be incompatible with the exercise of any professional, banking, commercial or trade union activity, or other activity for profit or reward except for such other activity as members of the judiciary are by law allowed to pursue in addition to their judicial duties.

(3) The Commissioner shall not hold any position which is incompatible with the correct performance of his official duties or with his impartiality and independence or with public confidence therein. The Commissioner shall declare to, and seek the approval of, the Speaker of the House of Representatives, regarding any positions, trusts or memberships which the Commissioner considers do not affect impartiality, or independence and public confidence, and which it is desired to retain during the term of office.

Term of office.

6. (1) Except as otherwise provided in this Act, a Commissioner shall hold office for a term of five years, and shall be eligible for reappointment for one consecutive term of five years.

(2) Unless his office sooner becomes vacant, a person appointed as a Commissioner shall hold office until his successor is appointed.

(3) A Commissioner may at any time resign his office by writing addressed to the President.

7. (1) A Commissioner may at any time be removed or suspended from his office by the President of Malta, upon an address from the House of Representatives supported by the votes of not less than two-thirds of all members of the House, requesting such removal on the ground of proved inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or proved misbehaviour, and the provisions of the proviso to article 4 shall also apply for the purpose of establishing the majority required under this sub-article.

Removal or suspension from office.

(2) At any time when Parliament is not in session, a Commissioner may be suspended from his office by the President of Malta acting in accordance with his own discretion for inability to perform the functions of his office or misbehaviour proved to the satisfaction of the President of Malta; but any such suspension shall not continue in force beyond two months after the beginning of the next ensuing session of Parliament.

8. (1) If a Commissioner dies, or resigns from office, or vacates his office or is removed from office, the vacancy thereby created shall be filled in accordance with this article.

Filling of vacancy.

(2) If the vacancy in the office of a Commissioner occurs at any time while Parliament is in session, it shall be filled by the appointment of the Commissioner by the President of Malta on the recommendation of the House of Representatives in accordance with article 4:

Provided that if the vacancy occurs less than two months before the close of that session and no such recommendation is made in that session, the provisions of sub-article (3) shall apply as if the vacancy had occurred while Parliament was not in session.

(3) If any such vacancy occurs at any time while Parliament is not in session, the President of Malta shall appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until another Commissioner is appointed in accordance with article 4.

9. (1) The President of Malta may -

Temporary appointment of Commissioner.

(a) at any time during the illness or absence of the Commissioner, or

(b) for any other temporary purpose where the Commissioner considers it necessary not to conduct an investigation himself because of such circumstances, that were he a judge of the superior courts, he would abstain,

appoint a Commissioner to hold office in accordance with this article, and such a Commissioner shall be paid such salary, not exceeding the amount payable to the Commissioner, as the President of Malta thinks fit.

(2) The power relating to the provisions of sub-article (1)(b) shall be exercised only on a certificate signed by the Commissioner to the effect that, in his opinion, it is necessary for the due conduct of the business of the Commissioner under this Act that an additional Commissioner should be temporarily appointed.

(3) A Commissioner appointed under this article on account of the illness or absence of the Commissioner shall hold office until the resumption of office of the Commissioner, and every other Commissioner appointed for a temporary purpose shall hold office until he performs the function assigned to him.

(4) (a) A person shall not be qualified to be appointed under this article if he is disqualified to be appointed Commissioner under article 5(1).

(b) The provisions of article 5(2) and (3) shall apply to a person appointed under this article:

Provided that a person appointed under this article may exercise any activity for profit or reward which is not in any way incompatible with the provisions of article 5(3).

Oath of Office.

10. (1) Before entering upon the exercise of the duties of his office a Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office, and that he will not, except in accordance with article 21, divulge any information acquired by him under this Act.

(2) The oath shall be administered by the Speaker of the House of Representatives.

Resources.

11. (1) Subject to the provisions of the Constitution and of any other enactment applicable thereto, and subject to the provisions of this article, the Commissioner may appoint such officers and

employees as may be necessary for the carrying out of the functions, powers and duties under this Act. This power to appoint includes approval to the numbers of persons that may be appointed under this article whether generally or in respect of any specific duties or classes of duties, their salaries and conditions of appointment.

(2) The Commissioner may in the conduct of an investigation engage, in a consultative capacity, any person whose particular expertise is essential to the effectiveness of the investigation:

Provided that if the consultant required is a public officer the Prime Minister may, at the request of the Commissioner, designate the public officer to assist.

(3) Subject to the provisions of this article the Commissioner shall be responsible for approving the level of capital equipment, furnishings, materials, and administrative activities for the carrying out of the functions, powers and duties under this Act.

(4) The finance required for the Commissioner's salary and allowances, and for the resources described in sub-articles (1), (2) and (3) shall not exceed a maximum amount indicated in a financial plan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation other than this Act:

Provided that the Commissioner shall present to the House, by the 15th day of September of each year, a financial plan which will indicate the ensuing year's activities.

(5) The salary, allowances and expenses payable to the Commissioner shall be at rates equivalent to those applicable to a judge of the superior courts. The salary is not to be diminished during the continuance of the Commissioner's appointment.

(6) The officers and employees appointed in accordance with sub-article (1) shall, before entering into the exercise of their office or employment, take an oath that they will faithfully and impartially perform the duties of their office or employment, and that they will not, except in accordance with article 21, divulge any information acquired by them under this Act. Such oath shall be administered by the Commissioner.

12. The accounts of the office of the Commissioner shall be audited by the Auditor General, and the Financial Administration and Audit Act shall apply. Audit. Cap. 174.

FUNCTIONS

Functions of the
Commissioner.

13. (1) The Commissioner shall have the following functions:

(a) to examine, and if necessary verify, such declarations relating to income or assets or other interest or benefits of whatever nature of persons to whom this Act applies who are under a duty to file such declarations as may be provided under this or any other law;

(b) to investigate on his initiative or on the written allegation of any person any matter alleged to be in breach of any statutory or any ethical duty of any person to whom this Act applies:

Provided that a person making an allegation in terms of this paragraph shall not be required to show any personal interest in support of his allegation;

Negative
clearance.

(c) to give a ruling, when requested by a person to whom this Act applies, on whether an action or conduct intended by him falls to be prohibited by the applicable Code of Ethics or by any other particular statutory or ethical duty, and no liability shall attach for any breach of the applicable Code of Ethics or any other statutory or ethical duty where a person has acted in conformity with any such ruling.

(2) For the purpose of this article 'ethical duty' includes the obligation to observe the Code of Ethics.

(3) The Commissioner shall not proceed to investigate any allegation on the subject-matter of which proceedings are pending in a court or other tribunal, and shall suspend the investigation if any interested person shall file a demand before any court or other tribunal on the subject-matter of the investigation:

Provided that an investigation may be proceeded with if the Commissioner considers that the allegation raises issues of general interest.

(4) In the exercise of his functions the Commissioner shall not be subject to the direction or control of any other person or authority.

Time limit for
allegations.

14. (1) Nothing in this Act shall permit the Commissioner to investigate an allegation on an act which occurred prior to the date on which this Act comes into force.

(2) An allegation shall not be entertained under this Act unless it is made not later than two years from the day on which the complainant first had knowledge of the matters complained about; but the Commissioner may conduct an investigation pursuant to a allegation not made within that period if he considers that there are special circumstances which make it proper to do so.

15. (1) The House of Representatives may, by resolution from time to time if it thinks fit, make general rules for the guidance of the Commissioner, in the exercise of his functions under this Act, and may at any time in like manner revoke or vary any such rules.

Rules for Commissioner's guidance.

(2) All rules made under this article shall be made by, and published as, subsidiary legislation made under this Act.

16. Every allegation to the Commissioner shall be made in writing or orally. An allegation made orally shall be put in writing as soon as practical.

Mode of allegation.

17. (1) If upon an allegation, or in the course of an investigation of an allegation, it appears to the Commissioner that, having regard to all the circumstances of the case, any investigation, or further investigation is unnecessary, he may refuse to investigate, or investigate further any such allegation.

Refusal to investigate allegations.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to investigate further an allegation if in his opinion -

(a) the subject-matter of the allegation is trivial; or

(b) the allegation is frivolous or vexatious or is not made in good faith.

(3) In any case where the Commissioner decides not to investigate or make further investigation of an allegation he shall inform the person making the allegation of that decision, and shall state his reasons therefor.

PROCEEDINGS

18. (1) Every investigation by the Commissioner under this Act shall be conducted *in camera*.

Proceedings.

(2) The Commissioner may hear or obtain information from such persons as he thinks fit, and may make such enquiries as he thinks fit.

(3) The Commissioner shall not make any finding or recommendation that may adversely affect the reputation of any person being investigated without granting such person a right to be heard.

(4) If, during or after any investigation, the Commissioner is of the opinion that there is substantial evidence of any significant breach of duty or misconduct on the part of any person to whom this Act applies, he shall refer the matter to the appropriate authority including the Police:

Provided that the Commissioner may continue further with his investigation after having referred the matter as aforesaid.

(5) Any person to whom this Act applies has a duty to cooperate, at all stages, with an investigation under this Act.

(6) Subject to the provisions of this Act and of any rules made thereunder, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence.

19. (1) Subject to the provisions of this article and of article 20, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by the Commissioner to furnish to him any such information, and to produce any documents or papers or things which in the Commissioner's opinion relate to any such matter as aforesaid and which may be in the possession or under the control of that person.

(2) The Commissioner shall have power to -

(a) summon witnesses;

(b) administer an oath to any witness and to any person concerned in the investigation,

and require them to give evidence and to produce documents in their possession or under their custody in such circumstances as they could be required to give evidence or produce documents before a court of law.

(3) Summonses for attendance of witnesses may be in the form set out in the Third Schedule to this Act or in such other form as may be appropriate to the case, and shall be signed by the Commissioner.

(4) A summons may be served either by hand or by post. Where it is served by hand it shall be sufficient to prove service by

evidence that the summons was left with a person over the age of sixteen years at the place of residence or of business of the person summoned; and if served by post it shall be sufficient to prove service by evidence that the summons was properly addressed and posted.

(5) Any person summoned as aforesaid who refuses, or without sufficient cause fails, to attend at the time and place mentioned in the summons, or refuses, without sufficient cause to answer or to answer fully and satisfactorily, to the best of his knowledge and belief all questions put to him by the Commissioner, or refuses or fails, without sufficient cause, to produce any document he was required to produce by the Commissioner shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding two thousand and five hundred euro (€2,500) or to imprisonment not exceeding three months, or to both such fine and imprisonment:

Provided that, without prejudice to the generality of the provisions of sub-article (2), no person giving evidence before the Commissioner may be compelled to answer any question which tends to expose him to any criminal prosecution, and every such person shall, in respect of any evidence given by him before the Commissioner, be entitled to the same privileges to which a witness giving evidence before a court of law is entitled.

(6) The following shall *mutatis mutandis* apply to the person to be heard by the Commissioner:

(a) the provisions of article 522 of the Criminal Code, Cap. 9. where the person to be heard refuses to testify when required to do so by the Commissioner; for this purpose, the proceedings before the Commissioner shall be deemed to be proceedings taking place before a court of law;

(b) the provisions of articles 104, 105, 107, 108 and 109 of the Criminal Code, as the case may be, Cap. 9. where the person to be heard does not testify to the truth; for this purpose the proceedings before the Commissioner shall be deemed to be proceedings taking place before a court and the person to be heard shall be deemed to be a person testifying in those proceedings. For the purpose of determining the applicable punishment as may be necessary in proceedings for perjury under this sub-article the allegation being inquired into or adjudicated by the Commissioner shall be deemed to be liable to the punishment to which it would have been liable had the same fact taken place before the a court of law.

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Exemptions
from disclosure.

20. (1) Where the Prime Minister certifies that the giving of any information or the answering of any question or the production of any thing, paper or other document -

(a) affects the security or defence of Malta or relations or dealings between the Government of Malta and any other Government or any international organisation of States or Governments; or

(b) is likely to damage seriously the national economy; or

(c) involves the disclosure of the deliberations or proceedings of Cabinet or any committee of Cabinet; or

(d) prejudices the investigation or detection of offences,

the Commissioner shall not require the information or answer to be given or, as the case may be, the thing, paper or other document to be produced.

(2) Subject to the provisions of sub-article (1), the rule of law which authorises or requires the withholding of any document, thing, or paper, or the refusal to answer any question, on the ground that the disclosure of the document, thing or paper or the answering of the question would be injurious to the public interest, shall not apply in respect of any investigation by or proceedings before the Commissioner.

(3) Without prejudice to the other provisions of this Act, the Commissioner shall have the right to access any documents relating to the revenue acts.

Secrecy of
information.

21. (1) Information obtained by the Commissioner and by every person holding any office, appointment or designation under the Commissioner, in the course of or for the purpose of an investigation under this Act, shall not be disclosed except for the purposes of the investigation and of any report to be made thereon under this Act, or for the purpose of any proceedings relating to an offence under this Act, and the Commissioner and members of his staff shall not be called upon to give evidence in any proceedings, other than such as aforesaid, of matters coming to their knowledge in the course of an investigation under this Act.

Cap. 9.

(2) The provisions of article 133 of the Criminal Code shall apply to, and in relation to, the Commissioner and his staff as they apply to or in relation to a public officer or servant referred to in article 133 of the Criminal Code.

PROCEDURE AFTER INVESTIGATION

22. (1) The provisions of this article shall apply in every case where, after making any investigation under this Act, the Commissioner is of opinion that the allegation forming the subject-matter of the investigation - Procedure after investigation.

(a) appears *prima facie* to have been contrary to law; or

(b) was *prima facie* in breach of any statutory or any ethical duty as provided under this or any other law.

(2) The provisions of this article shall also apply in any case where the Commissioner is of the opinion that in the conduct constituting the subject-matter of the allegation, a discretionary power has been exercised for an improper purpose.

(3) If in any case to which this article applies the Commissioner is of the opinion -

(a) that the matter should be referred to the appropriate authority for further consideration; or

(b) that any practice or conduct is in breach of any statutory or ethical duty or that such practice or conduct should be altered; or

(c) that any other steps should be taken,

the Commissioner shall report his opinion, and his reasons therefor, to the Committee, and may make such recommendations as he thinks fit.

(4) If within a reasonable time after the report is made no action is taken which seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, may send a copy of the report and recommendations to the Speaker who shall lay a copy thereof on the Table of the House.

(5) Where the Commissioner finds that a breach of the Code of Ethics or of any statutory or ethical duty is not of a serious nature, he may grant the person investigated a time limit within which to cure such breach. Permission to cure the breach.

(6) Where from the investigation it appears *prima facie* that a criminal offence or a corrupt practice has been committed, the Commissioner shall refer his findings to the Commissioner of Police or the Permanent Commission Against Corruption, as the case may

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be, and shall immediately inform the Chairman of the Committee.

Privileged
proceedings.

23. (1) No proceedings, civil or criminal, shall lie against the Commissioner or against any member of his staff for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act unless it is shown that he acted in bad faith.

(2) The Commissioner and such persons as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act shall be privileged in the same manner as if the inquiry or proceedings were proceedings in a court of law.

Conclusion of
investigation.

24. (1) The Commissioner shall conclude his investigation within six months of having received the allegation.

(2) Where the investigation is not concluded within six months of having received the allegation, the Commissioner shall draw up a report stating the reason for the delay, and this report shall be transmitted by the Commissioner to the Chairman of the Committee not later than seven working days from the lapse of the six months.

(3) At the end of every month after the first report shall have been drawn up, the Commissioner shall draw up another report stating again the reason for the delay, and every such subsequent report shall be transmitted by the Commissioner to the Chairman of the Committee not later than seven working days from the lapse of the month.

Reports.

25. The Commissioner shall at least annually or as frequently as he may deem expedient report to the House of Representatives on the performance of his functions under this Act. Each such report shall be submitted to the Speaker of the House of Representatives and the Speaker shall lay each such report before the House of Representatives at the first available opportunity.

PART II

COMMITTEE FOR STANDARDS IN PUBLIC LIFE

Composition of
the Committee.

26. (1) There shall be a Committee which shall be a Standing Committee of the House of Representatives, which shall

consist of:

- (a) the Speaker of the House of Representatives as Chairman;
 - (b) two members nominated by the Prime Minister and two members nominated by the Leader of the Opposition.
- (2) The Speaker shall not have an original vote, but shall have a casting vote in cases of equality of votes.

27. (1) The Commissioner shall send his reports, drawn up under article 22, to the Committee. Powers of the Committee.

(2) Without prejudice to the provisions of article 13(4), the Committee shall oversee and scrutinise the work of the Commissioner, for the purpose of ensuring that the Commissioner is fulfilling his duties and operating efficiently, and shall examine any reports it receives from the Commissioner.

(3) The Committee shall decide whether to adopt the conclusions and any recommendations contained in the said reports.

(4) Where the Committee deems that it cannot adopt a report of the Commissioner, it may either decide to reject the said report or decide that the allegation needs to be investigated further, in which case it may, with the assistance of the Commissioner, conduct such additional investigations and hear further evidence on the matter of the allegation. For this purpose the Committee shall have the powers granted to the Commissioner under article 19.

(5) The Committee may also request the Commissioner to explain any aspect of the report or to carry out further investigations.

(6) If the Committee decides to reject the Commissioner's conclusions, it shall give reasons for its decision.

28. (1) Where the Committee finds that there has been a breach of the Code of Ethics or of any statutory or ethical duty it may, after granting the person concerned the right to make submissions, decide on any one or more of the following sanctions: Sanctions by committee.

- (a) admonish the person investigated;
- (b) recommend that the matter be reported to the Commissioner of Police or the Permanent Commission Against Corruption, as the case may be, for further investigation;

(c) in the case where the person investigated is an employee, it may direct Government or any entity or statutory body, to take all necessary measures in accordance with the said person's contract of employment, with a view to remedy the breach;

(d) in the case of a Member of the House of Representatives -

(i) recommend that the said House should direct the Member to rectify any breach;

(ii) demand an apology in writing to be made to the Committee;

(iii) demand an apology by way of a personal statement on the floor of the House;

(iv) demand the repayment of or payment for resources improperly used;

(v) recommend that the House of Representatives takes any other measure it may deem fit;

(e) in any case, it may recommend that the House of Representatives directs the person being investigated to rectify the breach.

Regulations.

29. The Minister may make regulations to implement and to give better effect to the provisions of this Act and without prejudice to the generality of the foregoing may, by such regulations, prescribe anything that is to be or which may be prescribed and provide for any matter consequential, incidental to or connected with the provisions of this Act.

FIRST SCHEDULE

(Article 3)

CODE OF ETHICS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

1. A member of the House of Representatives shall at all times, both inside and outside the House, conduct himself in a manner which reflects the status and dignity of the House of Representatives.

2. A member of the House of Representatives shall adhere to the spirit and letter of the rules of the House of Representatives and to the rules of duly constituted committees thereof as contained in the Standing Orders of the House or any resolution approved by the House of Representatives.

3. A member of the House of Representatives may not receive any remuneration or compensation under whatever form for his work as a Member of the House of Representatives, except for his official remuneration as a Member.

4. While a member of the House of Representatives is in duty bound to relay the complaints of his constituents and to make representations in their name to Government authorities, the Member is expected not to use any improper influence, threats or undue pressure in the course of his duties.

5. (1) Every member of the House of Representatives will annually at the time established by the Speaker of the House of Representatives indicate in a register which will be purposely kept by the Speaker, which register shall be open to inspection by the public:

(a) his work or profession, and if he is employed, the identity of his employer;

(b) his own immovable property, that of his spouse if the community of acquests applies, that of his minor children as well as, if he so wishes, the manner of its acquisition and of its use;

(c) shares in commercial companies, investments including money deposited in banks and any other form of pecuniary interest;

(d) directorships or other official positions in commercial companies, associations, boards, co-operatives or other groups, even if voluntary associations.

(2) A member of the House of Representatives -

(a) who has a professional interest, including work interest consultancy, management or any form of connection, pecuniary or otherwise, with persons, groups or companies, that have a direct interest in legislation before the House, shall declare his interest in the House, at the first opportunity, before a vote is taken on the Second Reading of a Bill;

(b) shall not accept gifts from persons, groups or

companies that had any direct or indirect intent in legislation before the House of Representatives;

(c) shall accept no honorarium for a speech, writing or publication, or other similar activity from any person, organisation or companies in excess of the usual and customary value for such services;

(d) who has made a visit outside Malta, financed in whole or in part by one person, group or company which has a direct interest in legislation before the House, shall declare the fact in a register purposely kept by the Speaker, and accessible to the public;

(e) is expected to report to the Speaker and to the competent authorities any attempt at corruption, pressure or undue influence by third persons, aimed at influencing his conduct as a member.

6. Reference shall not be made in professional, occupational or business matters to membership of the House of Representatives which in any way can give undue advantage to a member.

SECOND SCHEDULE

(Article 3)

CODE OF ETHICS FOR MINISTERS AND PARLIAMENTARY SECRETARIES

(In this Code the word "Minister" is taken to include a Parliamentary Secretary).

Introduction

This Code of Ethics should guide the conduct of Ministers. It is intended to give guidance by listing the rules and the precedents which may apply. It must, however, be seen in the context of protecting the integrity of public life. It will be for individual Ministers to judge how best to act in order to uphold the highest standards.

Ministers will want to see that no conflict arises nor appears to arise between their private interest and their public duties. They will wish to be as open as possible with Parliament and the public. This Code should be read against the background of these general

obligations.

A. The Cabinet

1. The task of the Cabinet is to examine and decide upon matters concerning the collective responsibility of the Government, matters of national importance or matters on which there is disagreement among Ministers.

2. Matters which fall strictly under one Minister and do not have national repercussions or are only of an administrative nature do not need the approval of Cabinet, as long as the Minister concerned is not seeking his colleagues' advice. No precise definition can be given of such matters but in doubtful cases the Minister should refer to Cabinet.

3. Matters involving more than one Ministry should be examined at inter-ministerial level before a submission is made to Cabinet.

4. The minutes of Cabinet meetings should include only decisions taken and a summary of the discussion should suffice in order to enable those concerned to follow up. As far as possible no opinion should be attributed to any particular Minister.

5. Ministers have the duty to inform the Departments within their area of responsibility of the relevant decisions and to issue instructions according to the decisions taken.

6. A Minister whose appointment terminates without there being a change of Government should ascertain that the Cabinet documents are returned to the Cabinet Office or are kept by the former Minister personally on condition, however, that he ensures that his successor is given copies of such documents as may be necessary for the then current administration.

7. At the end of a legislature, Ministers should ensure that all Cabinet documents are returned to the Cabinet Office, or are kept by a Minister personally, with the proviso that a Prime Minister who ceases to hold office may give special instructions as to what is to be done with the documents of his administration.

8. Former Ministers have the right of access to Cabinet Memos and Minutes which they had received in their period of office.

9. No Minister should reveal the process of the internal debate in reaching a decision in Cabinet. Normally a decision taken in Cabinet will be announced publicly by the Minister concerned as a

Government decision. Only in specific cases should a decision be announced as a Cabinet decision. It is the Prime Minister's prerogative to determine when to adopt this mode of procedure. A Minister should avoid expressing in public a personal opinion on a policy that is likely to be or has been decided upon in Cabinet.

10. The collective responsibility of Cabinet requires that Ministers should be able to express their views openly while at the same time being confident that responsibility will be shared by all. There are also various circumstances when information contained in Cabinet documents has to be protected in the national interest. Privacy of Cabinet discussions and circulated documents is, therefore, indispensable. Ministers must ensure that they do not disclose the contents of Cabinet discussions or the personal opinions of other Ministers.

11. The principle of collective responsibility and the need to safeguard national security and relations with other countries impose a number of obligations on former Ministers who may be considering the publication of material based on their experiences in Cabinet. They are expected to submit their draft to the Secretary to the Cabinet before publication.

12. Cabinet meetings take precedence over all other activities. A Minister who, on a rare occasion, is forced by circumstances not to attend a Cabinet meeting should notify the Prime Minister.

B. Parliament

13. Every Minister is responsible towards Parliament for all that is done in the course of the execution of the duties by himself, the Departments and other Government bodies in his area of responsibility. Ministers are in duty bound to give an account of their conduct to Parliament and the Committees of the House. This duty implies that as full information as possible has to be given to Parliament, the Committees of the House and the public about the policies, the decisions and the actions of the Government.

14. Parliamentary and Committee work in which a Minister is involved takes precedence over other work. Ministers must ensure that they attend all sittings. When for a special reason, exceptionally, a Minister cannot attend, he must ensure that the Whip is notified, even if the reason is travel abroad on Government business.

C. Ministerial Responsibility

15. The Prime Minister is responsible for the organization of

the Government's Executive arm as well as for the assignment of Ministerial and Departmental responsibilities. The approval of the Prime Minister is necessary whenever the need of a change in responsibilities occurs.

16. The approval of the Prime Minister is also necessary when some new function is assigned to a particular Minister and that function does not lie squarely within the framework of responsibilities of one Minister, particularly if there is lack of agreement about the assignment of the responsibility. The Prime Minister is the sole person with the authority to decide in such cases.

17. The Prime Minister is to be consulted on any proposal to set up committees of inquiry, committees that are managed by a member of the public service or committees to make proposals on policy.

18. Ministers are to seek the advice and the approval of the Prime Minister in the appointment of the Chairperson and members of all boards, as well as about the appointment of consultants or persons engaged on fixed term contracts.

19. It should be stressed that the best available persons should be appointed on Government boards.

D. The Public Service

20. Ministers should give due weight to the impartial and informed advice of public officers, both regarding the formulation of policies as well as in other areas. Ministers have a duty to observe the obligation of a good employer with regard to terms and conditions of those who serve them. The Minister should never ask or expect members of the public service to do things which go against their duties and obligations, or which run counter to the objectivity and impartiality that are required of them. The Minister must also ensure that his influence in appointing people to various jobs and responsibilities is not abused for partisan aims.

21. Ministers should not ask or expect public officers to attend or take part in political party conferences. However, there are activities organized by political parties which may help public officers carry out their duties in a better way, as well as allow them to put across the policies of their department. In these circumstances, a Minister may allow public officers to attend, as long as he can make sure that their participation rises above party politics.

22. The Minister may ask public officers to produce memos

explaining ministerial policies or actions, to be used during political activities.

23. The Minister may have a private secretariat in line with instructions issued from time to time by the Prime Minister. Ministers must ensure that, as far as possible, the persons chosen to occupy such posts should be permanent members of the public service. However, with the permission of the Prime Minister, a Minister may engage persons from outside the public service on contract for a definite period. Ministers should avoid appointing relatives in their private secretariat.

24. While it is recognized that a Minister's private secretariat must necessarily carry out functions which are, by nature, more political than those assigned to Government departments - which must always be above party politics - the Minister must ensure that this function should never be that of promoting party politics. The private secretariat's funds and other resources should never be used for partisan aims.

E. The Constituency

25. While it is recognized that in the local situation it is difficult to distinguish in a clear-cut way between the work of a Minister as such and his activity as a Member of Parliament representing a certain electoral district and its constituents, a Minister is in duty bound to ensure that Government funds and facilities are not used by him in an untoward and irresponsible way while he is carrying out his duties as a Member of Parliament.

26. Ministers should not make public requests to other Ministers, on behalf of their constituents, but may express their views to the Minister concerned verbally or in writing, provided these views do not run counter to Cabinet policies.

27. When a Minister needs to take decisions (in a particular department for which he is responsible) which may have a strong impact on his constituency, he must take all necessary precautions to avoid all possible conflicts of interest.

F. Travel

28. Any Minister who needs to go abroad for any reason requires the approval of the Prime Minister. The letter to the Prime Minister should include the reasons for the visit and the list of countries to be visited. In the case of official visits, the number of officials included in the delegation should also be given, together

with reasons for their inclusion and the expenses foreseen. Ministers are expected to submit a report to the Prime Minister on their return from official visits abroad.

29. In normal circumstances there should be no travel which is unconnected with Government work abroad when Parliament is in session. During Parliamentary recesses there should be enough Ministers in Malta for Government work to proceed normally. For this reason Ministers should inform the Secretary to the Cabinet about their travels abroad.

30. The Minister is responsible to determine the number of members and composition of Government delegations abroad. Ministers should keep the number of members of their delegations as limited as possible.

31. When Ministers are carrying out Government work abroad, they should not accept offers for free travel from Governments or other organisations, except as stipulated in the official programme. The Prime Minister must be consulted whenever there are doubts.

32. In cases where the presence of the Minister's spouse is considered necessary, the expenses for the Minister's spouse may be paid out of public funds, as long as it is ensured that his or her participation is in the public interest. In these cases the Prime Minister's assent should be sought.

33. If necessary, a Minister may also take a special consultant with him on a Government visit. In any such case the assent of the Prime Minister should be obtained.

34. Ministers should inform the Minister for Foreign Affairs in writing about their proposed visits abroad and about their talks with representatives of other Governments. This applies to formal as well as to informal discussions.

35. The Minister for Foreign Affairs must also be informed before Ministers of other Governments are invited to visit Malta. Ministries must inform the Minister for Foreign Affairs when they come to know of the official or private visit of a Minister of a foreign Government, or of any other person of equivalent status.

36. Ministers are expected to refer to the Prime Minister any offer of foreign honours before acceptance.

37. Ministers should not overlook the possible foreign policy implications of such day-to-day matters as offering hospitality to

prominent figures who are visiting Malta, accepting social commitments of a similar kind, giving public support for petitions, open letters, etc. In any case of doubt, Ministers should consult the Minister for Foreign Affairs before making commitments.

38. The Minister for Foreign Affairs should be consulted whenever a Minister intends to make a statement touching on matters affecting foreign affairs.

39. Ministers should remember that the giving and receiving of gifts to and from Governments, organizations or persons is a delicate matter. Ministers should as a rule only give mementoes for the occasion and should consult the Prime Minister in case they feel that in particular circumstances Government should make a more substantial gift.

40. Ministers have the right to keep the gifts they receive if they are only mementoes for the occasion or are not of any substantial value. In case of doubt the Prime Minister should be consulted, and it is the duty of the Minister to act in the most prudent and responsible manner.

G. Private Interests

41. Ministers have to remember that on their appointment a situation could arise in which their private interests could conflict or appear to conflict with the exercise of their ministerial powers. In order to safeguard the personal integrity of the Minister and the collective integrity of the Government, every Minister is in duty bound to avoid any conflict, real or potential, between his private interest and his public duties.

42. Normally it should be the Minister himself who decides how best to proceed in these instances, but as a general rule it will always be better for the Minister to relinquish or dispose of the interest, but in such cases it is the Prime Minister who decides what the Minister should do and the Minister should submit any such case to him for his decision.

43. As soon as a Minister is appointed, it is expected of him not to continue with his private work. He should devote his whole time to his official duties. The prohibition covers also consultancies, attendance at offices/clinics to give professional advice, etc., even if the work is not remunerated.

44. As soon as he is appointed, a Minister should resign from any other public office and also from any post of director or other

similar post whether in a public or a private agency, or a voluntary association. The only exceptions are honorary appointments or appointments in philanthropic organizations, provided there is no conflict of interest. In such cases, however, the Prime Minister's approval should be obtained.

45. A Minister who before his appointment was self-employed, exercised a profession or was in business, both if personally or through some other legal form, both if on his own or in partnership, is not bound to dispose of his interest or shares, but must make the necessary arrangements immediately, to ensure that:

- he dissociates himself from the direction or management of the office, trade or business;
- he makes arrangements in order that he can get paid for any work previously done or the profits due to him;
- he does not continue to participate in the payments or profits due for work done after his appointment as Minister, except for a fixed sum each year considered as due in return for his previous investment.

46. In all such cases, the Minister should inform the Prime Minister in writing of the arrangements made.

47. There shall be cases when although all these precautions are taken, the interest - however small - which a Minister has in an office, business or trade, or some investment he has made, cannot be reconciled with the exigencies of public confidence in the Minister. This may happen if the Minister could increase the value of the investment or when the Minister might have some confidential information affecting the value of the investment. In such cases the Minister should either dispose of such investment or interest, or take steps so that its management passes out of his hands. The Prime Minister's decision in such cases is final.

48. Within two months from his appointment and not later than the month of March of each year, every Minister should deposit with the Secretary to the Cabinet a declaration listing:

- (a) the immovable property of the Minister or in relation to which he has some form of title;
- (b) shares, bonds or other interests which he may have in a company or partnership, public or private;
- (c) the sum total of money he has deposited in banks;

- (d) directorships or other offices he holds;
- (e) his income in the previous year;
- (f) the sum total of loans he may have received which are still outstanding.

49. This declaration should reflect the position as at the 31st December of the previous year, and under the items (a), (b) and (c) mentioned above, it should include the property of the spouse of the Minister if it forms part of the community of acquests, as well as of the minor children of the Minister provided he has their custody.

50. The Secretary to the Cabinet, under the direction of the Prime Minister, has the duty to prepare the necessary format for this declaration. The Cabinet Secretary shall make available copies of each declaration as authorized by the Prime Minister.

51. Whenever Cabinet is due to discuss any matter that could affect the private interest of some Minister, such Minister should declare his interest and withdraw from the meeting.

52. On his appointment, a Minister should carry out an analysis of his investments and if it appears that there could be a conflict of interest, real or potential, it would be advisable for the Minister to dispose of such investments. Ministers should also be careful not to make investments which could result in a conflict of interest while they hold office.

53. Where Ministers, notwithstanding any action taken on assuming office, are called upon to exercise any power or discretion or other influence which could give rise to an actual or apparent conflict of interest, they should take no part in the preparation or reaching of any relevant decisions. The Prime Minister should be informed of these arrangements.

54. Ministers should avoid speculative investments about which they have or may be thought to have by virtue of their ministerial office, early or confidential information likely to affect the price of those investments.

55. Ministers should act in the same way with regard to the investments of their spouse if the community of acquests applies and also with regard to those of their minor children.

56. A Minister should not nominate nor support any nomination for a local, foreign or international prize or honour, since any such action might be attributed to the Government as a whole. A

Minister may, however, seek the Prime Minister's assent for such nomination or support.

57. Ministers should be careful not to be associated with organizations the aims of which might conflict with those of the Government. Normally there should not be any objection if the organization is philanthropic but even in such cases, Ministers should take care to ensure that in participating in any fund raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed (and for this reason they should not normally approach individuals or companies personally for this purpose). In any case of doubt, the Prime Minister should be consulted before a Minister accepts an association with such bodies. Ministers should also exercise care in giving public support for petitions, open letters, etc.

58. No Minister should accept gifts or services such as might be deemed to create an obligation, real or imaginary. The same rule applies to the spouse of a Minister and to his minor children. The same rules that apply to gifts from representatives of other Governments are applicable in these cases as well.

59. Ministers occupy a position that makes them more than ordinarily open to undue pressures from persons who would like the Minister to use his position to gain some undue advantage for themselves. Ministers are duty bound to totally and immediately reject any attempt of this kind, but when the attempt is accompanied by the offer of some gift, whatever its value, the Minister should also report this to the Prime Minister without delay.

60. There will be cases in which a Minister will be involved in legal procedures involving both his duties as Minister and also himself as a private person. In such circumstances, the Minister should, before taking other legal advice, consult the Attorney General's office as to how the matter should be dealt with. Normally, in such cases, especially when the Minister is requesting the payment of personal damages as in the case of a libel suit, the services of a personal legal adviser should be used, unless the Attorney General indicates otherwise.

H. Parliamentary Assistants

61. A Cabinet Minister may be assisted by a Parliamentary Assistant appointed from amongst Members of Parliament by the Prime Minister following consultation with the Minister concerned.

62. Although Parliamentary Assistants are not formal

members of the Government, they must ensure that no conflict arises, or appears to arise, between their role as a Parliamentary Assistant, and their private interests.

63. Official information given to them should generally be limited to what is necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into Ministry discussions where appropriate, but any such access should be approved by the Minister concerned.

64. A Parliamentary Assistant should not make statements in the House or put questions on matters affecting the Ministry with which he or she is connected. A Parliamentary Assistant is not precluded from serving on Standing Committees or from chairing or serving on Select Committees, but he or she should withdraw from any involvement with inquiries into the Ministry, departments and other entities which are part of his or her Minister's portfolio, and they should avoid associating themselves with recommendations critical of, or embarrassing to, the Ministry concerned. They should also exercise discretion in any speeches or broadcasts outside Parliament.

65. Where it is proposed to take a Parliamentary Assistant on an official visit overseas, the Prime Minister's approval is required. Official overseas travel by a Parliamentary Assistant should be exceptional.

66. Parliamentary Assistants, particularly those attached to Ministries with planning responsibilities, should take special care when making representations to Ministers about planning issues. In particular, they should not discuss planning cases with interested parties or imply that they have any influence over planning decisions. In representing their constituency interests they should abide by the guidance in Section E of this Code.

THIRD SCHEDULE

(Article 19)

(The Standards in Public Life Act)

Summons to Witnesses

To A.B. (name of person summoned and residence)

You are hereby summoned to appear before
at (place) on (date and time)
and to give evidence respecting
.....
(the matter of the investigation).

Given under my hand this day of 20

(Signature of the Commissioner or Committee)

Objects and Reasons

The main object of this Bill is to provide for the appointment of a Commissioner and a Standing Committee with power to investigate breaches of statutory or ethical duties of categories of persons in public life.