



Interim Report for the Period From 12 November 2018 to 11 November 2019

*Issued in accordance with article 25 of
the Standards in Public Life Act*

Office of the Commissioner for Standards in Public Life
Valletta, Malta

Issued on 9 April 2020

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1 Introduction

1.1 Appointment of the Commissioner for Standards in Public Life

The Standards in Public Life Act of 2017 (chapter 570 of the laws of Malta, referred to as “the Act” from here on) came into force on 30 October 2018. In terms of the Act, the Commissioner for Standards in Public Life is appointed by the President of Malta, acting in accordance with a resolution of the House of Representatives supported by the votes of at least two thirds of all members of the House of Representatives.

Dr George Hyzler’s nomination as Commissioner was approved by a resolution passed by the House of Representatives on 30 October 2018 with the support of all parties represented in the House. He took his oath of office as the first Commissioner for Standards in Public Life on 12 November 2018.

1.2 The role of the Commissioner

The Act assigns the following functions to the Commissioner:

- to investigate, on his own initiative or on the basis of complaints, the conduct of persons who are subject to the Act;
- to examine declarations of assets and financial interests filed by persons who are subject to the Act;
- to make rulings, at the request of persons subject to the Act, on whether an action they propose to take would be contrary to their ethical obligations under the Act (negative clearance);
- to ensure that members of Parliament pay the administrative penalties to which they become liable if they miss parliamentary sittings without authorisation from the Speaker; and
- to make recommendations for the regulation of lobbying and the improvement of the codes of ethics applying to persons subject to the Act. Such recommendations should cover among other things the acceptance of gifts and limitations on employment after ceasing to hold office (revolving doors).

This report reviews the activities of the Commissioner in all five areas.

1.3 Who is subject to the Act?

The following persons are subject to the Act:

- Ministers, parliamentary secretaries and parliamentary assistants;¹
- other members of the House of Representatives; and
- persons of trust, defined by the Act as persons who are engaged in the private secretariat of a minister or parliamentary secretary and who serve in an advisory, consultative or executive capacity.

The Act obliges persons in all three categories to observe rules of ethical conduct. The Act itself sets out two codes of ethics – one for ministers and parliamentary secretaries and one for members of Parliament. The Act makes persons of trust subject to the code of ethics for public employees that appears in another law, the Public Administration Act.²

1.4 The reason for this interim report

Article 25 of the Standards in Public Life Act requires the Commissioner to present a report to the House of Representatives on the performance of his functions under the Act “at least annually or as frequently as he may deem expedient”.

The Act appears not to cater for the presentation of reports covering periods longer than one year. It is for this reason that an interim report is being issued to cover the period from 12 November 2018 to 11 November 2019. An updated version of this report will be issued covering the Commissioner’s operations up to 31 December 2019. The updated version will include audited accounts and will be issued once these are finalised.

It is the intention of the Commissioner to publish annual reports on a calendar year basis from 2020 onwards, unless circumstances warrant more frequent reports.

¹ Parliamentary assistants (members of Parliament who provide support to ministers and parliamentary secretaries) have not been appointed since 2013. For this reason, no further reference to parliamentary assistants is made in this report.

² Malta has enacted two Public Administration Acts – the first in 2009 (chapter 497 of the laws of Malta) and the second in 2019 (chapter 595). The second Public Administration Act came into force on 1 March 2019, superseding the earlier Act and introducing a new code of ethics for public employees.

2 Complaints and Investigations

2.1 The Commissioner's investigative role

The Commissioner for Standards in Public Life can consider whether **ministers, parliamentary secretaries** and **other members of Parliament** have:

- acted in breach of the law;
- broken any ethical or other duty set out by law, including the applicable code of ethics in the Standards in Public Life Act; or
- exercised discretionary powers in a way that constitutes an abuse of power.

The Commissioner can consider whether **persons of trust** have broken the code of ethics set out in the Public Administration Act.

However, the Standards Commissioner cannot investigate cases that occurred before 30 October 2018 – the date the Standards in Public Life Act came into force. Nor can he investigate a complaint if it is made later than thirty working days from the day on which the complainant had knowledge of the fact giving rise to the complaint, or more than one year from when the fact giving rise to the complaint happened.

Furthermore, the Commissioner cannot investigate cases that are the subject of legal proceedings or that are already under investigation by the police.

As already noted, the Commissioner can start an investigation on his own initiative or on receipt of a complaint.

The first step the Commissioner takes on receipt of a complaint is to conduct a preliminary review to determine whether it is eligible for investigation in terms of the Standards in Public Life Act. In many cases this can be determined immediately, while in others preliminary inquiries may need to be made (for instance, to determine whether the alleged misconduct that is the subject of the complaint is attributable to a person who is subject to the Act). If a complaint is found eligible, the Commissioner opens an investigation.

Where the Commissioner finds that a breach of the applicable code of ethics or of any statutory or ethical duty is not of a serious nature, the Act provides that he may grant the person investigated a time limit within which to remedy the breach. The Commissioner has interpreted breaches as being “not of a serious nature” where such breaches could be remedied, for instance by the making of an apology, in order to conclude cases more expeditiously. This procedure emerges from article 22(5) of the Act and it has so far been applied in all cases where the Commissioner has upheld a complaint.

Alternatively, the Commissioner can report the case to Parliament's Standing Committee for Standards in Public Life. This body is made up of two members of Parliament from the government side and two from the opposition, and it is chaired by the Speaker of the House of Representatives. If it agrees with the Commissioner's findings, the Committee can take remedial action as contemplated by the Act.

Furthermore, if it appears to the Commissioner that a crime or a corrupt practice has been committed, he can refer the case to the Police or the Permanent Commission Against Corruption. He can also refer cases to other authorities if he considers this appropriate.

2.2 Complaints

2.2.1 Status of complaints

The Commissioner for Standards in Public Life received a total of twenty-two complaints up to 11 November 2019. The status of these complaints as on 11 November 2019 was as follows:

Status of complaints

Under preliminary review	1
Found not to be eligible for investigation	7
Complaints investigated	14
Of which:	
Still under investigation	5
Investigation concluded	9
Total number of complaints	22

During the period under review, the Commissioner did not start any investigations on his own initiative.

2.2.2 Ineligible complaints

The table below indicates on what grounds complaints were found ineligible for investigation during the period under review.

Reasons why complaints were found ineligible

Complaint concerns a person who is not subject to the Act	2
Complaint concerns behaviour that does not fall under Act	1
Complaint is time-barred	1
Complainant is anonymous	3
Total number of ineligible complaints	7

Two complaints concerned persons who held what might be considered political appointments, but who did not fall within the definition of “person of trust” as set out in the Act.

A third complaint was found ineligible because it did not represent a *prima facie* breach of a statutory or ethical duty on the part of the person who was the subject of the complaint.

A fourth complaint concerned events that occurred before 30 October 2018, when the Act came into force. Article 14(1) of the Act does not permit the Commissioner to investigate such cases.

The remaining three complaints were not investigated because they were considered anonymous. Article 16 of the Act does not permit the Commissioner to entertain anonymous complaints.

Two of these complaints were received by post. One did not give the sender’s name or address, while the other gave a name but no ID card number, address or any other details that might enable the sender’s identity to be verified. The third complaint was sent by email using an account with a free online service provider. Since such accounts can easily be created using a false name, the Commissioner asked for the sender’s ID card number as a means of identity verification. The sender refused to supply it, so this complaint was adjudged anonymous.

2.3 Investigations

2.3.1 Investigations concluded

The Commissioner concluded a total of nine investigations by 11 November 2019. The outcome of these cases can be summarised as follows.

Outcome of investigations

Case referred to Parliament’s Standards Committee	–
Case referred to other authorities	–
Complaint upheld and resolved by the Commissioner	2
Case report deals with practices rather than individuals	1
Investigation inconclusive	1
Complaint not upheld	5
Total investigations concluded	9

During the period under consideration the Commissioner did not forward any cases for consideration by Parliament’s Standing Committee for Standards in Public Life or other authorities. The Commissioner did, however, forward all his case reports to the Standing

Committee for Standards in Public Life for information purposes, as noted in section 2.4 of this report.

2.3.2 Complaints upheld

During the period under review the Commissioner upheld two complaints, resolving both by means of the summary procedure under article 22(5) of the Act. One of these concerned a person of trust and the other concerned a minister. The case involving a person of trust was resolved on the basis of an apology.³ The case involving a minister was resolved on the basis of an undertaking by the minister to issue directions to his staff so as to ensure that the misconduct was not repeated.⁴

2.3.3 Investigation dealing with a general practice rather than the conduct of individuals

The Commissioner decided to focus his investigation on practices rather than on the conduct of individuals in the case of one complaint. The complaint in question concerned the engagement in government service of backbench members of Parliament.⁵

This particular case merits being singled out for the complexity of the issues it raised and the amount of research that had to be carried out to enable the Commissioner to arrive at his conclusions. In addition to research undertaken by the Office of the Commissioner, it was necessary to obtain specialist legal advice. Further information on this case is given in section 2.5.1 of this report.

2.3.4 Complaints not upheld

The Commissioner did not uphold five complaints following investigation. Two of these cases concerned the Prime Minister while the other three concerned ministers.

One of the latter cases concerned a complaint about selective invitations to the media for ministerial press events. Although the complaint was not upheld, the minister in question accepted the Commissioner's recommendation to invite all media to major press events in future.⁶

³ Report on case K/003, issued on 12 April 2019. All case reports cited in this report are available from <https://standardscommissioner.com/case-reports/>.

⁴ Report on case K/004, issued on 9 August 2019.

⁵ Report on case K/002, issued on 5 July 2019.

⁶ Report on case K/001, issued on 4 February 2019.

2.3.5 *Inconclusive investigation*

The Commissioner's investigation of one case was inconclusive, meaning that it was possible neither to prove nor to disprove the complaint. This was because none of the potential witnesses were willing or able to give information. The Commissioner did not issue a report on this case, concluding it instead by means of a letter to the complainant.

2.4 Publication of case reports

Eight of the nine investigations concluded by the Commissioner during the period under review resulted in the preparation of a case report in which the Commissioner set out his findings and conclusions on each case. As noted in section 2.3.5 above, no case report was issued on the remaining case because the Commissioner's investigation proved inconclusive.

The Commissioner can close cases himself or else refer them to Parliament's Standards Committee for its own consideration. Reports on cases closed by the Commissioner are still referred to the Standards Committee, but for information purposes only.

The Commissioner is empowered to publish case reports on cases closed by him, and in the interests of transparency he has decided that as a general rule he should do so. He reserves the right not to publish a report or to publish it in redacted form if he considers this necessary in the circumstances of a particular case.

Accordingly, all eight case reports issued by the Commissioner during the period under review were published on his website at <https://standardscommissioner.com/case-reports/>. One of these reports was published in redacted form so as not to identify the complainant in view of the nature of the case.

2.5 Selected issues arising from cases

2.5.1 *Backbench MPs in government service*

One of the complaints received by the Commissioner asked him to consider whether or not backbench members of Parliament, meaning those MPs who do not hold office as ministers or parliamentary secretaries, were in a conflict of interest situation if they also served as employees of or consultants to the government.

In considering this complaint, the Commissioner opted to focus on the general practice of giving government appointments to backbench MPs on the government side. This approach was considered more practical than opening specific investigations on all government backbench MPs, particularly since the conclusions to be drawn about government appointments for backbench MPs depended not only on the merits of each individual case but on the total number of MPs so engaged. The larger the number of

MPs serving with the government, the greater the potential impact on the autonomy of Parliament.

The Commissioner found that all backbench MPs on the government side had been engaged by the government in one capacity or another, mainly as consultants to ministries, chairpersons or members of government boards, or members of staff in ministers' secretariats. In his case report, the Commissioner concluded that this practice was fundamentally wrong for a number of reasons, the most important of which was that it undermined the ability of Parliament to hold the executive to account. He recommended that the practice should cease.⁷

This case generated substantial coverage in the media, and the government committed itself to issuing a formal response to the Commissioner's report. The government issued its response on 11 November 2019. This took the form of a paper by the Principal Permanent Secretary which argued that the engagement of backbench MPs by the government was neither unconstitutional nor illegal, and it did not represent a conflict of interest on the part of the MPs who were so engaged. The paper was based on legal advice that was published along with it.⁸

The Commissioner disagreed with the position taken by the Principal Permanent Secretary and his legal advisors and decided to issue a counter-statement explaining why.⁹

2.5.2 *Persons of trust*

Article 2 of the Act defines a person of trust as “any employee or person engaged in the private secretariat of a Minister or of a Parliamentary Secretary wherein the person acts as an adviser or consultant to a Minister or to a Parliamentary Secretary or acts in an executive role in the Ministry or Parliamentary Secretariat, and where the person has not been engaged according to the procedure established under article 110 of the Constitution.”

During the period under review, the Commissioner investigated one complaint concerning a person of trust. This case threw up the issue of whether any member of staff in a minister's secretariat could be considered as acting in an executive role for the purposes of the above-mentioned definition, since it was government policy that persons of trust should not hold executive powers over “government matters and personnel”. The potential implication of this policy was that any member of staff in a

⁷ Report on case K/002, issued on 5 July 2019.

⁸ The response and accompanying legal advice are available at https://publicservice.gov.mt/en/Pages/News/2019/20191112_AnalysisOfAttorneyGeneralReport.aspx.

⁹ Available at <https://standardscommissioner.com/other-documents/>.

minister's secretariat who did not perform an advisory or consulting role might not be considered to be subject to the Act.

However, the Commissioner found that this policy was intended to refer to executive powers outside the narrow confines of the minister's secretariat. The policy did not prevent a member of staff in a minister's secretariat from performing executive duties within the secretariat itself. Such duties still represented "an executive role" for the purposes of article 2 of the Act.

Furthermore, such duties did not necessarily have to be at a senior level. By analogy, in the public service of Malta the grade of Executive Officer was a junior grade in the same salary scale as the grade of Senior Clerk. Hence even a person holding a relatively junior position in a private secretariat might fall within the Act's definition of the term "person of trust" on the basis that he or she fulfilled an executive role.¹⁰

As noted in section 2.2.2 of this report, the Commissioner received two more complaints concerning persons who did not fall within the definition of "person of trust" as set out in the Act. The persons in question held political appointments in the sense that they had been employed by the government on a discretionary basis rather than through a call for applications, but they did not serve in the private secretariat of a minister or parliamentary secretary. These complaints indicated that the definition of "person of trust" in the Act was not easily understood by members of the public.

For this reason, the Commissioner issued a guidance note on 17 October 2019 to clarify this definition and to explain how it differs from the general understanding of the term "person of trust". The guidance note can be downloaded from the Commissioner's official website at <https://standardscommissioner.com/other-documents/>.

Another issue addressed by the Commissioner in relation to persons of trust is whether the Constitution of Malta permits appointments on trust. The Commissioner first considered this issue in his case report on the engagement of backbench MPs by the government, since some MPs served as persons of trust in ministers' private secretariats. He took up the issue in the above-mentioned guidance note and in a document published subsequently on constitutional reform (see section 4.4 of this report). The Commissioner's view is that appointments on trust are unconstitutional in terms of the Constitution as it stands.

2.5.3 Public communications by ministers

During the period under review, the Commissioner dealt with three complaints concerning public communications by ministers.

¹⁰ Report on case K/003, issued on 12 April 2019.

One complaint alleged that a minister was issuing invitations to his press events selectively to some media but not others. The Commissioner found that the relevant provisions of the ministerial code of ethics were not clear on whether ministers were obliged to invite all media to press events. The Commissioner therefore felt unable to uphold the complaint. However, he secured a commitment from the minister to issue invitations to all media in future, and the Commissioner stated that in subsequent cases he would interpret the ministerial code of ethics in this light.¹¹

The other two complaints concerned different official statements issued by ministers through the Department of Information (DOI). Each complaint alleged that the statement in question was political in nature and constituted inappropriate use of official government facilities.

The Commissioner upheld the first complaint, finding that the statement was politically partisan in tone and, moreover, it dealt with legal proceedings instituted by the minister in his personal capacity rather than official matters. The minister argued that it was a longstanding practice to issue statements of a political nature through the DOI. The Commissioner acknowledged this but noted that his mission was to raise standards in Maltese public life. He could not therefore excuse present-day misconduct with reference to similar past behaviour, since this would perpetuate an incorrect practice. He closed the case on the basis of a commitment by the minister concerned to direct his officials not to make use of the Department of Information for such statements in future.¹²

The Commissioner did not uphold the second complaint, taking the view that the subject matter of the DOI statement in this case was directly related to the minister's official responsibilities. The Commissioner did, however, note that one particular comment in the DOI statement was unnecessary and bordered on the inappropriate. He therefore reiterated the call he had made in his report on the earlier case for ministers to avoid issuing statements of a political nature through the DOI.¹³

¹¹ Report on case K/001, issued on 4 February 2019.

¹² Report on case K/004, issued on 9 August 2019.

¹³ Report on case K/007, issued on 16 September 2019.

3 Other Functions Arising from the Act

3.1 Review of annual declarations by MPs and ministers

Article 13(1)(a) of the Standards in Public Life Act tasks the Commissioner with examining and verifying declarations relating to financial interests and assets by persons subject to the Act. Members of Parliament, ministers and parliamentary secretaries are obliged by their respective codes of ethics to make such declarations on an annual basis. Declarations are made in the spring of each year setting out the position as at 31 December of the previous year.

During the period under consideration, MPs, ministers and parliamentary secretaries presented declarations on their financial interests and assets as at 31 December 2018. The Commissioner embarked on the development of a methodology for the review and verification of these declarations. This work remained under way as at 11 November 2019.

3.2 Negative clearance

Article 13(1)(c) of the Act empowers the Commissioner to give a ruling on whether a particular action constitutes misconduct, if such a ruling is requested by a person who is subject to the Act. If the Commissioner rules that the action is permissible, and the person who has requested the ruling acts accordingly, he or she cannot then be charged with misconduct under the Act. The Act refers to this procedure as negative clearance.

During the period under review, the Commissioner received two requests for negative clearance. Both requests came from backbench members of Parliament, and both concerned the taking up of appointments in the public sector. The Commissioner granted negative clearance to both requests since the nature of each appointment was such that it did not constitute a conflict of interest for the member of Parliament concerned.

3.3 Administrative penalties for non-attendance in Parliament

Article 13(1)(e) of the Act assigns to the Commissioner the role of writing to members of Parliament to inform them of any administrative penalties due by them for unauthorised absences from parliamentary sittings in terms of Standing Order 159 of Parliament's Standing Orders.

During the period under review, the Commissioner for Standards agreed with the Speaker and the Clerk of the House of Representatives on the procedure to be adopted by their respective offices for cooperation in the fulfilment of this function. The Office of the Commissioner subsequently began writing to members of Parliament concerning

administrative penalties due by them with respect to the 2018/2019 session of Parliament.

3.4 Review of codes of ethics

Article 13(1)(f) and (g) of the Act empower the Commissioner to make recommendations concerning the improvement of the codes of ethics applying to ministers, other members of Parliament, and persons of trust. Such recommendations may deal with, among other things, lobbying, the acceptance of gifts, and restrictions on employment after ceasing to hold state office (“revolving doors”).

During the period under review, the Office of the Commissioner began to carry out research on these matters with a view to drawing up recommendations for change to the codes of ethics for ministers, parliamentary secretaries and MPs. The research encompassed practices in other countries as well as relevant recommendations by GRECO (the Group of States Against Corruption, a body within the Council of Europe). In June 2019, preliminary meetings were held separately with representatives of the government and opposition parliamentary groups to obtain their reactions to the proposals that were under consideration by the Commissioner.

By the end of the period under review, the research was largely complete. Proposals for the regulation of lobbying and revised draft codes of ethics were being drawn up as a basis for public consultation.

4 Other Activities

4.1 Participation in meetings of Parliament's Standards Committee

The Commissioner has attended every meeting held by Parliament's Standing Committee for Standards in Public Life. During the period under review the Committee held six meetings. A seventh meeting was held on 12 November 2019 and is also being covered in this interim report.

In its first meeting, which was held on 22 January 2019, the Committee discussed whether case reports drawn up by the Commissioner on the basis of his investigations should be published. On 11 March 2019 the Commissioner presented a memorandum to the Committee in which he proposed that he should publish his reports on cases where he found no misconduct or where the misconduct was resolved using the summary procedure under article 22(5) of the Act. If the Commissioner referred a case to the Committee for its own consideration, it would be up to the Committee to decide when to publish the Commissioner's case report. On the other hand, if there was no basis for investigation publication would not be warranted, whereas if there was evidence of criminal responsibility, the matter would be referred to the Commissioner of Police or the competent authority without publication. In this case the Chairman of the Committee would be informed forthwith.

The Committee discussed this memorandum on 12 March, 2 April and 26 July 2019. On 2 April 2019 the Committee agreed to the publication of case reports which found no misconduct, and on 26 July 2019 it agreed that the Commissioner could publish reports on cases resolved through the summary procedure.

On 5 July 2019 the Commissioner published his case report on backbench members of Parliament in government service (see section 2.5.1 above). It was particularly important for this case report to be discussed by the Committee since it concerned Parliament itself. The report was briefly discussed by the Committee on 26 July 2019 and again at its subsequent meeting of 12 November 2019, but both meetings were brief. The meeting of 26 July lasted three quarters of an hour and that of 12 November discussed only procedural issues before being adjourned.

The meeting of 12 November 2019 was the last to be held by the Committee up to the date of issue of this interim report.

4.2 Exchange of experiences with the UK

In January 2019 the Commissioner for Standards, Dr George Hyzler, together with Charles Polidano, Director General in his office, travelled to the UK for meetings with the Parliamentary Commissioner for Standards of the UK House of Commons and her staff. Dr Hyzler and Mr Polidano also met with staff from the UK Committee on

Standards in Public Life, which is a separate body. Meetings were held on 14 and 15 January.

During this visit Dr Hyzler invited his UK counterpart to visit Malta. Kathryn Stone, UK Parliamentary Commissioner for Standards, duly visited Malta in May 2019. She held meetings with Dr Hyzler and his staff, as well as with the Speaker and the Clerk of the House. Ms Stone was accompanied by the Hon. Kate Green MP, chairperson of the House of Commons Select Committee on Standards. Meetings were held on 23 and 24 May. In addition to one-on-one meetings, Ms Stone and Ms Green took part in a meeting of the Standing Committee for Standards in Public Life of the Maltese Parliament which was held on 24 May 2019.

4.3 Courtesy visit to the President

On 18 June 2019 the Commissioner for Standards paid a courtesy visit to the President. The Commissioner briefed the President on his role and activities. The Commissioner also informed the President that his office would be presenting proposals on constitutional reform for consideration by the Constitutional Reform Committee that is chaired by the President.

4.4 Publication of proposals on constitutional reform

On 30 October 2019 the Commissioner presented a report on constitutional reform to the President in his capacity as chairperson of the Constitutional Reform Committee. The report, entitled *Towards Higher Standards in Public Life: Proposals to Modernise the Provisions of the Constitution on Parliament, the Judiciary and Public Administration*, was co-authored by the Commissioner and the Director General in his office. It was drawn up in response to the President's call for public submissions on constitutional reform.

The report was subsequently published on the Commissioner's official website at <https://standardscommissioner.com/other-documents/>. It proposes constitutional changes with a view to strengthening the independence of Parliament and the judiciary, and reinforcing the principle of merit in appointments within public administration.

Among other things, the report proposes that:

- Members of Parliament should be disqualified from the House of Representatives if they accept contracts of any kind from the government or public entities. Similarly, MPs should not be allowed to accept appointments as persons of trust or as members of government boards and committees.
- Judges and magistrates should be selected on merit following public calls for expressions of interest to fill specific vacancies in the judiciary. The government should retain its current power to overrule the selection process in exceptional instances, but it should publicise and justify any such cases.

- The Constitution should permit appointments on trust, but only in ministers' secretariats. Appointments elsewhere in public administration should as a general rule be made on merit. The Public Service Commission should be empowered to enforce the merit principle throughout public administration, not only in the Public Service as is currently the case.
- The chairpersons of the Public Service Commission and other constitutional commissions should be appointed by the President on the basis of a parliamentary resolution supported by at least two thirds of MPs. The same mechanism should apply to the appointment of the heads of the Armed Forces, the Police and the Security Service.
- Permanent Secretaries should be appointed by the President on the basis of merit, but the Prime Minister should have the right to object to any particular appointment. If the President accepts the Prime Minister's objection another selection process would be held to fill the post in question.

The report includes draft amendments to the Constitution that are based on these proposals.

4.5 Outreach

Following his appointment in November 2018, the Commissioner for Standards made himself accessible to the media in order to maximise public awareness of the existence and role of his office. To this end he accepted all requests for interviews from the media, appearing on One, Net, TVM, Malta Today, 103 – Malta's Heart, and Lovin Malta.

However, the Commissioner turned down requests to comment on cases under investigation or cases of potential ethical misconduct. His standard reply to the latter kind of request is that he can enter into the merits of such cases only in the context of an investigation under the Act.

The Commissioner extended his outreach efforts to university students by means of a presentation entitled "Higher Standards in Public Life" which he delivered on 22 October 2019 to students following master's degree courses in the Department of Public Policy of the University of Malta. The presentation covered the role and activities of his office.

5 Resourcing and Logistics

5.1 Staffing

Up to 11 November 2019, the Office of the Commissioner for Standards in Public Life consisted of six members of staff including the Commissioner. Other than the Commissioner, staff members consisted of a Director General; an Assistant Director (Research and Communications); an Office Manager/Personal Assistant; and two support staff, a driver and a cleaner, both of whom also perform general office duties.

On 7 November 2019 the Office of the Commissioner issued a call for applications for the position of Research Analyst and Investigator in order to strengthen its capacity in both research and investigations. The intention was to fill this position early in 2020. An organisation chart is set out in Appendix 1 to this report.

In addition, the Commissioner retained a legal advisor and an auditor on a contract-for-service basis. The role of the legal advisor is to contribute to investigations, while the role of the auditor is to contribute to the examination and verification of the declarations of assets and interests that are submitted by ministers, parliamentary secretaries and members of Parliament.

The Commissioner's financial plan for 2019, as approved by Parliament, provided for the recruitment of two additional staff, a Consultant and a Research Analyst (Legal). However, the Commissioner opted not to fill these positions during 2019 or 2020.

5.2 Funding

The approved financial plan for 2019 provided for a total of €350,000 in expenditure for the year, consisting of €201,320 in personal emoluments and €148,680 in operational and maintenance expenses. However, the figure for personal emoluments as included in the plan represented a reduction by €128,000 over the amount required to cover the salaries of the proposed complement for 2019. This occurred as a result of a clerical error when the draft plan was presented to the Ministry for Finance through the House of Representatives for vetting.

As indicated above, the Office of the Commissioner limited its staff complement during 2019 to six persons (including the Commissioner). It also restricted operational and maintenance expenditure to the essentials. This resulted in a reduction of the projected overall funding shortfall in 2019 to just €18,332. This amount was made available by the Ministry for Finance. Total expenditure by the Office of the Commissioner for 2019 was therefore projected as €368,332.

As already mentioned, audited accounts will be included in an updated version of this report covering the period 12 November 2018 to 31 December 2019.

5.3 Premises

The Office of the Commissioner is housed on the fourth floor of the Office of the Ombudsman at 11, St Paul Street, Valletta.

This arrangement allows for a degree of synergy between the two bodies, since both represent institutions of oversight that report to Parliament.

These premises were made available by the Office of the Ombudsman under a tenancy agreement whereby the Office of the Commissioner is required to pay €20,000 annually for a period of ten years in defrayal of refurbishment expenses, together with €1,463 as a contribution to rent. In addition, the Office of the Commissioner reimburses the Office of the Ombudsman for its share of the electricity and water consumption of the building, together with part of the salary of the receptionist.

Under this arrangement it was the responsibility of the Office of the Commissioner to procure furniture for its own use. Considerable savings were achieved through the purchase of pre-owned as opposed to new-build furniture. This also enabled the office to be up and running within a few weeks of the Commissioner's appointment.

5.4 Website and branding

The Office of the Commissioner has developed a logo entirely using its own resources. The logo is an edited close-up photograph of one of the projections on the façade of the Parliament building, symbolising the close relationship between the Commissioner for Standards and the House of Representatives.

The Office launched its website on 24 May 2019. The site is fully bilingual. It was developed by a private contractor who was chosen following a call for quotations. However, the logo and photography was provided by the Office and the website is being updated and maintained by the Office.

Appendix 1 – Organisation Chart

