



RAPPORT DWAR INVESTIGAZZJONI

Każ nru:	K/002
Ilment:	Konflitt ta' Interess potenzjali ta' membri "backbenchers" fuq iż-żewġ naħat tal-Kamra tad-Deputati li għandhom karigi ma' jew jipprovdu servizzi kuntrattwali lis-settur pubbliku.
Min għamel l-ilment:	L-Onor Dott Godfrey Farrugia MP
Data tal-ilment:	14 ta' Jannar 2019
Data ta' dan ir-rapport:	5 ta' Lulju 2019

L-Ilment

1. Permezz ta' email fl-14 ta' Jannar 2019 (l-ilment), l-Onor Dott Godfrey Farrugia (l-ilmentatur) talabni ninvestiga jekk l-ingaġġ jew impjeg ta' deputati parlamentari "backbenchers" bħala konsulenti jew impjegati tal-Gvern jew korpi mwaqqfa b'ligi¹ jirrapprezentax konflitt ta' interess jew ksur ta' dmirijiet etici jew statutorji (email annessa u mmarkata bħala Dokument "A").

Deċiżjoni li Ninvestiga

2. Irriżulta minn investigazzjoni preliminarja li l-membri kollha tal-Kamra tad-Deputati tan-naħa tal-Gvern li jikkostitwixxu l-"backbench", kif ukoll xi membri tal-Oppożizzjoni, huma b'xi mod jew ieħor impjegati jew maħtura fis-settur pubbliku u billi qist li l-ilment jaqa' fil-kompetenza tiegħi skont l-art 13(1)(b) tal-Att dwar Standards fil-Ħajja Pubblika (il-kapitolu 570 tal-ligijiet ta' Malta) (minn hawn 'il quddiem imsemmi bħala l-Att), iddeċidejt li l-ilment kien jimmerita aktar investigazzjoni.

3. Filwaqt li l-ilmentatur qal li xtaq li l-pożizzjoni tad-deputati kollha, inkluż tiegħu stess, tiġi investigata, huwa m'għamel ebda allegazzjoni speċifika kontra xi membru tal-Kamra tad-Deputati. Għaldaqstant iddeċidejt, fiċ-ċirkostanzi, li

¹ Fl-Att dwar Standards fil-Ħajja Pubblika, "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.



nittratta l-Ilment bħala ilment ġenerali dwar il-prattika li deputati backbenchers jiġu impjegati jew ingaġġati fl-amministrazzjoni pubblika. Għalhekk, f'dan l-istadju, dan ir-rapport jikkonsidra biss il-prinċipji ġenerali involuti u mhux il-pożizzjoni ta' deputati individwali, anki tenut kont li d-domanda dwar jekk xi deputat aċċettax kariga li hija inkompatibbli mar-rwol tiegħu bħala deputat skont il-Kostituzzjoni għandha tiġi deċiża mill-Qorti Kostituzzjonali u mhux mill-Kummissarju għall-Istandards fil-Ħajja Pubblika.

Is-Sejbiet u l-Opinjoni ta' Dan ir-Rapport fil-Qosor

4. Madwar żewġ terzi tan-numru totali ta' deputati backbenchers huma impjegati jew ingaġġati mill-Gvern fis-servizz pubbliku jew fis-settur pubbliku usa', f'xi kapacità jew oħra.

5. Dawn il-karigi jistgħu jitqegħdu fil-kategoriji li ġejjin:

- A. Deputati li kienu uffiċjali pubbliċi impjegati regolamentarment fis-servizz pubbliku qabel ma ġew eletti fil-Parlament;
- B. Deputati li kienu impjegati regolari ta' xi korp imwaqqaf b'ligi qabel ma ġew eletti fil-Parlament;
- C. Deputati li huma lecturers fl-Università;
- D. Deputati li huma maħtura fuq il-bordijiet taż-żewġ korpi li l-ligi li twaqqafhom teziġi li jsiru ħatriet miż-żewġ naħat tal-Kamra tad-Deputati;
- E. Deputati impjegati bħala "persuni ta' fiduċja", jiġifieri persuni li ma ġewx ingaġġati taħt id-dispożizzjonijiet tal-Art 110 tal-Kostituzzjoni;
- F. Deputati maħtura mill-Gvern jew minn korpi mwaqqfa b'ligi bħala konsulenti legali jew ta' xort'oħra;
- G. Deputati maħtura fuq bażi ta' "kuntratt ta' servizz";
- H. Deputati maħtura mill-Gvern bħala chairpersons jew diretturi ta' korpi mwaqqfa b'ligi.

6. Fil-fehma tiegħi, il-prattika li membri tal-Parlament jiġu impjegati fis-settur pubbliku jew jinħatru biex jipprovdu servizz kuntrattwali fis-settur pubbliku hija fundamentalment ħazina, sew jekk dan isir biex jikkumpensahom tas-salarji inadegwati tagħhom bħala deputati u sew jekk dan isir għal kwalunkwe raġuni oħra.

7. Ir-raġunijiet għalfejn wasalt għal din il-konklużjoni huma elenkati fil-paragrafi 79 et seq. ta' dan ir-rapport.



Proċedura tal-Invstigazzjoni

8. Ġbart informazzjoni minn risposti għal mistoqsijiet parlamentari kif ukoll sorsi varji fid-dominju pubbliku, inkluż artikli ppubblikati fil-gazzetti u mezzi oħra dwar membri tal-Kamra tad-Deputati li għandhom karigi jew huma b'xi mod jew ieħor ingaġġati fis-servizz jew is-settur pubbliku.
9. Ġbart informazzjoni dwar liema korpi mwaqqfa b'liġi jippermettu li deputati jinħatru bħala parti mill-bord tad-diretturi tagħhom. Lista ta' dawn il-korpi mwaqqfa b'liġi hija mehmuża u immarkata bħala Dokument "B".
10. Ktibt lid-deputati kollha individwalment u tlabthom informazzjoni dwar kwalunkwe ħatriet li jista' jkollhom u dettalji dwar l-ingaġġ tagħhom skont id-dokument anness u immarkat Dokument "Ċ".
11. Tlabt parir preliminari mingħand Dr Henri Mizzi ta' Camilleri Preziosi Advocates, fil-kapaċità tiegħu bħala konsulent legali tal-Kummissarju għall-Istandards fil-Ħajja Pubblika.
12. Ħadt nota ta' dak li ntqal f'rapport tal-Kumitat dwar Affarijiet Legali u Drittijiet Umani tal-Assemblea Parlamentari tal-Kunsill tal-Ewropa (2019).²
13. Ħadt nota ta' dak li ntqal fir-Rapport tal-Kummissjoni ta' Venezja dwar il-prattika ta' ħatra ta' backbenchers f'karigi bi ħlas ma' entitajiet tal-Gvern.^{3 4}

² Rapport intitolat "*Daphne Caruana Galizia's Assassination and the Rule of Law in Malta and Beyond: Ensuring that the whole truth emerges*": "Malta's unicameral parliament consists of poorly remunerated part-time members, to many of whom (notably from the governing party) the government has given well paid positions as contractors, as persons of trust or on public bodies, which – along with the fact that almost half of the governing party members are also ministers – contributes to the parliament as a whole failing to assure an effective control over the executive" (paġna 1); u li ... "MPs who receive additional income for undemanding tasks will have relatively more time available for parliamentary business – and, in the case of Labour MPs, the exclusive beneficiaries of such generosity for supporting the government. There are undoubtedly many serious, principled, independent-minded MPs. Nevertheless, the House of Representatives as a whole, in its current state, does not assure effective control over the government" (paġna 6).

³ "The effect of paying MPs part-time salaries inevitably affects their ability to operate independently from the Executive and the Venice Commission's delegation learned that this practice was exacerbated by the recent development of appointing backbenchers to important paid posts as commissioners at the various public commissions" (paġna 7); u li "the possibilities of backbenchers controlling Government are seriously reduced if MPs have a financial incentive to seek offices at the disposal of the administration that they are supposed to control" (paġna 18).

⁴ "As all Members of Government have to be MPs, the percentage of MPs who also have Government positions or work in government appointed commissions is disproportionately higher. This is an issue of separation of powers. In a larger parliament not only opposition but also backbenchers from the governing party, act as a check to the powers of the Government and the Prime Minister. A smaller Parliament needs even more guarantees to be able to fulfil its role of controlling the executive" (paġna 18).



14. Ħadt nota ta' dak li ntqal fir-raba' rapport tal-GRECO dwar konflitti ta' interess min-naħa ta' deputati parlamentari.⁵

Ogġezzjoni minn Membru tal-Parlament

15. Deputat wieħed ġab l-argument li jiena ma nistax ninvestiga dan l-ilment minħabba li:

- a. l-att li wassal għall-ilment ġara qabel id-data meta l-Att daħal fis-seħħ;⁶ u
- b. l-att li wassal għall-ilment kien magħruf mill-Ilmentatur aktar minn tletin ġurnata qabel ma sar l-ilment, u l-ilment sar aktar minn sena minn meta seħħ il-fatt li wassal għalih.⁷

16. Ma naqbilx ma' din l-interpretazzjoni tal-liġi.

17. Il-kwistjoni mhix relatata ma' allegazzjoni dwar "att" li beda u ntemm f'data partikolari. Huwa ilment dwar sitwazzjoni, li incidentalment għadha tippersisti, ta' konflitt ta' interess potenzjali jew ksur tal-Kostituzzjoni minn deputati parlamentari li għandhom karigi fis-settur pubbliku jew jipprovdu servizzi kuntrattwali lis-settur pubbliku. Din is-sitwazzjoni qegħda "tkompli", fis-sens li dawn id-deputati kienu għandhom f'dawn il-karigi meta sar l-ilment u għandhom fil-karigi fid-data ta' meta qed jinkiteb dan ir-rapport. Għaldaqstant il-perjodu ta' żmien applikabbli biex isir ilment ma bediex jiddekorri fid-data meta ntlawqu l-elementi tal-allegazzjoni għall-ewwel darba iżda jgħodd meta l-aġir li wassal għall-allegazzjoni jiġi terminat. Din il-veduta ssib komfort fid-duttrina u fil-logika. Hija wkoll il-pożizzjoni fil-Kodiċi Kriminali, li joffri l-aqwa garanziji proċedurali tad-drittijiet ta' persuna mixlija

⁵ Il-GRECO irrakkomandat li "a thorough review of the current provisions of the Code of Ethics for members of parliament and the Standing Orders related to integrity, ethics, financial/activity declarations and conflicts of interest be undertaken with a view to adopting improvements that will provide more subject matter coverage, consistency and clarity, as well as guidance (recommendation i); that measures be taken to ensure there is appropriate supervision and enforcement of (i) the rules on the declaration of assets, financial interests and outside activities, and (ii) the standards of ethics and conflicts of interest provisions applicable to members of parliament. This clearly presupposes that a range of effective, proportionate and dissuasive sanctions be available (recommendation ii); (i) establishing a dedicated source of confidential counselling to provide parliamentarians with advice on ethical questions, conflicts of interest in relation to their legislative duties, as well as financial declaration obligations; and (ii) providing regular awareness raising activities for members of parliament covering issues, such as ethics, conflicts of interest, acceptance of gifts, honoraria, hospitality and other advantages, outside employment and activities, declarations of financial/activity interests, as well as other activities related to the prevention of corruption and the promotion of the integrity within the Parliament (recommendation iii)."

⁶ Vide Art 14 (1) tal-Kapitolu 570.

⁷ Vide Art 14 (2) tal-Kapitolu 570.



b'reat.⁸ Wieħed għandu jzomm f'moħħu li dak li qed jiġi investigat mhuwiex l-att ta' ħatra jew aċċettazzjoni ta' kariga fis-settur pubbliku, li seta' jew ma setax ġara qabel ma l-Att daħal fis-seħħ u seta' jew ma setax ġara aktar minn sena ilu, jew aktar minn tletin ġurnata qabel sar jaf bih l-Ilmentatur, iżda huwa ż-żamma ta' karigi li d-deputati jokkupaw bħalissa. Dan apparti li hi funzjoni tal-uffiċċju tiegħi li, fuq inizjattiva proprja, inżomm taħt skrutinju u ninvestiga kull ħaġa li fil-fehma tiegħi tinciedi negattivament u tnaqqar l-istandards fil-ħajja pubblika kif ukoll li nagħmel dawk ir-rakkomandazzjonijiet li jidhirli xierqa fiċ-ċirkostanzi biex nuqqasijiet jiġu rimedjati.

Konsiderazzjonijiet

18. Fi snin riċenti saret il-prattika li deputati backbenchers jinħatru fi rwoli fil-ministeri, jew bħala impjegati fuq bażi ta' persuna ta' fiduċja b'kuntratt ta' mpieg għal żmien definit, jew bħala konsulenti, chairpersons jew diretturi ta' korpi mwaqqfa b'liġi.

19. Taħt amministrazzjoni preċedenti giet adottata l-prattika li deputati jinħatru bħala Assistenti Parlamentari⁹ biex jassistu Ministri jew Segretarji Parlamentari, u safejn jiena informat kien hemm żewġ okkażjonijiet meta deputat backbencher inħatar bħala chairman ta' korp imwaqqaf b'liġi.¹⁰

20. Id-deputati parlamentari mhumiex prekluzi milli jkollhom impiegi oħra u għaldaqstant jithallsu bħala "part-timers". Waħdu, is-salarju relattiv ma jippermettix livell ta' għixien li jixraq lill-pożizzjoni u r-responsabbiltà ta' deputat.

21. Ir-riżultati tal-investigazzjoni ikkonfermaw li żewġ terzi tan-numru totali tal-membri parlamentari (backbenchers) huma impjegati jew ingaġġati mal-Gvern fis-servizz pubbliku jew fis-settur pubbliku usa', f'xi kapacià jew oħra.

22. Il-prattika li deputati backbenchers jinħatru f'karigi fl-amministrazzjoni pubblika, jew jiġu ngaġġati biex jipprovdu servizzi kuntrattwali lill-amministrazzjoni pubblika, hija ġeneralment meqjusa jew bħala mezz biex jiġu paċifikati dawk il-

⁸ L-Art 691 tal-Kap 9 jgħid li "ż-żmien tal-preskrizzjoni jibda ... għar-reati permanenti mill-jum li fih ma tibqax il-permanenza tar-reat".

⁹ F'Marzu tal-2019, il-Prim Ministru Lawrence Gonzi iddeċieda li jestendi r-rwol ta' tmien deputati backbenchers billi jaħtarhom Assistenti Parlamentari b'paga ta' madwar €550 fix-xahar. Dak iż-żmien gie rrapportat li ħafna qiesu din il-mizura bħala "mezz ta' kif tingab il-paċi" fil-backbench, li ma kenitx kuntenta. Ingab l-argument li dan kien maħsub bħala estensjoni tar-rwol parlamentari tad-deputati, mhux bħala impieg mal-Eżekuttiv. F'kull każ, fil-fehma tiegħi anki dan huwa rwol li mhux ta' min wieħed jirrakkomandah.

¹⁰ Fl-istess waqt, il-Prim Ministru Gonzi ħatar lill-Onor J. Pullicino Orlando, li skont rapporti kien irrifjuta ħatra ta' Assistent Parlamentari, bħala Chairman tal-Kunsill Malti għax-Xjenza u t-Teknoloġija, waqt li kien qed iservi bħala deputat. Id-deputat Ċensu Galea inħatar chairman tal-Kunsill Konsultattiv dwar il-Bini.



backbenchers li ma jinħatrux Ministri jew Segretarji Parlamentari, jew bħala mezz biex tiġi evitata l-kwistjoni ta' zieda fis-salarji tal-membri tal-Parlament.

23. Gvernijiet suċċessivi rrikonoxxew il-problema marbuta mar-remunerazzjoni tad-deputati parlamentari iżda żammew lura milli jgħollu s-salarji, preżumibbilment minħabba biża' minn reazzjoni negattiva tal-pubbliku.

24. Fl-2015 gie rapportat fil-gurnal *Malta Independent* li fl-2013 il-Prim Ministru Joseph Muscat kien ħatar Kummissjoni magħmula mill-Ombudsman, l-Awditur Ġenerali u l-Kummissjonarju Elettorali Prinċipali ta' dak iż-żmien. Il-Kummissjoni kienet ippreżentat rapport dettaljat fejn gie propost li jiġi adottat mekkanizmu biex jirrevedi s-salarji ta' dawk li għandhom kariga politika. Ir-rapport *inter alia* kien ukoll ippropona żidiet sostanzjali fis-salarji ta' dawn il-persuni. Safejn jiena informat, dan ir-rapport qatt ma nħareġ fil-pubbliku b'mod uffiċjali.¹¹ Huwa rrapportat li l-Prim Ministru kien ikkonferma li jekk ikun hemm bżonn u l-Gvern iħoss li jkun xieraq, ir-rakkomandazzjonijiet jiġu fis-seħħ fil-leġislatura li jmiss.¹²

25. Hemm numru ta' raġunijiet għalfejn, fil-fehma tiegħi, il-prattika li deputati backbenchers jinħatru f'karigi fis-settur pubbliku, jew biex jipprovdu servizzi kuntrattwali fis-settur pubbliku, forsi bħala konsolazzjoni u/jew kumpens għall-paga inadegwata ta' deputat, hija fundamentalment ħażina.

26. L-ewwelnett, din il-prattika timmina s-separazzjoni tas-setgħat li huwa prinċipju fundamentali tad-demokrazija u s-saltna tad-dritt. Skont il-mudell ta' Westminster, li l-Kostituzzjoni tagħna hija mibnija fuqu, il-Parlament jaġixxi bħala mezz ta' kontroll fuq l-Eżekuttiv. Il-membri tal-Eżekuttiv jintgħażlu minn fost id-deputati eletti fil-Parlament u huma individwalment u kollettivament responsabbli lejn il-Parlament, iżda minkejja din il-komunalità il-Parlament bħala istituzzjoni żżomm skrutinju fuq ix-xogħol tal-Eżekuttiv. F'dan ir-rigward m'għandux jiġi sottovalutat ir-rwol tal-backbenchers. Allura, kif jistgħu il-membri tal-Kamra tad-Deputati fuq in-naħa tal-Gvern li qed jithallsu b'dal-mod ġenwinament jikkunsidraw li jivvotaw kontra l-Gvern meta l-livell tal-għixien tagħhom jiddependi fuq id-diskrezzjoni tal-Prim Ministru? B'din il-prattika d-deputati jitilfu l-indipendenza tagħhom u l-Parlament jiġi bla saħħa.

27. Naturalment huwa minnu li, f'ċirkostanzi normali, d-deputati huma ġeneralment mistennija li jivvotaw skont il-whip. Madankollu d-deputati jistgħu f'ċerti ċirkostanzi jikkunsidraw li jivvotaw kontra l-whip fejn, per eżempju, jinqalgħu kwistjonijiet serji ta' kuxjenza. Il-possibbiltà, tkun kemm tkun remota, li jintilef l-

¹¹ <http://www.independent.com.mt/articles/2015-01-04/local-news/PAY-RISE-proposal-for-PM-s-salary-to-double-in-2018-6736128174>

¹² <https://www.maltatoday.com.mt/news/national/47266/ombudsmans-report-on-mps-salary-still-being-analysed-by-the-government#.XRyF7egzaUk>



appoġġ tal-backbench tillimita l-libertà ta' azzjoni tal-Eżekuttiv u ssaħħaħ id-demokrazija f'sistemi parlamentari bħal ta' Malta. Għalhekk, filwaqt li din il-kwistjoni tista' tidher aktar ipotetika milli reali,¹³ il-prattika li backbenchers jiġu ngagġati fl-amministrazzjoni pubblika madankollu tmur pależement kontra l-prinċipju fundamentali li l-Parlament għandu jservi ta' kontroll fuq l-Eżekuttiv.

28. Huwa daqstant ta' tħassib dak li fil-fehma tiegħi jammonta għal ksur tal-prinċipji li l-Kostituzzjoni hija mibnija fuqhom fir-rigward tar-restrizzjonijiet fuq ir-relazzjonijiet kummerċjali jew relazzjonijiet finanzjarji oħra bejn membru tal-Parlament u l-Istat. Il-prinċipju bażiku hu li mhux korrett li d-deputati parlamentari jistgħu jieħdu, jew jistgħu jidhru li qed jieħdu, vantaġġ mhux xieraq mill-karigi tagħhom bħala deputati.

29. Il-policy ta' ingaġġ tad-deputati kollha tan-naħa tal-gvern f'xi kapaċità jew oħra hija preokkupanti għal tal-anqas tliet raġunijiet oħra:

- i. Għaladarba huwa ġeneralment rikonoxxut li d-deputati parlamentari mhumiex imħallsa tajjeb, jidher li d-deputati fuq in-naħa tal-Gvern li qed jingħataw impiegi li jhalluhom jiddedikaw il-biċċa l-kbira tal-ħin tagħhom għar-rwol politiku tagħhom bħala deputati u f'ċerti każi bħala uffiċjali f'ministeru, qegħdin b'dan il-mod jiġu favoriti u mogħtija trattament preferenzjali fuq id-deputati tal-oppożizzjoni, li bħala konsegwenza qed isofru diskriminazzjoni għax ikollhom bżonn impjeg ieħor biex imantnu lilhom infushom u l-familji tagħhom.
- ii. Il-ħatra ta' deputati f'karigi li jagħtuhom l-opportunità li jagħmlu pjaċiri permezz ta' aċċess għal riżorsi pubbliċi jsaħħaħ is-sistema ta' nepotizmu u klienteliżmu politiku.
- iii. Sabiex il-backbenchers kollha fuq in-naħa tal-gvern jiġu sodisfatti, il-probabbiltà hija li jew inħolqu karigi bla bżonn jew, jekk kien hemm karigi ġenwinament bżonnjużi, ħatriet diretti jmorru kontra l-prinċipji tat-trasparenza u kontra l-proċeduri normali li jassiguraw li l-għażla ssir skont il-mertu.

30. Fil-prinċipju, il-Kostituzzjoni tqis impieg mal-Gvern bħala inkompatibbli ma' servizz bħala deputat parlamentari. Infatti l-Kostituzzjoni tqis li l-uniku mezz ta' kif l-Eżekuttiv jista' jagħmel użu mill-ħiliet tad-deputati huwa billi jaħtarhom bħala

¹³ Possibbilment mhux ipotetiku biss għax l-Parlament tagħna għandu esperjenza ta' deputati jivvotaw kontra l-whip, partikularment fis-snin ħamsin, u aktar riċentement waqt l-amministrazzjonijiet tal-Prim Ministri Sant u Gonzi.



Ministri jew Segretarji Parlamentari. Madankollu, il-Kostituzzjoni tipprovdi wkoll li Ministri u Segretarji Parlamentari m'għandhomx jitqiesu bħala uffiċjali pubbliċi.¹⁴

31. Se nkompli billi nikkunsidra waħda waħda s-sitwazzjonijiet differenti li ħarġu mill-investigazzjoni tiegħi.

A Deputati li kienu uffiċjali pubbliċi impjegati regolament fis-servizz pubbliku qabel ma ġew eletti fil-Parlament

32. L-artikolu 54(1) tal-Kostituzzjoni (Skwalifiki ta' Membru tal-Kamra tad-Deputati) jgħid *inter alia* li "Ħadd ma jkun kwalifikat biex ikun elett bħala membru tal-Kamra tad-Deputati ... (b) ħlief kif ikun provdut xort'oħra mill-Parlament, jekk ikun jiddetjeni jew ikun qed jaġixxi f'xi kariga pubblika jew ikun membru tal-forzi armati tal-Gvern ta' Malta".

33. It-terminu "uffiċjal pubbliku" huwa definit mill-artikolu 124 tal-Kostituzzjoni bħala impjegat tal-Gvern ta' Malta li jservi f'kapaċità ċivili. Dan jeskludi s-soldati u l-fizzjali tal-Forzi Armati ta' Malta. Barra minn hekk, l-artikolu 124 espliċitament jeskludi wkoll minn din id-definizzjoni l-Ministri, is-Segretarji Parlamentari u deputati l-oħra tal-Parlament, kif ukoll il-membri ta' kull kunsill, bord, kummissjoni jew korp ieħor maħtur uffiċjalment u mwaqqaf bi jew taħt xi liġi.

34. Il-prinċipju ġenerali hu li persuna mhix eliġibbli biex tiġi eletta fil-Kamra tad-Deputati jekk għandha jew qed taġixxi fi kwalunkwe kariga pubblika.

35. *Ir-raison d'être* tal-artikolu 54(1)(b) tal-Kostituzzjoni hi biex iżzomm il-leġislatura kemm jista' jkun separata u distinta mill-Eżekuttiv. Hemm raġunijiet validi għal dan. Deputat backbencher li jservi bħala uffiċjal fis-servizz pubbliku mhux biss potenzjalment jitlef mill-indipendenza tiegħu mill-Gvern; jista' wkoll, per eżempju, ipogġi s-superjuri tiegħu fis-servizz pubbliku f'sitwazzjoni skomda għax ikollhom jinforzaw id-dixxiplina fuq persuna li għada pitgħada tista' ssir il-Ministru jew is-Segretarju Parlamentari tagħhom.

36. Mill-banda l-oħra, is-servizz pubbliku huwa korp kbir li jiġbor fih madwar tletin elf impjegat. Wieħed jista' jgħib l-argument li dan huwa persentaġġ sinjifikanti tal-ħaddiema kollha f'Malta u li grupp daqstant kbir m'għandux jiċċaħħad *en masse* mid-dritt tiegħu li jieħu sehem fil-politika u li membri tiegħu joħorġu għal elezzjoni.

37. Fl-2004 ġie promulgat l-Att dwar il-Membri Parlamentari u l-Impjeg Pubbliku (il-kapitolu 472 tal-liġijiet ta' Malta). Bis-saħħa ta' dan l-Att, deputati parlamentari

¹⁴ L-artikolu 124 (3) jgħid: "is-servizz pubbliku ma tinkludix servizz fil-kariga ta' - (i) Prim Ministru jew Ministru ieħor, Segretarju Parlamentari, Speaker, Deputy Speaker, membru tal-Kamra tad-Deputati, membru ta' Kummissjoni mwaqqfa b'din il-Kostituzzjoni".



għew eżentati mill-projbizzjoni stabbilita fil-Kostituzzjoni u, bħala eċċezzjoni, tħallew iservu fl-istess waqt bħala uffiċjali fis-servizz pubbliku sakemm l-impieg tagħhom ikun fi skala ta' salarju mhux oġhla minn skala 6,¹⁵ basta mhux membri ta' xi korp dixxiplinat.¹⁶

38. Dan l-Att huwa kompatibbli mal-Kostituzzjoni bis-saħħa tal-artikolu 54(1)(b), safejn dan tal-aħħar jagħti lok għal eċċezzjonijiet permezz tal-frażi “ħlief kif ikun provdut xort’ oħra mill-Parlament”. Biss, wieħed jista’ jgħib l-argument li permezz tal-Att dwar il-Membri Parlamentari u l-Impjeg Pubbliku, il-Parlament mar sew oltre milli jagħmel eċċezzjoni fir-rigward ta’ ċerti tipi ta’ karigi u prattikament xejjen ir-regola għal kollox safejn huma konċernati impjegati pubbliċi li għandhom paga fl-iskala ta’ salarju 6 jew skala aktar baxxa.

39. Qabel ma sar liġi l-Att dwar il-Membri Parlamentari u l-Impjeg Pubbliku kienet il-prattika li uffiċjal pubbliku li jkun kandidat f’elezzjoni ġenerali joħroġ bil-leave bla paga bil-possibbiltà li jirriżenja mis-servizz pubbliku. Jekk jiġi elett kien jirriżenja mis-servizz pubbliku, iżda kien jingħata l-impieg lura jekk iċedi postu fil-Parlament jew ma jitlax fl-elezzjoni ta’ wara.

40. Il-ħsieb filosofiku li fuqu hija mibnija l-amministrazzjoni pubblika huwa dak ta’ imparzjalità politika. Hemm kontradizzjoni pależi bejn ir-rwol ta’ deputat parlamentari, li hu minnu nnifsu politiku u partigġjan, u dak ta’ uffiċjal pubbliku li hu sugġett għal regoli etiċi dwar l-imparzjalità. Impjegati pubbliċi huma ikoll, wkoll sugġetti għall-Kodiċi ta’ Etika għal Impjegati Pubbliċi u Membri ta’ Bordijiet.¹⁷

B Deputati li kienu impjegati regolari ma’ korp imwaqqaf b’liġi qabel ma għew eletti fil-Parlament

41. Xi deputati huma impjegati regolarment ma’ korpi mwaqqfa b’liġi. Il-liġi tagħti personalità legali distinta lil dawn il-korpi, li jfisser li huma u mhux il-Gvern jimpjegaw il-ħaddiema tagħhom. B’hekk impiegi ma’ dawn il-korpi ma jistgħux jitqiesu impiegi mal-Gvern ta’ Malta, u jekk isiru skont l-artikolu 110(6) tal-Kostituzzjoni, ma jwasslux għal konflitt ħlief fil-każi fejn xi liġi li tirrigwarda korp

¹⁵ Is-servizz pubbliku għandu struttura ta’ salarji b’20 skala fejn skala 1 hija l-oġhla u skala 20 l-aktar baxxa. B’hekk, uffiċjal pubbliku fl-iskala 1 sa 5 huwa skwalifikat milli jiġi elett jew iservi bħala deputat parlamentari. Jista’ jkun iżda li l-iskala ta’ salarju ta’ uffiċjal pubbliku tkun trid tiġi determinata b’referenza għad-dmirijiet tiegħu mhux il-paga weħidha, billi uffiċjal pubbliku jista’ jingħata responsabbiltajiet oġhla mill-grad tiegħu. Mill-banda l-oħra, ir-remunerazzjoni ta’ uffiċjal tista’ tinkludi allowances li, jekk jiġu miżjuda mas-salarju bażiku, iqiegħduh fi skala oġhla. Fil-fehma tiegħi dan ukoll ikun irid jittieħed in konsiderazzjoni biex tiġi determinata l-iskala ta’ salarju ta’ uffiċjal għall-finijiet tal-kapitolu 472.

¹⁶ “Korp dixxiplinat” tfisser, f’dan il-kuntest partikolari, il-Pulizija u s-Servizz tal-Ħabs, li t-tnejn jiffurmaw parti mis-servizz pubbliku.

¹⁷ Vide n-nota 21, post.



partikolari tkun qed tiġi diskussa fil-Parlament. F'dan il-każ japplikaw id-dispożizzjonijiet tal-art 5(2)(a) tal-Kodiċi ta' Etika tal-Membri tal-Kamra tad-Deputati, u l-membri in kwistjoni jkun mistenni li jiddikjara l-interess tiegħu fil-Kamra qabel ma jittieħed vot dwar it-tieni qari tal-abbozz.

C Deputati li huma lecturers fl-Università

42. Xi deputati għandhom karigi ta' lecturers fl-Università. Tali karigi fis-settur akkademiku ma jistgħux jitqiesu li jwasslu għal xi konflitt in vista tal-eżenzjoni speċifika mogħtija mill-Kostituzzjoni stess.¹⁸

D Deputati li għandhom ħatriet fuq il-bordijiet taż-żewġ korpi li l-liġi li twaqqafhom teżiġi li jsiru ħatriet miż-żewġ naħat tal-Parlament

43. Bil-liġi, il-Gvern u l-Oppożizzjoni jistgħu jaħtru membru kull wieħed bħala r-rappreżentant tagħhom fuq il-bordijiet tal-Awtorità tal-Ippjanar u l-Awtorità tal-Artijiet.¹⁹ Billi dawn id-deputati jaqdu rwol ta' rappreżentanza tal-Gvern u tal-Oppożizzjoni li joħroġ mil-liġi, ma nikkunsidrax li l-ħatra tagħhom f'dawn iż-żewġ korpi mwaqqfa b'liġi tagħti lok għal xi tħassib mil-lat ta' etika jew konsiderazzjonijiet oħra.

E Deputati maħtura fuq bażi ta' "persuna ta' fiduċja"

44. It-terminu "persuna ta' fiduċja" tirreferi għal persuni li ġew ingaġġati, barra mill-ambitu tad-dispożizzjonijiet tal-Art 110 tal-Kostituzzjoni, biex jaqdu dmirijiet fis-segretarjati ministerjali. Il-kwistjoni tal-ħatra tal-hekk imsejha persuni ta' fiduċja tqajjem tħassib għal bosta raġunijiet, mhux l-inqas il-fatt li dawn il-ħatriet, għalkemm fuq kuntratt definit, isiru 'l barra mill-parametri tal-Art 110 tal-Kostituzzjoni.

45. Fil-fehma tiegħi, il-ħatra ta' deputati parlamentari bħala persuni ta' fiduċja tmur ukoll kontra l-prinċipji li l-Kostituzzjoni hija mibnija fuqhom, fis-sens li uffiċjali pubbliċi huma fil-prinċipju skwalifikati milli jkunu membri tal-Kamra tad-Deputati skont l-Art 54(1)(b). Kif diġà ġie osservat, il-Parlament għamel eċċezzjoni għal din l-iskwalifika sabiex jippermetti li uffiċjali pubbliċi fi gradi mhux għolja jzommu l-

¹⁸ Art 55(3): "Persuna ma għandhiex tiġi meqjusa bħala li tiddetjeni, jew li taġixxi fi, kariga pubblika għall-fini tal-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu – ... (b) jekk tkun surmast fl-Università ta' Malta li ma tkunx skont il-kondizzjonijiet tal-impieg tagħha impeduta mill-prattika privata tal-professjoni tagħha jew mitluba li tagħti l-ħin kollu tagħha għad-dispożizzjoni tal-Gvern ta' Malta."

¹⁹ Vide l-Art 63(2)(d) tal-Att dwar l-Ippjanar tal-Iżvilupp (il-kapitolu 552 tal-liġijiet ta' Malta) u l-artikolu 10(1) tal-Att dwar l-Awtorità tal-Artijiet (il-kapitolu 563).



impieg tagħhom meta jiġu eletti fil-Parlament²⁰ u għaldaqstant illimita l-iskwalifika għal uffiċjali pubbliċi fl-iskali ta' salarju 1 sa 5 (l-ogħla skali).

46. X'sens jagħmel li uffiċjali pubbliċi anzjani huma skwalifikati milli jkunu membri tal-Kamra tad-Deputati biex imbagħad deputati eletti fil-Parlament jinħatru f'karigi ta' fiduċja fl-amministrazzjoni pubblika? Hafna karigi ta' fiduċja jattiraw salarji fl-iskali 1 sa 5, ekwivalenti għal uffiċjali pubbliċi anzjani.

47. Fir-Renju Unit, fejn m'hemmx kostituzzjoni bil-miktub, l-istess principju japplika, fis-sens li l-House of Commons (Disqualification) Act tal-1975 tiskwalifika individwu "employed in the civil service of the Crown whether in an established capacity or not and whether for the whole or part of his time" milli jkun membru tal-House of Commons.

48. L-amministrazzjoni pubblika għandha tkun protetta kemm jista' jkun milli tiġi politicizzata. Il-prattika mifruxa tal-ingaġġ ta' persuni ta' fiduċja tqiegħed dan il-principju fil-periklu, partikolarment meta dawk hekk maħtura jkunu deputati parlamentari. Dan hu l-oppożit ta' lejn fejn suppost mexjin, jiġifieri lejn amministrazzjoni pubblika li timplimenta l-policy tal-gvern b'mod imparzjali, mingħajr indħil u pressjoni politika mhux xierqa. Din il-prattika wkoll timmina l-principju li żviluppa tul dawn l-aħħar 30 sena, li korpi mwaqqfa b'ligi joperaw b'indipendenza mill-Gvern.

49. Dan jispjega għalfejn, fil-fehma tiegħi, l-ingaġġ ta' deputati parlamentari bħala persuni ta' fiduċja jmur kontra l-principji li l-Kostituzzjoni hija mibnija fuqhom.

50. Filwaqt li għaliya jidher ċar li deputati li jokkupaw karigi bħala persuni ta' fiduċja ta' livell ogħla mill-iskala ta' salarju 6 huma f'sitwazzjoni ta' konflitt, il-ħatra ta' deputati bħala persuni ta' fiduċja anki f'livelli aktar baxxi wkoll twassal għal tħassib serju fis-sens li jkun żbaljat li wieħed japplika għalihom id-dispożizzjonijiet tal-Att dwar il-Membri Parlamentari u l-Impjeg Pubbliku. Fil-fehma tiegħi huwa ċar li dan l-Att kien maħsub biex bħala eċċezzjoni jippermetti li uffiċjali pubbliċi jiġu eletti fil-Parlament, mhux li membri tal-Parlament jiġu ingaġġati bħala uffiċjali pubbliċi wara li jiġu eletti. Jiena tal-fehma li huwa importanti li ssir din id-distinzjoni jekk wieħed jixtieq iħaddan standards ogħla fil-Parlament u aktar rispettt lejn il-Kostituzzjoni.

51. Kif jingħad fil-paragrafu 3 ta' dan ir-rapport, l-awtorità vestita bis-setgħa li tiddetermina jekk iż-żamma ta' tali kariga hix inkompatibbli mad-dispożizzjonijiet rilevanti tal-Kostituzzjoni, u jekk persuna li għandha tali kariga tibqax kwalifikata biex isservi bħala membru tal-Kamra tad-Deputati, hija l-Qorti Kostituzzjonali.

²⁰ Vide l-Att dwar il-Membri Parlamentari u l-Impjeg Pubbliku, il-kapitolu 472 tal-ligijiet ta' Malta.



52. Barra minn dan, fl-impieg tagħhom bħala persuni ta' fiduċja deputati parlamentari huma suġġetti għall-Kodiċi ta' Etika li huwa nkluz bħala l-Ewwel Skeda tal-Att dwar l-Amministrazzjoni Pubblika.²¹ L-Art 21 ta' dak il-kodiċi jimponi obbligi ta' newtralità politika u jillimita kummenti fil-pubbliku u parteċipazzjoni fil-politika min-naħa ta' dawk li jaqgħu taħt il-kodiċi sabiex isostni l-fiduċja pubblika fl-imparzjalità tal-amministrazzjoni pubblika u jevita konflitt mad-dmir tagħhom li jservu l-Gvern ta' Malta b'mod imparzjali.²²

53. Wieħed għandu jzomm f'moħħu li impjegati pubbliċi għandhom il-kompitu xejn faċli li jipprovaw iżommu bilanċ bejn id-dmir tagħhom li jipprovdu servizz pubbliku ġust u mhux politikament partiġġjan u, fil-limiti tal-liġi, jimxu skont il-policies tal-eżekuttiv tal-ġurnata. Dawn il-ħatriet iżidu mat-tensjoni li diġà teżisti bejn dawn iż-żewġ valuri.

54. Billi deputati parlamentari li huma impjegati bħala persuni ta' fiduċja fi kwalunkwe livell jew skala ta' salarju huma suġġetti għall-Kodiċi ta' Etika għal Impjegati Pubbliċi u Membri ta' Bordijiet, huma jinsabu f'konflitt mad-dispożizzjonijiet rilevanti tal-imsemmi kodiċi minħabba s-sempliċi fatt li huma deputati.

F Deputati maħtura bħala konsulenti legali jew ta' xort'oħra mill-Gvern u/jew minn korpi mwaqqfa b'liġi

55. L-artikolu 55(1)(ċ) of the Constitution jgħid li membru tal-Parlament jitlef postu jekk –

... huwa jsir parti f'xi kuntratt mal-Gvern ta' Malta li jkun kuntratt ta' appalt għal xi xogħol jew kuntratt għall-provvista ta' merkanzija²³ biex tiġi wżata fil-

²¹ Art 1 Applikabilità – “Dan il-Kodiċi ta' Etika japplika għal persuni, li jistgħu jkunu jew ma jkunux impjegati pubbliċi, li jaħdmu ma' Ministeri jew Segretarjati Parlamentari”.

²² L-Art 21(1)(d) u (e) tal-Kodiċi ta' Etika għal Impjegati Pubbliċi jgħid li impjegati pubbliċi għandhom “iħaddnu newtralità politika u ma jġibux disprezz lejn is-servizz pubbliku permezz tal-attivitajiet personali tagħhom” u “jżguraw li kull kumment pubbliku magħmul (magħduda dawk fil-midja soċjali), u, jew il-parteeipazzjoni tagħhom f'attivitajiet politiċi, ma jimminawx jew ma jippreġudikawx il-fiduċja pubblika fil-kompetenza u l-imparzjalità tal-amministrazzjoni pubblika, jew iwasslu biex dawn l-istess impjegati pubbliċi u membri ta' bordijiet jiġu f'kunflitt mad-dmir tagħhom li jservu lill-Gvern ta' Malta b'mod imparzjali”. L-Art 21(2) jgħid li “Il-parteeipazzjoni fil-politika u l-kummenti pubbliċi min-naħa ta' impjegati pubbliċi u membri ta' bordijiet jistgħu jkunu soġġetti għal limitazzjonijiet konformement ma' regoli u regolamenti maħsuba biex isostnu l-fiduċja pubblika fl-imparzjalità tal-amministrazzjoni pubblika.”

²³ Safejn jiena infurmat, l-uniku każ fejn membru tal-Parlament tilef is-siġġu tiegħu kien dak tal-Onor Mabel Strickland, li s-siġġu tagħha fl-assemblya leġislattiva ġie dikjarat vakanti mill-Qorti tal-Appell fl-1953 għalix il-Progress Press, li kien tagħha, kien rebaħ kuntratti tal-gvern biex jistampa pass books għall-Government Savings Bank u kotba tal-irċevuti għall-ħwienet tal-ħaxix, biex jipprovdi inka, u biex jistampa ir-rapporti uffċjali tad-dibattiti fl-assemblya u kupuni tal-logħob għad-Dipartiment tal-Lottu Pubbliku.



qadi tal-pubbliku, jew jekk xi soċjetà li fiha huwa jkun soċju b'responsabbiltà illimitata jew kumpannija li tagħha huwa jkun direttur jew manager issir parti f'xi kuntratt b'hal dak, jew jekk isir soċju b'responsabbiltà illimitata f'soċjetà jew direttur jew manager ta' kumpannija li tkun parti f'xi kuntratt b'hal dak:

Iżda huwa ma jivvakax il-post tiegħu skont id-disposizzjonijiet ta' dan il-paragrafu jekk qabel ma jsir parti fil-kuntratt jew qabel ma, jew kemm jista' jkun prattikabbli wara li, isir xort'oħra nteressat fil-kuntratt (kemm b'hal soċju b'responsabbiltà illimitata f'soċjetà jew b'hal direttur jew manager ta' kumpannija) huwa jikxef lill-i-Speaker ix-xorta tal-kuntratt u l-interess tiegħu jew l-interess tas-soċjetà jew kumpannija fih u l-Kamra tad-Deputati b'riżoluzzjoni teżentah mid- disposizzjonijiet ta' dan il-paragrafu.

56. Il-kwistjoni hawn, fil-kuntest tal-Ilment, hi jekk l-ingaġġ ta' deputati b'hal konsulenti mal-Gvern jew ma' korpi mwaqqfa b'ligi, li tipikament isir permezz ta' dak li jissejjaħ kuntratt għal servizz (b'kuntrast ma' kuntratt ta' impieg, jew kuntratt ta' servizz), jaqax fl-ambitu tal-projbizzjoni tal-Art 55(1)(ċ) tal-Kostituzzjoni.

57. Fil-fehma tiegħi din il-kwistjoni hija marbuta mat-tifsira ta' "kuntratt ta' appalt" (contract of works) li jissemma' fl-artikolu 55(1)(ċ) u jekk kuntratt ta' appalt jistax jiftiehem li jinkludi kuntratt għal servizz, jew le.

58. Tlabt parir dwar din il-kwistjoni mingħand il-konsulent legali tiegħi, u fil-fehma ikkunsidrata tiegħu l-interpretazzjoni legali għandha tkun waħda ristrettiva. Huwa rrefera għat-tifsira fil-Kodiċi Ċivili u għall-każistika li tintrepreta t-tifsira tat-terminu "kuntratt ta' appalt" fil-Kodiċi Ċivili. Ingħata piż partikolari lill-emenda kostituzzjonali li saret permezz tal-Att XXXVIII tal-1976, li kkwalifikat il-kliem "xi kuntratt mal-Gvern ta' Malta għal jew f'isem is-Servizz Pubbliku" bil-kliem "li jkun kuntratt ta' appalt għal xi xogħol jew kuntratt għall-provvista ta' merkanzija biex tiġi wżata fil-qadi tal-pubbliku".

59. Naċċetta din l-interpretazzjoni dejqa għall-finijiet tal-Ilment, għalkemm b'riserva u kontra qalbi, għax fil-fehma tiegħi ħatriet b'hal dawn imorru kontra l-prinċipji li l-Kostituzzjoni hija mibnija fuqhom.

60. Huwa xieraq li wieħed iqiegħed din l-emenda fil-kuntest taż-żmien meta giet introdotta. Fl-istess jum,²⁴ il-Kamra tad-Deputati iddibattiet u approvat mozzjoni biex teżenta lill-Onor Paul Xuereb MP, li f'it qabel kien sar Chairman tal-Mid-Med Bank, mid-dispożizzjonijiet applikabbli tal-Kostituzzjoni. Sar l-argument li l-Mid-Med Bank, li kien tal-Gvern,²⁵ kellu diversi relazzjonijiet kummerċjali mal-Gvern u fin-nuqqas ta' din l-eżenzjoni, is-Sur Xuereb kien ikollu jċedi s-siġġu tiegħu fil-Parlament jew jirrinunzja għat-tmexxija tal-Bank. Fid-dibattiti parlamentari, intqal

²⁴ 6 ta' Dicembru 1976.

²⁵ Dak iż-żmien il-Gvern kellu 60% tal-ishma fil-Mid-Med Bank.



li kieku l-emenda fil-Kostituzzjoni kienet laħqet saret ma kienx ikun hemm il-bżonn li s-Sur Xuereb jiġi eżentat mill-projbizzjoni kostituzzjonali.

61. Barra minn hekk, ma nistax ma nistaqsix retorikament għalfejn il-liġi għandha tipprojbixxi deputat milli jingħata kuntratt biex ibiegħ il-karti lill-Gvern, sew direttament u sew permezz ta' kumpanija li jkollu xi involviment fiha, wara sejha pubblika, iżda mbagħad il-liġi ma tipprojbixxix deputat milli jaċċetta kuntratt bħala konsulent mingħajr ebda sejha u bi ftit li xejn trasparenza?

62. L-ironija hi li hu ħafna aktar faċli li tirregola kuntratti ta' appalt, fejn il-kuntrattur jipprovdi l-materjal flimkien mal-ħila tiegħu, jew kuntratti għall-provvista ta' merkanzija, milli tirregola kuntratti għal servizzi. Bħala regola ġenerali, tal-ewwel jaqgħu taħt sistema ta' akkwist pubbliku li hija sistema żviluppata relattivament tajjeb u suġġetta għal salvagwardji u kontrolli, mentri tat-tieni mhumiex suġġetti għall-istess livell ta' kontroll billi kuntratti għal servizzi legali u kuntratti oħra ta' konsulenza bħala regola jingħataw b'ordni diretta.

63. L-għan tal-uffiċċju tiegħi hu li jagħti kontribut biex jogħlew l-istandards tal-Parlament billi jippromwovi l-aħjar prattici u valuri etiċi għad-deputati tagħna. Jiena tal-fehma li t-terminu *kuntratti ta' appalt* imissu jitwessa' formalment sabiex jinkludi *kuntratti għal servizzi*. Fil-fehma tiegħi dan huwa loġiku, desiderabbli, u konformi mal-prinċipji fundamentali tal-Kostituzzjoni, u għandu ikun parti mid-diskussjonijiet dwar tibdil fil-Kostituzzjoni. Ta' min wieħed jinnota li, jekk jithaddem mill-Gvern, il-proviso tal-artikolu 55(1)(ċ) tal-Kostituzzjoni jassigura ċertu livell ta' skrutinju pubbliku u dibattitu dwar jekk it-tali servizzi humiex essenzjali u jistgħux jiġu akkwistati mod ieħor.

G Deputati impjegati fuq bażi ta' "kuntratt ta' servizz"

64. Hija l-prattika tal-Gvern li f'ċerti istanzi jimpjega persuna fuq bażi ta' "kuntratt ta' servizz" mingħajr ma jhaddem il-proċeduri tal-impieg li huma stabbiliti mill-Art 110 tal-Kostituzzjoni. Dawn il-persuni mhumiex ikklassifikati bħala "persuni ta' fiduċja". Il-ġustifikazzjoni għal dan il-ksur evidenti tal-Kostituzzjoni hi li l-Gvern għandu bżonn il-flessibilità li jaħtar persuni speċjalisti. Jidher li din il-prattika giet estiża għall-ħatra ta' deputati parlamentari. Kuntratt ta' servizz mhux differenti minn kuntratt ta' mpieg, sew għal żmien definit u sew għal żmien indefinit. Huwa differenti minn kuntratt għal servizz, li tipikament jintuża għall-ingaġġ ta' kuntratturi indipendenti bħal konsulenti li ma jkunux suġġetti għall-kondizzjonijiet ta' mpieg stabbiliti mill-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali (il-kapitolu 452) u li jithallsu tas-servizzi tagħhom fuq bażi ta' fattura (bil-VAT).

65. Dan ir-rapport jiffoka mhux tant fuq jekk din il-prattika hix rakkomandabbli jew le, iżda fuq il-ħatra ta' deputati taħt kuntratti ta' dan it-tip. Fil-fehma tiegħi din il-prattika hija analoga għall-ħatra ta' deputati bħala persuni ta' fiduċja jew bħala konsulenti, u l-istess raġunament jgħodd għal dan it-tip ta' mpieg.



H Deputati maħtura mill-Gvern bħala Chairpersons jew Diretturi ta' Korpi Mwaqqfa b'Liġi

66. Kwistjoni oħra li għandha tiġi kkunsidrata hija dik ta' deputati li jinħatru bħala chairpersons jew diretturi ta' bordijiet u kummissjonijiet permanenti fl-amministrazzjoni pubblika, inkluż il-bordijiet tat-tmexxija ta' entitajiet pubbliċi.

67. Tali awtoritajiet jew kumpaniji jistgħu possibbilment jeseġwixxu *kuntratti ta' appalt għal xi xogħol jew kuntratti għall-provvista ta' merkanzija biex tiġi wżata fil-qadi tal-pubbliku*. Fir-rigward ta' entitajiet tal-Gvern, għandha ssir distinzjoni bejn awtoritajiet jew korporazzjonijiet pubbliċi mwaqqfa bil-liġi, u kumpaniji tal-istat li huma mwaqqfa taħt l-Att dwar il-Kumpanniji, għadurba l-artikoli 54(1)(ċ) u 55(1)(ċ) tal-Kostituzzjoni jagħmlu referenza għal "direttur jew *manager* ta' kumpannija li tkun parti fi, kuntratt mal-Gvern ta' Malta".

68. Xi deputati backbenchers fil-preżent jokkupaw karigi fil-bordijiet ta' awtoritajiet pubbliċi. Ma jirriżultax li xi membru tal-Parlament jaġixxi bħala direttur jew manager ta' kumpanija tal-Gvern.

69. Ir-Renju Unit ma jzommx membri tal-Parlament milli jkunu "*contractors to government*" mentri membri parlamentari huma prekluzi milli jkunu membri jew diretturi ta' ċerti korpi u kumpaniji li l-Gvern għandu interess fihom.²⁶

70. Madankollu, l-Att X tal-2013 biddel xi liġijiet biex jippermetti l-ħatra ta' deputati lokali fuq numru ta' bordijiet statutorji billi jneħhi l-iskwalifika fil-liġijiet in kwistjoni.²⁷

71. Il-kwistjoni li tqajjem tħassib hija dik deskritta aktar kmieni f'dan ir-rapport taħt ir-ras: *Deputati maħtura fuq bażi ta' "persuna ta' fiduċja"* (ara l-paragrafi 44 et seq.)

72. Deputati maħtura f'dawn il-bordijiet, sew jekk dan hu permess mil-liġi li tirregola l-korp li huma maħtura fih u sew jekk mhux, xorta jaqgħu taħt il-Kodiċi ta' Etika għal Impjegati Pubbliċi u Membri ta' Bordijiet, u għaldaqstant jiġu f'pożizzjoni ta' konflitt mad-dispożizzjonijiet tal-istess kodiċi.

²⁶ Ara l-ewwel u t-tieni skeda tal-House of Commons (Disqualification) Act, 1975 <http://www.legislation.gov.uk/ukpga/1975/24>

²⁷ L-Att X tal-2013 neħha l-iskwalifika li kienet iżzomm deputati milli jservu fil-bordijiet irregolati mill-Att dwar il-Kunsill Malti għall-Artiġjanat (Kap 421); l-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol (Kap 424); l-Att dwar is-Socjetajiet Koperattivi (Kap 442); l-Att dwar l-Isports (Kap 455); l-Att dwar l-Intrapriża ta' Malta (Kap 463); l-Att dwar l-Ilsien Malti (Kap 470); l-Att dwar il-Kummissjoni Ċinematografika ta' Malta (Kap 478); u l-Att dwar il-Vjolenza Domestika (Kap 481).



73. Il-kwistjoni tal-imparzjalità, b'mod partikolari imparzjalità politika, tal-amministrazzjoni pubblika, m'għandhiex tiġi injorata daqshekk faċilment u dan il-konflitt sfaċċat għandu jiġi riżolt bla dewmien.

Sejbiet oħra

Id-Dispożizzjonijiet tal-Kodiċi ta' Etika u l-Ordni Permanenti

74. L-Ilment jista' wkoll jitqies mill-perspettiva tal-Kodiċi ta' Etika tal-Membri tal-Kamra tad-Deputati.

75. L-Art 5(2) tal-Kodiċi ta' Etika tal-Membri tal-Kamra tad-Deputati jgħid hekk:

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 leġiżlazzjoni li l-Kamra jkollha quddiemha, għandu jiddikjara l-interess tiegħu fil-Kamra, mal-ewwel opportunità, qabel ma jittieħed vot fit-Tieni Qari ta' Abbozz ta' Liġi.

76. L-Ordni Permanenti tal-Kamra tad-Deputati wkoll jistgħu ikunu relevanti għall-Ilment.

77. L-Ordni Permanenti 89 tal-Kamra tad-Deputati jaħseb biex:

Ebda membru ma jkollu dritt jivvota fil-Kamra jew f'kumitat tal-Kamra kollha jew maħtur mill-Kamra dwar xi kwistjoni li fiha jkollu interess pekunjarju dirett.

Wara mozzjoni li tkun avzata kif imiss, il-Kamra tkun tista' tissospendi kull membru li jkun ivvota fuq xi kwistjoni bħal dik milli jattendi s-seduti tagħha għall-bqija tas-sessjoni.

Iżda kull membru jkollu dritt jivvota fuq kull kwistjoni dwar tliet personaliti jew allowance parlamentari li għalihom jista' jkollu dritt.²⁸

²⁸ Incidentalment, ir-raba' rapport tal-GRECO tal-2017 ikkummenta li f'każ fejn japplika l-Ordni Permanenti 89, deputat fil-prattika jitlob l-opinjoni tal-Whip dwar jekk għandux jivvota jew le. B'hekk il-Whip isib ruħu f'konflitt ta' interess bejn ir-rwol tiegħu li jagħti parir dwar jekk membru għandux jivvota u r-rwol tiegħu li jara li l-membri kollha tal-partit politiku tiegħu jivvotaw. F'każi fejn partit għandu maġġoranza żgħira fil-Parlament, in-numru ta' voti jista' jkollu effett determinanti. Il-GRECO rrakkomandat li din il-kwistjoni għandha tiġi indirizzata mill-uffiċċju tiegħi għaladarba jitwaqqaf.



78. Ma nħossx li dawn iż-żewġ dispożizzjonijiet jistgħu jiġu interpretati bħala restrizzjoni fuq il-ħatra ta' membri tal-Parlament f'bordijiet u entitajiet oħra, iżda jservu biex jimponu l-obbligu ta' dikjarazzjoni kif ukoll l-obbligu li membru ma jivvotax jekk għandu interess pekunjarju dirett.

Konklużjoni

79. Wara konsiderazzjoni serja tal-kwistjonijiet kollha mqajma mill-Ilment jiena wasalt għall-konklużjoni li l-prattika li deputati backbenchers jinħatru f'karigi fis-settur pubbliku, jew jiġu ingaġġati biex jipprovdu servizz kuntrattwali lis-settur pubbliku, hija fundamentalment ħażina, sew jekk dan iseħħ biex jikkumpensahom għall-paga inadegwata li jaqilgħu bħala deputati, u sew jekk iseħħ għal kwalunkwe raġuni oħra.

80. Ir-raġunijiet li din il-konklużjoni hija bbażata fuqhom huma li din il-prattika:

- i. iddgħajjef ir-rwol tal-Parlament fl-iskrutinju tax-xogħol tal-Eżekuttiv;
- ii. tmur kontra l-prinċipji li l-Kostituzzjoni hija mibnija fuqhom;
- iii. tikser il-Kodiċi ta' Etika għal Impjegati Pubbliċi u Membri ta' Bordijiet;
- iv. tpoġġi d-deputati parlamentari f'qagħda ta' dipendenza finanzjarja fuq l-Eżekuttiv u b'hekk tnaqqas l-indipendenza tagħhom;
- v. tippoliticizza l-korpi mwaqqfa b'ligi u timmina l-indipendenza tagħhom mill-Gvern tal-ġurnata;
- vi. taggrava l-prattika dubjuża tal-ħatra ta' persuni ta' fiduċja u ta' persuni b'kuntratt ta' servizz, li tista' tmur kontra l-artikolu 110 tal-Kostituzzjoni, billi żżid in-numru ta' persuni impjegati bħala persuni ta' fiduċja jew b'kuntratt ta' servizz;
- vii. tista' tohloq karigi bla bżonn, jew inkella timla karigi li ġenwinament hemm bżonnhom b'persuni li mhumiex l-aħjar għal dak ix-xogħol, bi ksur tal-prinċipju tal-meritokrazija.

81. Fil-fehma tiegħi, ingaġġ jew ħatriet li jaqgħu fil-kategoriji v, vi, and vii tal-paragrafu 80 fuq, x'aktarx jinstabu li poġġew id-deputati li għandhom tali ingaġġ jew ħatriet f'sitwazzjoni ta' konflitt ta' interess jew ksur ta' dmirijiet etiċi jew statutorji.



82. Barra minn dan, jista' jkun li l-ingaġġ ta' deputati parlamentari bħala "persuni ta' fiduċja" jew fuq il-bażi ta' "kuntratt ta' servizz" jmur kontra l-artikolu 55(1)(g)²⁹ tal-Kostituzzjoni. L-awtorità li għandha l-kompetenza li tiddeciedi dwar din il-kwistjoni hija l-Qorti Kostituzzjonali.

83. Aktar minn hekk, jekk ir-raġuni wara dawn l-impiegi jew ħatriet hija sabiex deputati jingħataw kumpens tas-salarji inadegwati tagħhom, tqum problema fundamentali oħra li hija dik ta' diskriminazzjoni billi l-prattika kurrenti hija ristretta għall-ħatra ta' deputati mill-backbenches tal-Gvern. Din ukoll tagħti lid-deputati tan-naħa tal-Gvern vantaġġ inaċċettabbli fuq dawk tal-oppożizzjoni fejn jidhol aċċess għal rizorsi pubbliċi.

84. Fil-fehma tiegħi, il-kwistjoni tar-remunerazzjoni tad-deputati parlamentari għandha tiġi indirizzata b'mod urġenti mill-Parlament indipendentement mill-Ilment. Il-kwistjoni tar-remunerazzjoni tista' wkoll titpoġġa fil-kuntest li kull deputat jingħata l-għażla li jithallas bħala deputat full-time jew part-time. Filwaqt li jiena nemmen bis-sħiħ fl-għoti ta' din l-għażla, bi ħsiebni nikkummenta aktar dwarha fi żmien aktar propizju, billi din hija materja separata li m'għandhiex x'taqsam mal-kwistjonijiet imqajma mill-Ilment u indirizzati f'dan ir-rapport.

85. Hija l-intenzjoni tiegħi li nerga nikkunsidra l-kwistjonijiet imqajma fil-konkluzjonijiet tiegħi f'waqt xieraq fid-dawl tal-azzjoni li tkun jew ma tkunx ittiehdet wara s-sejbiet tiegħi.

86. Kopji ta' dan ir-rapport qed jingħataw lill-Onor Dott Godfrey Farrugia, lill-Prim Ministru, u lill-Kumitat Permanenti għall-Istandards fil-Ħajja Pubblika permezz tal-President tal-Kumitat, u kopja se tkun aċċessibbli fuq is-sit elettroniku uffiċjali tal-uffiċju tiegħi³⁰ sew bil-Malti u sew bl-Ingliż.

87. Kopja qed tingħata wkoll lill-President ta' Malta fil-kapaċità tiegħu bħala Chairman tal-Kummissjoni għar-Riforma fil-Kostituzzjoni, għal-konsiderazzjoni tal-Kummissjoni.

Dr George Marius Hyzler
Kummissarju għall-Istandards fil-Ħajja Pubblika

²⁹ Art 55(1)(g): "bla ħsara għad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, jekk jinqalgħu xi ċirkostanzi li, kieku ma kienx membru tal-Kamra tad-Deputati, kienu jgħegħluh ikun skwalifikat għal elezzjoni għaliha."

³⁰ www.standardscommissioner.com.



- Dokument "A": Email tal-14 ta' Jannar 2019 mingħand l-Onor Dr Godfrey Farrugia bl-ilment
- Dokument "B": Lista ta' korpi mwaqqfa b'ligi li jippermettu jew ma jippermettux il-ħatra ta' deputati parlamentari bħala parti mill-bord tad-diretturi tagħhom.
- Dokument "Ċ": Ittra lid-deputati backbenchers kollha fejn qed jintalbu jagħtu informazzjoni dwar l-ingaġġ tagħhom fis-settur pubbliku.

Re: Talba għall-istharig u l-gudizzju tiegħek

Godfrey Farrugia [farrugiagodfrey@gmail.com]

Sent: 16 January 2019 14:21**To:** Hyzler George at Parlament-MT

Grazzi Napprezza.

On Wed, 16 Jan 2019 at 11:43, Hyzler George at Parlament-MT <george.hyzler@parlament.mt> wrote:

Onor. Dr Farrugia,
Nirringrazzjak tal-email tiegħek hawn taht.
Il-materja imressqa ser tigi debitament kunsidrata.
Inselli ghalik,

Dr George-Marius Hyzler

Commissioner for Standards in Public Life
Office of The Commissioner for Standards in Public Life
11, St Paul Street, Valletta VLT 1211, Malta

From: Godfrey Farrugia [farrugiagodfrey@gmail.com]**Sent:** 14 January 2019 13:42**To:** Hyzler George at Parlament-MT**Subject:** Talba għall-istharig u l-gudizzju tiegħek

Għażiż Dr Hyzler,

Nixtieq inressaq ilment għall-istharig u l-gudizzju tiegħek dwar standards fil-ħajja pubblika ta' Membri Parlamentari.

Qed nitobok tinvestiga fatt li jista' jirrifletti konflitt ta' interess u etika serja fil-qadi ta' dmirijiet u obbligi ta' ċertu Membri Parlamentari, liema membri jokkupaw il-backbench.

Ninnota li f'dawn l-aħhar xhur kien hawn diversi publikazzjonijiet mill-istampa fejn gie allegat li ċertu membri tal-backbench min-naħa tal-Gvern u tal-Oppożizzjoni qed jaħdmu fis-settur jew servizz pubbliku, b'kuntratt jew impjeg. Jien kont ukoll għamilt diversi mistoqsijiet parlamentari dwar dan is-sugġett lill-Prim Ministru.

Il-Kostituzzjoni ta' Malta titkellem b'mod ċar u speċifiku dwar ħatriet ta' din ix-xorta u l-livell ta' salarju li jista' jintlaħaq. Infakkar ukoll li hemm preċedent fejn deputat kellu jċedi s-siġġu minħabba skorrettezza f'dan ir-rigward.

F'isem iż-żamma tal-iStandards tal-Ħajja Pubblika, nitobok tinvestiga kull membru tal-Kamra (inkluż lili) li ma jiffurmax parti mill-Eżekuttiv biex jiġi assigurat li l-Att tal-iStandards tal-Ħajja Pubblika hu mħares f'dan ir-rigward.

Din il-ħidma ser tkun mod ewlieni kif f'pajjiżna jkollna aktar trasparenza, aktar governanza tajba u aktar kontabbiltà.

Insellimlek
Godfrey Farrugia MP
Partit Demokratiku

Doc "B"

Lista ta' korpi mwaqqfa b'ligi li jippermettu jew ma jippermettux il-ħatra ta' deputati parlamentari bħala parti mill-bord tad-diretturi tagħhom

Annex A:

Outright prohibition for MPs to be appointed to public appointed bodies : Shaded in Red	No prohibition for MPs to be appointed to public appointed bodies : Shaded in Green	Partial prohibition in relation to the appointment of MPs to certain roles within public appointed bodies: Shaded in Orange	No specific regulation at law in relation to the appointment of MPs to public appointed bodies: Shaded in lilac
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Subject Matter	Legislation	Article(s) or Regulation(s)	Content	Comments
Board of Directors of the Malta Development Corporation	Cap. 202 of the Laws of Malta	Article 5(1)(a)	5. (1) No person shall be appointed or shall remain a director or alternate director who – (a) is a member of the House	Disqualification for appointment, removal and resignation of directors
Board of Directors of the Housing Authority	Cap. 261 of the Laws of Malta	Article 6(6)(a)	(6) A person shall be disqualified for appointment to, or from remaining a member of, the Authority if he : (a) is a member of the House of Representatives, or of a Local Council, or a candidate for election to the House of Representatives or to a Local Council;	Last amended in 2015
Employment Commission (Article 120 of the Constitution)	Constitution of Malta	Article 120 (3)	(3) A person shall not be qualified to hold office as a member of the Employment Commission if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to, the House of Representatives, a member of a local government	Reference was made in the Employment Commission Act (Cap. 267)

			authority, or if he is a public officer.	
Permanent Commission Against Corruption	Permanent Commission Against Corruption (Cap. 326)	Article 3(3)	<p>(3) A person shall not be qualified to hold office as a member of the Commission if he is, or was, a Minister, Parliamentary Secretary, a member of the House of Representatives, a member of a local government authority, or if he is a public officer other than a public officer who is qualified to be appointed chairman of the Commission under sub article (2):</p> <p>Provided that where more than ten years have elapsed since a person was a Minister, a Parliamentary Secretary, a Member of the House of Representatives, a member of a local government authority or a public officer he shall not be considered to be subject to the exclusion from being a member of the Commission provided for in this sub-article if after having relinquished any such office he shall have served as a Judge or as a Magistrate for a period of at least five years</p>	
Board of Governors of the Malta Financial Services Authority	Malta Financial Services Authority Act (Cap. 330)	Article 6(6)(a)	(6)(a) Without prejudice to the provisions of sub-article (3) a person shall not be eligible to be appointed or to hold office as Chairman or as a member of the Board of Governors if he – (i) is a member of the House of Representatives	
Board of Directors of the Water Services Corporation	Water Services Corporation Act (Cap. 355)	Article 8 (a)	8. A person shall be disqualified for appointment or for remaining a member of, the Board if he – (a) is a member of the House of Representatives	Disqualification from being a member of the Board of Directors of the WSC

Board of Directors of JobsPlus	Employment and Training Services Act (Cap. 343/594)	Article (7)(1)(a)	7.(1) A person shall not be qualified to be appointed, or to hold office as a member of the Board if he – (a) is a member of the House of Representatives	Jobsplus
Broadcasting Authority	Constitution of Malta	Article 118 (3)	(3) A person shall not be qualified to hold office as a member of the Broadcasting Authority if he is a Minister, a Parliamentary Secretary, a member of, or candidate for election to, the House of Representatives, a member of a local government authority or if he is a public officer.	Reference made in the Broadcasting Act (Cap. 350)
Consumer Affairs Council	Consumer Affairs Act (Cap. 378)	Part II - Article 4(7)(a)	(7) A person shall not be eligible to be appointed a member of the Council, or to continue to be a member of the Council if such person – (a) is a member of the House of Representatives	
Board of the Malta Communications Authority	Malta Communications Authority Act (Cap 418)	Article 3 (4)	(4) A person shall not be qualified to hold office as a member of the Board if he – (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives	Establishment and composition of the Malta Communications Authority
Office of Chairperson or Members of the Malta Statistics Authority Act	Malta Statistics Authority Act (Cap 422)	Article 5 (5)(a)	(5)(a) A person shall not be eligible to be appointed or to hold office as Chairperson or as a member of the Authority if he – (i) is a Minister, Parliamentary Secretary, a member of the House of Representatives, or a member of any Local Council	Composition of the Malta Statistics Authority
Malta Resources Authority	Mata Resources Authority Act (Cap	Article 3(4)(a)	(4) A person shall not be qualified to hold office as a member of the Authority if he - (a) is a Minister,	Establishment and composition of the Malta Resources Authority.

	432)		Parliamentary Secretary or a member of the House of Representatives;	
Board of Governors of the Central Bank of Malta	Central Bank of Malta Act (Cap. 204)	Article 9(3)(a)	(3) No person shall be appointed or shall remain a director who – (a) is a member of the House of Representatives	
Commissioner for Voluntary Organisations	Voluntary Organisations Act (Cap 492)	Article 5(3)(a)	(3) A person shall not be qualified to be appointed or continue to hold office as Commissioner if such person : (a) is a Judge, a Magistrate, a Member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council	
The Malta Council for the Voluntary Sector	Voluntary Organisations Act (Cap 492)	Part III – Article 35(7)(a)	(7) A person shall not be qualified to be appointed or to hold office as a member of the Council if he : (a) is a Judge, a Magistrate, a Member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council	
Adoption Board	Adoption Administration Act (Cap. 495)	Part II – Article 3 (3)	(3) A person shall not be qualified to be appointed or continue to hold office as a member of the Adoption Board if that person is a Judge, a Magistrate, a member of the House or of a Local Council, or a candidate for election to the House or a Local Council	
Authority for Transport in Malta	Authority for Transport in Malta Act (Cap. 499)	Part III – Article 5(5)	(5) A person shall not be qualified to hold office as a member of the Authority if that person - (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives or of the European Parliament	
Board of Directors of Arts Council Malta	Arts Council Malta Act (Cap. 542)	Article 5(4)	(4) A person shall not be qualified to hold office as a member of the Board if that person – (a) is a member of the House of Representatives or of the	

			European Parliament	
Board of Directors of Malta Development Bank	Malta Development Bank Act (Cap. 574)	Article 21(3)	(3) No individual is eligible to be appointed or to continue as a Director or Chairperson if the individual is : (a) a Member of the House of Representatives	
Board of Governors of the Malta Gaming Authority	Gaming Act (Cap. 583)	First Schedule – Article 6(4)(1)(5)(a)(iv)	(5) (a) A person shall not be eligible to be appointed as Chairperson or as a member of the Board of Governors, or of any other organ of the Authority, or to hold any other office with the Authority, if he: (iv) is a Minister, Parliamentary Secretary or a member of the House of Representatives;	MGA Board of Governors
Board of Directors of Malta Digital Innovation Authority	Malta Digital Innovation Authority (Cap. 591)	Article 5(4)(a)	(4) A person shall not be qualified to hold office as a member of the Board if he - (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives;	
Merit Protection Commission	Public Administration Act (Cap. 595)	Part III – Article 22(3)	(3) A person shall not be qualified to hold office as a member of the Commission if he is a Minister, a Parliamentary Secretary, a member of or a candidate for election to the House, or a member of a local government authority.	Merit Protection Commission (not yet in force)
Composition of Procurement (Energy and Fuels)	Procurement (Energy and Fuels) Appeals Board	Article 9	9. A person shall not be qualified to be appointed or continue to hold office as a member of the Board, if he: (a) is a Minister, a Parliamentary	Procurement (Energy and Fuels) Appeals Board

Appeals Board	Regulations (S.L. 595.06)		Secretary, a Member of the House of Representatives, a public officer or an employee of a government or an agency	
Composition of the Procurement (Health Service Concessions) Review Board	Procurement (Health Service Concessions) Review Board Regulations (S.L. 595.13)	Article 9	A person shall not be qualified to be appointed or continue to hold office as a member of the Board, if he: (a) is a Minister, a Parliamentary Secretary, a Member of the House of Representatives, or of the European Parliament or a Local Council, a public officer or an employee of a government entity or an agency	Procurement (Health Service Concessions) Review Board
Composition of the Concessions Review Board	Concessions Review Board Regulations (S.L. 595.15)	Article 9	9. A person shall not be qualified to be appointed or continue to hold office as a member of the Board, if he: (a) is a Minister, a Parliamentary Secretary, a Member of the House of Representatives, or of the European Parliament or a Local Council, a public officer or an employee of a government entity or an agency	Concessions Review Board
Board of Governors of the Malta Competition and Consumer Affairs Authority (MCCA)	Malta Competition and Consumer Affairs Authority Act (Cap. 510)	Article 9 (5)(a)(i)	(5) (a) A person shall not be eligible to be appointed or to continue to hold office as a member of the Board if that person:- (i) is a Minister, Parliamentary Secretary, a member of the House of Representatives, a member of any Local Council or a member of the European Parliament	
Malta Tourism Authority	Malta Travel and Tourism Services Act (Cap. 409)	Article 3(4)	(4) A person shall not be qualified to be appointed as, or to remain, a member of the Authority if he is a member of the House of Representatives.	
Board of Directors of the Social Care	Social Care Standards	Article 9(4)(a)	(4) A person shall not be qualified to hold office as a member of the Board if he: (a) is a member of	

Standards Authority	Authority Act (Cap. 582)		the House of Representatives, or of the European Parliament, or of a Local Council, or a candidate for election to the House of Representatives, or to the European Parliament, or to a Local Council; or	
Members of the Embryo Protection Authority	Embryo Protection Act (Cap. 524)	Article 3(3)(b)	(3) A person shall not be qualified to hold office as a member of the Authority if he: (b) is a member of, or a candidate for election to, the House; or	
Commissioner for Older Persons	Commissioner For Older Persons Act (Cap. 553)	Article (3)(2)(a)	(2) A person shall not be qualified to hold office as Commissioner if such person: (a) is a Minister, Parliamentary Secretary, or a Member of the House of Representatives	
Prisons (Board of Governance)	Prisons (Board of Governance) Regulations	7(a)	7. No person shall be qualified to be appointed as, or remain, a member of the Board if he: (a) is a member of the House of Representatives or of the European Parliament	
Academy for Disciplined Forces Board	Academy for Disciplined Forces Act (Cap. 559)	Article 5(5)(a)	(5) A person shall not be qualified to hold office as a member of the Board if that person: (a) is a member of the House of Representatives or of the European Parliament	
Adoption Board of Appeal	Adoption Administration Act (Cap. 495)	Part V – 16(4)	(4) A person shall not be qualified to be appointed or continue to hold office as a member of the Board of Appeal if that person is a Judge, a Magistrate, a member of the House or of a Local Council, or a candidate for election to the House or a Local Council	

Board of the Environment and Resources Authority	Environment Protection Act (Cap. 549)	Article 6 (4)(c) (to be read in conjunction with Article 6(2))	(c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament, or of a local council	
Board of the Regulator for Energy and Water Services	Regulator for Energy and Water Services Act (Cap. 545)	Article 3(4)(a)	(4) A person shall not be qualified to hold office as a member of the Board of the Regulator if he – (a) is a Minister, Parliamentary Secretary or a member of the House of Representatives;	
Fostering Board - Board of Appeal	Foster Care Act (Cap. 491)	Article 14 (4)	(4) A person shall not be qualified to be appointed or continue to hold office as a member of the Board of Appeal if that person is a Judge, a Magistrate, a member of the House or of a Local Council, or a candidate for election to the House or a Local Council.	
Guardianship Board	Code of Organization and Civil Procedure (Cap. 12)	Article 519A(4)	(4) A person shall not be qualified to hold office as a member of the Board if that person:- (a) is a Minister, a Parliamentary Secretary or a member of the House of Representatives or a Mayor a Councillor in a Local Council	
Health Policy and Strategy Board	Health Act (Cap. 528)	Article 15 in conjunction with Schedule A of the Act	The Act does not set an outright prohibition on Member of Parliaments from sitting on the board however Schedule A lists the following as members of the board, all being “officers” of the Ministry, which should in practice preclude MPs from being part of the board. The Health Policy and Strategy Board shall be	

			composed as follows: (a) the Minister, as Chairman; (b) the Permanent Secretary in the Ministry, as Deputy Chairman; (c) the three Directors General established under this Act, ex officio; (d) the financial controller of the Ministry, and in his absence, the highest ranking officer responsible for the financial administration of the Ministry; (e) a Minister's consultant; (f) any other officer who the Minister may deem, from time to time, fit to appoint on this Board; and (g) an officer appointed by the Minister to act as secretary.	
Independent Police Complaints Board	Police Act (Cap. 164)	Article 35 (3)	(3) The Chairperson of the Board shall be a retired Judge or Magistrate. No person shall be qualified to be appointed as, or remain, a member of the Board if he is a public officer, or a member, officer or servant of any body corporate or established by law; or a serving Judge or Magistrate or a member of the House of Representatives or a member of a Local Council.	
Insolvency Fund Management Board	Package Travel Insolvency Fund Regulations (S.L. 409.18)	Regulation 4(3)	(3) A person shall not be qualified to be appointed as, or to remain, a member of the Board if he is a member of the House of Representatives.	
Maritime Supervisory Board	Authority for Transport in Malta (Cap. 499)	Article 39 in conjunction with Article 5(5)(a), 5(6) and 5(9)	39 (3) he provisions of sub-articles (5)(a), (6) and (9) of article 5 shall mutatis mutandis apply to the members of the supervisory boards. (5) A person shall not be qualified to hold office as a member of the Authority if that person - (a) is a Minister, Parliamentary Secretary or a member of	

			the House of Representatives or of the European Parliament	
Medicines Review Board	Medicines Act (Cap. 458)	Article 14 (5)	14 (5) A person shall not be qualified to hold office as a member or substitute member of the Medicines Review Board if he: (i) is a member of the House of Representatives	
Police Governance Board	Police Act (Cap. 164)	Article 5(8)	(8) No person shall be qualified to be appointed as, or remain, a member of the Board if he : (a) is a member of the House of Representatives or of the European Parliament	
Port Work Appeals Board	Port Workers Ordinance (Cap. 171)	Regulation 8 (5)	(5) A judge, or magistrate or a member of the House of Representatives or of the European Parliament or of a Local Council shall be disqualified from being appointed or acting as Chairman or member of the Appeals Board as long as he holds that office.	
Private Maritime Security Licensing Board	Licensing of Private Maritime Security Companies Regulations (S.L. 480.05)	Regulation 7	Although the Regulations do not outright prohibit MPs from sitting on the Board, all six members shall be representatives of different Disciplinary Forces, Departments, Ministries, Directorates and Government Services, and therefore, should in practice preclude Parliamentarians from holding such office.	
Public Contracts Review Board	Public Procurement Regulations (S.L. 174.04)	Regulation 85(2)	(2) A person shall be disqualified from being appointed or continuing to be a member of the Review Board if he is a member of the House of Representatives or of the European Parliament or of a Local Council or of any other administrative board or tribunal or if he has a financial or other interest as is likely to prejudice the discharge of his	

			functions as a member of the Review Board	
Radiation Protection Board	Nuclear Safety and Radiation Protection Regulations (S.L. 365.15)	Regulation 10	Although the Regulations do not outright prohibit MPs from sitting on the Board, all four members shall be representatives of the OHSa, Environment Protection Authority, Superintendency of Public Health and the Civil Protection Department, which should, in practice, bar parliamentarians from holding such offices.	
Rent Regulation Board	Reletting of Urban Property (Regulation) Ordinance (Cap. 69)	Article 16	Only Judges and Magistrates may be appointed to sit on the board.	
Wine Regulation Board	Wine Act (Cap. 436)	Article 16 (4)	(4) A person shall not be eligible to be appointed a member of the Board, or to continue to be a member of the Board, if such person - (a) is a member of the House of Representatives;	
National Commission for Further and Higher Education	Education Act (Cap. 327)	Article 69(4)	(4) A person shall not be qualified to be appointed or hold office as member of the Commission if such person: (a) is a member of the House of Representatives;	
Malta Crafts Council	Act No. X of 2013	Article 3	Sub-article (5) of article 4 of the Malta Crafts Council Act which used to read as follows: "(5) A person shall not be eligible to be a member of the Council if he - (a) is a member of the House of Representatives" was substituted by a provision on crimes.	Amendment to Malta Crafts Council Act (Cap. 421) removed the prohibition on having a Member of the House appointed to the governing board.

Occupational Health and Safety Authority (OHSA)	Act No. X of 2013	Article 4	Paragraph (a) of sub-article (5) of article 8 of the Occupational Health and Authority Act which used to read as follows: "(a) is a Minister, a Parliamentary Secretary or a member of the House of Representatives" was substituted by "(a) is a Minister or a Parliamentary Secretary".	Amendments to the Occupational Health and Safety Authority Act (Cap. 424) removed the prohibition on having a Member of the House appointed to the governing board.
Co-operative Societies	Act No. X of 2013	Article 5	Sub-article (3) of Article 4 of the Co-Operative Societies Act which used to prohibit members of parliament from being members of the Board was amended to remove the prohibition on Members of Parliament.	Amendment to the Co-operative Societies Act (Cap. 442) removed the prohibition on having a Member of the House appointed to the governing board.
Sports Malta	Act No. X of 2013	Article 6	Paragraph (a) of sub-article (6) of article 4 of the Sports Act which used to prohibit members of parliament from being members of the Board was deleted to remove the prohibition on Members of Parliament.	Amendments to the Sports Act (Cap. 455) removed the prohibition on having a Member of the House appointed to the governing board.
Malta Enterprise	Act No. X of 2013	Article 7	Paragraph (a) of sub-article (7) of article 10 of the Malta Enterprise Act which used to prohibit members of parliament from being members of the Board was deleted to remove the prohibition on Members of Parliament.	Amendments to the Malta Enterprise Act (Cap. 463) removed the prohibition on having a Member of the House appointed to the governing board.
Maltese Language Board	Act No. X of 2013	Article 8	Sub-article (2) of article 9 of the Malta Language Act which used to prohibit Ministers, Parliamentary Secretaries or Members of Parliament from being members of the Board was deleted to remove prohibitions on the above three and kept the restriction on Judges or Magistrates only.	Amendments to Maltese Language Act (Cap. 470) removed the prohibition on having a Member of the House appointed to the governing board.
Malta Film	Act No. X of 2013	Article 9	Paragraph (a) of sub-article (5) of article 3 of the	Amendment to the Malta Film Commission

Commission			Malta Film Commission Act which used to prohibit Members of Parliament from being members of the Commission was amended to remove the prohibition on Members of Parliament.	Act (Cap. 478) removed the prohibition on having a Member of the House appointed to the governing board.
Domestic Violence Commission	Act No. X of 2013	Article 10	Sub-article (2) of article 3 of the Domestic Violence Act which used to prohibit Members of Parliament from holding office as a member of the Commission was amended to remove such prohibition. This Act was repealed by Act No. XIII of 2018 but this sub-article (2) was reproduced and Members of Parliament may hold such office.	Amendments to the Domestic Violence Act (Cap. 481) which is now the Gender-Based Violence and Domestic Violence Act (Cap. 581) removed the prohibition on having a Member of the House appointed to the governing board.
Board of the Agency for Infrastructure Malta	Agency for Infrastructure Malta Act (Cap. 588)	Article 11	Ministers or Parliamentary Secretaries are disqualified however the Act is silent on members of the House of Representatives	Infrastructure Malta
Board of Directors of Malta Residency Visa Agency	Malta Residency Visa Agency (Establishment) Order (S.L. 595.26)	Article 6	There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	Malta Residency Visa Agency
Board of Directors of Identity Malta Agency	Identity Malta Agency (Establishment) S.L. 595.07	Article 8	There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	Identity Malta
Board of Directors of Agenzija Support	Agenzija Support (Establishment as an Agency) Order (S.L. 595.18)	Articles 8 and 9	There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	Agenzija Support

Agenzija Zghazagh	Agenzija Zghazagh (Establishment as an Agency) Order (S.L. 595.02)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Public Administration – Human Resource Development Unit	Public Administration – Human Resource Development Unit (Establishment as an Agency) (S.L.595.04)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Sustainable Energy and Water Conservation Unit	Sustainable Energy and Water Conservation Unit (Establishment as an Agency) Order (S.L. 595.08)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
National Aerospace Centre	National Aerospace Centre (Establishment as an Agency) Order (S.L. 595.09)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
National Literacy Agency	National Literacy Agency (Establishment) Order (S.L. 595.10)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

Legal Aid Agency	Legal Aid Agency (Establishment) Order (S.L. 595.11)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
National Development And Social Fund	National Development And Social Fund (Establishment As An Agency) Order (S.L. 595.12)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Local Enforcement System Agency (LESA)	Local Enforcement System (Establishment as an Agency) Order (S.L.595.14)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Malta Marittima	Malta Marittima (Establishment as An Agency) Order (S.L. 595.16)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Servizz.gov Agency	Servizz.gov Agency (Establishment as an Agency) (S.L. 595.19)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Malta Council for Science and Technology Agency	Malta Council for Science and Technology Agency (Establishment)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

	Order (S.L. 595.20)			
Malta Residency Visa	Malta Residency Visa (Establishment of an Agency) Order (S.L. 595.21)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Governance of Agricultural Bioresources Agency	Governance of Agricultural Bioresources Agency (Establishment) Order (S.L. 592.22)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
MEUSAC	Malta-Eu Steering And Action Committee - Meusac (Establishment as An Agency) Order (S.L. 595.23)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Institute For Education Agency	Institute For Education Agency (Establishment) Order (S.L. 595.24)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

Malta Individual Investor Programme Agency	Malta Individual Investor Programme Agency (Establishment) Order (S.L. 595.25)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Registry of Companies	Registry of Companies (Establishment as an Agency) Order (S.L. 595.27)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Resource, Recovery and Recycling Agency	Resource, Recovery and Recycling (Agency) (Establishment) Order (S.L. 595.28)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Malta International Contemporary Art Space	Malta International Contemporary Art Space (Establishment as		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	

	an Agency) Order (S.L. 595.29)			
European Union Programmes Agency	European Union Programmes Agency (Establishment) Order (S.L. 595.30)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Land Registration Agency	Land Registration Agency (Establishment) Order (S.L. 595.31)		There are no disqualifications however the Agency is governed by the terms and conditions of the Public Administration Act (Cap. 595).	
Evaluation Board for the Grant of Citizenship by Merit for Exceptional Services	Public Auction Regulations (S.L. 342.01)	Article 7	The law is silent on the composition of the Board and presents no disqualification for any of the roles therein.	
Board of Film Age Classification ("Film Board" or "Film Review Board")	Cinema and Stage Age-Classification Regulations (S.L. 542.01)	Article 3	The law is silent on the composition of the Board and presents no disqualification for any of the roles therein.	
Board of Financial Intelligence Analysis Unit (FIAU)	Prevention of Money Laundering Act (Cap. 373)	Articles 18 and 19	The law presents no specific disqualification for MPs to sit on the Board.	

Board of Management and Administration (Arbiter for Financial Services)	Arbiter for Financial Services Act (Cap. 555)	Article 3 to 9	The law presents no specific disqualification for MPs to sit on the Board.	
Boards of the Faculties of Dental Surgery, Economics, Management and Accountancy, Education, Engineering, Health Sciences, Information and Communications Technology (ICT), Laws, Media and Knowledge Sciences, Medicine and Surgery, Research Innovation and Dev Trust (RIDT), Science, Social Wellbeing and the Built Environment	Education Act (Cap. 327)	Article 80	The law presents no specific disqualification for MPs to sit on these Faculty Boards.	
Board of the Gian Frangisk Junior College (University of	Gian Frangisk Abela Junior College Regulations (S.L.	Regulation 3	The regulation does not present any disqualifications for MPs to sit on the Board.	

Malta)	327.58)			
Burials Board	Burials Ordinance (Cap. 17)	Article 9(3)	The law presents no specific disqualification for MPs to sit on this Board.	
Children and Young Persons Advisory Board	Children and Young Persons (Care Orders) (Cap. 285)	Article 11	The law presents no specific disqualification for MPs to sit on this Board.	
Climate Action Board	Climate Action Act (Cap. 543)	Article 10	The law presents no specific disqualification for MPs to sit on this Board.	
Controlled Companies Appeals Board	Controlled Companies (Procedure for Liquidation) Act (Cap. 383)	Article 7	The law presents no specific disqualification for MPs to sit on this Board.	
Controlled Vehicular Access Board	Vehicle Access Zones (Control) Regulations	Regulation 10	The Regulation presents no specific disqualification for MPs to sit on this Board.	
Copyright Board	Copyright Act (Cap. 415)	Article 45	The law presents no specific disqualification for MPs to sit on this Board except for the professional restriction put upon the Chairman.	
The Corradino Correctional Facility Monitoring Board	Prisons Act (Cap. 260)	Article 8	The law presents no specific disqualification for MPs to sit on this Board.	
Dwejra	Dwejra	Regulation 4	The law presents no specific disqualification for	

Opportunity Fund Committee	Opportunity Fund Regulations (S.L. 445.06)		MPs to sit on this Board.	
Electoral Commission - Medical Board	Medical Council (Elections) Regulations (S.L. 464.04)	Regulation 3	The law presents no specific disqualification for MPs to sit on this Board.	
Employment Relations Board	Employment and Industrial Relations Act (Cap. 452)	Article 3(2)	The law presents no specific disqualification for MPs to sit on this Board.	
Farm Advisory Registration Board	Farm Advisory Services Regulations (S.L. 117.30)	Regulation 5	The law presents no specific disqualification for MPs to sit on this Board.	
Fisheries Board	Fisheries Conservation and Management Act (Cap. 425)	Act 5	The law presents no specific disqualification for MPs to sit on this Board.	
Fostering Board	Foster Care Act (Cap. 491)	Article 3	The law presents no specific disqualification for MPs to sit on this Board.	
Guarantee Fund Administration Board	Guarantee Fund Regulations (S.L. 452.84)	Regulation 7	The Regulations do not prohibit Members of Parliament from sitting on this Board.	
Guardian of Future Generations	Sustainable Development Act (Cap. 521)	Article 8	The Act does not prohibit MPs from sitting on the board.	
Health and Safety	Maintenance of	Regulation 17	The Regulations do not prohibit MPs from sitting	

Monitoring Board - Maintenance of Good Order at Places of Entertainment	Good Order at Places of Entertainment Regulations (S.L. 10.40)		on this Board.	
Board of Directors of Heritage Malta	Cultural Heritage Act (Cap. 445)	Article 9	The Act does not prohibit MPs from sitting on this Board.	
Immigration Appeals Board	Immigration Act (Cap. 217)	Article 25A	The Act does not prohibit MPs from sitting on this Board.	
Injuries Board for Disciplined Forces	Appointments and Conditions of Service of the Regulator Force Regulations (S.L. 220.03)	Article 9(d)	The Regulations do not prohibit MPs from sitting on this Board	
Board of Governors of the Institute of Tourism Studies	Institute of Tourism Studies (Cap. 566)	Article 9	The Act does not prohibit MPs from sitting on this Board.	
Internal Audit and Investigations Board	Internal Audit and Financial Investigations Act (Cap. 461)	Article 8	The Act does not prohibit MPs from sitting on this Board.	
Local Councils Appeals Board -	Local Councils (Tendering)	Regulation 10	The Regulations do not prohibit MPs from sitting on the Board	

Tendering	Regulations (L.N. 255 of 2009)			
Local Enforcement System Agency – Advisory Board	Local Enforcement System (Establishment as an Agency) Regulations (S.L.595.14)	Regulation 10	The Regulations do not prohibit MPs from sitting on the Board	
Local Governance Board	Local Governance Board Regulations (S.L. 363.150)	Regulation 4	The Regulations do not prohibit MPs from sitting on the Board	
Majjistral, Nature and History Park Management Board	Establishment of the Majjistral, Nature and History Park Regulations (S.L. 549.48)	Regulation 9	The Regulations do not prohibit MPs from sitting on this Board	
Malta Mediation Centre – Board	Mediation Act (Cap. 474)	Articles 6 to 12	The Act does not prohibit MPs from sitting on this Board.	
Malta Residency Visa Agency Approvals Board	Malta Residency Visa Agency (Establishment) Regulations (S.L. 595.26)	Regulation 8(2)	The Regulations do not prohibit MPs from sitting on this Board	
Masons Board	Code of Police Laws (Cap. 10)	Article 96	The Code does not prohibit MPs from sitting on this Board.	
Board of Governors of the	Education Act (Cap. 327)	Article 92	The Act does not prohibit MPs from sitting on this Board.	

Malta College for Arts, Science and Technology (MCAST)				
Medical Panel	Social Security Act (Cap. 318)	Article 106	The Act does not prohibit MPs from sitting on this Board.	
Board of Directors for Mental Health Services	Board of Directors for Mental Health Services Regulations (S.L. 528.07)	Regulation 3	The Regulations do not prohibit MPs from sitting on this Board.	
Monitoring Board for Detained Persons	Monitoring Board for Detained Persons Regulations (S.L. 217.08)	Regulation 2	The Regulations do not prohibit MPs from sitting on this Board.	
Mooring Services Board	Mooring Services Regulation (S.L. 499.03)	Regulation 9	The Regulations do not prohibit MPs from sitting on this Board.	
Mutual Recognition of Qualifications Appeals Board	Mutual Recognition of Qualifications Act (Cap. 451) and Malta Qualifications	Article 7	The Act and the Regulations do not prohibit MPs from sitting on the Board in any of its divisions.	

	Recognition Information Centre and the Mutual Recognition of Qualifications Appeals Board Regulations (S.L. 451.01)			
National Accreditation Board	National Accreditation Board (Malta) (Establishment) Regulations (S.L. 419.07)	Regulation 3	The Regulations do not prohibit MPs from sitting on the Board.	
Sentencing Policy Advisory Board	Drug Dependence (Treatment Not Imprisonment) Act (Cap. 537)	Article 9	The Act does not prohibit MPs from sitting on the Board.	
National Development Social Fund - Advisory Board	National Development and Social Fund (Establishment as an Agency) Regulations (S.L. 595.12)	Regulation 7 of the Regulations in conjunction with Article 32 of the Public Administration Act (Cap. 595)	The Regulations and the Act do not prohibit MPs from sitting on the Board.	
National Development Social Fund –	National Development and Social Fund	Regulation 6	The Regulations do not prohibit MPs from sitting on the Board.	

Board of Governors	(Establishment as an Agency) Regulations (S.L. 595.12)			
Offender Assessment Board	Restorative Justice Act (Cap. 516)	Article 3	The Act does not prohibit MPs from sitting on the Board	
Park Nazzjonali tal-Inwadar Management Board	Establishment of the Park Nazzjonali tal-Indawar (S.L. 549.109)	Regulation 8	The Regulations do not prohibit MPs from sitting on the Board.	
Parole Board	Restorative Justice Act (Cap. 516)	Article 8	The Act does not prohibit MPs from sitting on the Board	
Pesticides Control Board	Pesticides Control Act (Cap. 430)	Article 10	The Act does not prohibit MPs from sitting on the Board	
Petitions Board (Local Tribunals)	Petitions (Local Tribunals) Regulations (S.L. 291.04)	Regulation 3	The Regulations do not prohibit MPs from sitting on the Board.	
Pilotage Services Board	Maritime Pilotage Regulations (S.L. 499.26)	Regulation 38	The Regulations do not prohibit MPs from sitting on the Board.	
Port Workers' Board	Port Workers Ordinance (Cap. 171)	Regulation 10	The Act does not prohibit MPs from sitting on the Board.	
Prison Addiction Rehabilitation	Prison Regulations (S.L. 260.03)	Regulation 116A and 116B	The Regulations do not prohibit MPs from sitting on the Board.	

Management Board				
Producers Organisations Board	Producer Organisations Board (S.L. 447.04)	Regulation 3	The Regulations do not prohibit MPs from sitting on the Board.	
Psychotherapy Profession Board	Psychotherapy Profession Act (Cap. 587)	Article 4	Although the Act does not outright prohibit MPs from sitting on the Board, three out of four members must have obtained a warrant to practice psychotherapy, and therefore would, in practice, preclude the majority of sitting Parliamentarians.	
Remission Board	Restorative Justice Act (Cap. 516)	Article 20	The Act does not prohibit MPs from sitting on this Board.	
Social Assistance Board	Social Security Act (Cap. 318)	Article 128	(1) There shall be established a Board, to be known as the Social Assistance Board, consisting of the Director or his representative as Chairman and not less than three other members appointed by the Minister. Among the members so appointed, two shall be Members of the House of Representatives, one from each side, and one representing the organization of workers in Malta having the largest number of members	
Sport Commercialisation Appeals Panel	Commercialisation of Sports Facilities Regulations (S.L. 455.12)	Regulation 3 (5)	The Regulations do not prohibit MPs from sitting on the Board.	
Sport	Commercialisation	Regulation 3	The Regulations do not prohibit MPs from sitting	

Commercialisation Commission	of Sports Facilities Regulations (S.L. 455.12)		on the Board.	
Stamp Design Advisory Board	Postal Services Act (Cap. 254)	Article 36	The Law does not prohibit MPs from sitting on the Board.	
Strategic Environment Assessment Focal Point	Strategic Environmental Assessment (S.L. 549.61)	Regulation 15	The Law does not prohibit MPs from sitting on the Board.	
Students Maintenance Grants Board	Students Maintenance Grants Regulations (S.L. 327.178)	Regulation 15	The Regulations do not prohibit MPs from sitting on the Board.	
Traditional Agro-Food Products of Malta Board	Establishment Of The National Register Of Traditional Agro-Food Products Of Malta Regulations (S.L. 427.89)	Regulation 7	The Regulations do not prohibit MPs from sitting on the Board.	
Youth Work Profession Board	Youth Work Profession Act (Cap. 533)	Article 4	The Act does not prohibit MPs from sitting on the Board.	
Board of Directors of Żfin Malta	Żfin Malta Regulations (S.L. 542.02)	Regulation 4	The Regulations do not prohibit MPs from sitting on the Board.	

Valletta Cultural Agency Board	Valletta Cultural Agency (Establishment) Order	Regulation 4	The Regulations do not prohibit MPs from sitting on the Board.	
Commission for Protection from Ionising or Non-Ionisation Radiation	Nuclear Safety and Radiation Protection Act (Cap. 585)	Article 10(5)	The Act does not prohibit MPs from being members of the Commission.	
Planning Commissions of the Planning Authority	Development Planning Act (Cap. 552)	Article 65	The Act does not prohibit MPs from being members of the Commission.	
Commissioners for Justice	Commissioners for Justice Act (Cap. 291)	Article 4	The Act does not prohibit MPs from being appointed as Commissioners for Justice	
National Commission for the Promotion of Equality between Men and Women (NCPE)	Equality for Men and Women Act (Cap. 456)	Article 11	The Act does not prohibit MPs from being members of the Commission.	
National Antibiotic Committee	National Antibiotic Committee Regulations (S.L. 465.08)	Regulation 5	The Regulations set no outright prohibition on MPs from sitting on this Committee however the majority of committee members shall be specialists in different fields of medicine or health professionals, which might preclude the majority of sitting MPs from being appointed to the Committee.	

The Council for Nurses and Midwives	Health Care Professions Act (Cap. 464)	Article 21	The Act does not prohibit MPs from sitting on the Council.	
Civil Protection Council	Civil Protection Act (Cap. 411)	Article 5	The Act does not prohibit MPs from sitting on the Council.	
Pharmacy Council	Health Care Professions Act (Cap. 464)	Article 15	The Act does not prohibit MPs from sitting on the Council.	
Malta Council for Economic and Social Development (MCESD)	Malta Council for Economic and Social Development Act (Cap. 431)	Article 4	The Act does not prohibit MPs from sitting on the Council.	
Council of the University of Malta	Education Act (Cap. 327)	Article 76	The Act does not prohibit MPs from sitting on the Council.	
Council of the Malta Society of Arts, Manufacturers and Commerce	Arts Council Malta Act (Cap. 542)	Third Schedule	The Act does not prohibit MPs from sitting on the Council however we have not had sight of the Society's statute or constitutive documents.	
Malta Council for Economic and Social Development – Gozo Regional Committee	Malta Council for Economic and Social Development Act (Cap. 431)	Article 6A	The Act does not prohibit MPs from sitting on the Regional Committee.	
Malta Freeport Corporation (Malta Freeport Authority) – Board of Directors	Malta Freeports Act (Cap. 334)	Article 5	The Act and the Memorandum and Articles of Association of the Malta Freeport Corporation Limited (C9353) do not prohibit MPs from sitting on the Board of Directors	
Food Safety	Food Safety Act	Article 5	The Act does not prohibit MPs from sitting on this	

Commission	(Cap. 449)		Commission.	
Licensing (Trading) Appeals Board	Trading Licences Regulations	Regulation 36	The Regulations do not prohibit MPs from sitting on the Appeals Board	
Transfer of Residence Exemption Board	Exemption from motor vehicles registration tax rules (S.L. 368.01)	Regulation 2	The Regulations do not prohibit MPs from sitting on the Board	
Commissioner for Refugees and Refugee Appeals Board	Refugees Act (Cap. 420)	Article 5	The Act does not prohibit MPs from sitting on this Appeals Board	
National Employment Authority	Employment and Training Services Act (Cap. 343/594)	Article (3)(1)	3.(1) The President of Malta shall appoint a National Employment Authority composed of three independent persons, two other persons appearing to the President to represent the interests of employers and two other persons appearing to the President to represent the interests of employees. In this article "independent persons" means persons who are neither Government employees nor officials of any organization representing employers or employees.	
Council for Maltese Living abroad	Council for Maltese Living Abroad Act (Cap. 515)	Article 5(3)	(3) Except for the Chairman, a person shall not be qualified to hold office as a member of the Council if he is a Minister, Parliamentary Secretary, a member of or a candidate for election to the House of Representatives or the European Parliament or national, state, regional or local legislature, or a member of a local government authority. A	Chairman is only exception to the general rule

			member of the Council shall not hold any position which is incompatible with the correct performance of his official duties or with public confidence therein.	
Board of Governors of Lands Authority	Lands Authority Act (Cap. 563)	Article 11 (to be read in conjunction with Article 10)	11.(1) A person shall not be eligible to be appointed or to hold office as a member of the Board if he -(a) is a Minister, Parliamentary Secretary or Member of Parliament except for those Members of Parliament indicated in paragraphs 10(1)(c) and 10(1)(d) (one MP from Opposition and one MP from Government shall sit on the board)	
Composition of the Planning Board of the Planning Authority	Development Planning Act (Cap. 552)	Article 63(4)(c) (to be read in conjunction with Article 63(2) and (3))	(4) Save as provided in sub-articles (2) and (3) (two MPs from both parties sit on the board), no person shall be qualified to be appointed as, or remain, a member of the Planning Board if he: c) is a Minister, Parliamentary Secretary or a member of the House of Representatives, of the European Parliament or of a Local Council	
Accountancy Board	Accountancy Profession Act (Cap. 281)	Article 6	The law is silent on MPs being allowed to be part of the Board however there are a number of other restrictions which may preclude the majority of sitting MPs from being eligible.	
Bord tal-Warrant tal-Periti	Periti Act (Cap. 390)	Article 7	The law is silent on MPs being allowed to be part of the Board however there are a number of other restrictions which may preclude the majority of sitting MPs from being eligible.	
Asset Recovery	Asset Recovery	Article 11	11 (e) stipulates that the Bureau Board shall consist	

Bureau Board	Bureau Regulations (S.L. 9.23)		of: (e) such other public officer as the Minister may determine; the Minister may also appoint a retired Judge on the Board.	
Auctioneers Board of Examiners	Public Auction Regulations (S.L. 342.01)	Article 2	<p>“Board” means a board of examiners, who cannot be operators in the auctioneering sector, set up from time to time by the Minister in order to assess applicants for a licence to act as auctioneer.</p> <p>Although the law does not prohibit MPs from being on this board outright, the wording does suggest that the Minister shall appoint professionals from the field to sit on the board, which should in theory disqualify the vast majority of MPs.</p>	
Board of the Creativity Trust	Creativity Trust Order (S.L. 542.02)	Article 5	The Board of Trustees presents no specific disqualification for MPs to sit on the board, however there are other restrictions that would otherwise prohibit the majority of members of parliament from sitting on such Board.	
Drug Offenders Rehabilitation Board	Drug Dependence (Treatment not Imprisonment) (Cap. 537)	Article 6	The law presents no specific disqualification for MPs to sit on the board, however there are other restrictions (based mostly on profession and experience in the subject-matter) that would otherwise prohibit a significant proportion of members of parliament from sitting on such Board.	
Building Regulation Board	Building Regulation Act (Cap. 513)	Article 3	The law presents no specific disqualification for MPs to sit on the board, however there are other restrictions (based on profession and experience in the subject-matter) that would otherwise prohibit the majority of members of parliament from sitting on such Board.	
Eco-Contribution	Eco-Contribution	Regulation 7	Although the law presents no specific	

Approving Body	(Exemptions) Regulations (S.L. 473.05)		disqualification for MPs to sit on this Board it mentions representatives of MEPA and two ministries and therefore could preclude the majority of members of the House of Representatives.	
Engineering Profession Board	Engineering Profession Act (Cap. 321)	Article 6	The law sets out no outright prohibition on MPs from sitting on the Board, however the chairman is to be appointed from among persons who are or have been qualified to be appointed Judges, and all other members must be engineering warrant holders, and therefore this would in practice preclude the majority of sitting Parliamentarians.	
General Services Board	General Services Board Regulations (S.L. 528.06)	Regulation 3 (1)	The Regulations set no outright prohibition on MPs from sitting on this Board, however, the majority of board members are representatives of public offices which cannot be filled by serving Parliamentarians.	
Malta Psychology Profession Board	Psychology Profession Act (Cap.471)	Article 4	The law sets out no outright prohibition on MPs from sitting on the Board, however all members except one member (who shall be an advocate) must be psychology warrant holders, and therefore this would in practice preclude the majority of sitting Parliamentarians.	
Multi-disciplinary Panel	Social Security Act (Cap. 318)	Article 106(f)	The Act sets out no outright prohibition on MPs from sitting on the Board, however all four members must come from specific professions (psychiatrist or geriatrician, a psychologist, an occupational therapist and a social worker), and therefore this might in practice preclude the majority of sitting Parliamentarians.	

Parking Concessions for Persons with Disability Appeal Board (Blue Badge)	Parking Concessions for Persons with Disability Act (Cap. 560)	Article 9	The Act sets out no outright prohibition on MPs from sitting on the Board, however all three members must come from specific professions (a medical doctor, a physiotherapist, and an occupational therapist), and therefore this might in practice preclude the majority of sitting Parliamentarians.	
Revenue Remissions Supervisory Board	Commissioner for Revenue (Cap. 517)	Article 5	Although the Chairperson shall be appointed from amongst persons who are not “public officers”, all other members (a minimum of one and a maximum of five) shall be appointed from a list which may only include public officers and public service employees. Therefore, this should in practice, preclude Parliamentarians from being members of the Board, with the role of Chairperson being the only exception.	
Rural Leases Control Board	Agricultural Leases (Reletting) Act (Cap. 199)	Article 5	(2) The Board shall consist of a chairman who shall be a magistrate or a person who has practised as an advocate in Malta for a period of, or periods amounting in the aggregate to, not less than seven years, appointed by the Prime Minister (3) The Prime Minister may appoint several magistrates or persons qualified as in sub article (2) hereof to sit on the Board, but only one magistrate or other person qualified as aforesaid shall sit as chairman in any one case.	

			There are also no clear-cut prohibitions on MPs from sitting on the panels appointed under the Act.	
Social Work Profession Board	Social Work Profession Act (Cap. 468)	Article 4	The Act sets out no outright prohibition on MPs from sitting on the Board, however six from seven members must come from the specific profession being regulated by the Act (<i>Social Work</i>) and the remaining one member shall be an advocate with at least five years' experience. Therefore, this might in practice preclude the majority of sitting Parliamentarians.	
The Statementing Moderating Panel	Inclusive Education Policy regarding students with a disability (Ministry of Education) – Ministerial Committee on Inclusive Education (MCIE) – 15/07/2000	Sections 9 and 10	The Policy sets out no outright prohibition on MPs from sitting on the Board, however all five members must be professionals from the Education sector. Therefore, this might in practice preclude the majority of sitting Parliamentarians.	
Weapons Advisory Board	Weapons Act (Cap. 480)	Article 48	The only member of the Advisory Board which is not encumbered by restrictions is the Chairman, with the other eight members being members of organisations which represent arms collectors and public officers or employees from body corporates established by law. Therefore, MPs might be precluded from holding eight out of nine posts in the Board.	

Malta Investment Management Co. Ltd (MIMCOL) – Board of Directors	N/A	Paragraph 11.2 of the Articles of Association of the Company	<p>11.2 - A person shall not be qualified for appointment or hold office as Director of the Company if he is interdicted or incapacitated or is an undischarged bankrupt or if there are proceedings pending against him or bankruptcy or if a company of which he was a Director was declared to be bankrupt or if he is otherwise not eligible to hold any Public Office in Malta.</p> <p>Members of the House of Representatives cannot hold public offices except when such public offices are remunerated on a salary scale which is not higher than salary scale 6.</p>	
Malta Government Technology Investment Ltd (MGI)	N/A	Paragraph 11.2 of the Articles of Association of the Company	<p>11.2 - A person shall not be qualified for appointment or hold office as Director of the Company if he is interdicted or incapacitated or is an undischarged bankrupt or if there are proceedings pending against him or bankruptcy or if a company of which he was a Director was declared to be bankrupt or if he is otherwise not eligible to hold any Public Office in Malta.</p> <p>Members of the House of Representatives cannot hold public offices except when such public offices are remunerated on a salary scale which is not higher than salary scale 6.</p>	
The Grand Harbour Regeneration Corporation P.L.C	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the	

			role of director within the Company.	
Consultative Council for the South of Malta	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
St Vincent de Paul Residence Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Juvenile Court Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Bank of Valletta plc – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Gozo Channel (Holdings) Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	

Board of Directors of Malta Industrial Parks Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Artificial Intelligence and Internet of Things Task-Force - AI & IoT	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Board of Exemptions from Fees at State Educational Institutions	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Board of Local Examinations	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Board of Visitors for Detained Persons	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Chinese Acupuncture	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had	

Board			sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Community Innovation Fund Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Council for Voluntary Sector – Board of Appeal	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	Board of Appeal replaced by Administrative Review Tribunal through L.N. 177 of 2012.
Dar Kenn Ghal Sahhtek	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
EAFRD Board 1 - European Agricultural Fund for Rural Development	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
EAFRD Board 2 - European Agricultural Fund for Rural Development	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	

EMFF Board - European Maritime and Fisheries Fund	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
ERDF Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
ESF Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Esplora Board of Governors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Foundation for Social Welfare Services Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	The Statute of the Foundation is not accessible online and has not been reviewed.
Government Securities Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had	

			sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Gozo Heliport Ltd Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Grant Review Board (MFIN)	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Home Help Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question. .	
Home Help Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Local Wardens	N/A	N/A	It appears that the composition of the Board is not	Various laws were repealed and/or amended

Disciplinary Board			specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	when LESA was set-up including those which enabled this Board.
Malta Government Privatisation Unit	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Malta Philharmonic Orchestra Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Manoel Theatre Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Addiction Advisory Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National-Verification-Measles-Rubella-Elimination	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as	

			administrators of the public body in question.	
Organic Farming Advisory Board - Farm Advisory Services Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Passport Destruction Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Pjazza Teatru Rjal Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Plant Protection Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Prison Leave Advisory Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	

Public Broadcasting Services Ltd - Editorial Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director of the Editorial Board within the Company.	
Rent Compensation Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Review Board for Registration Tax Exemption in Favour of Persons with Special Needs	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
RSSL Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Sports Board (Gozo)	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
St James Cavalier Centre for	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had	

Creativity Board			sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
St Patrick's School Admission Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Trafficking in Human Persons Monitoring Group	N/A	N/A	It appears that the composition of the Monitoring Group is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Treatment Abroad Advisory Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Treatment of Sex Offenders Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Foundation for Medical Services Board	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as	

			administrators of the public body in question.	
Start-up Island Board of Administrators	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Malta Information Technology Agency (MITA) Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Ambjent Malta	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Sports Strategy Commission	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
GeoParks Commission	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not	

			had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Commission for Active Ageing	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
Commissioner of Education	N/A	N/A	It appears that the composition of the office of the Commissioner is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Commission for Unesco	N/A	N/A	It appears that the composition of the Commission is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	
National Cyber Security Strategy Steering Committee	N/A	N/A	It appears that the composition of the Committee is not specifically regulated at law and we have not had sight of any statute(s) or constitutive document(s) which contain any prohibitions on MPs sitting as administrators of the public body in question.	

ARMS Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	https://parlament.mt/media/70570/8462.pdf (ARMS Ltd. Setting Up and Operations – Report by the Auditor General – NAO/36/2010 – November 2011)
Public Broadcasting Services Ltd. (PBS) – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Enemalta plc – Board of Directors	N/A (Enemalta Act – formerly Chapter 272 of the Laws of Malta was repealed by Act XXXIV.2014.66 entitled Enemalta (Transfer of Assets, Rights, Liabilities and Obligations) Act – Chapter 536 of the Laws of Malta)	Paragraph 13 of the Articles of Association of the Company	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Wasteserv Malta Ltd – Board of Directors	N/A	Paragraph 25 of the Articles of Association of the	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the	

		Company	role of director within the Company.	
Malpro Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Enemed Company Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Film Finance Malta Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Gozo Channel Co (Operations) Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Malta Stock Exchange PLC	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Air Malta plc	N/A	N/A	It appears that the composition of the Board is not	

			specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Malta Air Traffic Services Co. Ltd – Board of Directors	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Projects Malta LIMITED	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Pitkali Ltd	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Kordin Grain Terminal Company Ltd	N/A	Paragraph 16.2 of the Articles of Association	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Mediterranean	N/A	Paragraph 9 of	It appears that the composition of the Board is not	

Offshore Bunkering Company Ltd		the Articles of Association	specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Water Services Corporation – Audit Committee	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of member within the Company’s audit committee.	
Water Services Corporation – International Limited	N/A	N/A	It appears that the composition of the Board is not specifically regulated at law and the constitutive documents of the Company as reviewed do not present any disqualifications for MPs to occupy the role of director within the Company.	
Gaming Malta Foundation	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	
Foundation for Educational Services (FES)	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide	

			for prohibitions on MPs sitting on the Board of Governors of the Foundation.	
Foundation for Tomorrow's Schools (FTS) – Board of Governors	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	
Valletta 2018 Foundation	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	The Valletta 2018 Foundation was established by public deed in the acts of Notary John Spiteri published on the 17th October 2011, as subsequently amended by public deed in the acts of Notary Myriam Spiteri Debono by deed published on the 10th November 2014
Property Malta Foundation	N/A	N/A	It appears that the composition of the Board of Governors of this Foundation is not specifically regulated at law and we have not had sight of any statutes or constitutive documents which provide for prohibitions on MPs sitting on the Board of Governors of the Foundation.	

Doc "C"



Commissioner for Standards in Public Life

2nd May 2019

Dear

I am currently investigating a complaint regarding a possible conflict of interest by Members of Parliament from both sides of the House who do not hold office as Ministers or Parliamentary Secretaries, but who hold positions within or provide contractual services to the public sector.

For the purposes of my investigation I require the information requested on the attached form, which is being sent to all Members of Parliament who do not hold office as Ministers or Parliamentary Secretaries.

You are therefore requested to fill in the attached form accurately, print and sign it, and return it to me electronically in scanned form. Alternatively, you may deposit the completed and signed form with the office of the Speaker, from where it will be collected by my staff.

You may be requested to confirm your statement on oath in due course.

You are kindly requested to return to me the attached form, duly filled out, within seven (7) days from receipt of this email.

Yours sincerely

Dr George Marius Hyzler

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