



*This letter is a translation of the Maltese original.*

30 January 2025

The Hon. Dr Robert Abela  
Prime Minister

By hand and by email to  
robert.abela@gov.mt

Honourable Prime Minister,

**Declarations of assets by ministers  
and members of Parliament**

I refer to your letter of 27 January 2025 in response to my letter of 2 January.

In my letter I referred a complaint to you regarding the failure to present ministers' declarations of assets for the year 2023 in Parliament. I asked for your views on the complaint for the purposes of the Standards in Public Life Act. I also informed you that this matter goes beyond the complaint, and I expressed my concern regarding the fact that the declarations in question were not tabled in Parliament in keeping with longstanding practice.

In your response, you provided me with your views regarding the complaint but you agreed with me that this matter goes beyond the complaint. You proposed that the current system, in which every member of Parliament submits a declaration of assets to the Speaker whilst every minister submits a declaration on a separate form to the Cabinet Secretary, should be superseded by a new system in which:

- (a) a single declaration is completed by every member of parliament, whether they are a minister or not;
- (b) this declaration should be subject to scrutiny by the Speaker and/or my Office;
- (c) this declaration should be tabled in the House of Representatives within a period that should be established by law.

You asked for my opinion about these proposals, and I am writing to you for this purpose. The complaint will be the subject of separate correspondence in due course.



## **1. There should be no reduction in the information which ministers are obliged to provide**

It is my view that there should be no reduction in the information which ministers are currently required to include in their declarations. This is being stated since ministers are bound to declare their income whilst members of Parliament are not. The introduction of one single declaration should not lead to the removal of this obligation.

## **2. Changes should be based on OECD and GRECO recommendations**

The current declaration forms for both ministers and members of Parliament are already limited in the information they include. In fact, in October 2023 the Organisation for Economic Cooperation and Development (OECD) recommended that the system of asset declarations in Malta should be strengthened.<sup>1</sup> Among other things, the OECD proposed that:

- (a) members of Parliament should declare their income;
- (b) declarations by ministers and members of parliament should include more information, including information about gifts received by them (also including paid travel abroad);
- (c) this Office should have the power to request information from the relatives of declarants should this be necessary for declarations to be verified as required by law; and
- (d) there should be a formal system for the declaration of conflicts of interest: this should be separate from asset declarations, because conflicts of interest should be declared whenever the need arises.

Aside from this, in 2019 the Group of States against Corruption (GRECO) recommended that the public should be given easier and more systematic access to the declarations.<sup>2</sup> Thus far, this has not been implemented.

On 3 November 2023 I wrote to you to formally recommend, under article 13(1)(g) of the Standards in Public Life Act, that the asset declaration system be strengthened as proposed by the OECD. I received no response regarding this recommendation. In my view, the proposals by the OECD and GRECO should be the point of departure in the reform of the asset declaration system.

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<sup>1</sup> See [https://one.oecd.org/document/GOV/PGC/INT\(2023\)12/FINAL/en/pdf](https://one.oecd.org/document/GOV/PGC/INT(2023)12/FINAL/en/pdf).

<sup>2</sup> See <https://rm.coe.int/grecoeval5rep-2018-6-fifth-evaluation-round-preventing-corruption-and-/168093bda3> (page 29).



### **3. Changes should take place after public consultation**

Aside from being based on the OECD and GRECO recommendations, the reform of the asset declaration system should involve consultation with the public and civil society. The reform should not be rushed. Neither should it be conditioned by the suspension of the practice whereby declarations by ministers are tabled in the House of Representatives.

Indeed I see no reason why this practice should not remain in force until changes are made to the asset declaration system. Therefore ministers' declarations for 2023 should be tabled in the House of Representatives as soon as possible.

### **4. This Office is bound to verify declarations of assets by ministers**

In your letter, you say that you are prepared to divest yourself of the power to scrutinise the asset declarations of ministers. You also say that ministerial declarations for the year 2023 have been "*duly scrutinised*".

I should remind you that this Office is bound to examine the same declarations according to article 13(1)(a) of the Standards in Public Life Act. This article says that the Commissioner for Standards must "*examine, and if necessary verify, such declarations relating to income or assets or other interest or benefits of whatever nature of persons to whom this Act applies who are under a duty to file such declarations as maybe provided under this or any other law*". This article requires that this Office should have access to ministers' declarations for 2023. This is another reason why the declarations should be tabled in the House of Representatives without delay.

### **5. This Office should have access to the tax declarations which are provided to the Speaker**

According to the Income Tax Management Act, every year the Commissioner for Tax and Customs must send the Speaker a statement setting out the income of each member of Parliament.

This statement is an important tool to assist this Office in verifying the asset declarations which are completed by members of Parliament. However, the Income Tax Management Act does not grant this Office access to the statement on income. According to this Act, the Speaker can grant access to this information only to members of Parliament themselves or to newspaper editors following a request in writing on their part. This is a legal anomaly which must be resolved.



It is my hope that any amendments to the asset declaration system will make it more effective as a mechanism of transparency and accountability.

I would like to inform you that it is my intention to publish this letter in view of the public interest in the matter under discussion.

Regards,

Chief Justice Emeritus Joseph Azzopardi  
Commissioner for Standards in Public Life