



CASE REPORT

Case No:	K/036
Complaints:	Award of a consultancy contract on the basis of personal friendship to an unqualified person
Complainants:	Ms Alison Bogdanovic Professor Arnold Cassola
Complaint Date:	21 March 2021 (Ms Bogdanovic) 22 March 2021 (Prof. Cassola)
Report Date:	10 December 2021

This case report is a translation of the Maltese original. Extracts from correspondence that are quoted in the text have been translated, as have the complaints attached to this case report, but the accompanying volumes of supporting evidence remain in their original form.



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THE COMPLAINTS

1. By means of an email dated 21 March 2021 (annexed and marked as Document A1), Ms Alison Bogdanovic (the Complainant) asked me to investigate abuse of office and breaches of ethics by the Hon. Dr Justyne Caruana, Minister for Education. The Complainant alleged that Minister Caruana was in a relationship with her ex-husband, Danijel Bogdanovic, and amongst other things she also stated the following:

The Minister abused her position because upon being reappointed Minister last December, she gave my husband a position within her private secretariat as Secretariat Officer.

Until that time he had worked in the Community Work Scheme. A scheme for those who register for work.

Soon afterwards she also increased his wage by about 500 euro a month.

Now, from January, she has awarded him a contract of 5,000 euro per month.

In addition, he has a Ministry car with all fuel expenses paid and also a Ministry mobile phone.

2. The Complainant also alleged that Minister Caruana had given direct orders to Danijel Bogdanovic's brother, and that she had used her position to try to have the Complainant's sister dismissed from her job.

3. A day later, on 22 March 2021, by means of an email (Document A2), Prof. Arnold Cassola requested me to investigate allegations about the same case that had been published on the same day by the newspaper *MaltaToday* since, according to him, "*Bogdanovic is said to be the Minister's boyfriend*".

4. The *MaltaToday* report in question (reproduced as Document A3) refers to a statement by the Ministry for Education denying that Mr Bogdanovic was employed as a member of Minister Caruana's secretariat. However, the report also refers to business cards belonging to Mr Bogdanovic and naming him as a Coordinating Officer within the Minister's secretariat. In addition, the report also states that Mr Bogdanovic was awarded a contract for service worth €15,000 for a period of three months to make recommendations for the improvement of the National Sports School. The article alleges that Mr Bogdanovic is a personal friend of Minister Caruana, and that it was because



of this friendship that he was awarded this contract despite not having pedagogical qualifications.

DECISION TO INVESTIGATE

5. Both complaints are premised on an allegation that Minister Justyne Caruana is or was in a relationship with Danijel (sometimes called Daniel) Bogdanovic.

6. Like all other persons, ministers have their own private lives. It is not within my remit to inquire into ministers' personal lives unless what they do in their private lives leads to a breach of ethics, a breach of another statutory duty, or an abuse of any discretionary powers entrusted to them as ministers – that is to say the reasons why I can investigate an allegation and report my opinion on it to the Standing Committee on Standards in Public Life in accordance with article 22 of the Standards in Public Life Act. Therefore the alleged relationship between Minister Caruana and Mr Bogdanovic can be relevant to this investigation only if it is directly linked to the complainants' allegations that Minister Caruana committed a breach of an ethical duty or a statutory duty or abused her discretionary powers.

7. These allegations can be listed as follows:

- (a) Minister Justyne Caruana abused her position by increasing Danijel Bogdanovic's salary and by employing him in her secretariat, where he enjoyed benefits such as a mobile phone and car paid for by the ministry;
- (b) the Ministry for Education made a false statement when it denied that Mr Bogdanovic was a member of the Minister's secretariat;
- (c) the Minister awarded a contract for service worth €15,000 to Mr Bogdanovic by direct order (that is to say without a competitive tendering process) to perform work for which he was not qualified;
- (d) the Minister also gave direct orders to Danijel Bogdanovic's brother; and
- (e) the Minister used her position to try to have the Complainant's sister dismissed from her job.

8. I will discuss these allegations one by one to determine whether there is any basis for me to investigate them. Needless to say, at this stage I am not expressing an opinion as to whether or not the allegations are true.



Alleged preferences in the grant of benefits

9. Allegation (a) is based on the premise that Mr Bogdanovic was not entitled to an increase in his salary and to the other benefits he allegedly enjoyed. If he was entitled to these benefits, their grant to him (if they were indeed granted) cannot be considered a breach of ethics or an abuse of power.

The alleged engagement of Danijel Bogdanovic with Minister Caruana's secretariat and its denial

10. It is difficult to sustain the claim that, if the Minister employed Mr Bogdanovic in her secretariat, this would in itself constitute an abuse of her powers. Each minister has wide discretion in the selection of staff for his or her secretariat. The practice is that these are persons trusted by the minister, which therefore implies that they are well acquainted with the minister. I do not feel that I can scrutinise the choice of staff for a minister's secretariat unless the choice violates any specific rule, or unless there is a specific allegation of abuse linked to that choice.

11. The engagement of staff in ministers' secretariats is regulated by a government document known as the Cabinet Manual of Procedures. Paragraph 5.6 of this manual states that "*Ministers shall not appoint to their private secretariats spouses or relatives by consanguinity up to the first degree.*" In today's world it can be considered an anachronism that this rule makes no reference to non-marital relationships, and it merits being updated, but at present it is what it is. As Minister Caruana observes in her final submissions on the current case, the rule does not apply to Danijel Bogdanovic.

12. Article 8.6 of the Code of Ethics for Ministers and Parliamentary Secretaries, which appears as the second schedule of the Standards in Public Life Act, states that "*No Minister shall take part in the taking of decisions that affect his family members, or other persons close to him*". However, this article does not specifically refer to the engagement of secretariat staff and it appears intended to regulate the exercise of broader ministerial powers. This article can be considered applicable to the allegation regarding the award of a contract by direct order, but in so far as the engagement of secretariat staff is concerned, I do not feel that it should prevail over paragraph 5.6 of the Cabinet Manual of Procedures as the latter is more specific.

13. For these reasons, I do not have grounds to investigate the allegation that the Minister abused her position by employing Mr Bogdanovic in her



secretariat, notwithstanding the alleged relationship between the Minister and Mr Bogdanovic, insofar as the alleged abuse consists solely of his engagement as a member of the secretariat.

14. However, there is also the allegation which was made in *MaltaToday* on 22 March 2021 (Document A3) that the Ministry for Education lied when it denied that Mr Bogdanovic was a member of the Minister's secretariat. Prof. Cassola refers to this report in his complaint.

15. The *MaltaToday* report makes reference to another report which appeared in the same newspaper (in print only, not online) on 10 January 2021, and which alleged that Mr Bogdanovic had been appointed to Minister Caruana's secretariat. The report of 22 March 2021 states that after the 10 January report was published, Etienne St John, spokesperson for Minister Caruana, contacted the newspaper to vehemently deny that Mr Bogdanovic had been engaged with the secretariat. This was the reason why the newspaper did not upload the report of 10 January 2021 to its website. The report of 22 March 2021 indicates that this denial was, in a sense, misleading, as Mr Bogdanovic had a business card with the title of Coordinating Officer within the Minister's secretariat, and he was also listed as a Secretariat Officer in the government's email directory.

16. If Mr Bogdanovic was indeed a member of the secretariat, the Ministry's denial potentially implicates Minister Caruana in a breach of ethics. This represents grounds for me to investigate whether Mr Bogdanovic actually was a member of the Minister's secretariat, with the limited aim of establishing whether her spokesperson was telling the truth about this.

The award by direct order of a contract for services to Danijel Bogdanovic

17. In another case I considered whether the award of a contract by direct order could in itself be regarded as ethically incorrect, and my conclusion was as follows:

Although the use of a direct order in itself [...] constitutes an exception to the normal rule, which is the use of calls for tenders (or, as it is termed in the regulations, the open procedure), the use of a direct order does not



*necessarily represent an abuse of power, since it is permitted by law under certain circumstances.*¹

18. Indeed the Public Procurement Regulations (SL 601.03) give public bodies the discretion to award contracts with a value of less than €10,000 by direct order, that is to say without a call for bids or a request for quotations. The regulations state that contracts with a value higher than this amount should be awarded following calls for tenders, but they make it possible for contracts exceeding this amount to be awarded by direct order all the same if central approval is obtained for this purpose. The regulations specify under what circumstances such approval may be granted.

19. As a general rule, therefore, the mere fact that a contract is awarded by direct order does not in itself give me grounds to initiate an investigation into a breach of ethics or an abuse of power. There should be specific allegations of such a breach or abuse in connection with the award of the contract if I am to investigate it.

20. In this particular case, the allegation that Danijel Bogdanovic was not qualified for the work he was contracted to perform by direct order provides sufficient grounds for me to investigate.

21. If such an allegation turns out to be true, the award of a contract by direct order can be considered a breach of ethics or an abuse of power notwithstanding the fact that the direct order was approved in accordance with the regulations. Direct orders are approved by an office within the Ministry for Finance which is not an authority on ethical matters and is not expected to address them. If, therefore, a particular direct order raises ethical issues, these are not nullified by the mere fact that that the direct order was approved in accordance with the regulations.

The allegation that Minister Caruana gave direct orders to the brother of Danijel Bogdanovic

22. The Complainant does not mention any circumstances which potentially represent grounds for me to investigate the allegation that the Minister gave

¹ Case Report K/026 (21 July 2021), paragraph 6. The report can be accessed from <https://standardscommissioner.com/wp-content/uploads/Commissioner-for-Standards-case-report-K026.pdf>.



direct orders to the brother of Danijel Bogdanovic. She claims only that these may have been influenced by the alleged relationship between the Minister and Danijel Bogdanovic. Nor does the Complainant give details of these direct orders, except that they involved works in the Gozo office of the Ministry for Education.²

23. If I were to investigate these direct orders in the absence of detail and of more specific allegations, I would have to start by collecting information about them simply to see whether there was any basis to investigate them – in other words, I would have to open an investigation amounting to a “fishing expedition”.

24. Given this, and in the light of the discussion above, I am of the opinion that there are no grounds for me to investigate the direct orders allegedly awarded to the brother of Danijel Bogdanovic. In any case it must be stated that in her submissions on this case, Minister Caruana denied awarding direct orders to Danijel Bogdanovic’s brother.³

The allegation that Minister Caruana tried to have the Complainant’s sister dismissed from her job

25. The allegation that Minister Caruana tried to have the Complainant’s sister dismissed from her job concerns a person other than the Complainant, albeit related to her. To investigate a complaint alleging the mistreatment of a private individual, I would have to inquire about that individual’s personal circumstances. Therefore, in my view such a complaint should be made directly by the affected individual. In the absence of a complaint by this person, I do not feel that I should investigate this allegation. Furthermore, the Complainant’s declarations about this allegation are too vague to constitute grounds for an investigation.

The scope of my investigation

26. In the light of these considerations, my investigation will focus on the following three allegations:

² Document B/AB/1, lines 552–574.

³ Document B/JC/3, paragraph 15(e).



- (a) that Minister Caruana gave Mr Bogdanovic preferential treatment in the form of an increase in his salary and other benefits to which he was not entitled;
- (b) that Minister Caruana's spokesperson made a false statement when he denied that Mr Bogdanovic was a member of the Minister's secretariat; and
- (c) that Minister Caruana awarded a contract for services worth €15,000 by direct order to Danijel Bogdanovic to perform work for which he was not qualified.

27. My investigation of **allegations (a) and (c)** falls within the scope of article 22(2) of the Standards in Public Life Act, which refers to “*a discretionary power [...] exercised in a manner that constitutes abuse of power*”, as well as the following provisions of the Code of Ethics for Ministers and Parliamentary Secretaries, which appears as the second schedule of the Act:

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

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

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

8.6 No Minister shall take part in the taking of decisions that affect his family members, or other persons close to him and no Minister shall be improperly conditioned in his decisions by a conflict of interest of a financial nature or otherwise, whether involving him or persons close to him [...].

28. In the case of allegation (c), which is by far the most serious of those under consideration in this investigation, articles 124 and 125 of the Criminal Code, which deal with private interests in adjudications and in the issuing of



orders by public officers, are also potentially relevant. These articles state as follows:

124. Any public officer or servant who shall overtly or covertly or through another person take any private interest in any adjudication, contract, or administration, whether he holds wholly or in part the direction or superintendence thereof, or held such direction or superintendence at the time when such adjudication, contract, or administration commenced, shall, on conviction, be liable to imprisonment for a term from one to six months and to perpetual interdiction from his public office or employment.

125. Any public officer or servant who takes any private interest in any matter in respect of which he is entrusted with the issuing of orders, the winding up of accounts, the making of arrangements or payments of any sort, shall, on conviction, be liable to the punishments laid down in the last preceding article.

29. My investigation of **allegation (b)** falls within the scope of the following provisions of the Code of Ethics for Ministers and Parliamentary Secretaries:

5.7 Honesty – Ministers shall [...] provide complete and correct information to Parliament, to the Cabinet and the public in general.

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

The relevance of the alleged relationship between Minister Caruana and Danijel Bogdanovic to this investigation

30. Allegations (a) and (c) amount to a charge that Danijel Bogdanovic benefited from favouritism on the part of Minister Justyne Caruana to the detriment of the public interest. Such an accusation depends on some form of personal relationship between the person giving favourable treatment and the person benefiting from it. If there is no such relationship, even if indirect, what might appear to be favourable treatment can at worst be considered an error. In this case articles 5.1, 5.4 and 8.6 of the Code of Ethics cease to be relevant, and only article 5.3 on diligence remains applicable.

31. In this context it should be noted that both Minister Caruana and Danijel Bogdanovic have denied that they are in an intimate relationship, but both



have said that they are longstanding friends. When testifying before me, Mr Bogdanovic said: *“Look, in the period when I was given that ... that, that role [here he is referring to the direct order of €15,000], and when I got the offer to form part of ... of Justyne Caruana’s team, I had no relationship with her, except for the friendship and respect that has always existed”*. Asked to clarify why he was linking his testimony to the period he mentioned, he only said *“I did not have, I had no relationship with Minister Caruana.”*⁴

32. On her part, Minister Caruana testified that she had known Mr Bogdanovic for many years, and had worked with him on several occasions in the past (for example on an inclusion programme in the Xewkija Tigers football club). She also testified that at the time when she was no longer a minister between January and November 2020, she and Mr Bogdanovic used to communicate, talk, and hold meetings, together with other people, about her political strategy. However, when I asked her whether she had a relationship with Mr Bogdanovic, she replied: *“I did not. I did not. I did not. Now, friendship, I have plenty.”*⁵

33. In my opinion, this friendship between the Minister and Mr Bogdanovic is sufficient to trigger the provisions of articles 5.1, 5.4 and 8.6 of the Code of Ethics if it turns out that allegations (a) and (c) are true. It should be enough for the purposes of articles 124 and 125 of the Criminal Code too. There is case-law indicating that these two articles apply if a public official serves the private interests of another person to the detriment of the public interest, and there is no need to provide evidence as to the precise nature of the relationship between them.⁶

34. For these reasons, the testimony given by Minister Caruana and Mr Bogdanovic about their friendship is sufficient for the purposes of this investigation and I do not need to go into whether their relationship goes beyond friendship as alleged by the Complainant. Therefore I did not ask the Complainant to provide me with the evidence that she claimed to have in her possession concerning this.

⁴ Document B/DB/1, pages 13 and 14.

⁵ Document B/JC/1, pages 1 and 8.

⁶ Judgment of the Court of Criminal Appeal (Judge Michael Mallia) of 13 November 2013 in the case Police (Insp. Angelo Gafà) v. Philip Azzopardi and Anthony Mifsud.



INVESTIGATION PROCEDURE

Evidence gathered

35. In the course of my investigation I have gathered testimony under oath and documentation as indicated below:

36. Ms **Alison Bogdanovic**, former wife of Danijel Bogdanovic (the Complainant), gave oral testimony on 7 April 2021. On 7 April the Complainant also provided me with the following documents:

- a Ministry for Education business card with Mr Bogdanovic's name and the title of Coordinating Officer;
- a photograph of a Ministry for Education security tag showing the name "*Danierl Bongdanovic*" [sic] with the word "*Secretariat*" beneath it;
- a screenshot of the government email directory listing Danijel Bogdanovic as a Secretariat Officer at the Ministry for Education;
- the employment contract of Danijel Bogdanovic with the Community Work Scheme Enterprise Foundation; and
- four of Mr Bogdanovic's payslips for the period from September to December 2020.

37. **Dr Francis Fabri**, Permanent Secretary within the Ministry for Education, provided me with information in writing on 13 April 2021 in response to a letter I wrote to him. He testified on 14 April, 21 July and 16 September 2021. By means of an email dated 5 May, he also provided me with documents which include the following:

- correspondence concerning the transfer of Mr Bogdanovic from the Ministry for Gozo to the Ministry for Education in December 2020;
- an email from Dr Paul Debattista, consultant to Minister Caruana, in which Dr Debattista explained that the Minister wished to conduct an evaluation of the National Sport School (NSS);
- the terms of reference for the NSS evaluation exercise, setting out the required qualifications and the criteria for the selection of the individual;
- a copy of Mr Bogdanovic's CV;



- correspondence between the Ministry for Education and the Direct Orders Office within the Ministry for Finance concerning the award by direct order of the contract for the NSS study;
- a scan of the same contract as signed by Dr Fabri and Mr Bogdanovic;
- correspondence concerning a payment of €5,900 that was made to Mr Bogdanovic under the same contract; and
- a scan of a report entitled *Assessment, Review and Recommendations for National Sports School: A Proposal to the Minister for Education*, which names Mr Bogdanovic as the author of the report and is dated 23 March 2021.

38. By means of an email dated 2 August 2021, Dr Fabri provided me with a copy of a letter informing Mr Bogdanovic of the termination of his contract, as well as the original correspondence by means of which the report had been sent to Dr Fabri by Dr Debattista.

39. **Dr Paul Debattista**, consultant to Minister Justyne Caruana, testified on 4 August 2021.

40. **Mr Kenneth Cutajar**, Chief Executive Officer of the company District Operations Ltd, testified on 5 August 2021. He provided me with copies of Mr Bogdanovic's payslips for the period between December 2020 and June 2021 and a copy of Mr Bogdanovic's performance report for the year 2020.

41. **Mr John Borg**, Permanent Secretary of the Ministry for Gozo, testified on 12 August 2021.

42. **Mr Johnny Camilleri**, Head of Customer Care within Minister Caruana's secretariat, testified on 12 August 2021.

43. **Mr Danijel Bogdanovic** testified on 23 August 2021. On 30 August he provided me with a USB drive containing two different draft versions of the report on the National Sport School.

44. The **Hon. Dr Justyne Caruana**, Minister for Education, testified on 26 August 2021. She made written submissions on 22 October 2021.

45. **Mr Joseph Caruana Curran**, President of the Aquatic Sports Association of Malta, testified on 1 September 2021. He provided me with screenshots of messages exchanged between him and Dr Debattista.



46. **Mr Bjorn Vassallo**, President of the Malta Football Association, testified on 16 September 2021.

47. **Mr Glenn Micallef**, Head of the Prime Minister's Secretariat, testified on 27 September 2021. He provided me with a copy of a request for Mr Bogdanovic to undergo security clearance for service as a member of Minister Caruana's secretariat.

48. I requested information from **Dr Joyce Cassar**, Permanent Secretary, People and Standards Division within the Office of the Prime Minister, regarding the engagement of Mr Bogdanovic by Minister Caruana as a person of trust. Dr Cassar replied briefly on 7 September 2021 and in more detail on 9 September 2021.

49. I requested information from **Ms Paulanne Mamo**, Accountant General, Ministry for Finance and Employment, on payments made to Mr Bogdanovic for his services. She replied by means of a letter dated 9 September 2021.

50. The National Sport School report as provided to me by Dr Francis Fabri was in the form of a scan, that is to say a document in a format which was not original and which therefore lacked the author's electronic details. As a result, and after hearing the testimony of Dr Paul Debattista and Danijel Bogdanovic, I was left in serious doubt as to whether Mr Bogdanovic was really the author of this report.

Acquisition of evidence from the Malta Information Technology Agency

51. I therefore decided to seek access to Mr Bogdanovic's government email account mailbox. I corresponded with the **Malta Information Technology Agency (MITA)** and requested all emails sent and received by Danijel Bogdanovic since 1 December 2020 and the mail server logs for his email account starting from the same date. This information was provided to me.

52. From the contents of Mr Bogdanovic's mailbox, I decided to treat as evidence everything which could directly or indirectly be considered connected with the case. I granted Minister Caruana access to these emails, together with the testimony and evidence previously gathered, for the purposes of article 18(3) of the Standards in Public Life Act. However, not all of these emails are relevant to my investigation, and therefore the emails I am presenting as evidence along with this report are the ones to which I actually refer in the report. This represents a rather more limited selection than that



disclosed to Minister Caruana. Nevertheless, I have taken care to conduct a balanced analysis of the facts and this is reflected in the choice of emails.

Presentation of the evidence

53. In view of the quantity of evidence gathered for the purposes of this investigation, as well as the private or sensitive nature of some documents forming part of this evidence, I am departing from the practice I adopted in previous investigations, in which I incorporated the evidence as an annex to the case report. In this case the evidence has been divided into three categories:

- **Category A:** documents annexed to this report. This category includes only the complaints that led me to investigate this case, and a reproduction of the article that appeared in the newspaper *MaltaToday*, reference to which was made by Prof. Cassola.
- **Category B:** documents which are being made available separately and which are grouped into two volumes. This category includes transcripts and summaries of oral testimony, written statements, and other documents provided by witnesses. It is my recommendation that when this report is published, the two volumes of category B documents should be published along with it.
- **Category C:** this category includes, among others, the emails from Danijel Bogdanovic's mailbox that I consider relevant to the case; a document provided by the Office of the Prime Minister relating to the engagement of Mr Bogdanovic as a member of Minister Caruana's secretariat; and other documentation which is private in nature and is linked only incidentally to the case. It is my view that the evidence in this category should not be published, but I am willing to make it available to the members of the Standards Committee on a confidential basis at their request.

54. The category of each document is indicated by the suffix "A", "B" or "C" in the document reference number. A list of all the documents in each category is provided with this case report as its first annex, preceding the actual documents in category A.

55. Initially my office started preparing full transcripts of the oral testimony, but in view of the time and resources this required, I decided that summaries should be made for testimony given subsequently. However, the summaries



are detailed and present the most important testimony word for word so as to reassure the reader of their fidelity. Minister Caruana was informed that recordings of witnesses were available in case she needed to refer to them, and they are also available to members of the Standards Committee.

56. When the Complainant testified, she made allegations of a purely personal nature that have no relevance to my investigation and I do not feel that I should publicise them. These allegations have been omitted from the transcript of her testimony as presented in the first volume of evidence in category B. This is indicated in the transcript. This is why the date of last revision of the transcript in question as presented with the evidence is after 1 October, which is when the evidence was disclosed to Minister Caruana.

57. Minister Caruana was shown the unredacted version of the transcript of the Complainant's testimony for the purposes of article 18(3) of the Standards in Public Life Act. In her final submission Minister Caruana responded to this testimony, and in doing so made reference to an allegation that had been omitted from the redacted version of the transcript. Therefore a redaction was also made in the Minister's submission. This redaction involves only three words and does not detract from the substance of the submission, as should be obvious to the reader at a glance.

THE CONTEXT

58. It is important to establish a clear sequence of the key events relating to this case. These may be listed as follows:

2017	Danijel Bogdanovic joins a work scheme in Gozo under Minister Anton Refalo.
2 January 2018	Danijel Bogdanovic joins the Community Work Scheme (which incorporated various work schemes in Gozo) as a Sports Educator assigned to the Ministry for Gozo.
23 November 2020	The Hon. Justyne Caruana is appointed Minister for Education.
4 December 2020	A government email account is opened for Danijel Bogdanovic, who is registered in the government email directory as a Secretariat Officer in the Ministry for Education.



7 December 2020	A request is made by the Ministry for Gozo to District Operations Ltd. to formally transfer Danijel Bogdanovic to the Ministry for Education (still as an employee of the Community Work Scheme).
16 December 2020	The Direct Orders Office within the Ministry for Finance approves a request from the Ministry for Education to award Danijel Bogdanovic a direct order to coordinate works in schools.
10 January 2021	The Ministry for Education denies an allegation by the newspaper <i>MaltaToday</i> that Danijel Bogdanovic is a member of Minister Caruana's secretariat.
15 January 2021	The Direct Orders Office withdraws its approval of the direct order for the coordination of works in schools at the request of the Ministry for Education itself. On the same day the ministry requests approval for another direct order, for Danijel Bogdanovic to conduct a study on the National Sport School. This request is approved on the same day.
26 February 2021	A contract for services is signed for Danijel Bogdanovic to conduct a study on the National Sport School. The contract is valid retroactively from 21 January 2021 and provides for Mr Bogdanovic to be paid €15,000 for three months of work.
8 March 2021	A letter is drawn up inviting Danijel Bogdanovic to sign a contract of employment as Customer Care Officer within Minister Caruana's secretariat. However, Mr Bogdanovic does not sign the contract.
10 March 2021	The Ministry for Education issues a payment of €5,900 to Danijel Bogdanovic for work undertaken by him in January and February as part of the study on the National Sport School.
22 March 2021	<i>MaltaToday</i> publishes a report alleging that the Hon. Caruana awarded a contract of €5,000 per month to Danijel Bogdanovic.



- 23 March 2021 A draft report on the National Sport School is completed, with Danijel Bogdanovic named as the author.
- 23 March 2021 The Ministry for Education terminates the contract for services for the study on the National Sport School with immediate effect.

SUMMARY OF THE EVIDENCE

59. As indicated in this sequence, Danijel Bogdanovic had two different work assignments within the Ministry for Education, and two more assignments were proposed for him although these did not materialise. The four assignments are:

- (a) **Employment in the Community Work Scheme**, which started on 2 January 2018. Mr Bogdanovic spent his first three years in this job serving in the Ministry for Gozo, but in December 2020 he was transferred to the Ministry for Education.
- (b) **Employment as a person of trust in Minister Justyne Caruana's secretariat**. On 8 March 2021, a contract of employment for this position was drawn up for the signature of Mr Bogdanovic, but he does not appear to have signed it. Therefore the appointment did not formally come into effect, and needless to say he was not paid as such.
- (c) **Contract for services to coordinate works in schools**. This contract was proposed to be awarded to Mr Bogdanovic in December 2020, but the proposal was withdrawn without any reason being given. In lieu of this contract Mr Bogdanovic was awarded the one below.
- (d) **Contract for services to conduct a study on the National Sport School**. This contract was signed on 26 February 2021 although it applied retroactively from 21 January 2021. The contract was valid for three months but was terminated on 23 March 2021, one month early.

60. The evidence gathered in connection with each work assignment is presented in the following sections of this report.



THE EMPLOYMENT OF DANIJEL BOGDANOVIC IN THE COMMUNITY WORK SCHEME

The engagement of Danijel Bogdanovic as an employee in the scheme

61. John Borg, Permanent Secretary of the Ministry for Gozo, testified before me that over the years various schemes had been introduced in Gozo for people who could not find work. Mr Borg said that in 2017 Danijel Bogdanovic joined one such scheme, which had been established by agreement between the Employment and Training Corporation (ETC – today Jobsplus) and the Ministry for Gozo. As part of the process the ETC would select candidates, interview them and assign them to a workplace according to their skills. In 2018 the existing schemes in Gozo, including the scheme which Mr Bogdanovic had joined, were incorporated into the current national scheme, known as the Community Work Scheme.⁷

62. Kenneth Cutajar, Chief Executive Officer of the company District Operations Ltd, also testified. This company is entrusted with the administration of the Community Work Scheme. Mr Cutajar said that it was the task of Jobsplus to identify those who merited joining this scheme and to pass their names on to the company. The company recruited them with the Community Workers Scheme Enterprise Foundation (the entity that was officially the employer of those in the scheme) and found them a place of work. The scheme's entry criteria were set by Jobsplus and the company had no say in this. The salaries of the workers in the scheme were paid by the company but it recovered the costs from Jobsplus.

63. Mr Cutajar said that there was also a category of workers who had been admitted to the scheme by Jobsplus on the recommendation of the Ministry for Gozo. These workers were paid their salaries through the same mechanism as the rest, but the Ministry for Gozo reimbursed their salaries to Jobsplus.

64. Mr Cutajar said that Danijel Bogdanovic had joined the Community Work Scheme on 2 January 2018 on the recommendation of the Ministry for Gozo. Mr Bogdanovic had been assigned to the Ministry for Gozo as a Sports Educator, and this ministry reimbursed his salary to Jobsplus. This arrangement remained in place until Mr Bogdanovic was transferred to the Ministry for

⁷ Document B/JB/1, page 1.



Education in 2020. Mr Cutajar also said that Danijel Bogdanovic still worked with the Ministry for Education as part of the scheme, and this ministry was refunding his salary to Jobsplus.⁸

65. Mr Bogdanovic's contract as an employee of the Community Work Scheme took effect on 2 January 2018 and is valid for an indefinite period.⁹

The transfer of Mr Bogdanovic to the Ministry for Education

66. Mr John Borg testified that after the Hon. Justyne Caruana was appointed Minister for Education in November 2020, he learned that Mr Bogdanovic was no longer reporting for work at the Ministry for Gozo. He then found out that Mr Bogdanovic was appearing in the government email directory as a Secretariat Officer within Minister Caruana's secretariat.¹⁰ Mr Borg therefore spoke to the Permanent Secretary of the Ministry for Education, Dr Francis Fabri, with a view to formalising the transfer of Mr Bogdanovic from the Ministry for Gozo to the Ministry for Education. Mr Borg informed the Community Work Scheme that Mr Bogdanovic had been transferred to the Ministry for Education, and the scheme then placed him on the payroll of this ministry.¹¹

67. An exchange of emails dated 7 to 9 December 2020, which was provided to me by Dr Fabri, is consistent with Mr Borg's testimony.¹²

The duties of Danijel Bogdanovic as a Community Work Scheme employee in the Ministry for Education

68. The final email in the aforementioned exchange of messages is from Dr Fabri. In this message, dated 9 December 2020, Dr Fabri said "*Mr Bogdanovic will be assisting in the monitoring of works in state schools.*"¹³

⁸ Document B/KC/1, page 1.

⁹ The contract is reproduced as document C/AB/1.

¹⁰ See document B/Misc/1.

¹¹ Document B/JB/1, pages 1–2.

¹² These emails can be found in document B/FF/5.

¹³ Email of 9 December 2020 at the beginning of document B/FF/5.



69. When he testified before me on 14 April 2021, Dr Fabri gave a description of Mr Bogdanovic's duties that was consistent with this email. Dr Fabri said that Mr Bogdanovic had been tasked with "*seeing to the needs emerging from schools*" so that "*the needs of schools are included in the programmes of works*".¹⁴ Dr Fabri said that Mr Bogdanovic had been assigned this role of coordinating works primarily in relation to schools in Gozo.

70. However, Dr Fabri did not answer when I asked him who Mr Bogdanovic's superior was. Dr Fabri merely said that there was a structure that took care of works in schools. He mentioned precincts officers in colleges, an assistant director who coordinated works at the national level, and the Foundation for Tomorrow's Schools which handled these works. Asked once more to name Mr Bogdanovic's superior, Dr Fabri again referred to the "*structure*" but did not give me a name.¹⁵

71. When Dr Fabri testified before me for the second time on 21 July 2021, he again said that Danijel Bogdanovic was coordinating the maintenance of schools. Dr Fabri said:

Right now, as we speak, if you go to all the state schools, you will see them closed, some people plastering, some painting the walls, some removing windows, others doing one thing or the other. In other words these are works prepared over the past months, there we have a lot of people working on them. He is responsible, along with others, not on his own, he is responsible for taking care of the schools in Gozo, so he coordinates with the FTS [Foundation for Tomorrow's Schools].¹⁶

72. Mr Johnny Camilleri, Head of the Customer Care Unit within the secretariat of Minister Justyne Caruana, gave a completely different picture in his testimony regarding Danijel Bogdanovic's duties as a Community Work Scheme employee. He said that Mr Bogdanovic was based in the Gozo office of the Ministry for Education. The secretariat's Customer Care Unit was based in this office along with other sections of the ministry, meaning that the Gozo office of the Ministry for Education was not used exclusively by Minister Caruana's secretariat. Mr Camilleri said that Mr Bogdanovic was not assigned

¹⁴ Document B/FF/3, lines 139–142.

¹⁵ Document B/FF/3, lines 248–253 u 262.

¹⁶ Document B/FF/13, lines 301–306.



to the secretariat but was present every day and “lends us a hand too”. He said that Mr Bogdanovic “helps us, he helps us with documents, photocopies, people who come in, temperatures ...”. Mr Camilleri testified on 12 August 2021, but he said that Mr Bogdanovic had been working in the ministry’s Gozo office since it opened in January or February 2021.¹⁷

73. When he testified for the third time on 16 September 2021, Dr Francis Fabri no longer insisted on his version of Mr Bogdanovic’s duties. He merely said that he could not know what every employee in the ministry did: “To us, Danijel Bogdanovic is a name and surname.”¹⁸ This, together with the fact that in his previous testimony Dr Fabri was vague and did not give details of what he described as Mr Bogdanovic’s work, renders his testimony unreliable.

74. Moreover, Mr Bogdanovic himself gave a version similar to that of Johnny Camilleri when asked about his work as a Community Work Scheme employee assigned to the Ministry for Education in Gozo. He said “when photocopies are needed, I collect the photocopies, I make photocopies, I drive whoever to do whatever ... if someone needs to collect something from somewhere, if he has a meeting, I used to do everything”. Mr Bogdanovic also said:

for example certain people from the office have a meeting with the Ministry for Gozo, you can’t find parking there, so he gets me to, ah I drive him there. I wait for him, no problem ... I, that’s that. If there is an event about schools, for example when there would be press conferences of the ... the Minister and we would need to carry some things and so on, I drive people, pick up people, transport things, I do things like that [...].¹⁹

The allegation that the Minister increased Mr Bogdanovic’s salary

75. The Complainant alleged that Mr Bogdanovic’s salary had been increased by approximately €500 per month. As evidence of this she presented me with Mr Bogdanovic’s payslips as an employee of the Community Work Scheme for

¹⁷ Document B/JCam/1, pages 1–2.

¹⁸ Document B/FF/15, page 1.

¹⁹ Document B/DB/1, page 13.



each month from September to December 2020.²⁰ The December 2020 payslip includes the amount of €450 as an “*allowance*”.

76. On the other hand, Kenneth Cutajar, Chief Executive Officer of District Operations Ltd, testified that Mr Bogdanovic did not enjoy any benefits as part of the Community Work Scheme. Mr Cutajar said that in some cases the entity in which particular employees worked might recommend that they be given a higher salary to reflect their responsibilities, but this did not happen in Mr Bogdanovic’s case.

77. Mr Cutajar said that all employees in the scheme were eligible for a performance bonus of €450. This was paid to each employee by the company, like the normal salary, but the bonus was reimbursed to the company not by Jobsplus, as was done with the normal salary, but directly by the entity where each employee worked. The payment of the bonus depended on a performance appraisal by the entity. Employees who were awarded at least seventy points in the appraisal received the full amount of €450, while those who were awarded fewer points were paid a smaller sum according to the bonus criteria.

78. Mr Cutajar presented me with copies of Mr Bogdanovic’s last eight payslips, i.e. from December 2020 to July 2021.²¹ These confirm that the December 2020 payment of €450 was a one-off payment and no similar payments were made in subsequent months.

79. Mr Cutajar also provided me with a copy of Mr Bogdanovic’s performance appraisal for the year 2020.²² It was carried out on 28 October 2020 by the official responsible for the Gozo Sports Complex, and Mr Bogdanovic was awarded 88 points. During this period Mr Bogdanovic was still assigned to the Ministry for Gozo.

²⁰ Document C/AB/2.

²¹ Documents C/KC/1a to C/KC/1h.

²² Document C/KC/3.



THE PROCESS OF ENGAGEMENT OF DANIJEL BOGDANOVIC AS A MEMBER OF MINISTER CARUANA'S SECRETARIAT

80. As I have already mentioned in this report, in early December 2020 Danijel Bogdanovic began to report for work at the Ministry for Education instead of the Ministry for Gozo, and he was registered in the government email directory as a Secretariat Officer. As a result the Permanent Secretary of the Ministry for Gozo took steps to formalise the transfer of Mr Bogdanovic to the Ministry for Education.

81. When the Complainant testified before me, she showed me a Ministry for Education business card with the name "*Daniel Bogdanovic*" and the title of "*Coordinating Officer*".²³ She also showed me a photograph of a security tag belonging to the same ministry (the type worn by a lanyard around the neck) with the name "*Daniel Bongdanovic*" [sic] and the word "*Secretariat*".²⁴

82. The Permanent Secretary of the Ministry for Education, Dr Francis Fabri, testified that although Mr Bogdanovic had been on the list of persons whom Minister Justyne Caruana wished to employ in her secretariat, the engagement process was not concluded in his case and he remained an employee of the Community Work Scheme. Dr Fabri said that had Mr Bogdanovic been engaged as a member of the secretariat, he would have had to resign from this scheme and serve under a secretariat contract, but this did not happen and "*there is no effective contract*".²⁵

83. Dr Fabri said that he did not know about either Mr Bogdanovic's business card or his security tag. As regards the email account, he said that Mr Bogdanovic could have been registered in the directory as a Secretariat Officer in anticipation since the process for his engagement in Minister Caruana's secretariat had begun. Dr Fabri also said that he had taken steps for the removal of Mr Bogdanovic's email account.

84. According to the documentation supplied to me by the Malta Information Technology Agency, an official email account for Danijel Bogdanovic was opened on 4 December 2020 under the display name

²³ Document B/AB/2.

²⁴ Document B/AB/3.

²⁵ Document B/FF/13, line 233.



“Bogdanovic Daniel at MFED”.²⁶ “MFED” is the official abbreviation of “Ministry for Education”. It is therefore a reasonable conclusion that Mr Bogdanovic started to appear as a Secretariat Officer in the government email directory from this date onwards. Mr Bogdanovic’s email account was closed on 30 March 2021.²⁷

85. It also turns out that on 10 December 2020 a request was made by the office of the Chief Information Officer at the Ministry for Education to provide Mr Bogdanovic with a laptop. In this request, Mr Bogdanovic’s department was listed as *“Secretariat”*.²⁸

86. On 29 December 2020 Dr Paul Debattista, consultant to Minister Justyne Caruana, wrote to Glenn Micallef, head of the Prime Minister’s secretariat. Dr Debattista said *“Following your approval of Daniel Bogdanovic, from your end on 2nd December, we would like to have him in the Secretariat as Customer Care [sic] on Scale 6.”* Mr Micallef replied on the same day and told him that he could proceed.

87. At this point some clarification is in order concerning position titles in secretariats. The engagement of secretariat staff is governed by chapter 7 of a government document entitled *Manual on Resourcing Policies and Procedures*. This manual sets out a common structure for ministers’ secretariats which includes the positions of Secretariat Officer in salary scale 10, Coordinating Officer in salary scale 7, and Customer Care Officer in salary scale 6.²⁹ In the government pay structure, the smaller the scale number the higher the salary, meaning that the highest of these three positions is that of Customer Care Officer.

88. An earlier investigation of mine indicates that the title of Secretariat Officer tends to be used as a generic title for secretariat staff when they are

²⁶ Document C/E/1.

²⁷ Document C/M/3, page 4.

²⁸ Document C/E/2.

²⁹ *Manual on Resourcing Policies and Procedures*, November 2021 (accessible from https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20C ode/PSMC%20Manuals/Manual_on_Resourcing_Policies_and_Procedures.pdf), paragraph 7.7.5.



listed in the government email directory.³⁰ Therefore the fact that Danijel Bogdanovic was registered in the directory under this title does not necessarily mean that he was going to be given this particular position. Rather, the business card indicates that the original intention was to engage Mr Bogdanovic as Coordinating Officer, but it appears that later on there was a change of plans and the position of Customer Care Officer was earmarked for him instead.

Secretariat contract approved and offered, but not signed

89. On 5 March 2021 Danijel Bogdanovic sent a scan of his police conduct certificate to Dr Paul Debattista, who promptly forwarded it to the ministry administration. As a result of this, on 8 March 2021 Dr Debattista received a draft letter from Dr Francis Fabri, the ministry's Permanent Secretary. The draft was addressed to Danijel Bogdanovic and was intended to inform him that he was being given the position of Customer Care Officer in salary scale 6.³¹ However it does not appear that Mr Bogdanovic signed the contract.

90. The manual dictates that, had Mr Bogdanovic signed the contract, a copy should have been sent to the People and Standards Division within the Office of the Prime Minister. Mr Bogdanovic should also have been included in the government payroll, which is administered by the same division. Dr Joyce Cassar, Permanent Secretary responsible for this division, stated on 9 September 2021 that Mr Bogdanovic "*neither appears nor has appeared in the Government payroll since 1 December 2020*", and that the division "*never received a copy of a contract relating to Mr Bogdanovic as a person of trust as required by Chapter 7 of the Manual on Resourcing Policies and Procedures*".³² This confirms that the contract did not enter into force.

91. Mr Bogdanovic testified that as soon as "*shows*" started appearing in the newspapers, he decided that he did not want to form part of the secretariat since he had not done anything wrong:

³⁰ See paragraphs 9, 14 and 15 of my report on case K/024 (issued on 1 September 2020), which is accessible from <https://standardscommissioner.com/wp-content/uploads/Commissioner-for-Standards-case-report-K024.pdf>.

³¹ Documents C/E/4 and C/E/4a.

³² Document B/PSD/4.



*I decided, I told them listen, I told them this is not for me. I am, I am a very capable person and, and, and, and I'm very, very ... very willing to, to, to ... to give a good service, as I have always given to this country, because I broke my leg twice for this country, and, and I made a lot of sacrifices for this country. I never asked for anything in return, that is, I was always trying to do something for the good. Obviously then I decided, listen, this, this is not for me.*³³

92. Mr Bogdanovic also made reference to football: *“even because, because of football as well, I did not know what doing that kind of work means, I mean, being part of the secretariat, being involved in, in, in this kind of work, and the amount of hours that, that, that it requires”*. Asked how long it took after receiving the invitation to work with the secretariat before he communicated his decision to stop, Mr Bogdanovic said *“a couple of months, a couple of months probably”* and *“between a month and two, somewhere around that bracket.”* He also said *“It was not my world, let’s put it that way”*.³⁴

93. On the other hand, Minister Justyne Caruana testified that the decision to stop the process of engagement of Mr Bogdanovic as a member of the secretariat came from both sides. Asked why, the Minister explained that much of the work of her secretariat related to customer care. She said that Mr Bogdanovic’s commitments were incompatible with the work of the secretariat, especially in view of the hours involved.³⁵

The role of Danijel Bogdanovic as a secretariat member

94. Although Danijel Bogdanovic never signed his contract of engagement as a member of Minister Caruana’s secretariat, it appears that he was still being considered as a member of the secretariat. For example, on 11 March 2021 Johnny Camilleri, head of the Customer Care Unit within the secretariat, sent an email to various secretariat staff to assign them areas of responsibility. Mr Bogdanovic was not among those assigned an area of responsibility but he still received a copy of the email.³⁶ On three occasions between 17 and 19 March 2021, Dr Paul Debattista wrote to Minister Caruana in connection with the

³³ Document B/DB/1, page 3.

³⁴ Document B/DB/1, page 3.

³⁵ Document B/JC/1, page 1.

³⁶ Document C/E/6.



then-ongoing budget debate in Parliament. These emails were copied to some members of the Minister's secretariat as well as to Mr Bogdanovic. He was also copied in when Minister Caruana herself sent an email on the same subject to some members of her secretariat on 18 March 2021.³⁷

95. Having said this, if Mr Bogdanovic was de facto a member of the secretariat, it is unclear what his role as such was. It does not emerge from the emails provided to me by the Malta Information Technology Agency that Mr Bogdanovic had any particular responsibilities, apart from the study on the National Sport School (which was covered by a separate contract). It is significant that in his email of 11 March 2021, Johnny Camilleri did not allocate any area of responsibility to Mr Bogdanovic, even though as prospective Customer Care Officer Mr Bogdanovic would have fallen directly within Mr Camilleri's sphere of competence.

96. When Mr Bogdanovic testified before me, I asked him what his role was to have been within the secretariat. He said:

*everything, I think because I ... I ... I ... I didn't have a specific, specific, erm ... task. I used to erm ... organise, for example, let's say an event in, I don't know, in a school, and listen there needs to be, there needs to be, carry these banners, this needs to be done, that needs to be done, there needs ... so I was overseeing everything, coordinating with ... with ... with others.*³⁸

97. On the one hand, this testimony indicates that Mr Bogdanovic was indeed considered a de facto member of the secretariat, although he did not have a contract and was not specifically paid as such. On the other hand, this is logistics work closely resembling Mr Bogdanovic's work (as described by himself and by Johnny Camilleri) as a Community Work Scheme employee serving in the Ministry for Education, except perhaps for the working hours. This leads me to believe that in practice little distinction was made between the two roles of Mr Bogdanovic.

³⁷ Documents C/E/7 and C/E/8.

³⁸ Document B/DB/1, page 3.



The allocation of a car

98. According to chapter 7 of the *Manual on Resourcing Policies and Procedures*, within a minister's secretariat only the Head of Secretariat, the Private Secretary and the Assistant Private Secretary are entitled to an official car for their use, although the Customer Care Officer and the Communication Secretary are each given a car allowance of €4,658.75.³⁹ In addition, a minister's secretariat may also have two cars for the general use of secretariat messengers. The manual states as follows with regard to these two cars:

*On no account may any vehicle from the Secretariat car pool be used by Secretariat officers for personal use during or outside office hours. Only Secretariat staff entitled to the use of an official car in terms of their Secretariat Agreement are permitted to take their official vehicle home at the end of each day.*⁴⁰

99. In his testimony Mr Johnny Camilleri was consistent with this rule when he stated that in the ministry no one had a car for his exclusive use, but the secretariat had two cars that were used by staff for the needs of the Gozo office of the Ministry for Education. He said that when it was necessary Mr Bogdanovic would take one of these cars to run errands for the ministry.⁴¹

100. Mr Bogdanovic testified that he would use an official car for ministry errands, but it was an office car and he was not the only one who drove it. The car would be parked near the office but sometimes it would be parked in front of his garage because the ministry's Gozo office only has two parking spaces.⁴²

101. However, an email exchange in December 2020 introduces a note of ambiguity and can be understood to mean that both Johnny Camilleri and Danijel Bogdanovic had cars for their own use, although this would not have been in accordance with the rules.

102. On 21 December 2020 Dr Paul Debattista, consultant within Minister Caruana's secretariat, wrote to the Director General (Strategy and Support) at the ministry to tell her to "*Kindly terminate the leasing contract of the present*

³⁹ *Manual on Resourcing Policies and Procedures*, chapter 7, appendix Ć (page 153).

⁴⁰ *Manual on Resourcing Policies and Procedures*, paragraph 7.8.14.

⁴¹ Document B/JCam/1, page 2.

⁴² Document B/DB/1, page 2.



two vehicles being utilised by secretariat staff as end of December 2020. As from 1st January 2021, we would like to enter into a leasing agreement with another company. Steven Gauci [Minister Caruana's Private Secretary] is getting three quotations." Two days later, on 23 December 2020, the Senior Manager (Transport and Logistics) within the ministry administration wrote to Dr Debattista to ask him from whom the keys to the existing cars should be collected in order to return them upon the termination of their lease. Dr Debattista answered *"From Johnny Camilleri and Daniel Bogdanovic"*.⁴³

103. However, this is not enough for me to conclude that Danijel Bogdanovic had a ministry car for his own use.

The allocation of a mobile phone

104. The Complainant based her allegation that Mr Bogdanovic had a government-funded mobile phone on the fact that, according to her, he had changed his mobile service provider in October 2020. The Complainant alleged that at that stage *"he already knew that he was going to get a job with the Minister"*.⁴⁴ However, I should observe that the Hon. Justyne Caruana's appointment as Minister for Education was only announced on 21 November 2020.⁴⁵

105. Minister Caruana testified that neither she nor her staff had been given mobile phones, but she and her head of secretariat alone had their bills refunded by the ministry:

"No one was given phones, I do not have a phone either ... I have just given them my bills, I mean since November [2020, when she was appointed minister] it's taken me till now to give them my bills. The ... the ... the telephone erm, this is what we have, as far as I know, myself, the chief of staff [head of secretariat] and, and no one from the secretariat, the others do not have a telephone concession".⁴⁶

⁴³ Exchange of emails in Document C/E/3.

⁴⁴ Document B/AB/1, lines 240–244.

⁴⁵ See the Department of Information press release accessible from <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2020/November/21/pr202348.aspx>.

⁴⁶ Document B/JC/1, page 2.



106. Minister Caruana’s testimony on this point is not consistent with the *Manual on Resourcing Policies and Procedures*, which sets out a list of positions in ministers’ secretariats that are entitled to a “fully expensed mobile telephone”. These are the positions of Head of Secretariat, Private Secretary, Assistant Private Secretary, Communication Secretary and Customer Care Officer.⁴⁷ Therefore it is not only ministers and the heads of their secretariats who are entitled to a government-funded mobile phone.

107. However, I have no indication that Danijel Bogdanovic had a government-funded mobile phone or that the government was paying his mobile phone bill. It should be recalled that Mr Bogdanovic did not sign his contract of engagement as Customer Care Officer, so he was not entitled to a mobile phone.

Order to terminate the engagement of Danijel Bogdanovic as secretariat member

108. As I mentioned earlier in this report, on 29 December 2020 an exchange of emails took place in which Glenn Micallef, head of the Prime Minister’s secretariat, authorised the engagement of Danijel Bogdanovic as Customer Care Officer in the secretariat of Minister Justyne Caruana. On 23 March 2021 Mr Micallef sent an email as part of the same exchange to Dr Paul Debattista and Steve Mifsud, the head of Minister Caruana’s secretariat, saying “*The contract referred to below is to be terminated with immediate effect.*”⁴⁸

109. In order to eliminate any possible ambiguity regarding which contract Glenn Micallef was referring to in his email of 23 March 2021, I asked him to testify before me. He confirmed that he had been referring to the contract of engagement of Danijel Bogdanovic as a member of Minister Caruana’s secretariat, not the contract for service for a study of the National Sport School.

110. Mr Micallef said that his role as head of the Prime Minister’s secretariat according to the Cabinet manual of procedures was to approve engagements in ministers’ secretariats. As soon as the story about Mr Bogdanovic appeared in the media, Mr Micallef spoke to the Prime Minister and gave the order to terminate Mr Bogdanovic’s employment as a member of Minister Caruana’s

⁴⁷ *Manual on Resourcing Policies and Procedures*, paragraph 7.8.13.

⁴⁸ Document C/E/9.



secretariat, which had originally been authorised by the Office of the Prime Minister on 2 December 2020. Mr Micallef said, however, that *“I was informed by the [education] ministry that it [the secretariat contract] had never been signed and had never come into effect.”*⁴⁹

111. Mr Micallef stated that he had no role in the award of contracts for services. He had not therefore been involved in the termination of the contract on the National Sport School and did not know what communications about this took place.

THE PROPOSAL TO AWARD DANIJEL BOGDANOVIC A CONTRACT TO COORDINATE WORKS IN SCHOOLS

112. An exchange of correspondence between the Ministry for Finance and the Ministry for Education shows that on 9 December 2020, the Ministry for Education requested approval for Danijel Bogdanovic to be awarded a contract by direct order to provide *“support services on school maintenance projects”*. This contract envisaged visits to schools to identify the need for maintenance works; coordination of the works with the precincts officer responsible for each school; and monitoring of progress in the works.⁵⁰

113. This contract was intended to run for twelve months and would have involved a fee of €12.50 per hour for a maximum of 30 hours per week, amounting to €19,500 over one year.

114. On 16 December 2020 the Direct Orders Office of the Ministry for Finance issued its approval for this contract to be awarded by direct order. However, the same office withdrew its approval after only one month, on 15 January 2021, at the request of the Ministry for Education itself.

115. It is not known why the Ministry for Education requested approval for this direct order in the first place, only to ask for the withdrawal of the approval a month later. I can observe that on 15 January 2021, that is on the very day when the approval was cancelled, the Ministry for Education requested approval for the award by direct order of another contract to Mr Bogdanovic: the one concerning the National Sport School. Approval was granted on the

⁴⁹ Document C/GM/1, page 1.

⁵⁰ Document C/E/10.



same day.⁵¹ This contract involved a fee of €15,000 over a period of three months without specifying the number of hours to be worked. It can therefore be considered more favourable for Mr Bogdanovic by comparison with the contract for the coordination of school works, which provided for the payment of €1,625 per month for 30 hours of work per week.

THE CONTRACT FOR THE STUDY ON THE NATIONAL SPORT SCHOOL

How did the proposal to conduct a study on the National Sport School originate?

116. Dr Paul Debattista, consultant to Minister Justyne Caruana, testified that as soon as the Hon. Caruana assumed office as Minister for Education, she received several comments and complaints, *“including through Customer Care”*, on the National Sport School. As a result the Minister told Dr Debattista that it was necessary to conduct a review of the operations of this school nine years after it had been set up. She asked him to prepare the terms of reference for such a study.⁵²

117. Dr Debattista’s statement that complaints were made about the National Sport School through *“Customer Care”* is not corroborated by Johnny Camilleri, head of the Customer Care Unit within the Minister Caruana’s secretariat. Mr Camilleri testified that he had never received comments or complaints about the National Sport School, and his staff had never told him that there were any problems at the school.⁵³

118. Minister Justyne Caruana testified that since its opening the National Sport School had always been a *“hot potato”*, and there had been *“insinuations [...] which everyone knows, about how to get in, who is chosen, how, etc.”* On the eve of the opening of the application period for admission to the school, she had received anonymous reports on the same subject. The Minister said she had also had meetings with the Malta Football Association (MFA), which indicated that it no longer wished to contribute to the National Sport School. The Minister said *“Imagine, the bulk of the, of the NSS [National Sports School]*

⁵¹ Document B/FF/7.

⁵² Document B/PD/1, page 1.

⁵³ Document B/JCam/1, page 2.



which is football, the MFA quitting, I have just started as Minister for Education, you can imagine, what ... what a blow it would have been.” This led her to conclude that a study about the school was needed “to give me a snapshot, so that at least I could understand what is going on”.⁵⁴

119. This testimony is corroborated by that of Bjorn Vassallo, President of the MFA, who testified that he had met Minister Justyne Caruana “*once or twice*” about the National Sport School. According to Mr Vassallo, the MFA’s position was that the school had to select children according to their talent in sport, not their academic abilities. He had told Minister Caruana that unless this was done the MFA was ready to terminate its involvement in the school. The MFA was responsible for the football curriculum and even used to send its coaches to train students at the school, against payment from public funds, but the MFA was setting up a foundation to take on the role of fostering young players. In fact, subsequently MFA coaches no longer remained involved in the National Sport School and this school engaged its own coaches.⁵⁵

How Danijel Bogdanovic was chosen to carry out the study

120. When Dr Francis Fabri, the Permanent Secretary of the Ministry for Education, testified before me, I asked him who had identified Mr Bogdanovic to conduct the study on the National Sport School, and in particular whether Minister Caruana had proposed him, as reported in the media. Dr Fabri said: “*What I can say is that we [he and his subordinates] processed the request, as we were expected to do*”. He also said, “*Do understand, I prefer, I do not feel comfortable answering on the Minister’s behalf. I would prefer it if the Minister answered for herself*”.⁵⁶ I repeated the same question several times but Dr Fabri remained evasive.⁵⁷

121. Dr Paul Debattista, consultant to Minister Justyne Caruana, gave a more direct answer to the same question. Dr Debattista testified that he had advised the Minister that such a study had to be carried out by a person extraneous to the ministry in order to be more objective. He had presented to her the terms

⁵⁴ Document B/JC/1, pages 3–4.

⁵⁵ Document B/BV/1, page 1.

⁵⁶ Document B/FF/3, lines 403, 410–411.

⁵⁷ Document B/FF/3, lines 404–406, 418–424, 425–427, 650–654, and 744–750.



of reference for the study, the criteria for the selection of the person to conduct the study, and an estimate of how much this person should be paid.

122. Dr Debattista said that the Minister had accepted the terms of reference and the criteria, and she had put forward Danijel Bogdanovic's name. Dr Debattista said: *"I have never, in the past twenty-five years during which I have worked with, with ministers, I have never proposed names. I propose what the person should have, the criteria, the eligibility of the individual, but I don't get involved. She gave me a name, that of Danijel Bogdanovic."*⁵⁸

123. Dr Debattista said that at the time he knew who Mr Bogdanovic was although he did not know him personally, and it seemed to him that Mr Bogdanovic satisfied the eligibility parameters that he had drawn up. He therefore approached the office of the Permanent Secretary to handle the procedure so that Mr Bogdanovic could be engaged to conduct the study.

124. Dr Debattista also said that the presidents of the Aquatic Sports Association and the Malta Football Association had been consulted about the selection of Mr Bogdanovic, and they had indicated that in their view the choice was a good one.

125. On her part Minister Caruana testified that her first thought had been to hire a consultancy firm to conduct the study on the National Sport School. However, the Minister had spoken to Bjorn Vassallo, President of the MFA, and Joe Caruana Curran, President of the Aquatic Sports Association, and they had both advised her differently:

They told me to catch a thief you need a thief, they told me so it is useless to hire a firm, they told me you need someone who, who, he's on the ground, knows things, the sector etc. And they asked me do you know someone? I told them well, indicate someone to me and ... I'll consider it. And you know, one word leads to another and sort of, I know Danijel Bogdanovic. We spoke, we mentioned him, and sort of, yes, he is the right person to do it. However I did not rely on that suggestion alone, so if anyone thinks that the name cropped up and I just stuck to that advice, that is not the case.

⁵⁸ Document B/PD/1, page 1.



126. The Minister said by way of clarification that apart from Mr Bogdanovic, several former players with the Maltese national football team had been mentioned. She continued:

What we did then, through, through, through Paul Debattista because I have known him for years, and as soon as I started at the ministry, he has long been my consultant. We carried out a comparative exercise. First of all on experience, however, erm, one important criterion pointed out to me was that he had to be someone ... that person must not have anything to do or never had anything to do with the NSS. A totally, erm, a total outsider from the ... from the NSS system. And, and, in fact, a report was drawn up, a report was drawn up, erm ... and that's how the choice was made."

127. The Minister confirmed that this report was about the selection of the person who should conduct the study on the National Sport School. She said that the report was "*a totally objective exercise.*"⁵⁹

128. I asked the Minister whether she had requested Dr Debattista to draw up the terms of reference and selection criteria, and whether she had given him Mr Bogdanovic's name. The Minister replied:

*Yes, of course, of course, of course. Let's go then. We had the name, right? But I didn't just rely on one name. I wanted to carry out an evaluation to see whether this name was the right one. And that was done. Then obviously the terms of reference for ... for ... for... for what I wanted were drawn up, and, and there was, now as far as contracts and so on are concerned I didn't get involved but I wouldn't know. However, the name, the name, was not something I came to by myself. There were expert people who were indicating that he might be the right person, but then, an exercise was carried out to see whether there were other people who could qualify. And the only person who had nothing to do with the NSS, and with experience abroad and what not, this was confirmed by this exercise that was done, which mind you, I didn't do it, I'm not competent to do it."*⁶⁰

⁵⁹ Document B/JC/1, page 4.

⁶⁰ Document B/JC/1, pages 4–5.



129. I cannot rely on this testimony for a number of reasons.

130. Firstly, it is very difficult for me to accept Dr Debattista's statement that he did not know Danijel Bogdanovic personally when the latter's name was mentioned by the Minister. Dr Debattista even says that he met Mr Bogdanovic for the first time when he started talking to him in connection with the National Sport School contract, and that he had never seen him before in the Minister's secretariat.⁶¹ But as this report has already shown, both Dr Debattista and Mr Bogdanovic were serving in the secretariat – de jure in Dr Debattista's case and de facto in Mr Bogdanovic's case. It was Dr Debattista who in December 2020 informed the ministry administration that Mr Bogdanovic had the keys to one of the leased cars that the secretariat wished to return, and it was also he who requested approval from the Office of the Prime Minister that same month to appoint Mr Bogdanovic as Customer Care Officer.⁶²

131. I should also point out that Minister Caruana disagreed with Dr Paul Debattista with regard to the sequence of events leading to the choice of Mr Bogdanovic. According to Dr Debattista, the Minister asked him to prepare terms of reference and selection criteria; he did so; and then the Minister put forward the name of Mr Bogdanovic. According to the Minister, Mr Bogdanovic's name was proposed first, then the terms of reference were drawn up and an evaluation was carried out to determine whether Mr Bogdanovic was the best person to conduct the study.

132. While the Minister was testifying, I drew her attention to this divergence. She replied:

*Look, as a sequence let us say it was not so, one thing after another, let us say that everything was happening at once. Erm, that is, not that I want to contradict Dr Debattista or that I am right, but everything was being done at the same, at the same, more or less at the same time. But these were the circumstances, that is, it is not a question of me having awarded a contract to someone I know. That is something I cannot accept. I'm sorry. I have never done things like that. And I will never do things like that. I have never mixed one thing up with another.*⁶³

⁶¹ Document B/PD/1, page 4.

⁶² Documents C/E/3 and C/E/9.

⁶³ Document B/JC/1, page 8.



133. In addition, both Dr Debattista and Minister Caruana claimed that Joe Caruana Curran and Bjorn Vassallo had been consulted about the selection of Mr Bogdanovic, but in their own testimony before me both individuals said that they had not been consulted.

134. Joe Caruana Curran, President of the Aquatic Sports Association of Malta, testified that he had a meeting with Minister Justyne Caruana about the National Sport School on Monday 22 March 2021. He had been invited to the meeting by Dr Paul Debattista, who was present together with Danijel Bogdanovic and the Minister. Mr Caruana Curran said that during the meeting he was informed that a study was being carried out on how the National Sport School could be improved, and he was asked for his thoughts in this regard. During the meeting he gave some ideas, and it was agreed that he would send written notes to Mr Bogdanovic for consideration as part of the report that was being compiled. However, Mr Caruana Curran did not send anything because on the eve of the meeting *MaltaToday* had broken the story and the next day the news emerged that Mr Bogdanovic's contract had been terminated.

135. With regard to the grant to Mr Bogdanovic of the contract to conduct a study on the National Sport School, Mr Caruana Curran said: *"I was not consulted as to whether he is the ideal person. I was informed, I was informed, that he was going to conduct it because he is a competent person."* He was informed about this during the meeting itself, in other words when the study was already at an advanced stage, and not before.⁶⁴

136. Bjorn Vassallo, President of the Malta Football Association, testified that the MFA had not been involved in any way in the selection of Mr Bogdanovic to conduct the study on the National Sport School. Mr Vassallo said that two meetings about the school had taken place between the MFA and the ministry, one in January or February 2021 and another one in early March. During the latter meeting the MFA was asked to record everything that had been discussed in a report because an audit of the National Sport School was being carried out. Mr Vassallo said that the MFA sent a four-page report on 23 March 2021.

⁶⁴ Document B/JCC/1, page 2.



137. At that stage Mr Vassallo did not know who was carrying out this audit, but he said: *“I requested that, emm, that it should obviously be someone chosen on merit, who comes from our world, who can understand certain aspects and perhaps not a company that goes there to, at the end of the day, emm, make a report and the report is not detailed and more at the level of principle.”*⁶⁵

138. Finally, the Minister was asked to name the experts with whom she had discussed the selection of Mr Bogdanovic, other than Joe Caruana Curran and Bjorn Vassallo, but she did not do so. She merely said that she had spoken to *“other people, that is to say other people, I try ... but people involved in sports, which I am not, if you mention sports to me it is as if you are saying, I don’t know, something alien, I’m not into it. But ... you bounce ideas.”*⁶⁶

Was Danijel Bogdanovic qualified to conduct a study on the National Sport School?

139. On 12 January 2021 Dr Paul Debattista, consultant to Minister Caruana, wrote to the Permanent Secretary of the Ministry for Education asking him to make the necessary arrangements for the engagement of Danijel Bogdanovic to carry out a study on the National Sport School. In his email Dr Debattista said *“We have identified an expert in this field to carry out this assignment”* – this being a reference to Mr Bogdanovic.⁶⁷

140. Dr Debattista attached to his email a document containing terms of reference in English and a statement in Maltese setting out the criteria on the basis of which Mr Bogdanovic had been selected to conduct the study.⁶⁸ This statement says among other things that:

The majority of individuals who spoke of the need for reform in this school, stressed that [...] the audit needs to be carried out by an individual extraneous to the school who is directly or indirectly involved in the administration of an educational institution.

⁶⁵ Document B/BV/1, page 2.

⁶⁶ Document B/JC/1, page 6.

⁶⁷ Document B/FF/6.

⁶⁸ The terms of reference and selection criteria are recorded separately for the purposes of this report as documents B/FF/6a and B/FF/6b.



Not only that. The Sports Associations with which meetings were held stressed, that the person who is to carry out this audit should be a sportsperson and should have experience in that he or she would have practised the sport, in a professional manner, by participating in championships abroad and forming part of a professional club.

It was also noted that, since about sixty percent of the students attending this school are athletes who practice football, ideally, the person should be a former football player.

It was also mentioned that the individual must also have coaching qualifications.

141. The document goes on to say that there are only four footballers who played abroad on a professional basis for at least five seasons. If one adds the requirement that the person should be in possession of an international coaching certificate, the choice falls on only two persons. The document takes the view that of these two, Danijel Bogdanovic is the most suitable because he played in four European countries, including Italy and England, while the other played in only two countries, and also because Mr Bogdanovic worked with SportMalta by running the Sports on the Move and Skola Sport programmes in Gozo. The document does not name the other players who were considered “due to data protection”.

142. The document concludes by saying:

One should also note that when the name of Daniel Bogdanovic was communicated to some Sports Associations as the individual who might be conducting this audit, the response was positive and one of approval.

On the basis of the above considerations of merit, and there were no other criteria, Daniel Bogdanovic has been identified as the person to conduct this audit.⁶⁹

143. Dr Debattista testified that he had prepared this document as part of the process leading to approval of a direct order. However, the process was handled by the office of the Permanent Secretary.

⁶⁹ Document B/FF/6b.



144. I asked Dr Debattista to explain why the study on the National Sport School had not been entrusted to a person more academically qualified than Mr Bogdanovic. Dr Debattista drew a comparison between this school and the School of Arts, saying that in both cases the study had not been assigned to a person with advanced academic qualifications (such as a doctorate) *“because their background is purely academic and it would be a big mistake if these two branches were run in an academic manner when at least sixty percent of the time is absolutely not academic.”*⁷⁰ As an example, Dr Debattista said that in the case of the National Sport School, an academic person would not focus on students’ nutrition.

145. Dr Debattista testified that when Mr Bogdanovic’s name was proposed to him, his immediate reaction was that prima facie Mr Bogdanovic qualified according to the criteria drawn up by him, but he then obtained a curriculum vitae from Mr Bogdanovic and made a more detailed assessment. From the CV, Dr Debattista saw that apart from the experience that Mr Bogdanovic had obtained abroad, which was well known, he was in the process of qualifying as a football coach. Mr Bogdanovic already held the C and B coaching licences, and he was following the A licence course. Dr Debattista also obtained from Mr Bogdanovic the curriculum of the C and B licence courses and saw that they focussed on the training of youths, including the relationship between the coach and their parents.

146. This evidence does not correspond with other evidence collected by me in the course of my investigation.

147. On 12 January 2021, Dr Debattista emailed a draft of Danijel Bogdanovic’s CV to Danijel Bogdanovic himself.⁷¹ In his email Dr Debattista did not say why he did this: he said only *“Attached is the CV”*. However, he sent it on the very day he wrote to the Permanent Secretary to tell him that an expert in the field had been identified, that is to say when Dr Debattista had supposedly already analysed Mr Bogdanovic’s CV. It appears that instead of obtaining a CV from Mr Bogdanovic as he testified doing, Dr Debattista wrote it for him or at least helped him prepare it.

⁷⁰ Document B/PD/1, page 2.

⁷¹ Documents C/NSS/1 and C/NSS/1a.



148. In the document prepared by Dr Debattista setting out the selection criteria, it is stated that the person chosen to conduct the study should be “*directly or indirectly involved in the administration of an educational institution.*” I take it that Mr Bogdanovic was considered to meet this requirement because, according to the document, he had worked with SportMalta by running the Sports on the Move and Skola Sport programmes in Gozo.⁷² However, this is not mentioned in Mr Bogdanovic’s CV. The early version of the CV that Dr Paul Debattista sent to Mr Bogdanovic states only that Mr Bogdanovic served as “*Coordinator of events at the Gozo Sports Complex.*”⁷³ A more detailed version of Mr Bogdanovic’s CV, which was provided to me by the Permanent Secretary of the Ministry for Education, makes no mention of this at all.⁷⁴ If, therefore, the assessment of Mr Bogdanovic’s qualifications and experience was made on the basis of his CV as claimed by Dr Debattista, it is not clear where this information came from.

149. Furthermore, the document prepared by Dr Debattista states that the criteria used in the identification of Mr Bogdanovic had been drawn up in consultation with various individuals and sports organisations. Neither Dr Debattista nor Minister Caruana named these individuals and organisations, other than Joe Caruana Curran (Aquatic Sports Association) and Bjorn Vassallo (Malta Football Association). The document also states that Mr Bogdanovic’s name “*was communicated to some Sports Associations*”, and that “*the response was positive and one of approval*”. This corresponds to the testimony given by Dr Debattista and the Minister about Joe Caruana Curran and Bjorn Vassallo, but as already stated in this report, these two persons said that they had not been consulted about the selection of Mr Bogdanovic.

150. Finally, Mr Caruana Curran was not happy with the choice of Mr Bogdanovic. He testified that he knew Mr Bogdanovic personally because the latter had been a player with Valletta FC when Mr Caruana Curran was the president of the same club. Asked whether, in his view, Mr Bogdanovic was competent to write reports such as the one on the National Sport School, Mr Caruana Curran said: “*It is not my decision who gets hired to draw up such*

⁷² Document B/FF/6b, page 2.

⁷³ Document C/NSS/1a.

⁷⁴ Document C/FF/1.



reports, but I think there are many more competent people in the country who can draw up such reports as well.”⁷⁵

151. On the other hand Bjorn Vassallo agreed with the selection of Mr Bogdanovic, although he too had not been consulted about this. Mr Vassallo said: *“If you asked me whether I was happy when Danijel Bogdanovic’s name came up, here in Malta there is not much to get confused about in football, meaning there were not many professionals here. Danny was one of them. So I am sure that, with his experience, when we sit at a table and talk and draw up a report, programme, analysis, emm, he is more capable of doing it than any person who is not involved in, in football.”⁷⁶*

Approval to award the contract by direct order

152. When I asked Dr Francis Fabri, the Permanent Secretary of the Ministry for Education, how Mr Bogdanovic had been identified to conduct the study on the National Sport School, his reply was that *“the contract for service followed the established procedures for procuring a service”*.⁷⁷ He said that the Sport School opened in September like all schools, but the student selection process started at the beginning of the year. Therefore there was a *“time window”* to which *“we have to pay a lot of attention”*.⁷⁸ Dr Fabri said that the contract had been awarded in accordance with the regulations on public procurement and it had been authorised by the Ministry for Finance.

153. I have already observed in this report that approval to grant a direct order does not nullify any ethical shortcomings that might be connected to it. I am investigating whether the direct order for the study on the National Sport School was in keeping with ethics, not whether it was granted in accordance with procurement regulations. Dr Fabri’s response is therefore not relevant to me.

154. Having seen the relevant correspondence, however, I feel I should comment on the approval of this direct order. The approval as provided to me by Dr Fabri took the form of an email from the Direct Orders Office of the

⁷⁵ Document B/JCC/1, page 1.

⁷⁶ Document B/BV/1, pages 1–2.

⁷⁷ Document B/FF/3, line 358.

⁷⁸ Document B/FF/3, lines 370–372.



Ministry for Finance dated 15 January 2021.⁷⁹ This email states that “*Approval is being granted*”, but at the same time the approval is “*Subject to submission of copy of contract for service above indicating time frame of contract.*” It also states that “*A formal approval follows*” – I understand this to mean as a letter by post.

155. The correspondence provided to me by the Malta Information Technology Agency reveals that questions later arose about the value of the contract because the Direct Orders Office felt that €5,000 per month was excessive. This office decided to ask the Ministry for Education whether it was content to pay this amount, and to send its formal approval only if it received a positive reply from the ministry. On 24 March 2021 the office wrote to the Permanent Secretary of the Ministry for Finance to inform him of these developments and to tell him that “*The formal approval has not been mailed to them as we are still waiting for their response.*”⁸⁰ This was the day after Mr Bogdanovic’s contract was terminated, meaning that the contract was never formally approved for as long as it remained in force.

156. On the one hand, therefore, the Direct Orders Office approved the award of the contract to Mr Bogdanovic by means of an email, but on the other hand it withheld its letter to confirm its approval. On his part Dr Fabri insists that an email is considered an official document, and therefore the approval was valid.⁸¹ Dr Fabri failed to mention the questions that arose afterwards, and I consider this a shortcoming on his part since he only gave me a partial picture of the facts. At the same time, however, I do not blame him for being confused about the approval of the direct order, because the structuring of the approval process in two separate steps creates unnecessary ambiguity.

157. It does not make sense for the Direct Orders Office to grant permission for the award of a direct order before it issues its final approval for that direct order, as it did in this case, because this renders the final approval irrelevant and the office itself ineffective. If the Direct Orders Office is not satisfied with the information that given to it, it should withhold its approval (even on a preliminary basis) until matters are clarified to its satisfaction. It should then issue its approval once and definitively.

⁷⁹ Document B/FF/7.

⁸⁰ Document C/E/10.

⁸¹ Document B/FF/15, page 2.



The preparation of the draft report on the National Sport School

158. The outcome of the study on the National Sports School was an 81-page report entitled *Assessment, Review and Recommendations for National Sports School: A Proposal to Minister for Education*. The report is dated 23 March 2021 and gives the name of Danijel Bogdanovic as its author.⁸²

159. This report is described both by Dr Francis Fabri, Permanent Secretary of the Ministry for Education, and by Dr Paul Debattista, consultant to Minister Justyne Caruana, as an incomplete draft.⁸³ However the report looks like a finished product with a cover page, a table of contents, an executive summary and recommendations. The report has its second annex missing: this should have contained proposals by the Aquatic Sports Association which, as Joe Caruana Curran testified, were not submitted. Other than this there is nothing obvious about the report to indicate that it is incomplete, except that it appears rather superficial and says little about the selection of students – the aspect that was identified by Minister Caruana in her testimony as the most problematic.

160. The report was provided to me by Dr Fabri as an scanned electronic document in portable document format (PDF). The fact that the report was scanned is important. An electronic document can be converted to PDF in two ways: by conversion directly from the software in which it was created (such as Microsoft Word); or by printing it out and scanning it. A document created using software such as Word automatically records and retains details such as the identity of the persons who originated the document and who last amended it. If the document is converted to PDF using the software, these details are retained, whereas if a document is printed and scanned these details are naturally lost. Therefore the fact that the report was presented to me in the context of an investigation as a scanned PDF struck me as suspicious.

161. Dr Fabri testified that he had received the report in that format from Dr Paul Debattista. As proof of this, at my request Dr Fabri sent me the email by means of which Dr Debattista had forwarded him the report. This email was

⁸² The report is reproduced as Document B/FF/12.

⁸³ Document B/FF/13, line 631; Document B/PD/1, page 3.



dated 24 March 2021.⁸⁴ I was thus able to confirm that the report as forwarded to me by Dr Fabri was identical to that forwarded to him by Dr Debattista.

162. When Dr Debattista was testifying before me, I asked him whether he had received the report from Danijel Bogdanovic as a hard copy or by email. Dr Debattista said: *“No, he sent it to me, he sent it to me [...] as a hard copy. He sent me a hard copy. I then scanned it and forwarded it to the, to the, the office of the Permanent Secretary.”* Asked why Mr Bogdanovic had given him the report in the form of a hard copy, Dr Debattista said: *“Because as far as I know his laptop had already been taken away. I don’t know. He passed it on to me as a hard copy.”*⁸⁵ Dr Debattista said that as a Community Work Scheme employee, Mr Bogdanovic had a ministry laptop.

163. At this point I should note, as an aside, that subsequently I found out Mr Bogdanovic had been given a laptop not as an employee of the Community Work Scheme but as a de facto member of Minister Caruana’s secretariat. This emerges from an email from the office of the Chief Information Officer within the Ministry for Education, to which I have already referred.⁸⁶ In addition, Dr Fabri testified that he himself had given the order for Mr Bogdanovic’s email account to be closed and his laptop taken away.⁸⁷ When Mr Bogdanovic’s involvement in the secretariat came to an end, he still remained a Community Work Scheme employee. Had he therefore been given these facilities in the latter capacity, they would not have had to be taken away. Dr Debattista’s testimony appears intended to obscure the fact that for some time Mr Bogdanovic was considered part of Minister Caruana’s secretariat.

164. Dr Debattista said that he had not been given the report directly by Mr Bogdanovic but through Gozitan individuals working in Malta. However, Dr Debattista said that he did not remember who had handed him the report. This testimony did nothing to quell my suspicions about the report.

165. I asked Dr Paul Debattista whether any person from the ministry had been assigned to help prepare the report. Dr Debattista said that this was not

⁸⁴ The email in question is reproduced as Document B/FF/14a.

⁸⁵ Document B/PD/1, page 3.

⁸⁶ Email dated 10 December 2020 requesting a laptop for Mr Bogdanovic as a member of the secretariat, reproduced as Document C/E/2.

⁸⁷ Document B/FF/15, page 1.



the case. He did not know whether Mr Bogdanovic himself had obtained help from anyone.

166. Mr Bogdanovic too insisted with me that the report was his own work. Asked whether anyone at the ministry had helped him in any way in the preparation of the report, he said *“no, absolutely not, I, I, look, all that, all that used to happen was that I prepared the report myself, I used to, the studies obviously, the only things there were, Dr Paul Debattista, erm, used to go with me to the National Sport School, when we were doing the one on one interviews, meaning face to face, with a student because I had, I had chosen to do this kind of work, I wanted their feedback and what they want from, from, from, from the school, what is their aim, what they want from it ...”*⁸⁸

167. With regard to the recommendations in the report, Mr Bogdanovic stated *“all those recommendations are mine, that is, I never spoke to anyone and never asked anyone what they think about so, so and so, these were all from my own experience and from the things I saw abroad [...]”*.⁸⁹

168. Asked whether he had done the research for the report, Mr Bogdanovic said: *“I did the research, erm, and then obviously there was, there was, I used to report to Dr Paul Debattista and I used to inform him, I used to tell him listen, today I went there, today I did that, and there were times when he went with me, as I told you, to the National Sport School so that we could meet the teachers”*.⁹⁰

169. I sought Mr Bogdanovic’s reaction concerning the possibility that he had not written the report, or that much of the work had not been done by him. Mr Bogdanovic said: *“I do not know what I can do, what I can tell you that would convince you but I know what I did and the report was drawn up by me, I did the hours and, and, and we’re not saying hours, we are not talking about three working hours, sometimes I used to stay up until four in the morning, thinking and considering and seeing what I can do and, and, and seeing, and seeing how things are done abroad and, and, and contacting people abroad, in universities abroad”*.⁹¹

⁸⁸ Document B/DB/1, page 9.

⁸⁹ Document B/DB/1, page 6.

⁹⁰ Document B/DB/1, page 9.

⁹¹ Document B/DB/1, page 12.



170. Asked about the graphs that appear in the report, Mr Bogdanovic said that he had produced them himself on the basis of statistics given to him by the head of the National Sport School.⁹²

171. In spite of all this, when asked about the content of the report, Mr Bogdanovic was not at all convincing in his responses.

172. Mr Bogdanovic said that in the report he had recommended that children practising swimming should have their academic lessons at the National Swimming Pool so as to avoid travelling between the school and the pool, since the school did not have its own swimming pool. But this is mentioned in the report not as an original recommendation by the author, but as a proposal by the Aquatic Sports Association.⁹³

173. Asked about the recommendation in the report that there should be a campus, Mr Bogdanovic again referred to the proposal for children practising swimming to be based at the National Swimming Pool.⁹⁴ The recommendation about a campus in fact states that a completely new campus should be built for the National Sport School, and does not mention the possibility of basing children at other facilities.⁹⁵

174. The report quotes at length and word for word from an article which appeared in the newspaper *The Malta Independent* in 2012, when the school had just opened. The report does not indicate that it is quoting directly from the article, and thus seems to be talking about the past as if it were yet to happen: for example, “*The students will have 28 lessons per week in academic subjects and 12 lessons linked to sport*”, and “*The students will also have regular visits by a sports psychologist and a nutritionist*”.⁹⁶ Asked about this, Mr Bogdanovic said at first that he did not remember, then he said that the article was about “*the lack of, of success that we have*”. Shortly afterwards he said that the article was about “*the number of how many, how many, how many successful athletes emerged and things like that, I am remembering now*”. When it was again emphasised that this article had been written when

⁹² Document B/DB/1, page 8.

⁹³ Document B/FF/12, page 26.

⁹⁴ Document B/DB/1, page 5.

⁹⁵ Document B/FF/12, pages 70–71.

⁹⁶ Document B/FF/12, page 18.



the National Sport School was still in its infancy, Mr Bogdanovic said, *“in fact I too saw it as a bit ... erm ... exaggerated, but I used it as, as, as an example, because obviously nowadays if you see the ... the ... reflection of that report, and today, we have not progressed much, let us be honest.”*⁹⁷

175. Despite Mr Bogdanovic’s insistence that he had carried out the research for the report, he could not remember anything about documents written by Radtke, OFSTED and Lavalley.⁹⁸ The report refers to each of these documents.

176. Confronted with the fact that he was unable to answer these questions, Mr Bogdanovic said: *“look, I, when it comes to names, if you tell me listen, this, this and that, I don’t know, but if you put the documents in front of me, I will, I will explain to you exactly what, what we’re talking about. But to me when it comes to names, to the titles of these things, I ... I’m ... I do not remem ... I don’t have such a good memory for those things”*.⁹⁹

177. In addition, the terms of reference for the study state that a comparison should be made with sports schools in other countries, particularly in the United Kingdom, Germany, Italy, Spain, and *“ideally in Cyprus”*.¹⁰⁰ Mr Bogdanovic stated that the inclusion of Cyprus in the terms of reference had been his idea since it was a small country like Malta, but it had made considerable progress in the quality of its sports facilities. Asked whether he knew how many times Cyprus was mentioned in the report, Mr Bogdanovic said: *“I know that I wrote Cyprus, I know I mentioned it”*, although he then became unsure of himself and said *“now whether or not I wrote it down in the report, I cannot remember, everything was done in a hurry”*.¹⁰¹ In fact, Cyprus is not mentioned at all anywhere in the report.

178. Asked whether he knew how he had prepared the front page of the report, Mr Bogdanovic said *“of course I know how to do these things, you just download google, and, and edit to Word and, and ... you just go on Word, you can go on Word, you can go on on on Powerpoint, you can go on many things and do those things.”* Asked whether this was the method he had used, Mr

⁹⁷ Document B/DB/1, pages 6–7.

⁹⁸ Document B/DB/1, page 7.

⁹⁹ Document B/DB/1, pages 8–9.

¹⁰⁰ Document B/FF/6a, point 5 (page 1).

¹⁰¹ Document B/DB/1, pages 10–11.



Bogdanovic replied: *“I think it was Word, but I can’t remember exactly ... I had downloaded certain pages and ...”*¹⁰² In fact, the front page is accessible from a website¹⁰³ as a design that can only be amended online, then downloaded as an image (PNG or JPEG), video (MP4 or GIF), or PDF. The front page cannot be edited in Microsoft Word.

179. Mr Bogdanovic testified that he had given Dr Paul Debattista the report as a hard copy, and he had not kept an electronic copy. Asked why he did not have an electronic copy, Mr Bogdanovic replied: *“I am old school. I prefer to, to see everything in front of me”*. He explained that *“I used to write everything on my laptop and put it onto the USB. This is how I work, I am like that ... I put everything on the USB and then the USB, I printed everything out”*.¹⁰⁴ He said he did not know whether he still had the USB stick, but he undertook to look for it and to send it to me if he found it.

180. On 30 August 2021, Mr Bogdanovic wrote to me saying *“please find the USB I mentioned.”*¹⁰⁵ Together with this letter he enclosed a USB stick on which there were two early versions of the report. One of these had been saved on the USB stick on 10 March 2021, and is in rich text format. The other one had been saved on 20 March 2021 and is a Microsoft Word document.¹⁰⁶

181. I am informed that a rich text format document does not contain details indicating who originated the document and who last saved it. A document in Word generates these details automatically, even if it was originally rich text format and is saved in Word. However, the details of the author and the last person who saved the document are missing from the Word version of the report. This could only have happened because these details were consciously removed from the document. Needless to say, this casts further doubt on Danijel Bogdanovic’s claim that he wrote the report.

¹⁰² Document B/DB/1, page 11.

¹⁰³ See <https://www.canva.com/templates/EADao61dcMM-black-simple-sports-event-poster/>.

¹⁰⁴ Document B/DB/1, page 10.

¹⁰⁵ Document B/DB/2.

¹⁰⁶ See documents B/DB/3 u B/DB/4.



182. For this reason, on 31 August 2021 I wrote to Mr Tony Sultana, Executive Chairman of the Malta Information Technology Agency (MITA), summoning him to provide the following:

- all emails sent and received by Danijel Bogdanovic through his official email account from 1 December 2020 until the closure of the account in question; or, if it turned out that these emails were no longer accessible, all emails exchanged between Danijel Bogdanovic and Dr Paul Debattista as found in Dr Debattista's email account;
- the mail server logs for Mr Bogdanovic's email account from 1 December 2020 onwards; and
- the mail server logs for Dr Debattista's email account in relation to emails exchanged between him and Mr Bogdanovic.¹⁰⁷

183. On 3 September 2021 MITA provided me with a CD containing the contents of the mailbox of Danijel Bogdanovic's official email account, as maintained in the MITA backup system since the account had been closed on 30 March 2021. The CD also included audit logs and message tracking logs for the same mailbox.

184. Danijel Bogdanovic's mailbox emails indicate that the report was almost entirely the work of Dr Paul Debattista, not of Mr Bogdanovic. Below is a brief account of Dr Debattista's contribution, with reference to the structure of the report:

- Chapter 1 – executive summary: most likely written by Dr Debattista.¹⁰⁸
- Chapter 2 – brief and methodology: it is not clear who wrote this, but almost half of this chapter consists of a reproduction of the terms of reference that were written by Dr Debattista.
- Chapter 3 – introduction: written by Dr Debattista.¹⁰⁹

¹⁰⁷ Document C/M/1.

¹⁰⁸ Document C/NSS/40.

¹⁰⁹ Documents C/NSS/32 and C/NSS/36.



- Chapter 4 – meetings with stakeholders and outcome: most of this was written by Dr Debattista and it is not clear who wrote the rest, except for section 4.5 as indicated below.¹¹⁰
- Chapter 5 – data collection and analysis: the research for this chapter was carried out on the basis of spreadsheets and questionnaires prepared by Dr Debattista,¹¹¹ who also prepared the graphs shown in this chapter¹¹² and wrote most of the text.¹¹³
- Chapter 6 – recommendations: written by Dr Debattista.¹¹⁴

185. The available evidence does not indicate that Mr Bogdanovic made any contribution to the report except as follows:

- he sent the questionnaires prepared by Dr Debattista to students of the school;¹¹⁵
- he sent a series of requests for information to the head of the National Sport School, in many instances on the instructions of Dr Debattista;¹¹⁶
- he sent material to Dr Debattista, who told him that he had forgotten to insert the graphs.¹¹⁷ I have no indication what this material was because the mailbox does not include Mr Bogdanovic's original email, but it was most likely part of chapter 5, most of which was written by Dr Debattista;
- section 4.5 of the report (meetings with sports associations) is probably the work of Mr Bogdanovic, because there is an exchange in which Dr Debattista told him to prepare it and he said he would do it;¹¹⁸

¹¹⁰ Documents C/NSS/21, C/NSS/22, C/NSS/35 and C/NSS/41a.

¹¹¹ Documents C/NSS/2 and C/NSS/3.

¹¹² Documents C/NSS/26, C/NSS/27, C/NSS/30, C/NSS/37 and C/NSS/38.

¹¹³ Documents C/NSS/28, C/NSS/29, C/NSS/31 and C/NSS/42.

¹¹⁴ Document C/NSS/39.

¹¹⁵ Documents C/NSS/4, C/NSS/5, C/NSS/6, C/NSS/7, C/NSS/8 and C/NSS/9.

¹¹⁶ Documents C/NSS/9, C/NSS/10, C/NSS/11, C/NSS/12, C/NSS/13, C/NSS/18 and C/NSS/19.

¹¹⁷ Documents C/NSS/33 and C/NSS/34.

¹¹⁸ Document C/NSS/41b.



- it is also likely that the data presented in sections 5.5 and 5.6 of the report were collected by Mr Bogdanovic, again on the instructions of Dr Debattista.¹¹⁹

186. Mr Bogdanovic's contribution amounts to only a small proportion of the report at best.

187. In addition, there are instances where Dr Debattista requested a contribution from Mr Bogdanovic but did not receive it:

- Dr Debattista sent material to Danijel Bogdanovic about a sports school abroad and told him to look for more such material. But all the research on practices and developments outside Malta, which appears in chapter 3, was carried out by Dr Debattista.¹²⁰
- Dr Debattista began writing a draft of the same chapter and invited Mr Bogdanovic to add to it, but it was Dr Debattista himself who did so.¹²¹
- Dr Debattista sent a draft of chapter 6 (recommendations – the most important part of the report) and asked Mr Bogdanovic for his views on it. The latter said simply "Yes my friend, excellent thanks".¹²²

188. Finally, it was Dr Debattista who assumed responsibility for the finalisation of the report, and at this stage Mr Bogdanovic made no contribution.¹²³

189. These emails should be interpreted with some caution because some correspondence sent by Mr Bogdanovic appears to be missing from his mailbox. But had Mr Bogdanovic made any substantial contribution to the report, this would certainly have been reflected in the emails in one way or another, even if only as part of the chain of correspondence under Dr Debattista's replies.

190. This evidence, together with the fact that in his oral testimony Mr Bogdanovic was unable to answer questions about the report, leaves no room

¹¹⁹ Document C/NSS/31.

¹²⁰ Documents C/NSS/20, C/NSS/23, C/NSS/24 and C/NSS/25.

¹²¹ Documents C/NSS/32 and C/NSS/36.

¹²² Document C/NSS/39.

¹²³ Documents C/NSS/40, C/NSS/44, C/NSS/45.



for doubt that the main author of the report on the National Sport School was Dr Debattista, not Mr Bogdanovic. This solves the mystery of the presentation of the report as a scanned PDF and the missing author details in the Microsoft Word draft.

191. Finally, I should observe that Minister Justyne Caruana was copied in on most of the emails in which Dr Paul Debattista sent excerpts of the report prepared by him to Danijel Bogdanovic. Therefore the Minister knew what was going on and, whether or not she read them, nothing was being done behind her back.

Payments made to Danijel Bogdanovic under the contract

192. Dr Debattista testified that Mr Bogdanovic had received a single payment of €5,000 under the contract. *“One payment was made, and I approved it. Why? Because, emm, like any other study done within the ministry, whether it be, emm, from some fund-out or even internal, or even just strategies, all these come to me. I see them, I vet them, I pass on comments, I ask about them, and so this too had to come to me so that I could see whether it is within, according to the terms of reference. And so when it came to payment, I, emm, approved that, that he should be paid five thousand euros, and that was, emm, that was the only one I signed.”*¹²⁴

193. Mr Bogdanovic’s contract made no mention of a partial payment before the conclusion of the study, but the terms of reference prepared by Dr Debattista provided for the payment of €7,000 at the end of February 2021.¹²⁵ Asked why Mr Bogdanovic had been paid less, Dr Debattista said that he had seen the work done up to that stage and he felt that a payment of €5,000 was merited, and he therefore asked Mr Bogdanovic to send an invoice for this amount. Dr Debattista said: *“I used to have regular meetings with him, that is, that is, like any, eh, other assignment that other people are working on, I have regular meetings with them, so it is not the case that I give someone an assignment, then I just wait there, after a couple of months you bring me the report, and I tell you here – so I, the way I work is that if there is an assignment,*

¹²⁴ Document B/PD/1, pages 2–3.

¹²⁵ Document B/FF/6a, page 2.



regular meetings are held so that if there are things that need to be changed, this is done immediately not at the end of the, the period.”¹²⁶

194. This payment was approved by Dr Debattista on 19 February 2021, before the contract for the study of the National Sport School was signed, but it was only on 10 March 2021 that the ministry raised the payment with the Treasury Department.¹²⁷ The amount came to €5,900 including VAT.

195. I should observe that here too, Dr Debattista did not tell the whole truth. It emerges from the documentation provided by MITA that Dr Debattista did not request an invoice from Mr Bogdanovic. Instead he himself sent it to Mr Bogdanovic for the latter to print, sign and return.¹²⁸

196. In addition, it turns out that Dr Debattista subsequently approved a further payment to Mr Bogdanovic for the sum of €8,000, which increased to €9,440 with the addition of VAT. Here too Dr Debattista prepared the invoice himself for Mr Bogdanovic to sign. Dr Debattista forwarded the signed invoice to the ministry administration for payment on 25 March 2021, after the contract for the study on the National Sport School was terminated.¹²⁹

197. Had this payment had been made, Mr Bogdanovic would have been paid a total, including the first payment, of €13,000 (excluding VAT) – only €2,000 less than the full amount due under the contract, even though the contract was terminated one month early. Moreover, the invoice for this second payment raises serious questions as it claims to represent payment for the following activities:

Looked into the organisation structure of the National Sports School.

Compared the academic and sports curriculum and eligibility criteria of the school with those of similar schools in other countries.

Carried out a number of focus groups with National Sports Associations.

¹²⁶ Document B/PD/1, page 3.

¹²⁷ Documents B/FF/9, B/FF/10 u C/E/5.

¹²⁸ Documents C/NSS/14 to C/NSS/17.

¹²⁹ Documents C/NSS/46 and C/NSS/47.



Drew up recommendations on what is needed to improve the School and achieve the aims it was set up for.

Presented a first preliminary draft of the report.¹³⁰

198. It does not appear that Mr Bogdanovic made any significant contribution to the second, fourth and fifth activities in this list.

199. Fortunately it appears that this invoice was not paid. At my request Paulanne Mamo, Accountant General, informed me that the only payment issued to Danijel Bogdanovic by the Treasury (the government department which processes payments for works and services contracted by the government) since 1 December 2020 was that of €5,900,¹³¹ that is to say only the first invoice was paid.

The termination of the contract

200. On 23 March 2021 Maria Galea, Director General (Strategy and Support) within the Ministry for Education, emailed the head of Minister Caruana's secretariat and Dr Paul Debattista to tell them that the contract for the study on the National Sport School was being terminated as provided for in clause 5 of the same contract. She also said that any work done up to that point should be sent to her.

201. Later the same day Ms Galea wrote to them again to request them to inform Mr Bogdanovic accordingly, and to tell them that a termination letter was to be sent to him the next day by registered mail. The letter to Mr Bogdanovic was in fact issued with that day's date.¹³²

¹³⁰ Document C/NSS/47b.

¹³¹ Document B/AcG/1.

¹³² The email is found in Document C/NSS/43 and the letter in Document B/FF/14b.



CONSIDERATIONS

Did Minister Caruana give Danijel Bogdanovic preferential treatment?

202. I cannot uphold the specific complaint that Minister Caruana gave Danijel Bogdanovic preferential treatment by increasing his salary and giving him a government-funded car and mobile phone.

203. What the Complainant thought was an increase in salary was in fact an annual performance bonus for which all employees in the Community Work Scheme were eligible.

204. There is ambiguity in the evidence I have gathered about the provision of a mobile phone and a car, but I do not have grounds to conclude that Mr Bogdanovic was provided with either a mobile phone or a car. Therefore my investigation of these points has proved inconclusive.

205. However, Danijel Bogdanovic was given other forms of preferential treatment.

206. First of all, there are the two contracts that were proposed for Mr Bogdanovic. The Ministry for Education first proposed to award him a contract to coordinate maintenance works in schools, then instead it awarded him another one to conduct a study on the National Sport School. The second contract was for three months, while the first one was for one year, but the second contract can be considered more favourable both as regards the amount payable per month and also because it does not specify the number of working hours, whereas the first contract based its proposed payment on 30 working hours per month. The fact that the two contracts covered entirely different functions, yet both were intended for Mr Bogdanovic, indicates that they were intended by the ministry primarily as mechanisms to boost his income using public funds.

207. In addition, Mr Bogdanovic continued to be paid his salary as an employee of the Community Work Scheme while the contract to conduct a study on the National Sport School was in force. The ministry's Permanent Secretary, Dr Francis Fabri, justified this by saying that Mr Bogdanovic had continued to do his regular job: *"He is doing his job, right? He visits schools or works with people to get work done so that works are carried out in schools*



[...]”.¹³³ Dr Fabri drew a comparison with a person who takes on a part-time job while working full-time.¹³⁴

208. Despite the false description of Mr Bogdanovic’s regular work, this would have been a reasonable argument except for two things: that Mr Bogdanovic devoted little time to the study on the National Sport School, because most of the work on it was done by Dr Paul Debattista; and that there was nothing in the contract, or in the request for approval for it to be awarded by direct order, to indicate that the work was to be carried out on a part-time basis. The payment of €5,000 per month for this study was already considered too generous by the Direct Orders Office, let alone if it were to be regarded as a payment for part-time work.

209. All government employees are obliged to “*use public resources appropriately, conscientiously, efficiently and effectively in the public interest*”.¹³⁵ In my view this obligation is particularly applicable to Dr Fabri as Permanent Secretary responsible for the administration of the ministry. The fact that Permanent Secretaries sign contracts on behalf of their ministries, as Dr Fabri did in the case of the National Sport School study, is a reflection of their responsibility to safeguard the resources that have been entrusted to ministries and see to it that these are used well. In my view what Dr Fabri could have done to properly fulfil this obligation was to refrain from signing the contract, as opposed to signing it then coming up with contrived arguments in an effort to justify it.

210. Finally, the ministry (through Dr Paul Debattista, consultant to Minister Caruana) assisted Mr Bogdanovic by preparing for him the invoices that Mr Bogdanovic had to submit in order to get paid. Mr Bogdanovic needed only to print and sign them. The acme of special treatment is that when Mr Bogdanovic did not do the work he was contracted to do, the ministry (once again through Dr Paul Debattista) did it for him. The Minister was aware of this.

211. In my view, therefore, it is true that Minister Justyne Caruana gave Danijel Bogdanovic preferential treatment.

¹³³ Document B/FF/3, lines 494–495.

¹³⁴ Document B/FF/15, page 2.

¹³⁵ Paragraph 9(b) of the Code of Ethics for Public Employees and Board Members, found in the first schedule of the Public Administration Act.



Did the Minister's spokesperson make a false statement when denying that Mr Bogdanovic was a member of her secretariat?

212. As shown in this report, there was a process under way to engage Danijel Bogdanovic as a member of Minister Justyne Caruana's secretariat. While this process was ongoing, Mr Bogdanovic was treated as a de facto member of the secretariat. He was registered in the government email directory as a Secretariat Officer and had a business card and security tag identifying him as a member of the secretariat. He was also receiving emails in copy as if he were a member of the secretariat.

213. However, Mr Bogdanovic never formally became a member of Minister Caruana's secretariat. When he was offered a contract of engagement as a Customer Care Officer within the secretariat, he did not sign it and he was not registered in the government payroll (a necessary step to be paid a salary as a secretariat staff member).

214. Therefore the allegation that the Minister's spokesperson made a false statement when denying that Mr Bogdanovic was a member of the secretariat is unfounded. It can reasonably be said that the statement failed to disclose the fact that Mr Bogdanovic was acting as a member of the secretariat and was in the process of being given a secretariat contract. The statement was therefore borderline deceptive. It would have been embarrassing for the ministry had Mr Bogdanovic formally become a member of the secretariat after its denial that he was such. In my opinion, however, this denial did not cross the line because Mr Bogdanovic never signed his secretariat contract.

Was Danijel Bogdanovic qualified to conduct a study on the National Sport School?

215. It is easy to determine whether or not a person is qualified to perform a particular task, if that task consists of work that can only be carried out by a member of a profession governed by law. If the task is not of this type, the decision as to what qualifications are necessary for it will be entirely subjective. It should also be borne in mind that a person may have developed the ability to perform such a task without having formal qualifications. In principle, therefore, I cannot exclude the possibility that someone like Danijel Bogdanovic might genuinely be competent to conduct a study such as that on the National Sport School.



216. However, in the present case a number of considerations arise which lead me to conclude that Mr Bogdanovic was given an assignment that he was not competent to carry out.

217. Firstly, the criteria prepared by Dr Paul Debattista, on the basis of which Mr Bogdanovic was chosen, cannot be taken seriously. A study of an institution such as the National Sport School requires detailed knowledge of relevant practices and theories that is usually acquired as part of a course of study leading to an advanced qualification. In this context I should observe that the terms of reference for the study on the National Sport School cover the academic as well as the sports curriculum, and this may require the person drawing up the report to be qualified as an educator.

218. I understand that one may wish to allow scope for the consideration of those who have the ability and experience to perform a task even though they are not formally qualified for it, but the selection criteria that were included with the terms of reference effectively eliminated those who were qualified. They also excluded those who had experience running similar schools, unless they also happened to be former football players who had played abroad for five seasons. The criteria were tailored to fit Danijel Bogdanovic. This is revealed by Dr Paul Debattista's statement, as part of the selection criteria drawn up by him, that "*when the name of Daniel Bogdanovic was communicated to some Sports Associations [...] the response was positive and one of approval*".¹³⁶ This case report has shown that this statement is not true. This statement was an attempt to give a semblance of credibility to a document attempting to justify the choice of Mr Bogdanovic to perform a task for which he was manifestly unqualified.

219. In his testimony Dr Debattista said that a person with advanced academic qualifications had not been engaged to conduct the study because the National Sport School should not be run "*academically*", and because such a person would not look at aspects like student nutrition. Dr Debattista is here trying to justify the selection of Mr Bogdanovic by ignoring the possibility that a person qualified precisely in the management of sports training could have been found.

¹³⁶ Document B/FF/6b, page 2.



220. Before a contract worth €15,000 is awarded for the preparation of a report, it should be ensured that the individual who is to be awarded the contract is competent to write the report. This applies even if the individual holds formal qualifications, let alone if he or she does not. Such a person should be required to demonstrate a relevant track record, or otherwise furnish proof that he or she is competent to perform the task. This crucial aspect was omitted from the selection criteria.

221. For this purpose one can also look at the individual's current occupation. This is because although it is possible for an unqualified person to be capable of performing a task that would normally require advanced qualifications, it is highly unlikely that such an individual's current work would be limited to driving and making photocopies, like Mr Bogdanovic. This is known as messengerial work in the terminology of Maltese public administration. It is important work in every office, but it is bizarre that a person who normally performed such work in the ministry was engaged to draw up proposals for the immediate reform of the National Sport School.

222. The contrast between the work Mr Bogdanovic was doing as a Community Work Scheme employee and the work envisaged by the National Sport School contract should have rung alarm bells for Dr Francis Fabri, the Permanent Secretary of the ministry, when he was approached to make arrangements for this contract to be awarded to Mr Bogdanovic by direct order. Perhaps this was why Dr Fabri gave a misleading account of Mr Bogdanovic's duties as a Community Work Scheme employee.

223. In addition, once it turned out that Mr Bogdanovic was not able to do the work he had been contracted to do, the ministry should have terminated the contract instead of secretly assigning others to do the work. Not only was this not done, but Dr Paul Debattista, with Minister Justyne Caruana's knowledge, prepared a report on the National Sport School which falsely indicates that it was written by Danijel Bogdanovic. Both Dr Debattista and Mr Bogdanovic did not testify truthfully before me about their respective roles in writing this report, with both of them claiming under oath that no one had helped Mr Bogdanovic.

224. In her final submission, Minister Caruana described Dr Debattista's role in the preparation of the report as follows:



30. *That as happens when a student is writing a thesis for a Master's or Doctoral degree, they are assigned a supervisor to guide them throughout the whole process of presenting a thesis. The role of the supervisor is to provide the person conducting the study and writing the report with the support and resources needed during all phases of the study, which support includes discussing the relevant background knowledge and literature, as well as the methodology and technique required during this study. A supervisor should not only be accessible, but engage in constructive discussion and criticism of ideas; of the information being collected; of the research results and of the recommendations that will be presented in the final report. [...]*

32. *That one should bear in mind that Cabinet approval as well as public consultation are required for the approval of the recommendations presented in such a report. This is why it was necessary to have as supervisor a person who knows the process and how Cabinet operates. Surely any person who has not been exposed to this environment would not know how a report should be presented in such a way as to enable Cabinet members to make a quick decision on the basis of a report presented to them. In this context, the role of Dr Paul DeBattista in this study followed these lines and supervisory guidelines. [...]*

34. *That this however in no way detracts from the fact that the author of the report is Daniel Bogdanovic and it can be confirmed that in no instance have grounds been given for anyone to doubt this fact.¹³⁷*

225. The evidence presented in this report amply shows that Dr DeBattista's role in the preparation of the report on the National Sport School went far beyond that of a thesis supervisor. The supervisor does not write the thesis for the student.

226. If it is true that the report on the National Sport School was intended for approval by Cabinet, this in no way justifies the writing of the report by Dr DeBattista instead of Mr Bogdanovic. If Mr Bogdanovic was not capable of writing a report in the format required by Cabinet, this represents another reason why the contract should not have been awarded to him.

¹³⁷ Document B/JC/3, pages 6–7.



227. In any event, the Cabinet Manual of Procedures specifies that ministers who wish to table a matter for discussion in Cabinet should do so by means of a memorandum to Cabinet. This means that the report on the National Sport School would have had to be submitted to the Cabinet under cover of a memorandum summarising the report, and the discussion would take place primarily on the basis of the memorandum. The manual specifies how memoranda to the Cabinet should be written, but it offers no guidance on the preparation of reports. Therefore the contribution of *“a person who knows the process and how Cabinet operates”* would have been needed in the drafting of a memorandum to Cabinet, not the report itself.

228. The award of a contract on the basis of nepotism or favouritism is an injustice to those who could have competed for it but were deprived of the opportunity. It is also detrimental to the public interest in that it excludes individuals who might be able to fulfil the contract more effectively or with less expenditure of public funds. Even so, one still expects the contractor to fulfil the contract and carry out the contracted work. This case represents a higher level of favouritism in which a contract is awarded solely as a means of increasing the income of the favoured individual, whether or not the work is done. This can be seen in the whole context, that is to say where an individual close to a minister was being paid to write a report on the basis of onerous terms of reference, in a short time, while occupied with his regular job, engaged as player/coach after working hours, and at the same time studying for the “A” licence in football coaching. This case can therefore be considered not only to have crossed an ethical line but also, possibly, to constitute a breach of criminal law.

229. Logic suggests that the procedure for awarding contracts without a call for tenders or a request for quotations should be fundamentally an exception to the general rule. Therefore it should always be used with caution where it is genuinely necessary, and the responsible minister would do well to distance himself or herself from the choice of contractor. A prudent minister should avoid exercising such a discretionary power in particular where the beneficiary is a relative, whatever the relationship between them.

230. Therefore where the beneficiary is chosen directly by the minister, is close to the minister and is manifestly incompetent, this should be considered abusive on the minister’s part, all the more so in this case where it turns out that the work envisaged was actually carried out by another person in the



ministry itself, rather than by the beneficiary, with the knowledge and blessing of the minister.

CONCLUSIONS

231. For the reasons set out above, it is my view that Minister Justyne Caruana exercised a discretionary power in a manner which constitutes an abuse of power as provided for in article 22(2) of the Standards in Public Life Act, and breached the provisions of articles 5.1, 5.3, 5.4 and 8.6 of the Code of Ethics for Ministers and Parliamentary Secretaries, which appears as the second schedule of the Act, by giving Danijel Bogdanovic preferential treatment, and in particular by awarding him a contract by direct order that he was neither qualified nor competent to fulfil. On top of this a concerted effort was made to conceal Mr Bogdanovic's incompetence by assigning Dr Paul Debattista, her consultant in the ministry, to carry out the work relating to the contract in his place, and by withholding this fact in the testimony given to me.

232. This report and the two volumes of evidence accompanying it are being submitted to the Committee for Standards in Public Life pursuant to article 22(3) of the Standards in Public Life Act for the Committee's consideration in accordance with articles 27 and 28 of the Act.

233. Should the Committee adopt this report, it may decide what measures to take in terms of article 28 after giving Minister Caruana the opportunity to make submissions.

234. Additionally, since article 22(3) of the Act gives me the power to make recommendations, and article 27(3) requires the Committee to consider such recommendations, I am recommending that the Committee should:

- (a) publish this report, and the two volumes of evidence in Category B accompanying it, immediately in the interests of transparency;
- (b) consider referring the report to the Commissioner of Police as provided for in article 28(b) of the Standards in Public Life Act, so that he can determine whether the conduct of other persons mentioned in the report merits investigation on his part;
- (c) refer the report to the Principal Permanent Secretary to consider revising the Cabinet Manual of Procedures as proposed in paragraph 11 of this report; and



- (d) refer the report to the Permanent Secretary of the Ministry for Finance and Employment to consider whether the process of approving direct orders could be improved in the light of the points raised in paragraphs 154 to 157.

235. In accordance with the procedure agreed with the Committee, I am informing the complainants and Minister Justyne Caruana that I have duly submitted the report to the Committee, without forwarding a copy of it to them.

Dr George Marius Hyzler

Commissioner for Standards in Public Life



LIST OF DOCUMENTS GATHERED AS EVIDENCE

CATEGORY A

<i>Document</i>	<i>DOC No:</i>
Complaint by Ms Alison Bogdanovic dated 21 March 2021.	A1
Complaint by Prof. Arnold Cassola dated 22 March 2021.	A2
A report that appeared in the newspaper <i>MaltaToday</i> on 22 March 2021, and to which Prof. Cassola refers in his complaint.	A3

CATEGORY B, VOLUME ONE

Documents – Ms Alison Bogdanovic

<i>Document</i>	<i>DOC No:</i>
Transcript of the testimony of Ms Alison Bogdanovic.	B/AB/1
A photo of a business card with the Ministry for Education’s logo, address and website, indicating the name “Daniel Bogdanovic” and the role of “Coordinating Officer” along with his mobile number (deleted for privacy) and email address.	B/AB/2
A photograph of a Ministry for Education security tag with the name “Daniel Bongdanovic” with the word “Secretariat” beneath.	B/AB/3
A photo of the government directory showing the details of Daniel Bogdanovic’s email account, where the role “Secretariat Officer” is shown.	B/AB/4

Documents – Dr Francis Fabri

<i>Document</i>	<i>DOC No:</i>
Email dated 13 April 2021 from Dr Francis Fabri, Permanent Secretary of the Ministry for Education, together with an undated letter.	B/FF/1



A letter from Dr Francis Fabri to the Commissioner for Standards replying to a number of questions regarding the awarding of a contract for services to Danijel Bogdanovic, undated, which was sent as an attachment to the email of 13 April 2021.	B/FF/2
Transcript of the testimony of Dr Francis Fabri dated 14 April 2021.	B/FF/3
Email sent by Dr Francis Fabri, with eight annexed documents, dated 5 May 2021.	B/FF/4
An exchange of emails between Mr Kenneth Cutajar, Chief Executive Officer of the company District Operations Ltd, and Dr Francis Fabri including a screenshot of the government database showing the details of Daniel Bogdanovic's email account, showing the role "Secretariat Officer", dated 7 and 9 December 2020.	B/FF/5
Email from Dr Paul Debattista to Dr Francis Fabri, with two annexed documents, dated 12 January 2021.	B/FF/6
A document entitled "An Overview of the modus operandi of the "Skola Nazzjonali tal-Isport" sent by Dr Paul Debattista to Dr Francis Fabri in his email of 12 January 2021.	B/FF/6a
A document entitled "Why an evaluation of the National Sport School was deemed necessary" sent by Dr Paul Debattista to Dr Francis Fabri in his email of 12 January 2021.	B/FF/6b
Email sent from the Direct Orders Office at the Ministry for Finance and Employment approving the granting of a direct order to Danijel Bogdanovic, dated 15 January 2021.	B/FF/7
A copy of the contract for services signed between the Ministry for Education and Mr Danijel Bogdanovic, dated 21 January 2021 (signed 26 February 2021).	B/FF/8
Note by Danijel Bogdanovic listing the activities he carried out, approved and signed by Dr Paul Debattista, dated 19 February 2021.	B/FF/9



Invoice issued by Mr Danijel Bogdanovic, including approval to effect the payment signed by Dr Paul Debattista, dated 19 February 2021.	B/FF/10
Voucher for a payment issued by the Ministry for Education, dated 5 March 2021.	B/FF/11
Draft of an 81-page report entitled “Assessment, Review and Recommendations for National Sports School”, with the author given as Mr Danijel Bogdanovic, dated 23 March 2021.	B/FF/12
Transcript of the testimony of Dr Francis Fabri, dated 21 July 2021.	B/FF/13
Email sent by Dr Francis Fabri providing a copy of the registered letter sent to Mr Bogdanovic as a notification of termination of the contract for services. Dr Fabri gives further information on the payment of Mr Bogdanovic’s salary under the CWS. Dated 2 August 2021.	B/FF/14
Annexes:	
- Dated email from Dr Paul Debattista to Dr Francis Fabri in which Dr Debattista presents the draft report and explains that this is not the final report as intended, but that there is sufficient information to work with. Dated 24 March 2021.	B/FF/14a
- Letter from Maria Galea, Director General in the Department of Strategy and Support within the Ministry for Education, to Mr Danijel Bogdanovic, notifying him that the contract for services is being terminated. Dated 23 March 2021.	B/FF/14b
Summary of evidence given by Dr Francis Fabri, dated 16 September 2021.	B/FF/15



CATEGORY B, VOLUME TWO

Documents – Dr Paul Debattista

Document

DOC No:

Summary of the testimony of Dr Paul Debattista, dated 4 August 2021.

B/PD/1

Documents – Mr Kenneth Cutajar

Document

DOC No:

Summary of the testimony of Mr Kenneth Cutajar, dated 5 August 2021.

B/KC/1

Documents – Mr John Borg

Document

DOC No:

Summary of the testimony of Mr John Borg, dated 12 August 2021.

B/JB/1

Documents – Mr Johnny Camilleri

Document

DOC No:

Summary of the testimony of Mr Johnny Camilleri, dated 12 August 2021.

B/JCam/1

Documents – Mr Daniel Bogdanovic

Document

DOC No:

Summary of the testimony of Mr Daniel Bogdanovic, dated 23 August 2021.

B/DB/1

Letter from Mr Danijel Bogdanovic to the Commissioner for Standards, sent on a USB Drive, dated 30 August 2021.

B/DB/2

A copy of an unformatted draft report, entitled “Assessment, Review and Recommendations for National Sports School” as provided by Mr Bogdanovic on a USB drive, dated March 2021.

B/DB/3



A partially formatted copy of the draft report entitled “Assessment, Review and Recommendations for National Sports School”, as provided by Mr Bogdanovic on a USB drive, dated 23 March 2021. B/DB/4

Documents – Hon. Dr Justyne Caruana

<i>Document</i>	<i>DOC No:</i>
Summary of the testimony of the Hon. Dr Justyne Caruana, dated 26 August 2021.	B/JC/1
Summary of a meeting with the Hon. Dr Justyne Caruana, dated 1 October 2021	B/JC/2
Written submissions by the Hon. Dr Justyne Caruana dated 22 October 2021.	B/JC/3

Documents – Mr Joe Caruana Curran

<i>Document</i>	<i>DOC No:</i>
Summary of the testimony of Mr Joe Caruana Curran, dated 1 September 2021.	B/JCC/1
Screenshots of messages sent via WhatsApp, between Dr Paul Debattista and Mr Joe Caruana Curran, provided by Mr Joe Caruana Curran at the same hearing and verified by the Commissioner for Standards.	B/JCC/2 B/JCC/2a

Documents – Mr Bjorn Vassallo

<i>Document</i>	<i>DOC No:</i>
Summary of the testimony of Mr Bjorn Vassallo, dated 16 September 2021	B/BV/1



Documents – People and Standards Division

<i>Document</i>	<i>DOC No:</i>
Letter from the Commissioner for Standards to Dr Joyce Cassar, Permanent Secretary (People and Standards Division) in the Office of the Prime Minister, dated 6 September 2021.	B/PSD/1
Letter from Dr Joyce Cassar to the Commissioner for Standards, dated 7 September 2021.	B/PSD/2
Letter from the Commissioner for Standards to Dr Joyce Cassar, Permanent Secretary (People and Standards Division) in the Office of the Prime Minister, dated 8 September 2021.	B/PSD/3
Letter from Dr Joyce Cassar to the Commissioner for Standards, dated 9 September 2021.	B/PSD/4

Documents – Accountant General

<i>Document</i>	<i>DOC No:</i>
Letter from Ms Paulanne Mamo, Accountant General, to the Commissioner for Standards in Public Life, dated 9 September 2021.	B/AcG/1

Documents – Misc.

<i>Document</i>	<i>DOC No:</i>
A clear screenshot of the Government directory showing Mr Bogdanovic's email account and details as a member of the Secretariat of the Minister for Education.	B/Misc/1

CATEGORY C

Documents – Ms Alison Bogdanovic

<i>Document</i>	<i>DOC No:</i>
Contract of employment between the Community Workers Scheme Enterprise Foundation and Daniel Bogdanovic, dated 2 January 2018.	C/AB/1



Copies of Danijel Bogdanovic's payslips under the Community Work Scheme for each month from September to December 2020. C/AB/2 to C/AB/5

Documents – Dr Francis Fabri

Document DOC No:
Europass CV of Mr Danijel Bogdanovic, together with five documents annexed and marked as Annex A1, A2, B1, B2 and C. C/FF/1

Documents – Mr Kenneth Cutajar

Document DOC No:
Copies of payslips issued to Mr Bogdanovic by the Community Work Scheme for the period between December 2020 and July 2021. C/KC/1a to C/KC/1h
Email dated 24 August 2021 from Mr Kenneth Cutajar to the office of the Commissioner for Standards sending a copy of Mr Bogdanovic's performance report for the year 2020. C/KC/2
Mr Danijel Bogdanovic's performance report as an employee of the Community Work Scheme, dated 28 October 2021. C/KC/3

Documents – Mr Glenn Micallef

Document DOC No:
Summary of the testimony of Mr Glenn Micallef, dated 27 September 2021. C/GM/1
Letter from Mr Glenn Micallef to the Commissioner for Standards, dated 27 September 2021. C/GM/2
Memorandum to the Head of Security Services from the Head of the Secretariat of the Office of the Prime Minister regarding a request for security clearance, dated 4 January 2021. C/GM/3



Documents – MITA

<i>Document</i>	<i>DOC No:</i>
Letter to the Chief Executive Officer of MITA from the Commissioner for Standards in Public Life, dated 31 August 2021.	C/M/1
Email from the Chief Executive Officer of MITA to the Director-General in the office of the Commissioner for Standards, dated 3 September 2021.	C/M/2
A report from MITA to the Commissioner for Standards explaining the information provided as well as specifying to whom the information is provided. Dated 3 September 2021.	C/M/3

List of emails relating to the NSS report

<i>Email subject and documents attached</i>	<i>Date and time</i>	<i>Doc No.</i>
Dr Debattista sends a copy of Mr Bogdanovic’s CV to the latter.	12 January 2005 15:16	NSS/1
(Attachment: a copy of Bogdanovic’s CV as sent by Dr Debattista.)		NSS/1a
Email from Paul Debattista in which he sent five spreadsheets without details to Danijel Bogdanovic, to send these to NSS students. Dr Debattista indicates that later on he will also prepare questionnaires for the students.	20 January 2021 16:03	NSS/2
(Attachments: blank spreadsheets.)		NSS/2a to NSS/2e
Email in which Paul Debattista provides Danijel Bogdanovic with prepared and blank questionnaires, and instructs him on how to complete the field work for the NSS report. In this email, Dr Debattista indicates how the report was structured, who were the people that had to be interviewed and at what stage the recommendations could be written.	20 January 2021 21:1	NSS/3



(Attachments: questionnaires for NSS teachers, parents and students, blank.)		NSS/3a–3c
Mr Bogdanovic sends an email to Year 7 NSS students explaining the purpose of his report and sending a questionnaire for them to fill in.	12 February 2021 12:25	NSS/4
Mr Bogdanovic sends an email to Year 8 NSS students explaining the purpose of his report and sending a questionnaire for them to fill in.	12 February 2021 12:28	NSS/5
Mr Bogdanovic sends an email to Year 9 NSS students explaining the purpose of his report and sending a questionnaire for them to fill in.	12 February 2021 12:30	NSS/6
Mr Bogdanovic sends an email to Year 10 NSS students explaining the purpose of his report and sending a questionnaire for them to fill in.	12 February 2021 12:34	NSS/7
Mr Bogdanovic sends an email to Year 11 NSS students explaining the purpose of his report and sending a questionnaire for them to fill in.	12 February 2021 12:36	NSS/8
Dr Debattista instructs Mr Bogdanovic to ask HR [of the NSS] and Mr Magro for the information he needs, including the NSS recruitment process.	15 February 2021 09:39	NSS/9
Mr Magro gives brief details on how NSS staff are engaged.	17 February 2021 22:08	NSS/10
Dr Debattista tells Mr Bogdanovic to ask Mr Magro about the criteria for selecting coaches in the NSS.	17 February 2021 23:13	NSS/11
Mr Magro responds to a question by Mr Bogdanovic on the criteria for selecting coaches.	18 February 2021 15:06	NSS/12
Bogdanovic asks whether the criteria listed by Mr Magro apply to every coach employed with	18 February 2021 17:27	NSS/13



the NSS. He also asks what is the minimum requirement to be a coach with the NSS.

Dr Debattista sends a copy of an unsigned letter, indicating Mr Bogdanovic's name, explaining the work he carried out during the period between 21 January 2021 and 19 February 2021. 19 February 2021 11:08 NSS/14

(Attachment: an unsigned copy of the letter sent by Mr Bogdanovic with his first invoice.) NSS/14a

Dr Debattista sends a scan of the same letter, now signed by Mr Bogdanovic and approved by Dr Debattista, to Mr Bogdanovic. 19 February 2021 11:12 NSS/15

(Attachment: pdf file of the final letter, signed and approved.) NSS/15a

Dr Debattista sends Mr Bogdanovic's invoice for the period between 21 January and 20 February, in *Word document* format. 19 February 2021 12:00 NSS/16

(Attachment: a copy of Mr Bogdanovic's invoice.) NSS/16a

Dr Debattista sends a scan of the same invoice, now signed by Mr Bogdanovic, to the latter. 19 February 2021 12:05 NSS/17

(Attachment: pdf file of the final invoice, signed.) NSS/17a

Dr Debattista instructs Mr Bogdanovic to ask Mr Magro about when the last health and safety inspection was carried out at the NSS. 22 February 2021 23:00 NSS/18

Bogdanovic asks when the last health and safety inspection was carried out at the NSS. 22 February 2021 23:14 NSS/19

Dr Debattista suggests to Mr Bogdanovic that the latter conducts research on sports schools abroad to see how they are run and their eligibility criteria. He sends a copy of a report 24 February 2021 13:50 NSS/20



drawn up by a national sports school in another country as an example of how Mr Bogdanovic's report can be written.

(Attachment: report of the Endeavour Sports High School.) NSS/20a

Dr Debattista sends a summary of the interviews with the students which were carried out when he and Bogdanovic visited the NSS that day. 1 March 2021 20:35 NSS/21

(Attachment: summary of interviews prepared by Paul Debattista.) NSS/21a

Dr Debattista sends a document with the comments they made during the visit and tells Bogdanovic to check that it included everything. 1 March 2021 21:33 NSS/22

(Annex: document prepared by Dr Debattista containing sixteen points and observations.) NSS/22a

Dr Debattista sends an article about sports schools to Bogdanovic to read it. 2 March 2021 21:58 NSS/23

(Attachment: an article from the International School Parent Magazine.) NSS/23a

Dr Debattista sends a report published by the British entity Ofsted to Bogdanovic to read it. 2 March 2021 22:09 NSS/24

(Attachment: first page of the Ofsted report.) NSS/24a

Dr Debattista sends a report published by the authors Radtke and Coalter to Bogdanovic to read it. He also tells him that he has enough material to conduct "*desk work*" and that this should be one chapter. 2 March 2021 22:32 NSS/25

(Attachment: first page of the Radtke report.) NSS/25a

Dr Debattista tells Bogdanovic not to work on the figures as he is going to handle them himself. 3 March 2021 23:08 NSS/26



(Attachment: Powerpoint with figures.)		NSS/26a
Dr Debattista informs Bogdanovic that he has finished the figures and that they should be included in one chapter with an introduction explaining the figures.	4 March 2021 19:17	NSS/27
		NSS/27a
(Attachments: analysis and figures.)		
Dr Debattista explains to Bogdanovic exactly how the chapter should be structured.	4 March 2021 21:30	NSS/28
(Attachment: analysis written by Paul Debattista.)		NSS/28a
Dr Debattista writes to Bogdanovic and tells him to use a certain version of the analysis he wrote for the first page.	4 March 2021 21:34	NSS/29
Dr Debattista informs Bogdanovic that he has redesigned a set of figures. He said that he was going to change the narrative to reflect this information.	5 March 2021 23:03	NSS/30
		NSS/30a
(Attachment: Powerpoint with figures.)		
Dr Debattista sends a draft of the chapter and indicates which paragraphs needed more information. He tells Mr Bogdanovic to contact former NSS students to gather information. He said he would appreciate it if this could be done by that week, and if Mr Bogdanovic could gather more information on NSS staff.	6 March 2021 21:42	NSS/31
(Attachment: draft of part of the chapter written by Paul Debattista; figures.)		NSS/31a, NSS/31b
Dr Debattista sends a draft introduction to Bogdanovic and tells him to consider it and perhaps expand on it further.	7 March 2021 08:21	NSS/32



(Attachment: draft introduction.)		NSS/32a
Reply from Paul Debattista to Bogdanovic after the latter emailed him asking him what he thought so far. Debattista reminds Bogdanovic to include figures.	8 March 2021 12:43	NSS/33
(Attachment: Powerpoint with figures)		NSS/33a
Bogdanovic says the figures are in Powerpoint format.	8 March 2021 12:49	NSS/34
Dr Debattista indicates to Bogdanovic a report to which he had referred and sends a document written by him.	8 March 2021 13:09	NSS/35
(Attachment: summary of student interviews prepared by Paul Debattista.)		NSS/35a
Dr Debattista informs Mr Bogdanovic that he has made some changes to the sequence of the chapters, and that he considered the introduction chapter to be finalised. He also said that in Chapter 7, he added some names of footballers who played abroad.	11 March 2021 22:51	NSS/36
(Annex: draft report dated 11 March, in which the author is shown as Danijel Bogdanovic.)		NSS/36a
Dr Debattista sends more figures to Bogdanovic.	16 March 2021 22:07	NSS/37
(Attachment, Powerpoint with figures of data on NSS students.)		NSS/37a
Dr Debattista sends more amended figures to Bogdanovic after finding an error in the above-mentioned attachment.	17 March 2021 09:57	NSS/38
Bogdanovic thanks Dr Debattista after the latter sent him an amended version of the draft which includes a chapter for recommendations,	18 March 2021 08:26	NSS/39



including ten recommendations, with one recommendation to be included after the meeting with the MFA, ASA and Athletics Association.

Dr Debattista sends a draft of the amended report with the executive summary added, explaining that he has rearranged the pages so that the chapters would always start on certain pages.

18 March 2021
23:09

NSS/40

(Attachment, draft report dated 18 March with initials PD at the end of the filename.)

NSS/40a

Debattista writes, in response to an email sent by Bogdanovic, that in his opinion around 90% of the report was ready. The email chain below this response consists of the following:

19 March 2021
19:07

NSS/41

- An email from Paul Debattista on 19 March (on the same day) at 9:05 to Bogdanovic and the Minister. Debattista says that on his part he has concluded the writing of the report. He explains that Bogdanovic needs to include interviews, summaries of meetings, school photos, an introduction on administration (which Debattista said he had already given to Bogdanovic physically), and to check for spelling mistakes. Debattista asks for any comments from Bogdanovic and the Minister.

NSS/41a

- Bogdanovic responds on 19 March at 19:05 saying that he thinks that 80% of the report is ready, and that he just needs to put everything together after their meeting with Joe Caruana Curran.

NSS/41b

Debattista writes to Bogdanovic and tells him that he has continued to refine the timetable and suggests that they use that attachment.

20 March 2021
07:06

NSS/42



(Attachment, excel spreadsheet of the draft timetable.)		NSS/42a
Dr Debattista forwards to Bogdanovic an exchange of emails received from the Director General (Strategy and Support) of the Ministry for Education, informing him that Mr Bogdanovic's contract for services is being terminated immediately, and that the work which had been completed had to be submitted by 24 March.	23 March 2021 20:54	NSS/43
Dr Debattista forwards an email he sent to Minister Caruana to Bogdanovic. In this email, Debattista sends the draft report to the Minister. He explains that he will insert figures in the blank pages, a few of which he needs to find on his laptop and a few of which he has to prepare. He also refers to a page saying that he had given a handwritten page to Bogdanovic. Debattista said that if Bogdanovic finds the page or if it is in the Minister's office, he would type it out himself. If not, he would formulate it [the report] the following day.	23 March 2021 23:40	NSS/44
Dr Debattista sends an email to Bogdanovic indicating that this is the draft report that was presented. (This version of the report appears to be the same scan that is included in evidence category B and is therefore not being annexed again.)	24 March 2021 15:19	NSS/45
Dr Debattista sends two documents to Bogdanovic for his signature.	24 March 2021 00:18	NSS/46
(Annexed: a letter describing the work Bogdanovic performed on the report in the period between 20 February and 23 March		NSS/46a, NSS/46b



2021, and an invoice for the amount of €9,440, both unsigned.)

Dr Debattista forwards to Bogdanovic an email he sent to the ministry administration as a request for payment of the last invoice.	25 March 2021 11:38	NSS/47
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(Annexed: scans of Mr Bogdanovic’s letter and invoice mentioned above, now signed by him and approved by Dr Debattista.)		NSS/47a, NSS/47b
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List of other relevant emails

<i>Email subject and documents attached</i>	<i>Date and time</i>	<i>Doc No.</i>
The registration of Daniel Bogdanovic’s government email account.	4 December 2020 10:50	E/1
Request for a new laptop for Daniel Bogdanovic.	10 December 2020 10:23	E/2
Reply to several previous emails concerning the rental of cars for use by the secretariat.	24 December 2020 11:55	E/3
Dr Debattista sends a letter to Bogdanovic, which letter from Dr Francis Fabri confirms that Bogdanovic has been approved for the role of Customer Care Officer within the secretariat.	8 March 2021 10:48	E/4
(Attachment: a letter with the approval of the Permanent Secretary for Mr Bogdanovic’s within the secretariat.)		E/4a
Officer confirms that the payment for invoice no. 001 in the amount of €5,900 was effected and sent to the Treasury for processing.	10 March 2021 14:33	E/5
Camilleri sends a list of members of the secretariat as well as their roles. (Mr	11 March 2021 21:55	E/6



Bogdanovic's name does not appear in the list but he is copied in on the email.)

Debattista sends an email regarding a parliamentary hearing which he received from an officer of the Maltese Parliament.

17 March 2021
19:11
E/7

Email regarding the Minister's intervention in the Budget debate

19 March 2021
22:03
E/8

Debattista sends the correspondence he received from the Office of the Prime Minister. This correspondence consists of an email sent by the Head of the Secretariat within the Office of the Prime Minister to Dr Debattista ordering the immediate termination of the secretariat contract of Mr Bogdanovic.

23 March 2021
15:39
E/9

Tonna responds to an email received regarding the first direct order awarded to Bogdanovic saying that formal approval for the direct order was not given because the MFED did not respond to the MFIN's questions.

24 March 2021
08:03
E/10

Debattista sends two documents for Bogdanovic to sign, consisting of a payment request for the period between February and March and an invoice for the amount of €9,440.

24 March 2021
00:18
E/11

(Attachments: description of the work carried out by Mr Bogdanovic between 20 February and 23 March, and an invoice.)

E/11a, E/11b

Debattista sends a copy of the draft to Bogdanovic and tells him that this was the draft report that was presented.

24 March 2021
15:19
E/12

Debattista forwards an email he sent to finance staff at the Ministry for Education, to

25 March 2021
11:38
E/13



the Minister and to Bogdanovic. The email included a copy of Mr Bogdanovic's last invoice for the work he carried out on the NSS report. The same email served as a request for payment of the amount referred to in that invoice.

(Attachment: a copy of the invoice and the letter.)

E/13a, E/13b

DOCUMENT A1

Email dated 21 March 2021 from Ms Alison Bogdanovic

To
the Commissioner for Standards

Dear Commissioner,

I am Alison Bogdanovic, resident at [redacted] and holding identity card number [redacted].

I am writing to you to investigate an abuse and violation of the code of ethics committed by Minister Justyne Caruana.

The Minister began a relationship with my ex-husband Daniel Bogdanovic, behind my back, several months ago. At the time we were still married and living together.

The Minister abused her position because upon being reappointed Minister last December, she gave my husband a position within her private secretariat as Secretariat Officer.

Until then he had worked in the Community Work scheme. A scheme for those who register for work.

Soon afterwards she also increased his wage by about 500 euro a month.

Now, from January, she has awarded him a contract of 5,000 euro per month.

Aside from this, he has a Ministry car with all fuel expenses paid for and also a Ministry mobile.

In addition, she has also awarded direct orders to his brother Goran Bogdanovic from the Ministry for Education.

To date, their relationship is still ongoing and they are seen together in public and also sleep together. I have proof of this.

I must also say that the Minister used her position to try to have my sister dismissed from her job. I am willing to meet you and give you all the details.

I have a number of documents, videos and details which I am willing to pass on to you if you send for me.

Thank you

Alison Bogdanovic

DOCUMENT A2

Email dated 22 March 2021 from Prof. Arnold Cassola

Dear Dr Hyzler,

Given that Bogdanovic is said to be the Minister's boyfriend, I ask you to investigate whether the below is ethical.

https://www.maltatoday.com.mt/news/national/108478/minister_gifts_footballer_friend_5000amonth_sports_contract

Regards,

Arnold Cassola

DOCUMENT A3

Reproduction of a report which appeared in the newspaper *MaltaToday* on 22 March 2021

This report can also be accessed from

https://www.maltatoday.com.mt/news/national/108478/minister_gifts_footballer_friend_5000amonth_sports_contract#.YV6m1dpBxPY.

Minister gifts footballer friend €5,000-a-month sports contract

Daniel Bogdanovic, footballer in 2016 police bail inquiry, kicked up from Community Work Scheme to ministry contractor

22 March 2021, 7:30am

by **Matthew Vella**



Daniel Bogdanovic will be paid €5,000 every month to visit various government schools and come up with recommendations and initiatives to improve the national school of sport's ability to produce elite athletes

On 10 January 2021, the education ministry communicated a vehement denial to MaltaToday that former Malta international Daniel Bogdanovic had been engaged as a member of Justyne Caruana's personal secretariat.

The denial, from spokesperson Etienne St John, came on the same Sunday that a print story was published. The story was never published online due to the ministry's protestations on its content, even in spite of St John's characteristic economy when it comes to answering journalists' questions.

Despite a government business card in Bogdanovic's hands showing him as a "coordinating officer" within the education ministry, as well as a government directory entry showing him to be detailed as a "secretariat officer" to Caruana's ministerial secretariat, St John insisted that 'Bogy' was not a person of trust to the Gozitan minister of education. Instead the former Malta international was just part of the union-run Community Work Scheme.

The image shows a screenshot of a contact management system interface. At the top, the contact name is "Bogdanovic Daniel at MFED" with a small "BD" icon to the right. Below the name, the title "Secretariat Officer" is displayed. The interface has several tabs: "General", "Organization", "Phone/Notes", "Member Of", and "E-mail Addresses". The "General" tab is active, showing a form with the following fields and values:

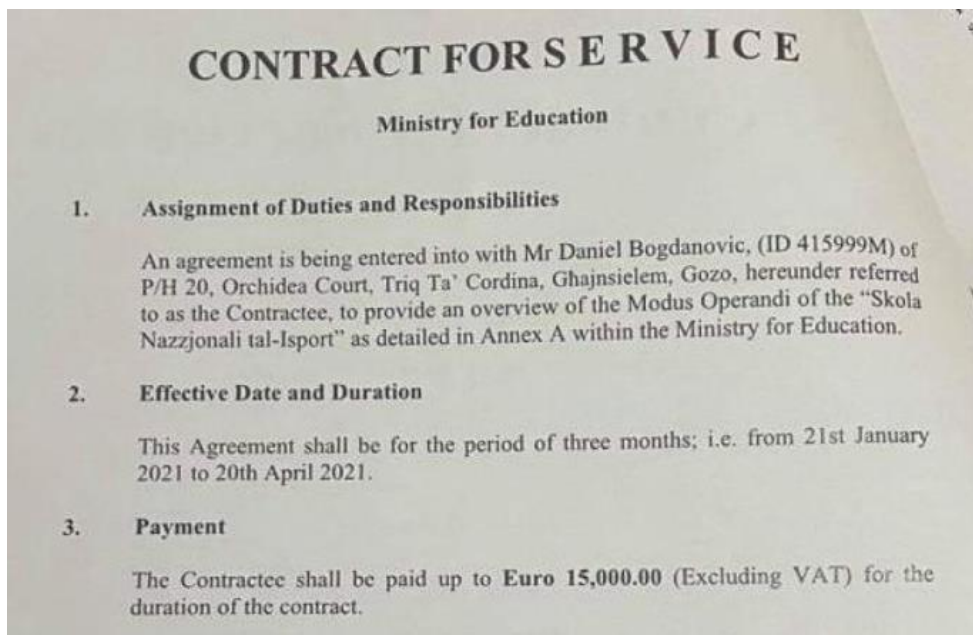
Name					
First:	Daniel	Initials:	<input type="checkbox"/>	Last:	Bogdanovic
Display:	Bogdanovic Daniel at MFED		Alias:	daniel.bogdanovic	
Address:	GREAT SIEGE ROAD		Title:	Secretariat Officer	
			Company:	Ministry for Education	
City:	Floriana		Department:	Ministry Secretariat - MFED	
State:			Office:	Ministry Secretariat - MFED	
Zip code:	FRN 1810		Assistant:		
Country/Region:	Malta		Phone:		

At the bottom of the form, there are two buttons: "Add to Contacts" and "Actions".

Justyne Caruana, a former Gozo minister, is herself a personal friend of Bogdanovic, and is today seen with him on social occasions.

The truth is: just 11 days after that ministerial denial, Bogdanovic's trusting friendship with education minister Justyne earned him a lucrative contract. €15,000 for three months' work on the national sports curriculum: no mean feat for someone with no pedagogical qualifications.

In a contract of service running from January 2021 to 20 April 2021, Bogdanovic, a former international footballer who is now the coach of Ghajnsielem FC in Gozo, will be paid €5,000 every month to visit various government schools and come up with recommendations and initiatives to improve the national school of sport's ability to produce elite athletes.



For a former footballer who obtained government employment through the Community Work Scheme in 2019, an intake programme for unemployed workers that is managed by the General Workers Union, it has been a steep climb.

On this fact alone, Caruana's spokesperson Etienne St John lied to MaltaToday when on 10 January he claimed the footballer was still on the CWS books and therefore "not employed by government". CWS salaries are ultimately paid by the government, which is why the scheme serves as a roundabout way for ministers to recommend voters to the GWU for an entry-level government job. In October 2020, Bogdanovic's CWS gross wage was €977. In December, a €540 allowance was added to his net takings. His job description was that of a "sports educator".

Then on 21 January 2021, he got a new contract of service signed off by permanent secretary Frank Fabri: "to provide an overview of the modus operandi of the Skola Nazzjonali tal-iSport", at €5,000 a month to assess the standards of academic and sports curriculum at the school; evaluate students' selection criteria; carry out a survey with past and present students on their school experience; compare academic and sports curricula in the UK, Germany, Italy, Spain and Cyprus with the Maltese; and issue recommendations to the Maltese ministry.

Bogdanovic Gozo police inquiry

There was a reason why news of Bogdanovic's position inside the education ministry was first published by MaltaToday: the former footballer's domestic violence arrest in 2016 and subsequent police bail was the subject of a government inquiry, launched after the story had been broken by MaltaToday.

The 2016 government inquiry was launched after MaltaToday reported a domestic violence case involving the then-Xewkija footballer. He had been kept overnight on a Saturday in a police cell, but was released from custody ahead of a 3pm Sunday kick-off even though a duty magistrate was expecting him to be arraigned under arrest on Monday morning.

MaltaToday reported that the Gozo police had been requested under pressure of a government official to release Bogdanovic in time for a Sunday match.

A subsequent inquiry had confirmed that Bogdanovic was in fact released from arrest earlier than scheduled; that [Assistant Commissioner Carmelo Magri had inquired](#) about the arrest with arresting officer Edel Mary Camilleri; that Magri had himself been previously [contacted by the Xewkija Tigers coach Jesmond Zammit](#)— who was then an aide to parliamentary secretary Ian Borg; and that officer Camilleri consented to the release on request of her own superior, Superintendent Antonello Grech.

A conversation between Grech and Camilleri, was described by the inquiry’s chairman, former AFM commander Carmel Vassallo, as having “sounded like a warning”.

In his inquiry, Vassallo concluded: “It could be that the telephone calls from AC Magri and particularly the conversation [Camilleri] had with her superintendent, brought the inspector to decide on police bail. The lack of sensitivity in this decision is present, without doubt.”

“The seriousness of the case and the sensitivity necessary in treating domestic violence demand caution. The Inspector felt that the Superintendent’s speech that Sunday morning sounded like a warning... So it made no sense in giving him police bail,” Vassallo pointed out, “if such a serious threat as [Bogdanovic] made also necessitated issuing a protection order. In these circumstances, the choice had to be either police bail and a notification to appear in court, or to keep him under arrest as agreed with the magistrate, 37 hours later on Monday morning.”

Bogdanovic was later fined €1,000 for misuse of telecommunications equipment in 2017 and had his firearms licence suspended for failing to properly store a handgun and a rifle in the manner required by law.