

Agreement entered into today between

1. the Government of Malta, herein represented by the Hon Minister of Works and Construction and
 2. the General Retailers and Traders Union herein represented by _____
 3. the Federation of Industry herein represented by _____
 4. the Chamber of Commerce herein represented by _____
 5. the Estates Agents Association herein represented by _____
 6. the Chamber of Architects and Civil Engineers herein represented by _____
 7. the Chamber of Professional Engineers herein represented by _____
 8. the Planning Authority herein represented by _____
 9. the General Workers Union herein represented by _____
- and
10. the Confederation of Malta Trade Unions herein represented by _____

In virtue of this Agreement the parties agree to set up a body to be known as the Building Industry Consultative Council (hereafter referred to as the Council) which shall be an association having the functions as set out in the annexed statute (Document One) by which the said Council shall be governed.

A. The Government shall provide the Council with:

(a) The use of a substantial building which shall be utilised as the premises of the Council, rent free for the period of this agreement;

(b) Adequate funds for the running of the Council as may be agreed from time to time on a budget prepared by the Council and approved by the Ministry of Public Works and Construction;

(c) The Salaries, to be approved by the Ministry of Public Works and Construction of a Chief Executive, a Deputy Chief Executive and such other staff as may be approved from time to time with the Government;

The said Chief Executive shall be a person nominated by the Minister and approved by the Prime Minister.

B. THE OTHER PARTIES TO THIS AGREEMENT undertake to provide such funds and other facilities as they may from time to time be in a position to provide to the Council in order to further enable it to perform its functions in accordance with this statute.

C. This agreement shall be valid for three (3) years and shall be renewable thereafter for further periods of three (3) years each unless the Government gives notice in writing to the other parties at least one month prior to the then current term of its intention not to renew the agreement.

D. Each of the other parties may by giving the same notice to the Government and the other parties withdraw from this agreement at the end of its term whether this be original or renewed as aforesaid, but the Council shall continue to function for as long as the Government and one of the other parties remain party to this agreement.

E. Upon the termination of the term of this agreement any asset of the Council shall be distributed between the Government and the parties to the agreement immediately prior to termination in proportion to the contributions made by each to the Council in the last year before its termination.

DOCUMENT ONE

BUILDING INDUSTRY CONSULTATIVE COUNCIL - STATUTE ARTICLE ONE - Interpretations

In this Statute, unless context requires otherwise:

Chairperson means the chairperson of the Executive Board, with whom shall vest the legal representation of the Council. He shall also act as chief executive of the Executive Board.

Chief Executive means the chief executive of the Executive Board.

Co-ordinator means the co-ordinator of the Working Committees nominated by the chief executive and appointed by the Minister after consultation with the Advisory Board;

Council means the Building Industry Consultative Council.

Minister means the Minister responsible for the Building Construction Industry.

Working Committees means the ad hoc working groups nominated by the Advisory Board to study specific issues.

ARTICLE TWO - Name and Seat

The name of the Council shall be the Building Industry Consultative Council. The Council shall operate from a building to be known as the Building Research Centre which is to be housed at Scamps Palace, The Waterfront, Vittoriosa.

ARTICLE THREE- Objects

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The objects of the council shall be:-

1. To provide a forum in which the problems and issues related to the building construction industry are discussed.
2. To advise government and the private sector on ways for upgrading and monitoring the building industry taking into account the specific situation, requirements and other related factors of the Maltese Islands.

This will be done by means of preparing and disseminating proposals and recommendations related to

- (i) Building Regulations which include standard methods of measurement, standard condition of contracts of works, standard work detailing, registration and classification of contractors and tradesman and quality assurance standards.
- (ii) Health and Safety Standards
- (iii) The formulation and improvement of Education and Training Programms and structures. The Council shall also set up a documentation centre and to identify sources for the training of Maltese personnel in relevant fields of activity so as to ensure continued availability of suitably qualified personnel and shall establish and manage Design and Research programms in application of new technology to construction methods and implementation of pilot projects to determine building forms and techniques for our climate and landscape.
- (iv) The Monitoring of the property market and the relationship between the building industry and the property market
- (v) Any other factors or issues as the Advisory Board may determine from time to time.

ARTICLE FOUR - Function

To reach its objective the Council will be required to carry out the following functions:

1. To assist in the national economic planning process;
2. to prepare short and medium term plans for building construction industry activities in Malta oriented towards perceived national needs in the Maltese public and private sectors;
3. to prepare periodic assessment concerning the effectiveness and relevance of the national building construction industry policy and of manpower development programme;
4. to promote the development of indigenous technologies and the effective use of the building construction industry manpower of the country,
5. to identify overseas developments in building construction technology that are of direct interest and relevance to the Maltese situation;
6. to assist government in the formulation and negotiation of educational, scientific and technology transfer agreements with foreign Governments or international bodies;
7. to set up databases and obtain access to international databases in the fields of building construction industry;
8. to offer scholarships, fellowships and grants to stimulate research and development activities in areas considered important to Malta's economic and ecological features;
9. to act as a focal point with respect to various regional, interregional and international organisations and to organise participation in seminars, conferences and action at working groups of relevance to Maltese interests;

10. to set up Working Committees of professional persons and organisations to⁶ assist in the formulation of policies, implementation of programmes and to monitor areas of importance in the building construction industry in Malta;
11. to ensure the dissemination of information and to provide feedback to the authorities concerned;
12. to advise on and monitor quality and safety standards to be adopted and implemented and where requested to conduct scientific and technological audits of the building construction activities of Government Departments, Public Corporations and of the Private Sector.

ARTICLE FIVE - Executive Board

1. The chief executive of the Executive Board shall receive remuneration as the Minister may establish from time to time.

2. Such remuneration shall be a charge on the fund of the Council.

3. The Executive Board shall be responsible for the general administration of the affairs and business of the Council and shall have the power to:

- (a) acquire property under any title onerous or gratuitous for the Council;
- (b) dispose of the assets of the Council by onerous or gratuitous title;
- (c) to invest any monies not immediately required for the purpose of the Council;
- (d) in general, to administer the property, moveable and immovable bestowed upon or acquired by the Council as it deems best to attain the objects and perform the functions of the Council.

4. The Executive Board of the Council shall consist of the chief executive who shall also chair the meetings, the Director General (Lands and Construction) or his

representative, the co-ordinators of the working committees and one member appointed⁷ by the Advisory Board.

5. Decision of the Executive Board shall be taken by a simple majority of members present and voting. The chief executive shall have an original and a casting vote.

6. The Executive Board shall meet at least once every month and the meetings shall be presided by the chief executive.

7. The Chief Executive and half the other members constituting the Executive Board shall form a quorum of the Executive Board.

8. Save as provided in this statute, the Executive Board may make its own rules and otherwise regulate its own proceedings.

ARTICLE SIX - Chief Executive

1. The chief executive of the Council shall be nominated by the Minister after approval by the Prime Minister for a period of not more than three (3) years from amongst persons who appear to him to have had experience of and have shown ability in dealing with the problems associated with the building construction industry and the property market.

2. The Deputy Chief Executive shall act as Chief Executive when the Chief Executive is temporarily absent from Malta or is otherwise temporarily unable to perform the function of his office.

ARTICLE SEVEN - Advisory Board

1. The Advisory Board shall consist of the Chief Executive, the Director General (Land and Construction) and one member nominated by each of the parties to the agreement constituting the Council; provided that if and when associations or other bodies are set up to represent Developers, Users and Environment Groups and the same

are recognised by the Minister for the purpose of this agreement, each of the⁸ associations so recognised shall be entitled to nominate a member of the advisory board.

2. The members of the Advisory Board shall serve for two (2) years unless removed by the Executive Board before serving the full term and may be reappointed after serving their term.

3. The Advisory Board through Chief Executive shall have the function of advising the Minister on the development of the building construction industry in Malta as well as the improvement of same.

4. It shall also be the function of the Advisory Board to advise, make proposals to and report to the Executive Board on any matter which it considers necessary or expedient for the promotion, development and achievement of the building construction industry in Malta.

5. The Advisory Board may from time to time appoint working committees to advise on specific issues. Each working committee will be chaired by a Co-ordinator. The first working Committees will deal with the following issues:

- (a) Building Regulation/Quality Assurance/Contractors Registrations
- (b) Education and Training
- (c) Research Initiatives
- (d) Health and Safety
- (e) The Property Market

6. The quorum required for the sittings of the Advisory Board shall be one third of its members.

7. Decisions of the Advisory Board shall be taken by a simple majority of members present and voting. The chairperson of the Advisory Board shall have an original and a casting vote.

ARTICLE EIGHT - Funding, Accounts and Reports

1. The fund of the Council shall be administered by the Executive Board and shall⁹ be made up of:

- (a) The contribution made annually by the Government of Malta;
- (b) Any contributions that may be made by the other parties to the agreement in accordance with paragraph B of the agreement;
- (c) The contribution which may be raised from all sectors and persons involved in the building construction industry in Malta;
- (d) any other monies accruing to the Council from any other source whatsoever.

2. The Executive Board may not borrow funds without the prior authorisation of the Minister provided that the government shall not guarantee any loans to the Council unless there is specific agreement therefor.

3. The Executive Board shall, not later than the end of June of each year, prepare and submit to the Minister draft estimates of the Council for the following calendar year.

4. The Executive Board shall, not later than the end of March of each year, submit to the Minister detailed and audited statements of accounts of income and expenditure and of employment of funds, relative to the previous calendar year. The Minister may at all times instruct auditors to examine the books of accounts of the Council.

5. The Executive Board, shall not later than the end of March of each year, submit to the Minister and each of the parties to the agreement constituting the Council an Annual Report of the activities of the Council over the previous calendar year.