

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,751, 30 ta' Marzu, 2017

Taqsim A

MALTA

ATT Nru XIII tal-2017

ATT maħruġ b'ligi mill-Parlament ta' Malta.

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

ACT No. XIII of 2017

AN ACT enacted by the Parliament of Malta.

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.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

30 ta' Marzu, 2017

ATT Nru XIII tal-2017

ATT biex jipprovdi għal ħatra ta' Kummissarju u Kumitat Permanenti bis-setgħa li jinvestigaw ksur ta' dmirijiet statutorji jew etiċi ta' kategoriji ta' persuni fil-ħajja pubblika, u għal ħwejjeg aċċillari 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, ħarġet b'liġi dan li ġej:-

PRELIMINARI

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2017 dwar *Standards* fil-Ħajja Pubblika. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-affarijiet tal-Parlament b'ordni fil-Gazzetta tal-Gvern jistabbilixxi u dati differenti jistgħu jiġu stabbiliti dwar dispozizzjonijiet u għanijiet differenti ta' dan l-Att.

A 224

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra -

Kap. 326.

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

"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-Ħajja Pubblika imwaqqaf taħt l-artikolu 26;

"il-Kummissarju" tfisser il-Kummissarju għall-*Standards* fil-Ħajja Pubblika mwaqqaf 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;

"persuna ta' fiduċja" tfisser impjegat jew persuna ingaġġata fis-segretarjat privat ta' Ministru jew ta' Segretarju Parlamentari li tkun taġti pariri jew tkun taġixxi ta' konsulent tal-Ministru jew tas-Segretarju Parlamentari jew tkun taġixxi fi rwol eżekuttiv fil-Ministeru jew fis-Segretarjat Parlamentari u fejn il-persuna ma tkunx giet ingaġġata skont il-proċedura stabbilita bl-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) Persuni ta' fiduċja biss inkwantu għandhom ikunu fis-setgħa tal-Kummissarju, li jimxi jew fuq deċiżjoni tiegħu stess jew wara li jirċievi lment, li jinvestiga u jirrapporta lill-Kamra tad-Deputati dwar jekk persuna ta' fiduċja tkunx kisret id-dispożizzjonijiet tal-Kodiċi ta' Etika li hemm fl-Ewwel Skeda tal-Att dwar l-Amministrazzjoni Pubblika li għalih il-persuni ta' fiduċja għandhom bis-saħħa ta' dan l-Att u mingħajr ebda ħtieġa oħra, ikunu soġġetti.

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

(4) Il-Ministru jista', minn żmien għal żmien, 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 ta' Etika applikabbli kif previst f'dan l-artikolu.

TAQSIMA I

KUMMISSARJU GHALL-ISTANDARDS FIL-HAJJA PUBBLIKA

4. Għandu jinhatar Kummissarju għall-*Standards* fil-Hajja Pubblika li jinhatar 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.

Iżda 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 tinhatar fil-kariga ta' Kummissarju jekk hija tkun membru tal-Kamra tad-Deputati, membru ta' kunsill lokali, uffiċjal pubbliku, jew persuna li jkollha kariga jew pożizzjoni li tkun soġġetta għal dan l-Att.

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 hlief 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-twettiq 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.

Żmien tal-kariga.

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

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

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

Tneħhija 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 ħażina 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 ħażina 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 jmut, 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-ħatra tal-Kummissarju mill-President ta' Malta fuq ir-rakkomandazzjoni tal-Kamra tad-Deputati skont l-artikolu 4:

Izda 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 zmien meta l-Parlament ma jkunx qiegħed f'sessjoni, il-President ta' Malta għandu jahtar Kummissarju sabiex jokkupa l-kariga, u min jiġi hekk maħtur għandu, kemm-il darba l-kariga tiegħu ma ssirx vakanti qabel, jibqa' fil-kariga sakemm jinħatar Kummissarju ieħor skont l-artikolu 4.

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

Hatra
temporanja ta'
Kummissarju.

(a) f'kull zmien 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,

jahtar 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 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 ieħor li jinħatar għal għan temporanju għandu jibqa' fil-kariga sakemm huwa jwettaq il-funzjoni lilu 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:

Izda 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

Ġurament tal-
kariga.

tiegħu, Kummissarju għandu jiehu gurament li jkun ser jaqdi d-dmirijiet tal-kariga tiegħu b'fedeltà u imparzjalità, u li huwa ma jikxifx, ħlief skont l-artikolu 21, xi tagħrif li jkun kiseb bis-saħħa ta' dan l-Att.

(2) Il-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' hatra tinkludi l-approvazzjoni għall-għadd ta' persuni li jistgħu jinhatru 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-hatra tagħhom.

(2) Il-Kummissarju jista' filwaqt li jkun qiegħed jagħmel investigazzjoni, jahtar, f'kapaċità konsultattiva, lil min irid jekk il-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 ssirli 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 ħlief 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' imħallef tal-qrati superjuri. Is-salarju ma għandux jitnaqqas matul it-tkomplija tal-hatra tal-Kummissarju.

(6) L-uffiċjali u l-impjegati mahtura skont is-subartikolu (1) għandhom, qabel ma jibdew iwettqu l-kariga jew l-impjieg tagħhom, jieħdu għurament li jkunu ser iwettqu d-dmirijiet tal-kariga jew tal-impjieg tagħhom fedelment u b'impazzjalità, u li ma jikxfu, hliet skont ma hemm fl-artikolu 21, ebda informazzjoni li huma jkunu kisbu bis-saħħa ta' dan l-Att. Dak il-għurament 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' dħul 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 u li jagħmel rakkomandazzjonijiet f'forma ta' linji gwida li l-Kummissarju jqis li jkunu xierqa u proporzjonati wkoll fir-rigward ta' kull persuna li tonqos milli tagħmel xi dikjarazzjoni kif imsemmi jew li tagħmel dikjarazzjoni skorretta b'mod li materjalment tizvija l-iskop tad-dikjarazzjoni;

(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 rakkomandazzjonijiet, meta mitlub minn persuna li għaliha jkun japplika dan l-Att, jekk azzjoni jew imġiba maħsuba minnha hijiex projbita mill-Kodiċi ta' Etika applikabbli jew minn kull dmir partikolari ieħor statutorju jew etiku, u ma tinzamm l-ebda responsabbiltà għal xi ksur tal-Kodiċi ta' Etika applikabbli jew kull dmir statutorju jew etiku meta persuna tkun aġixxiet f'konformità ma' dawk ir-rakkomandazzjonijiet; Approvazzjoni
negattiva.

(d) li jiskrutinizza r-registru, bid-dettalji tal-Membri Parlamentari assenti, miżmum mill-*Speaker* tal-Kamra;

(e) li jara li kull xahar tinhadem il-penali amministrattiva dovuta minn kull membru parlamentari kif provdut fl-Ordni Permanenti 159, dan wara li jidentifika dawk il-Membri Parlamentari li jkunu assenti matul seduta shiha minghajr permess ta' assenza. Il-Kummissjarju għandu jinforma bil-miktub lil kull membru li jkun wehel tali penali amministrattiva bl-ammont totali dovut u raġunijiet għal tali penali;

(f) li jidentifika dawk l-attivitajiet illi għandhom jitqiesu bħala attivitajiet ta' *lobbying*, li johrog regoli ta' gwida dwar dawk l-attivitajiet u jagħmel dawk ir-rakkomandazzjonijiet li jidhirlu li jkunu xierqa dwar ir-regolamentazzjoni ta' dawk l-attivitajiet;

(g) (i) li jagħmel rakkomandazzjonijiet għat-titjib ta' kull Kodiċi ta' Etika li jkun japplika għal persuni li jkunu soġġetti għal dan l-Att u b'mod partikolari, izda minghajr preġudizzju għall-ġeneralità ta' dak stipulat qabel, li jagħmel rakkomandazzjonijiet dwar l-aċċettazzjoni ta' rigali, dwar l-użu mhux xieraq ta' riżorsi pubbliċi u ta' informazzjoni kunfidenzjali u dwar limitazzjoni fuq l-impjeg jew fuq attivitajiet oħra meta persuni ma jibqgħux fil-kariga ta' Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati;

(ii) li jassigura li kull rakkomandazzjonijiet magħmula jieħdu konsiderazzjoni xierqa tal-htieġa li kull miżuri, linji gwida jew regoli intizi biex jiżguraw *standards* għoljin fil-hajja pubblika skont dan l-Att għandhom ikunu faċilment aċċessibbli u li jinftieħmu għall-pubbliku iġenerali.

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

(3) Il-Kummissarju m'għandux jgħaddi biex jinvestiga xi allegazzjoni fuq xi kwistjoni li fuqha jkun hemm pendenti proċedimenti fil-Qorti jew quddiem xi tribunal imwaqqaf b'liġi, u għandu jissospendi l-investigazzjoni jekk xi persuna li jkollha interess tagħmel talba quddiem Qorti jew quddiem tali tribunal dwar il-kwistjoni li tkun qed tiġi investigata, jew jekk il-Qorti tal-Maġistrati tkun fethet inkjesta dwar dik il-kwistjoni, jew jekk il-Kummissarju tal-Pulizija jkun istitwixxa investigazzjoni dwar l-istess kwistjoni.

(4) Fit-twettiq tad-dmirijiet tiegħu, il-Kummissarju m'għandux jippreġudika t-twettiq ta' kull dmir assenjat jew prerogattiva mogħtija mill-Kostituzzjoni lil xi persuna, awtorità jew detentur ta' kariga

politika u b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak li ngħad qabel, huwa m'għandux jippreġudika l-poteri u prerogattivi tal-Prim Ministru fuq il-Kabinett.

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

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 jseħh.

Preskrizzjoni għal allegazzjonijiet.

(2) Ma għandhiex tittiehed konjizzjoni ta' lment taht dan l-Att kemm-il darba dak l-ilment ma jsirx sa mhux aktar tard minn tletin jum tax-xogħol minn dakinhar li fih min jagħmel l-ilment kien jaf bil-fatt li ta lok għall-ilment jew minn sena minn meta jkun seħh il-fatt li jkun ta lok għall-ilment, skont liema data tiġi l-ewwel.

15. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4) tal-artikolu 13, minn żmien għal żmien, il-Kamra tad-Deputati tista' b'riżoluzzjoni tagħmel, jekk hekk ikun jidhrilha li tagħmel, regoli generali dwar kif għandu jimxi l-Kummissarju fit-tweġġ ta' dmirijietu taht dan l-Att, u tista' f'kull żmien bl-istess mod tirrevoka jew tibdel kull regola li tkun għamlet.

Regoli dwar kif jimxi l-Kummissarju.

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

16. Kull allegazzjoni li ssir lill-Kummissarju għandha ssir bil-miktub jew bil-fomm. Meta allegazzjoni ssir bil-fomm din għandha titniżżel bil-miktub kemm jista' jkun malajr, iżda mhux iktar tard minn għaxart ijiem:

Kif issir l-allegazzjoni.

Iżda ma għandha tittiehed ebda konjizzjoni ta' allegazzjoni anonima.

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.

Rifjut ta' investigazzjoni ta' 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 -

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(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 bil-miktub b'dan lil min ikun għamel l-allegazzjoni, u jagħti r-raġunijiet għal dik id-deċizzjoni.

PROCEDIMENTI

Proċedimenti.

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

(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 dwar persuna li tkun qiegħda tiġi investigata mingħajr ma jkun ta lil dik il-persuna aċċess għall-provi kollha u d-dritt għas-smiġh skont il-prinċipji tas-smiġh xieraq.

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

Izda l-Kummissarju għandu jissospendi l-investigazzjoni matul iż-żmien meta l-kwistjoni tkun hekk riferita izda għandu, bla ħsara għall-indipendenza tal-investigazzjoni tal-Pulizija, ikollu l-jedd li jitlob informazzjoni mingħand il-Kummissarju tal-Pulizija dwar il-progress ta' tali investigazzjoni u dwar id-data prevista għall-għeluq tal-investigazzjoni.

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

(6) Bla ħsara 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.

Provi.

19. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu u tal-artikolu 20, u ħlief meta u safejn tkun tapplika xi liġi dwar proċedimenti f'qorti tal-gustizzja, il-Kummissarju jista' minn żmien għal żmien jehtieg lil xi persuna li fil-fehma tiegħu tkun tista' tagħti xi

tagħrif li jkollu x'jaqsam ma' xi kwistjoni li tkun qieghda tiġi investigata mill-Kummissarju, li tagħtih dak it-tagħrif, u li tipproduċi dokumenti jew inkartamenti jew oġġetti, li fil-fehma tal-Kummissarju jkollhom x'jaqsmu mal-kwistjoni kif imsemmija qabel u li tista' tkun fil-pussess jew taħt il-kontroll ta' dik il-persuna.

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

(a) jħarrek ix-xhieda;

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

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

(3) Taħrikiet 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) Taħrika tista' tiġi notifikata jew bl-idejn jew bil-posta. F'kull każ, tista' wkoll tiġi notifikata addizzjonalment b'mod elettroniku, billi tintbagħat fl-indirizz elettroniku uffiċjali tal-persuna mharrka. Meta taħrika tiġi notifikata bl-idejn in-notifika għandha ssir jew personalment lill-persuna mharrka jew fil-post tar-residenza, tax-xogħol jew tan-negozju tal-persuna mharrka, u tiġi ppruvata permezz tal-firma tar-riċevitur tat-taħrika li ma jstax ikun persuna taħt l-età ta' sittax-il sena. Meta taħrika tiġi notifikata bil-posta għandu jiġi ppruvat li t-taħrika kienet indirizzata sewwa u impostata permezz ta' posta registrata u li tkun waslet fl-indirizz fejn kienet indirizzata.

(5) Kull persuna mharrka kif imsemmi hawn qabel li tirrifjuta jew mingħajr kawża ġusta tonqos milli tattendi fil-hin u fil-post imsemmija fit-taħrika, jew tirrifjuta mingħajr kawża ġusta li twieġeb jew li twieġeb bis-sħiħ 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 hetġilha li tipproduċi, tkun haġta ta' disprezz lejn il-Kummissarju u tista' tehel penali amministrattiva, wara li tkun ingħatat l-opportunità li tinstema', li tista' tiġi imposta mill-Kummissarju, ta' mhux inqas minn hamsin euro (€50) u mhux iżjed minn elfejn u hames mitt euro (€2,500). L-imsemmija penali amministrattiva tkun inforzabbli bħala dejn ċivili favur il-Kummissarju:

Iżda, mingħajr preġudizzju għall-generalità tad-dispożizzjonijiet tas-subartikolu (2), ebda persuna li tkun qiegħda tixhed quddiem il-Kummissarju ma tista' tiġi mgiegħla 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.

Kap. 9.

(6) Id-dispożizzjonijiet tal-artikoli 104, 105, 107, 108 u 109 tal-Kodiċi Kriminali għandhom japplikaw *mutatis mutandis* għal persuna li tinstema' mill-Kummissarju, 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 taht dan is-subartikolu, l-allegazzjoni indagata jew li tkun se tiġi ġudikata mill-Kummissarju għandha titqies li tkun soġġetta għall-piena li għaliha kienet tkun soġġetta kieku l-istess fatt ġara quddiem qorti tal-gustizzja.

(7) Meta l-Kummissarju jqis illi persuna li tkun ġiet imħarrka biex tixhed quddiemu jew illi mingħajr ma kienet imħarrka tkun resqet biex tagħti xhieda quddiemu tista' tkun wettqet reat kriminali li għalih hemm provdut taht dan l-Att jew li jkun relatat ma' proċeduri taht dan l-Att, huwa għandu jirreferi l-kwistjoni lill-Kummissarju tal-Pulizija għal iżjed investigazzjoni u għal dawk il-passi li jkun xieraq li jittieħdu.

Eżenzjonijiet minn kxif.

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 -

(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 hsara serja lill-ekonomija nazzjonali; jew

(c) ikun jinvolvi 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 jenhtieg li t-tagħrif jew ir-risposta jkollhom jinghataw jew, skont il-każ, li l-oġġett, inkartament jew dokument ieħor jiġu prodotti.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1), kull liġi li tawtorizza jew tehtieg li ma jinkixif xi dokument, oġġett jew inkartament, jew ir-rifjut li tkun imwiegħba xi mistoqsija, għar-raġuni li l-kxif tad-dokument, oġġett jew inkartament jew it-tweġib ta' mistoqsija jkun ta' ħsara għall-interess pubbliku, għandha tiġi mharsa tul l-investigazzjoni jew proċedimenti quddiem il-Kummissarju.

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

It-tagħrif ikun sigriet.

(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.

Kap. 9.

PROĊEDURA WARA L-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 -

Proċedura wara investigazzjoni.

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

(b) tkun *prima facie* kisret xi dmir statutorju jew etiku kif previst taht dan l-Att jew kull liġi 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 b'mod li jikkostitwixxi abbuż ta' poter.

(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 jittiehdu xi passi oħra,

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

(4) Jekk fi żmien raġonevoli wara li jsir ir-rapport, li m'għandux jeċċedi tliet xhur, 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.

Permess biex
jiġi rimedjat il-
ksur.

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

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

Proċedimenti
privileġġjati.

23. (1) Ma jistgħu jittiehdu 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*.

(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-gustizzja.

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 konkluzi 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) Kull sitt xhur 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 tramess mill-Kummissarju liċ-*Chairman* tal-Kumitat mhux iżjed tard minn sebat ijiem tax-xogħol minn meta jkun għadda l-imsemmi perjodu ta' sitt xhur.

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-twettiq 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. Rapporti.

TAQSIMA II

KUMITAT GHALL-ISTANDARDS FIL-HAJJA PUBBLIKA

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

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

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

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

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

(2) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 13(4), il-Kumitat għandu jissorvelja u jifli l-hidma 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 jiddeċiedi 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 jiddeċiedi li jiċċad ir-rapport imsemmi jew jiddeċiedi li l-allegazzjoni tkun teħtiegħ li tiġi investigata iżjed, f'liema każ il-Kumitat jista', bl-għajjnuna tal-Kummissarju, iwettaq dawk l-investigazzjonijiet addizzjonali u jisma' iżjed provi dwar il-kwistjoni tal-allegazzjoni. Għal dan il-għan il-Kumitat għandu jkollu s-setgħat mogħtija lill-Kummissarju taht 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 jiċċad il-konklużjonijiet tal-Kummissarju, għandu jagħti raġunijiet għad-deċiżjonijiet tiegħu.

Sanzjonijiet
mill-Kumitat.

28. Meta l-Kumitat isib li jkun hemm ksur tal-Kodiċi ta' 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:

(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;

(ċ) 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-kundizzjonijiet ta' impjieg tal-persuna msemmija, bil-għan li jirrimedja l-ksur;

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

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

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

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

(iv) jitlob pagament mill-ġdid ta' jew pagament ta' rizorsi uzati hażin;

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

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

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

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-Ordnijiet Permanenti tal-Kamra jew ma' kull rizzoluzzjoni li tiġi approvata mill-Kamra tad-Deputati.

3. Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2) tal-artikolu 5 ta' din l-Iskeda, 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 ufficjali 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, mhuwiex mistenni li l-membri 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'registru li jinżamm għal dan l-għan mill-*iSpeaker*, liema registru jkun miftuħ għall-ispezzjoni tal-pubbliku u għandu jkun fih:

(a) x'ikunu x-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 qiegħda tiġi użata;

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

(d) pożizzjonijiet ta' direttur u pożizzjonijiet ufficjali oħra f'kumpaniji 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 kumpaniji 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' Liġi;

(b) ma għandux jaċċetta rigali mingħand persuni, gruppi jew kumpaniji 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 publikazzjoni, jew attività oħra bħal dawk mingħand xi persuna, organizzazzjoni jew kumpanija b'żieda fuq il-valur li s-soltu u b'konswetudni jingħata għal dawk is-servizzi;

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

(e) huwa mistenni li jirrapporta lill-*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 GHALL-MINISTRI

U SEGRETARJI PARLAMENTARI

F'dan il-kodiċi, riferenza għal Ministru tinkludi fiha riferenza għal Segretarju Parlamentari. Il-kelma Ministru għandha tittiehed li tapplika kemm għall-maskil u kemm għall-femminil.

1. PREAMBOLU

Il-Ministri jintgħażlu mill-Prim Ministru, jibqgħu fil-kariga sakemm idumu jgawdu l-fiduċja tal-Prim Ministru u huma responsabbli lejn u jagħtu kont ta' għemilhom lill-Prim Ministru, lill-Parlament u lill-pubbliku iġenerali, eventwalment lill-elettorat fl-elezzjoni generali.

Huma jgawdu minn pozizzjoni ta' fiduċja mogħtija lilhom mill-poplu u li tohroġ mill-kariga mogħtija mill-Prim Ministru, u jgawdu l-poter li jeżerċitaw diskrezzjoni fit-teħid ta' deċiżjonijiet wiesgħa li jistgħu jaffettwaw individwi, gruppi ta' individwi, jew il-komunità iġenerali.

Għaldaqstant il-Ministri għandhom jaġixxu u jgħibu ruħhom skont *standards* tal-ogħla livell kemm fuq bazi personali kemm fil-qadi tad-doveri kostituzzjonali tagħhom.

2. SKOP TA' DAN IL-KODIĊI

Filwaqt illi l-Ministri huma personalment responsabbli għad-deċiżjonijiet dwar kif jaġixxu u jgħibu ruħhom u personalment responsabbli sabiex jagħtu kont ta' għemilhom u jiġġustifikaw l-azzjonijiet u l-imġiba tagħhom lill-Prim Ministru, lill-Parlament kif

ukoll lill-poplu ingenerali, l-iskop ta' dan il-Kodiċi ta' Etika huwa sabiex jipprovdi gwida tal-livelli għolja mistennija mill-Ministri fl-imġiba tagħhom sabiex jiġu rispettati l-aqwa *standards* ta' integrità, onestà, trasparenza, kontabilità u sens ta' ġustizzja, u sabiex jipprovdi gwida bil-għan li jiġu evitati konflitti ta' interess.

3. INFURZAR TA' DAN IL-KODIĊI

Jekk jirriżulta li Ministru jkun ġab ruħu jew aġixxa b'mod li *prima facie* jikkostitwixxi ksur ta' dan il-Kodiċi, il-Prim Ministru juża d-diskrezzjoni tiegħu sabiex jiddeċiedi x'passi għandhom jittieħdu.

Il-Prim Ministru għandu dritt jirreferi lil jew jikkonsulta dwar il-materja ma' xi organu diġà stabbilit b'liġi jew li għad ikun stabbilit, però fl-aħħar mill-aħħar id-deċiżjoni finali dwar jekk jeżistix ksur u l-konsegwenza applikabbli, tibqa' dejjem kompetenza esklussiva tal-Prim Ministru.

4. PRINĊIPJI ĠENERALI

Barra mill-prinċipju ġenerali tal-osservanza tal-liġi, huwa mistenni mill-Ministri r-rispett lejn il-prinċipji li ġejjin:

4.1 Il-prinċipju ta' responsabbiltà kollettiva, fis-sens illi bħala Gvern huwa responsabbli kollettivament lejn u għandu d-dover li jwieġeb għat-tmexxija tiegħu lill-Parlament.

4.2 Individwalment il-Ministri huma responsabbli lejn il-Parlament għad-deċiżjonijiet, *policies* u azzjonijiet tagħhom u tad-dipartimenti u l-aġenziji li jaqgħu fid-dekasteri tagħhom.

4.3 Konsegwentement il-Ministri għandhom jaġhtu informazzjoni korretta lill-Parlament u għandhom jikkoreġu mal-ewwel opportunità possibbli xi żbalji jew inezattezzi li jkunu saru b'nuqqas ta' hsieb.

4.4 Il-Ministri għandhom bl-aktar mod possibbli jkunu miftuħa fl-għoti ta' informazzjoni lill-Parlament u lill-pubbliku ingenerali.

4.5 Il-Ministri għandhom jaraw li d-dipartimenti governattivi u l-entitajiet li jaqgħu fid-dekasteru tagħhom jitmexxew tajjeb u b'għaqqal.

4.6 Il-Ministri għandhom jeżiġu mill-uffiċjali pubbliċi li jaqgħu fid-dekasteri tagħhom, illi jaġhtu l-aktar informazzjoni sħiħa u korretta meta mitluba mill-Kumitati Parlamentari.

4.7 Il-Ministri għandhom jassiguraw illi ma jkun hemm l-ebda konflitt ta' interess bejn id-doveri pubbliċi tagħhom u l-interessi personali.

4.8 Il-Ministri m'għandhom jaċċettaw ebda rigali jew benefiċċji, salv kif provdut f'dan il-Kodiċi, li jistgħu jew jistgħu raġonevolment johlqu impressjoni li qed jikkompromettu l-gudizzju tagħhom jew li jpoġġuhom taħt xi obligazzjoni mhux xierqa.

4.9 Il-Ministri għandhom iżommu separati r-rwoli tagħhom bħala Ministri u bħala Deputati, kif ukoll ir-rwol tagħhom bħala membru ta' partit politiku.

4.10 Il-Ministri għandhom jirrispettaw il-prinċipju tal-imparzjalità politika tas-servizz pubbliku.

5. *STANDARDS* GĦAL MINISTRI BĦALA PERSUNI LI JOKKUPAW KARIGA PUBBLIKA

Għal dan il-għan il-Ministri bħala uffiċjali pubbliċi għandhom ikunu ispirati u fl-imġiba, azzjonijiet u deciżjonijiet tagħhom iggwidati minn dawn il-valuri:

5.1 Sens ta' servizz - il-gid suprem huwa l-gid komuni u Ministru m'għandux ikun motivat minn sens ta' gwadann personali, familjari, ta' hbiebu jew persuni qrib tiegħu, iżda biss minn sens ta' servizz lejn il-komunità iġenerali u l-gid komuni, għax fuq kollox hu qed jamministra beni pubbliċi f'isem il-pubbliku iġenerali.

5.2 Integrità - il-Ministri m'għandhomx ipoġġu lilhom infushom f'pożizzjoni li jinfluwenzaw ruħhom minn xi obligazzjoni finanzjarja jew mod ieħor ta' persuni jew għaqdiet li jippruvaw jagħmlu dan, jew li jagħmlu użu mhux xieraq ta' informazzjoni li tiġi għandhom minhabba fil-kariga tagħhom sabiex jagħtu xi vantaġġ mhux xieraq lil xi hadd filwaqt li jiżvantaġġjaw oħrajn.

5.3 Diligenza – ladarba l-Ministri jamministraw beni pubbliċi, f'isem il-pubbliku iġenerali, għandhom jeżerċitaw l-ogħla livell ta' diligenza inkluż fl-infiq ta' fondi pubbliċi, kif ukoll għandhom jaħdmu b'għaqal u b'żulija fit-twettiq tad-doveri tagħhom.

5.4 Oggettività – fil-qadi tad-doveri pubbliċi, inkluż fil-hatriet għall-karigi, l-għoti ta' kuntratti, jew fil-kuntest ta' kull għoti ta' benefiċċji.

5.5 Kontabilità – il-Ministri jamministraw beni pubbliċi u għandhom ikunu trasparenti fl-operat tagħhom u miftuħa għall-iskrutinju neċessarju.

5.6 *Trasparenza* - il-Ministri għandhom kemm jista' jkun jaqdu d-doveri tagħhom b'mod miftuħ u trasparenti, u għalhekk jagħtu raġunijiet għad-deċiżjonijiet u l-azzjonijiet tagħhom.

5.7 *Onestà* - il-Ministri għandhom jevitaw li jidhlu f'konflitti ta' interess bejn l-interess pubbliku u dak privat tagħhom u għandhom jagħtu informazzjoni sħiħa u korretta lill-Parlament, lill-Kabinett u lill-pubbliku iġenerali.

5.8 *Ġustizzja u rispett* - fl-imġiba tagħhom u deċiżjonijiet li jieħdu, il-Ministri għandhom juru rispett lejn l-istituzzjonijiet u għandhom jirrispettaw il-liġijiet tal-pajjiż. Għandhom juru sens ta' bilanċ u qies billi jkunu sensitivi iġenerali lejn is-setturi kollha tas-soċjetà, kif ukoll b'mod partikolari lejn id-drittijiet u l-aspirazzjonijiet tal-persuni kkonċernati, sabiex b'hekk jimxu b'sens ta' ġustizzja.

5.9 *Tmexxija* - il-Ministri għandhom iħaddnu u jkunu ispirati minn dawn il-valuri biex b'hekk imexxu bl-eżempju.

6. RESPONSABILITÀ KOLLETTIVA – IL-MINISTRI U L-GVERN

6.1 Il-Ministri għandhom ikunu familjari sew mas-setgħat u l-obbligi fdati lilhom, mal-*Standing Orders* u r-regoli li fuqhom jimxi l-Parlament kif ukoll mar-regoli u l-proċeduri li jirregolaw il-ħidma tagħhom.

6.2 Peress illi l-prinċipju ta' responsabbiltà ministerjali kollettiva huwa ċentrali fil-Kostituzzjoni, filwaqt illi d-diskussjonijiet fi ħdan il-Kabinett għandhom ikunu kemm jista' jkun ħielsa u miftuħa u għandhom jinstemgħu l-fehmiet ta' kull membru fi ħdan il-Kabinett, fl-istess waqt l-istess diskussjonijiet u deliberazzjonijiet huma klassifikati bħala kunfidenzjali. Il-Ministri għaldaqstant m'għandhomx jikkomunikaw jew jikkumentaw dwar dak li jkun ġie diskuss fil-Kabinett 'il barra minnu.

6.3 Id-deċiżjonijiet tal-Kabinett jiġu komunikati lill-Ministri kkonċernati mis-Segretarju tal-Kabinett u dan għandu jara li d-deċiżjonijiet jiġu mwettqa.

6.4 Il-laqgħat tal-Kabinett għandhom jieħdu preċedenza fuq kull attività oħra ministerjali barra f'każ ta' safar fuq xogħol uffiċjali, u l-Ministri huma parti mid-deċiżjonijiet meħuda mill-Kabinett, sew jekk kienu preżenti sew jekk ma kenux, meta l-Kabinett ikun wasal għad-deċiżjoni partikolari.

7. DMIRIJET MINISTERJALI

7.1 Il-kariga ministerjali hija wahda li tokkupa l-gurnata tax-xogħol kollha tal-istess Ministru. Ebda Ministru ma jista' jaċċetta l-ebda hlas barrani talli ssir xi haġa in konnessjoni max-xogħol tiegħu ta' Ministru.

7.2 Malli jinħatar, Ministru hu mistenni li ma jkomplix bix-xogħol privat tiegħu u għandu jiddedika l-hin kollu tiegħu għal xogħol tal-Gvern. Dan sakemm il-Kabinett ma jiddeċidix mod iehor f'każi eċċezzjonali fejn l-interess nazzjonali jkun jinħtieġ hekk.

7.3 Hekk kif Ministru jingħata l-kariga, għandu minnufih jagħti rendikont tal-assi u l-interessi tiegħu lis-Segretarju tal-Kabinett fuq il-formola relattiva. Għandu jiġi indikat ukoll lis-Segretarju tal-Kabinett kull interess illi jista' b'xi mod jagħti lok għal perċezzjoni ta' konflitt ta' interess jew konflitt ta' interess reali. Dan ir-rendikont għandu jingħata kull sena bil-mod indikat minn żmien għal żmien.

7.4 Il-Ministri għandhom jirrispettaw l-imparzjalità tas-servizz pubbliku u jaraw illi l-influenza tagħhom fuq is-servizz pubbliku ma tkunx abbużata. Il-Ministri għandhom id-dover li qabel jaslu għal xi deċiżjoni huma jagħtu kunsiderazzjoni xierqa lill-firxa kemm jista' jkun wiesgħa ta' pariri, inkluż billi jagħtu piż lill-parir infurmat u imparzjali tal-uffiċjali jew impjegati pubbliċi.

7.5 Id-deċiżjonijiet meħuda għandhom, kemm jista' jkun, jinżammu rrekordjati f'*files* governattivi, anke jekk għandha tittiehed inkonsiderazzjoni wkoll il-prattiċità u r-realtà tal-komunikazzjoni elettronika fiż-żminijiet tal-lum.

7.6 Il-Ministri għandhom jassiguraw li bhala *employers* jittrattaw mal-istaff tagħhom b'mod ġust u ekwu.

7.7 Il-Ministri għandhom ikunu ispirati mill-mertu u kapacitajiet fil-ħatriet u karigi li jagħmlu u għandhom jikkonsultaw mal-Prim Ministru dwar ħatriet ta' *chairpersons* u membri ta' bordijiet.

7.8 Il-Ministri għandhom jaraw illi anki dwar safar, huma jagħmlu l-iktar arrangamenti effiċjenti u huma responsabbli għad-daqs tad-delegazzjonijiet.

7.9 Meta Ministru jtemm il-ħatra tiegħu, dan għandu jirritorna lura lis-Segretarju tal-Kabinett id-dokumenti, materjal u riżorsi kollha illi kienu ġew mogħtija u fdati lilu sabiex iwettaq id-dmirijiet tiegħu. Bhala konswetudni, hu fid-diskrezzjoni tal-Prim Ministru li

jippermetti lil eks-Ministri aċċess raġonevoli għal dokumenti u materjal li jikkonċernaw il-perjodu meta huma kienu fil-kariga ministerjali.

7.10 Il-Ministri m'għandhomx jiżvelaw tagħrif jew informazzjoni kunfidenzjali lanqas wara li tintemm il-kariga ministerjali.

8. INTERESSI PRIVATI TAL-MINISTRI U KONFLITTI TA' INTERESS

8.1 Il-Ministri għandhom jassiguraw li ma jkun hemm l-ebda konflitt bejn id-doveri pubbliċi u l-interessi privati tagħhom, finanzjarji jew ta' xorta oħra, u hija r-responsabbiltà personali ta' kull Ministru individwalment li jiddeċiedi jekk u x'għandu jsir biex ma jkunx hemm dan it-tip ta' konflitt ta' interess. B'dan illi f'każ li tkun meħtieġa direzzjoni mill-Prim Ministru dwar l-eżistenza ta' konflitt ta' interess, dik id-deċiżjoni tkun finali.

Il-prinċipju generali huwa illi jew Ministru jiddisponi minn dan l-interess jew jieħu miżuri alternattivi biex jipprevjenih.

8.2 Kull persuna li tiġi avvicinata sabiex tiġi offruta l-kariga ministerjali, għandha, kemm-il darba jkun jeżisti dubju dwar xi possibbiltà ta' konflitt ta' interess, qabel taċċetta l-istess kariga, tinforma b'dan il-fatt u ċirkostanzi oħra rilevanti lill-Prim Ministru. B'dan illi jekk fil-kors tal-leġiżlatura jkun hemm tibdil fiċ-ċirkostanzi personali tal-Ministru li jistgħu jagħtu lok għall-konflitt ta' interess, il-Ministru għandu l-obbligu jgħarraf b'dan lill-Prim Ministru immedjatament.

8.3 Bl-istess mod, kull persuna li tiġi avvicinata minn Ministru sabiex tiġi offruta kariga fis-segretarjat, għandha, kemm-il darba jkun jeżisti dubju dwar xi possibbiltà ta' konflitt ta' interess, qabel taċċetta l-istess kariga, tinforma b'dan il-fatt u ċirkostanzi oħra rilevanti lill-Ministru konċernat.

8.4 Ebdha Ministru m'għandu jaċċetta rigali, donazzjonijiet, ospitalità jew servizzi mingħand xi ħadd, li jistgħu jpoġġuh taħt obligazzjoni lejn dik il-persuna jew persuni u dan għandu wkoll japplika għall-membri tal-familja immedjata tal-Ministru. F'każ ta' dubju għandu jiġi kkonsultat il-Prim Ministru.

8.5 Il-Ministri m'għandhomx normalment jaċċettaw dekorazzjonijiet minn pajjiżi barranin, ħlief bil-permess tal-Prim Ministru.

8.6 Ebda Ministru m'għandu jieħu sehem fit-teħid ta' deċiżjonijiet li jolqtu membri tal-familja tiegħu, persuni oħra qrib tiegħu, u ebda Ministru m'għandu jiġi kkundizzjonat b'mod mhux xieraq fid-deċiżjonijiet tiegħu minn konflitt ta' interess finanzjarju jew mod ieħor, tiegħu jew ta' persuni qrib tiegħu, jew jagħmel użu mhux xieraq minn informazzjoni li tiġi għandu minhabba l-kariga tiegħu u waqt il-qadi ta' dmirijietu, b'mod partikolari jekk dan isir sabiex jivvantagġja ingustament lil xi persuna jew persuni għad-detriment ta' oħrajn.

8.7 Meta Ministru jkun involut fi proċeduri legali fil-vesti privati, dawn jistgħu jkollhom implikazzjonijiet fuq ir-rwol ministerjali. Is-Segretarju tal-Kabinett għandu jkun infurmat b'dawn il-proċeduri u, f'każ li l-proċeduri jkunu istitwiti mill-Ministru, is-Segretarju tal-Kabinett għandu jkun infurmat qabel jiġu istitwiti.

9. IL-MINISTRI U L-PARLAMENT

9.1 Meta jkun qed jiltaqa' l-Parlament, huwa d-dmir tal-Ministri li jattendu s-seduti parlamentari u jipparteċipaw attivament fid-diskussjonijiet li jkunu għaddejjin fl-istadji varji li fih jirrisolvi ruħu l-Parlament kif ukoll fil-Kumitati magħzula tal-Parlament. Meta Ministru jkun imsiefer jew ma jkunx jista' jattendi seduti parlamentari minhabba mard, l-*Speaker* tal-Kamra għandu jiġi mgharraf.

9.2 Meta jkun jiltaqa' l-Parlament, il-Ministri għandhom jaraw li l-aktar dikjarazzjonijiet u stqarrijiet importanti dwar *policies* jew deċiżjonijiet jiġu mhabbra fil-Parlament bhala l-ogħla istituzzjoni tal-pajjiż.

9.3 Il-Ministri għandhom jagħmlu hilithom sabiex jagħtu l-iktar informazzjoni preċiża u korretta possibbli u kull korrezzjoni illi tista' tkun meħtieġa għandha ssir mal-ewwel opportunità.

9.4 L-*Speaker* tal-Kamra tad-Deputati għandu f'kull każ ikun infurmat minn qabel dwar stqarrijiet ministerjali fil-Parlament u b'mod ġenerali anki l-Oppożizzjoni tiġi mgharrfa bil-kontenut ftit tal-hin qabel ma ssir l-istqarrija.

9.5 Il-Ministri għandhom juru rispettt lejn is-Sedja kif ukoll lejn id-deputati parlamentari kollha.

10. IL-MINISTRI, RELAZZJONIJIET PUBBLIĊI U L-ISTAMPA

10.1 Il-Ministri għandhom jgħarrfu lill-pubbliku u lill-*media* bl-

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attivitajiet ministerjali fuq bażi regolari u b' mod organizzat.

10.2 Għal dan il-ghan u għall-kordinament effettiv, stqarrijiet, intervisti u attivitajiet ministerjali għandhom l-ewwel jiks bu l-approvazzjoni mill-Uffiċċju tal-Prim Ministru qabel jinħarġu jew isehhu.

10.3 Kemm-il darba tiġi mgħoddija informazzjoni mhux korretta, din għandha tiġi korretta minnufih.

10.4 Fl-interess pubbliku, il-Ministri għandhom jaraw li jkollhom komunikazzjoni miftuħa mal-imsieħba soċjali, għaqdiet mhux governattivi, għaqdiet professjonali, mezzi tax-xandir u pubbliku ingenerali.

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 imħarrek biex tidher quddiem
 fi (post) fi (data u ħin) u li
 tixhed dwar
 (il-kwistjoni tal-inkjesta) u ggib miegħek
 dawn id-dokumenti.....

L-attenzjoni tiegħek qiegħda wkoll tiġi migbuda għall-fatt li jekk tonqos li żżomm ma' din it-taħrika tista' tehel penali amministrattiva kif stabbilit fl-artikolu 19(5) tal-Att dwar *Standards* fil-Ħajja Pubblika.

Iffirmat minni llum ta' 20

(Firma tal-Kummissarju jew Kumitat)

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 498 tat-22 ta' Marzu, 2017.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

30th March, 2017

ACT No. XIII of 2017

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 and commencement.

1. (1) The short title of this Act is the Standards in Public Life Act, 2017.

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

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

Interpretation.

"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;

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

Cap. 326.

"Minister" means the Minister responsible for Justice;

"person of trust" means any employee or person engaged in the private secretariat of a Minister or of a Parliamentary Secretary wherein the person acts as an adviser or consultant to a Minister or to a Parliamentary Secretary or acts in an executive role in the Ministry or Parliamentary Secretariat, and where the person has not been engaged according to the procedure established under article 110 of the Constitution;

"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) Persons of trust only to the extent that it shall be within the power of the Commissioner, acting either of his own motion or after receiving a complaint, to investigate and report to the House of Representatives whether a person of trust shall have breached the provisions of the Code of Ethics included in the First Schedule to the Public Administration Act to which persons of trust shall by virtue of this Act and without any further requirement, be subject.

(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.

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(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.

(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, a public officer, or a person who holds an office or position which is subject to this Act.

(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.

6. (1) Except as otherwise provided in this Act, a Commissioner shall hold office for a term of five years, and shall not be eligible for reappointment. Term of office.

(2) Unless his office becomes vacant sooner, 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 becomes vacant sooner, hold office until another Commissioner is

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appointed in accordance with article 4.

Temporary
appointment of
Commissioner.

9. (1) The President of Malta may -

(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.

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. Resources.

(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.
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Audit Act shall apply.

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 and to make recommendations in the form of guidelines which the Commissioner considers appropriate and proportionate also with regard to any person who fails to make any declaration as aforesaid or who makes an incorrect declaration in a manner which materially distorts the purpose of the declaration;

(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 recommendations, 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 recommendations;

(d) to scrutinize the register with all details of absentee members of parliament held by the Speaker of the House;

(e) to ensure that every month, the administrative penalty due by every member of Parliament as provided in Standing Order 159 is calculated, after having identified those members of Parliament that have been absent throughout the whole session without permission of absence. The Commissioner is to inform in writing every member owing an administrative penalty the amount due and reasons for such

penalty;

(f) to identify those activities which are to be considered as lobbying activities, to issue guidelines for those activities and to make such recommendations as he deems appropriate in respect of the regulation of such activities;

(g) (i) to make recommendations for the improvement of any Code of Ethics applicable to persons who are subject to this Act and in particular but without prejudice to the generality of the foregoing, to make recommendations on the acceptance of gifts, the misuse of public resources, the misuse of confidential information, and on limitations on employment or other activities after a person ceases to hold office as a Minister, a Parliamentary Secretary or a member of the House of Representatives;

(ii) to ensure that any recommendations made give due account to the need for any measures, guidelines or rules intended to ensure high standards in public life according to this Act are easily accessible and comprehensible to the general public.

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

(3) The Commissioner shall not proceed to investigate any allegation on a matter about which proceedings are pending before a court or before a tribunal established by law, and shall suspend an investigation if any interested person files a demand before a court or tribunal as aforesaid about the matter under investigation, or if the Court of Magistrates holds an inquest about such matter, or if the Commissioner of Police shall have commenced an investigation about the same matter.

(4) In the execution of his duties, the Commissioner shall not prejudice the performance of any duty assigned or prerogative given by the Constitution to any person, authority or holder of a political office and in particular, but without prejudice to the generality of the aforesaid, he shall not prejudice the powers and prerogatives of the Prime Minister in respect of the Cabinet.

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

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.

Time limit for allegations.

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(2) A complaint under this Act shall not be entertained unless it is made not later than thirty working days from the day on which the complainant had knowledge of the fact giving rise to the complaint or than one year from when the fact giving rise to the complaint happened, whichever date is the earliest.

Rules for
Commissioner's
guidance.

15. (1) Without prejudice to the provisions of sub-article (4) of article 13, 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.

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

Mode of
allegation.

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, but in any event not later than ten days:

Provided that an anonymous allegation shall not be entertained.

Refusal to
investigate
allegations.

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.

(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 in writing the person making the allegation of that decision, and shall state his reasons therefore.

PROCEEDINGS

Proceedings.

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

(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 about a person being investigated without having granted such person access to all evidence and having afforded to that person a right to be heard in accordance with the principles of fair trial.

(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 shall suspend his investigation during the time when the matter stands referred as aforesaid but shall, without prejudice to the independence of the police investigation, be entitled to demand information from the Commissioner of Police about the progress of such investigation and about the date envisaged for the conclusion of the investigation.

(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.

19. (1) Without prejudice to the provisions of this article and of article 20 and except where and insofar as any law regulating procedures before a court of law may apply, the Commissioner may from time to time require any person who in his opinion may give information related to a matter under investigation by the Commissioner, to give that information and to produce documents, files or things which in the opinion of the Commissioner are related to the matter aforesaid and which may be in the possession or control of that person. Evidence.

(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 and in the same manner 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 through the post. In any case additional service may also be made by electronic means by sending the summons to the official electronic address of the person summoned. When a summons is notified by hand it shall be served either personally to the person summoned or at the place of residence, of work or of business of the person summoned and it shall be proved by the signature of the recipient who may not be a person under the age of sixteen years. When a summons is served through the post it must be proved that it was properly addressed and that it was sent by registered post and that it arrived at the place to which it was addressed.

(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 contempt of the Commissioner and shall be liable to an administrative penalty, after being given the opportunity to be heard, which may be imposed by the Commissioner of not less than fifty euro (€50) and of not more than two thousand and five hundred euro (€2,500). The said administrative penalty shall be enforceable as a civil debt in favour of the Commissioner:

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.

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(6) The provisions of articles 104, 105, 107, 108 and 109 of the Criminal Code shall *mutatis mutandis* apply to the person to be heard by the Commissioner, as the case may be, 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 a court of law.

(7) Where the Commissioner considers that any person summoned to give evidence before him or who without having been summoned voluntarily gives evidence before him, may have committed a criminal offence provided for under this Act or related to proceedings under this Act he shall refer the matter to the Commissioner of Police for further investigation and warranted action.

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 -

Exemptions
from disclosure.

(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) Without prejudice to the provisions of sub-article (1), any law which authorizes or requires the withholding of any document, thing or file, or the refusal to answer any question, on the ground that the disclosure of the document, thing or file or the answer to a question will prejudice the public interest, shall be observed during an investigation or proceedings before the Commissioner.

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

Secrecy of
information.

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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

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 the opinion that the allegation forming the subject-matter of the 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 in a manner that constitutes abuse of power.

(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 the reasons therefor in writing to the Committee and he may also make such recommendations as he deems appropriate.

(4) If within a reasonable time, which shall not exceed three months, 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.

Permission to
remedy the
breach.

(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

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

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. Privileged proceedings.

(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.

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

(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) Every six months 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 said six month period.

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. Reports.

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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.

Powers of the
Committee.

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

Sanctions by
committee.

28. 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:

(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 conditions 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.

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. Regulations.

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. Without prejudice to the provisions of sub-article (2) of article 5 of this Schedule, 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, reference to a Minister includes a reference to a Parliamentary Secretary. The word Minister shall be construed to apply to both males and females.

1. PREAMBLE

The Ministers are chosen by the Prime Minister and shall remain in office as long as they enjoy the confidence of the Prime Minister and are responsible and accountable for their actions to the Prime Minister, to Parliament and to the public in general and,

eventually to the electorate at a general election.

They enjoy a position of trust given to them by the people and that emanates from the office given by the Prime Minister, and they enjoy the power of exercising discretion in the taking of a wide range of decisions that can affect individuals, groups of individuals, or the community in general.

Hence Ministers shall act and behave according to standards of the highest level both on a personal basis and in the performance of their constitutional duties.

2. PURPOSE OF THIS CODE

Whilst Ministers are personally liable for the decisions regarding their actions and behaviour and personally liable to be accountable for their behaviour and to justify their actions and behaviour to the Prime Minister, to Parliament as well as to the people in general, the purpose of this Code of Ethics is to provide a guide of the highest levels expected from the Ministers in their behaviour in order to respect the best standards of integrity, honesty, transparency, accountability and a sense of justice, and so as to provide a guide with the aim of avoiding conflicts of interest.

3. ENFORCEMENT OF THIS CODE

If it results that a Minister has behaved or acted in such a way that *prima facie* constitutes a breach of this Code, the Prime Minister shall use his discretion in order to decide what actions shall be taken.

The Prime Minister shall have a right to refer to or consult on the matter with a body already established by law or that still has to be established, but ultimately the final decision on whether a breach exists and on the applicable consequence, always remains within the exclusive competence of the Prime Minister.

4. GENERAL PRINCIPLES

Apart from the general principles of observance of the law, respect of the following principles is expected of Ministers:

4.1 The principle of collective responsibility, in the sense that a Government is collectively responsible to and shall have the duty to answer for its management, to Parliament.

4.2 Ministers are individually responsible to Parliament for their decisions, policies and actions and for those of the departments and agencies that fall within their ministries.

4.3 Consequently the Ministers shall provide correct information to Parliament and shall correct at the first possible opportunity any mistakes or inaccuracies made unintentionally.

4.4 Ministers shall be, to the widest extent possible, open to providing information to Parliament and to the public in general.

4.5 Ministers shall ensure that government departments and entities that fall within their ministries are managed well and prudently.

4.6 Ministers shall require public officials that fall within their ministries, to provide the most complete and accurate information when requested by the Parliamentary Committees.

4.7 Ministers shall ensure that there is no conflict of interest between their public duties and personal interests.

4.8 Ministers shall not accept any gifts or benefits, except as provided in this Code, that may or may reasonably create an impression that they are compromising their judgement or place them under an inappropriate obligation.

4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.

4.10 Ministers shall respect the principle of political impartiality of the public service.

5. STANDARDS FOR MINISTERS AS PERSONS WHO OCCUPY PUBLIC OFFICE

For this purpose, Ministers as public officers, shall be inspired by, and in their behaviour, actions and decisions shall be guided by the following values:

5.1 A sense of service - the supreme good is the common good and a Minister should not be motivated by a spirit of gain for himself, his family, his friends or persons close to him but only by a sense of service towards the community in general and the common good, because above all he is managing public property on behalf of the general public.

5.2 Integrity – Ministers shall not put themselves in a position of being influenced by a financial obligation or otherwise of persons or organizations that try to do so, or make improper use of information that comes to their knowledge because of their office in order to give undue advantage to someone whilst disadvantaging

others.

5.3 Diligence – once Ministers administer public property, on behalf of the public in general, they shall exercise the highest level of diligence including in the expenditure of public funds, and they shall also work diligently and hard in the performance of their duties.

5.4 Objectivity – in the performance of public duties, including in the appointments to offices, public procurement, or in the context of any award of benefits.

5.5 Accountability – Ministers administer public property and shall be transparent in their operations and open to necessary scrutiny.

5.6 Transparency – Ministers shall as much as possible perform their duties in an open and transparent manner, and therefore give reasons for their decisions and actions.

5.7 Honesty - Ministers shall avoid entering into conflicts of interest between the public interest and their private interest and shall provide complete and correct information to Parliament, to the Cabinet and the public in general.

5.8 Justice and respect – in their behaviour and in decisions which they take, Ministers shall show respect to the institutions and shall respect the laws of the country. They shall show a sense of balance and consideration by being sensitive in general to all sectors of society, and in particular to the rights and aspirations of the persons concerned, in order to act with a sense of justice.

5.9 Leadership - Ministers shall embrace and be inspired by these values in order to lead by example.

6. COLLECTIVE RESPONSIBILITY – THE MINISTERS AND THE GOVERNMENT

6.1 Ministers shall be familiar with the powers and obligations entrusted to them, with the Standing Orders and the rules on which Parliament functions and with the rules and procedures governing their work.

6.2 Since the principle of collective ministerial responsibility is central to the Constitution, whilst discussions in the Cabinet should be as much as possible free and open and the opinions of every member of the Cabinet should be heard, at the same time the same discussions and deliberations are classified as confidential. Ministers therefore should not communicate or comment on what has been discussed in Cabinet outside of Cabinet.

6.3 The decisions of the Cabinet shall be communicated to the Ministers concerned by the Cabinet Secretary who must ensure that the decisions are carried out.

6.4 The meetings of the Cabinet shall take precedence over any other ministerial activity apart from official duties abroad, and Ministers are party to the decisions taken by the Cabinet, whether they were present or not, when the Cabinet has come to a particular decision.

7. MINISTERIAL DUTIES

7.1 Ministerial office is one that occupies the whole working day of the Minister concerned. No Minister can accept any other payment for something in connection with his work as Minister.

7.2 Upon appointment, a Minister is expected not to continue with his private work and shall dedicate all his time to Government work. This applies in so far as the Cabinet does not decide otherwise in exceptional cases where the national interest so requires.

7.3 When a Minister is appointed to office, he shall immediately provide a statement of his assets and interests to the Cabinet Secretary on the relative form. Any interest that may otherwise give rise to a perception of conflict of interest and any actual conflict of interest shall also be indicated to the Cabinet Secretary. This statement shall be provided every year in the manner indicated from time to time.

7.4 Ministers shall respect the impartiality of the public service and shall ensure that their influence on the public service is not abused. Prior to coming to a decision, Ministers have the duty to give appropriate consideration to the widest range possible of advice, including by giving weight to the informed and impartial advice of public officials or employees.

7.5 Decisions taken shall, as much as possible, be kept recorded in government files, even if the practicality and reality of current electronic communication also has to be taken into consideration.

7.6 Ministers shall ensure that as employers they treat staff in a just and equitable manner.

7.7 Ministers shall be inspired by merit and capabilities in appointments and offices conferred and shall consult the Prime Minister with regard to appointments of chairpersons and board

members.

7.8 Ministers shall ensure that even with regard to travel, they shall make the most efficient arrangements and they are responsible for the size of the delegations.

7.9 When a Minister terminates his appointment, he shall return to the Cabinet Secretary all the documents, material and resources that were given and entrusted to him in order to perform his duties. As customary, it is within the Prime Minister's discretion to permit to ex-Ministers reasonable access to documents and material concerning the period during which they held ministerial office.

7.10 Ministers shall not disclose information or confidential information even after the end of the ministerial office.

8. PRIVATE INTERESTS OF MINISTERS AND CONFLICTS OF INTEREST

8.1 Ministers shall ensure that there is no conflict between their public duties and private interests, financial or otherwise, and it is the personal responsibility of every individual Minister to decide whether steps have to be taken and what needs to be done in order for there not to be such conflict of interest. Provided that if direction is needed from the Prime Minister with regard to the existence of a conflict of interest, that decision shall be final. The general principle is that a Minister may either dispose of this interest or take alternative measures to prevent it.

8.2 Any person who is approached in order to be offered ministerial office, shall, if a doubt exists as to whether there is a possibility of conflict of interest, before accepting such office, inform the Prime Minister of this fact and of other relevant circumstances. Provided that if during the legislature there is a change in the personal circumstances of the Minister which may give rise to conflict of interest, the Minister shall be obliged to immediately inform the Prime Minister.

8.3 In the same manner, any person who is approached by a Minister in order to be offered a post in the secretariat, shall, if a doubt exists as to whether there is a possibility of a conflict of interest, before accepting such post, inform the Minister concerned of this fact and of other relevant circumstances.

8.4 No Minister shall accept gifts, donations, hospitality or services from anyone, that may place him under an obligation towards such person or persons and this shall also apply to immediate

family members of the Minister. In case of doubt, the Prime Minister shall be consulted.

8.5 Ministers shall not normally accept decorations from foreign countries, except with the permission of the Prime Minister.

8.6 No Minister shall take part in the taking of decisions that affect his family members, or other persons close to him and no Minister shall be improperly conditioned in his decisions by a conflict of interest of a financial nature or otherwise, whether involving him or persons close to him, or make improper use of information received because of his office and during the carrying out of his duties, particularly if this is done in order to unfairly favour any person or persons to the detriment of others.

8.7 When a Minister is involved in legal proceedings in his private capacity, these may have implications on the ministerial role. The Cabinet Secretary shall be informed of these proceedings and, in the case when proceedings are instituted by the Minister, the Cabinet Secretary shall be informed before such proceedings are instituted.

9. MINISTERS AND PARLIAMENT

9.1 When Parliament is in session, it is the duty of Ministers to attend parliamentary sittings and to actively participate in the discussions that are in progress in the various stages of Parliament and in selected Committees of Parliament. The Speaker of the House shall be informed when a Minister is abroad or is unable to attend parliamentary sittings due to illness.

9.2 When Parliament is in session, Ministers shall ensure that the most important declarations and statements regarding policies or decisions are announced in Parliament as the highest institution of the country.

9.3 Ministers shall do their utmost so as to provide the most accurate and correct information possible and any correction that may be required shall be made at the first opportunity.

9.4 The Speaker of the House of Representatives shall in any case be informed beforehand with regard to any ministerial statements in Parliament and in general the Opposition shall also be informed of the content some time before the statement is made.

9.5 Ministers shall show respect to the Chair and to all members of Parliament.

10. MINISTERS, PUBLIC RELATIONS AND THE PRESS

10.1 Ministers shall inform the public and the media of ministerial activities on a regular basis and in an organized manner.

10.2 For this purpose and for efficient co-ordination, statements, interviews and ministerial activities shall first obtain the approval of the Office of the Prime Minister prior to being issued or carried out.

10.3 In the case where incorrect information is given, it shall be corrected immediately.

10.4 In the public interest, Ministers shall ensure that they have open communication with the social partners, non-governmental organizations, professional associations, the broadcasting media and the public in general.

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)
and to bring the following documents with you

Your attention is also drawn to the fact that should you fail to abide by this summons you may be subjected to an administrative penalty as established by article 19(5) of the Act on Standards in Public Life.

Given under my hand this day of 20

(Signature of the Commissioner or Committee)

Passed by the House of Representatives at Sitting No. 498 of the
22nd March, 2017.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

