

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,868, 25 ta' Settembru, 2017
Taqsimha C

Nru. 8

25. 09. 2017

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tal-10 ta' Lulju, 2017.

A BILL introduced by the Honourable Owen Bonnici M.P., Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 10th July, 2017.

ATT sabiex jemenda l-Att dwar l-Amministrazzjoni Pubblika, (Kap. 497).

AN Act to amend the Public Administration Act, (Cap. 497).

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

*Att sabiex jemenda l-Att dwar l-Amministrazzjoni Pubblika,
(Kap. 497).*

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2017 li jemenda l-Att dwar l-Amministrazzjoni Pubblika u għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Amministrazzjoni Pubblika, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-amministrazzjoni pubblika għandu b'ordni jstabilixxi fil-Gazzetta u jistgħu jiġu stabbiliti dati differenti u dispożizzjonijiet transitorji differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

2. Minnufih wara l-artikolu 48 tal-Att prinċipali, għandhom jiżdiedu l-artikoli ġodda li ġejjin:

Żjieda tal-
artikoli ġodda
fl-Att prinċipali.

“Kumitat
Permanenti Dwar il-
Hatriet Pubblici.

48A. (1) Għandu jkun hemm Kumitat Permanenti dwar il-Hatriet Pubblici li għandu jkun magħmul minn hames membri mahtura mill-Kamra tad-Deputati, li minnhom tlieta jkunu membri mahtura mill-Gvern, u li minn fosthom wiehed jinhatar bħala *Chairperson*, u t-tnejn l-oħra jkunu mahtura mill-Oppożizzjoni.

(2) Tliet membri tal-Kumitat jikkostitwixxu *quorum*.

(3) Il-Kumitat Permanenti dwar il-Hatriet Pubbliċi jkollu s-setgħa li jwettaq smiegħ tal-persuni nominati għal ċerti hatriet pubbliċi kif jista' minn żmien għal żmien ikun provdut b'liġi.

(4) Id-dispożizzjonijiet tal-paragrafi (3) u (4) tal-Ordni Permanenti 120B tal-Ordnijiet Permanenti tal-Kamra tad-Deputati għandhom japplikaw *mutatis mutandis* għall-Kumitat Permanenti dwar il-Hatriet Pubbliċi.

Smiegħ
parlamentari qabel
hatriet ta'
Ambaxxaturi u
hatriet ta' ċerti
postijiet f' Aġenziji
Governattivi u
entitajiet oħra.

48B. (1) Minkejja d-dispożizzjonijiet ta' xi liġi oħra, meta Ministru (iktar 'il quddiem f'dan l-artikolu imsejjaħ il-"Ministru") għandu l-intenzjoni li jinnomina persuna bħala Ambaxxatur jew Kummissarju Għoli jew rappreżentant prinċipali ieħor ta' Malta f'pajjiż ieħor, li ma jkunx persuna magħzula mis-servizz pubbliku jew persuna li tkun diġa tokkupa kariga bħal dik, kif jista' jiġi speċifikat b'ordni tal-Prim' Ministru fl-Ewwel Taqsima tal-Hames Skeda ta' dan l-Att jew sabiex ikun *Chairperson* ta' Aġenzija Governattiva, Entità, Bord jew Kummissjoni jew sabiex imexxi xi istituzzjoni oħra stabbilita mil-liġi, kif jista' jiġi stabbilit mill-Prim' Ministru fit-Tieni Taqsima tal-Hames Skeda ta' dan l-Att, allura sakemm in-nomina ma tkunx tikkonċerna tiġdid fil-kariga, il-Ministru għandu, għall-inqas għoxrin jum qabel ma jkun jixtieq li l-hatra ssir effettiva, javża bil-hatra proposta liċ-*Chairperson* tal-Kumitat Permanenti dwar il-Hatriet Pubbliċi (hawn iżjed 'il quddiem f'dan l-artikolu imsejjaħ "il-Kumitat").

(2) Hekk kif jirċievi l-avviż imsemmi fis-subartikolu (1), iċ-*Chairperson* tal-Kumitat għandu jiċċirkola l-imsemmi avviż lil membri kollha tal-Kumitat u għandu jagħtihom hamest ijiem sabiex jissottomettu kwalunkwe mistoqsijiet bil-miktub lil persuna nominata. L-imsemmija mistoqsijiet għandhom ikunu rilevanti għal kompetenza professjonali, l-adattabilità u l-isfond tal-persuna nominata u għandhom jiġu notifikati lill-Ministru li jkun ta l-avviż fir-rigward tal-hatra proposta, li għandu jgħaddihom lil persuna nominata li jkollha hamest ijiem sabiex twieġeb għall-imsemmija mistoqsijiet bil-miktub lill-Ministru. Il-mistoqsijiet u t-twieġibiet għandhom, kemm-il darba l-Kumitat ma jipprovdi xort'oħra, isiru pubbliċi.

(3) Sa mhux iktar tard mill-ġurnata ta' ħidma immedjatement sussegwenti għall-iskadenza tal-perijodu stabbilit fis-subartikolu (2) jew tal-estensjoni tal-imsemmi perijodu, fil-każ fejn dan il-perijodu jkun gie estiż mill-Kumitat skont is-subartikolu (7), il-Ministru għandu jagħti it-twegibiet sottomessi mill-persuna nominata liċ-*Chairperson* tal-Kumitat, li għandu jiċċirkulahom lil Membri kollha tal-Kumitat.

(4) Il-Membri tal-Kumitat għandhom ikunu intitolati jissottomettu mistoqsijiet supplimentari, li għandhom ikunu strettament relatati mal-mistoqsijiet inizjali tagħhom, bil-miktub, lil persuna nominata, fi żmien tliet ijiem minn meta jkunu ġew notifikati bit-twegibiet. Il-mistoqsijiet supplimentari għandhom jingħataw lil persuna nominata permezz tal-Ministru u l-persuna nominata għandu jkollha tliet ijiem sabiex twieġeb lill-Kumitat permezz tal-Ministru. Il-mistoqsijiet supplimentari u t-twegibiet għandhom, sakemm il-Kumitat ma jiddeterminax xort' oħra, isiru pubblici.

(5) Il-Kumitat għandu jkun intitolat isejjaħ lil persuna nominata għal smiegħ waqt laqgħa tal-Kumitat, unikament bl-għan li tiġi kjarifikata kwalunkwe kwistjoni li fl-opinjoni tal-Kumitat tkun baqgħet mhux spjegata jew mhux ċara, wara t-twegibiet għal mistoqsijiet supplimentari. Iċ-*Chairperson* tal-Kumitat ma għandux jippermetti mistoqsijiet dwar kwistjonijiet oħra. L-imsemmi smiegħ, jekk jissejjaħ, għandu jsir f'data li ma tkunx iktar tard minn hamest ijiem min-notifika lill-Kumitat tat-twegibiet għal mistoqsijiet supplimentari, sakemm il-Kumitat ma jiftiehemx dwar data oħra għas-smiegħ. L-imsemmi smiegħ għandu jinżamm fil-pubbliku, iżda l-Kumitat jista', jekk ikun sodisfatt li dan huwa xieraq, jiddeċiedi li s-smiegħ jinżamm *in camera*.

(6) Hekk kif jiġi konkluż is-smiegħ ta' qabel il-ħatra, skont dan l-artikolu, il-Kumitat għandu, sakemm ma jiddeċidix li għandu bżonn jiddiskuti jew jikkjarifika xi kwistjoni mal-Ministru qabel ma jagħti l-parir tiegħu, ihejji l-parir tiegħu skont il-formola inkluża fit-Tielet Taqsima tal-Hames Skeda ta' dan l-Att, liema parir għandu jingħata lill-Ministru:

Izda li:

(i) kwalunkwe diskussjoni bejn il-Kumitat u l-Ministru li tinzamm skont dan is-subartikolu, għandha ssir waqt laqgħa tal-Kumitat, jew fil-pubbliku jew *in camera* skont kif jiddeċiedi l-Kumitat;

(ii) kwalunkwe kwistjoni li skont dan l-artikolu għandha tiġi diskussa mill-Kumitat, ma għandhiex, minkejja xi liġi oħra, tiġi trasferita għad-diskussjoni lil xi Kumitat ieħor tal-Kamra tar-Rappreżentanti jew lill-Kamra kollha, sakemm dan ma jiġix deċiż mill-Kumitat b'vot ta' maġġoranza tal-membri kollha tiegħu;

(iii) il-Ministru għandu jieħu d-deċiżjoni finali dwar jekk hatra li hija sugġetta għall-proċedura stabbilita f'dan l-artikolu għandhiex issir.

(7) Il-Kumitat jista', filwaqt li jagħti raġunijiet, jew fuq inizjattiva tiegħu jew fuq talba tal-Ministru li jkun ta l-avviz ta' proposta dwar il-hatra, itawwal jew iqassar kull it-terminu stipulat f'dan l-artikolu."

Żjieda ta' skeda
għida mal-Att
prinċipali.

3. Minnufih wara r-Raba' Skeda tal-Att prinċipali, għandha tiżdied l-Iskeda għida li ġejja:

"IL-HAMES SKEDA
(Artikolu 48B)

L-EWWEL TAQSIMA

Ambaxxaturi, Kummissarji Għolja jew rappreżentanti prinċipali ta' Malta għal pajjiżi fejn huma maħtura bhala Ambaxxaturi residenti, Kummissarji Għolja jew rappreżentanti prinċipali.

IT-TIENI TAQSIMA

Il-Bank Ċentrali ta' Malta

L-Awtorità għas-Servizzi Finanzjarji ta' Malta

Ir-Regolatur għas-Servizzi tal-Energija u l-Ilma

L-Awtorità għat-Trasport f'Malta

L-Awtorità ta' Malta dwar il-Komunikazzjoni

L-Awtorità Maltija dwar il-Logħob

L-Awtorità tal-Ippjanar

L-Awtorità għall-Ambjent u r-Riżorsi

Il-Kummissarju għal Organizzazzjonijiet Volontarji

L-Awtorità tal-Artijiet

L-Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur

L-Awtorità dwar il-Medicini

L-Awtorità tat-Turiżmu ta' Malta

Il-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Ogħla

Il-Korp għall-Analisi ta' Informazzjoni Finanzjarja

Il-lista hawn fuq stabbilita għandha titqies li tinkludi kwalunkwe entità oħra, għajr Dipartimenti tal-Gvern, li minn żmien għal żmien tista' tassumi l-funzjonijiet legali tal-entitajiet hawn fuq imsemmija.

IT-TIELET TAQSIMA

Formola għal parir li għandu jingħata
mill-Kumitat Permanenti dwar il-Ħatriet Pubbliċi

"Ministru, _____

Il-Kumitat Permanenti dwar il-Ħatriet Pubbliċi organizza smiegħ ta' qabel il-ħatra fir-rigward tal-ħatra proposta ta' bħala ta' u wara li qies ir-riżultati tas-smiegħ ta' qabel il-ħatra, iddecieda li jagħti parir favur/kontra l-ħatra proposta.

Chairperson

Kumitat Permanenti dwar il-Ħatriet Pubbliċi".

Għanijiet u Raġunijiet

L-Għanijiet u r-raġunijiet ta' dan l-Abbozz huma li jintroduċi proċedura għal smiegħ parlamentari qabel il-ħatra ta' Ambaxxaturi residenti, Kummissarji Għolja u rappreżentanti prinċipali oħra ta' Malta f'pajjiżi oħra, li mhumiex mahtura mis-servizz pubbliku u ta' *Chairpersons* u kapijiet ta' entitajiet regolatorji.

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**A BILL
entitled**

An Act to amend the Public Administration Act, (Cap. 497)

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title and commencement.
Cap. 497.

1. (1) The short title of this Act is the Public Administration (Amendment) Act, 2017 and this Act shall be read and construed as one with the Public Administration Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister responsible for public administration shall by order in the Gazette establish and different dates may be established and different transitory provisions may be made in respect of different provisions and purposes of this Act.

Addition of new articles to the principal Act.

2. Immediately after article 48 of the principal Act there shall be added the following new articles:

“Standing Committee on Public Appointments.

48A. (1) There shall be a Standing Committee on Public Appointments which shall consist of five members appointed by the House of Representatives of whom three shall be appointed by the Government, one of whom shall be appointed as Chairperson, and the other two shall be appointed by the Opposition.

(2) Three members of the Committee shall constitute a *quorum*.

(3) The Standing Committee on Public Appointments shall have the power to conduct pre-appointment hearings of persons nominated for certain public appointments as may be provided by law from time to time.

(4) The provisions of paragraph (3) and (4) of Standing Order 120B of the Standing Orders of the House of Representatives shall, *mutatis mutandis*, apply to the Standing Committee on Public Appointments.

Pre-appointment
parliamentary
hearing on
appointments of
Ambassadors and
on appointments to
certain posts in
Government
Agencies, and
other entities.

48B. (1) Notwithstanding the provisions of any other law, where a Minister (hereinafter in this article referred to a 'the Minister') intends to nominate a person to be an Ambassador or High Commissioner or other principal representative of Malta in any other country, not being a person who is selected from the public service or a person who already holds such a post, as may be specified by order of the Prime Minister in the First Part of the Fifth Schedule to this Act or to be the Chairperson of a Government Agency, Entity, Board or Commission or to head any other institution established by law as may be specified by order of the Prime Minister in the Second Part of the Fifth Schedule to this Act, then unless the nomination is in respect of a re-appointment, the Minister shall at least twenty days before he intends that the appointment should become effective give notice of the proposed appointment to the Chairperson of the Standing Committee on Public Appointments (hereinafter in this article referred to as "the Committee").

(2) Upon receipt of the notice referred to in sub-article (1) the Chairperson of the Committee shall circulate the said notice to all members of the Committee giving the members five days to submit any questions in writing to the proposed nominee. The said questions shall be relevant to the professional competence, suitability and background of the nominee and shall be notified to the Minister who gave notice of the proposed appointment who shall transmit them to the nominee giving him or her five days to reply to the said questions in writing to the Minister. The questions and the replies shall, unless the Committee otherwise decides, be made public.

(3) By not later than the working day immediately following the expiry of the period established in sub-article (2) or of the extension of any such period in the case that the said period has been extended by the Committee in accordance with sub-article (7), the Minister shall transmit the replies submitted by the nominee to the Chairperson of the Committee who shall circulate the replies to all the Members of the Committee.

(4) The Members of the Committee shall be entitled to submit supplementary questions, which must be strictly related to their initial questions, in writing to the nominee within three days from when they are notified with the replies. The supplementary questions shall be transmitted to the nominee through the Minister and the nominee shall have three days to reply to the Committee through the Minister. The supplementary questions and the replies shall, unless the Committee otherwise determines, be made public.

(5) The Committee shall be entitled to call the nominee to a hearing at a meeting of the Committee only for the purpose of clarifying any matter which in the opinion of the Committee shall have remained unexplained or unclear following the replies to the supplementary questions. The Chairperson of the Committee shall not allow questions on any other subject matter. The said hearing, if called, shall be held on a date not later than five days from the notification to the Committee of the replies to the supplementary questions unless the Committee agrees to another date for the hearing. The said hearing shall be held in public but the Committee may where it is satisfied that it is appropriate, decide that the hearing should be held *in camera*.

(6) Upon the conclusion of the pre-appointment hearing in accordance with this article the Committee shall, unless it decides that it needs to discuss or clarify any matter with the Minister before giving its advice draw up its advice in accordance with the form included in the Third Part of the Fifth Schedule to this Act which advice shall be transmitted to the Minister:

(i) any discussion between the Committee and the Minister held in terms of this sub-article shall be held at a meeting of the Committee to take place either in public or in camera as the Committee may decide;

(ii) any matter which according to this article is to be discussed by the Committee shall, notwithstanding any other law, not be transferred for discussion to another Committee of the House of Representatives or to the whole House unless the Committee by a majority vote of all its members so decides;

(iii) the final decision as to whether an appointment which is subject to the procedure provided in this article is to be made shall vest with the Minister.

Provided that:

(7) The Committee may, while giving reasons, either on its own initiative or at the request of the Minister who has given the notice of a proposal on the appointment, lengthen or shorten each term set out in this article."

3. Immediately after the Fourth Schedule to the principal Act there shall be added the following new schedule:

Addition of new schedule to the principal Act.

"FIFTH SCHEDULE
(Article 48B)

FIRST PART

Ambassadors, High Commissioners or principal representatives of Malta to countries where they are appointed as resident Ambassadors, High Commissioners or principal representatives.

SECOND PART

Central Bank of Malta

Malta Financial Services Authority

Regulator for Energy and Water Services

Authority for Transport in Malta

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Malta Communications Authority

Malta Gaming Authority

The Planning Authority

Environment and Resources Authority

Commissioner for Voluntary Organisations

Lands Authority

Malta Competition and Consumer Affairs Authority

Malta Medicines Authority

Malta Tourism Authority

National Commission for Higher Education

Financial Intelligence Analysis Unit

The above list shall be deemed to include any other entity, other than a Government Department, which from time to time succeeds the above entities in their legal functions.

THIRD PART

Form of Advice to be given by the Standing Committee on Public Appointments

"Minister,

The Standing Committee on Public Appointments has organized a pre-appointment hearing in respect of the proposed appointment of as of and after having considered the results of the pre-appointment hearing has decided to advise in favour/ against the proposed appointment.

Chairperson

Standing Committee on Public Appointments".

Objects and Reasons

The objects and reasons of this Bill are to introduce a pre-appointment parliamentary hearing procedure in respect of the appointment of resident Ambassadors, High Commissioners and other principal representatives of Malta in other countries who are not appointed from the public service and of Chairpersons and heads of regulatory entities.

