
Nru. 159

22. 7. 2020

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-1 ta' Lulju 2020.

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 1st July 2020.

ATT li jemenda l-liġijiet relattivi għall-hatra ta' persuni ta' fiduċja.

AN ACT to provide for the amendment of the laws relative to the appointment of persons of trust.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT li jemenda l-liġijiet relattivi għall-ħatra ta' persuni ta' fiduċja.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħareġ b'liġi dan li ġej:

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 dwar il-
Ħatra ta' Persuni ta' Fidučja. Titolu fil-qosor.

TAQSIMA I

Emendi tal-Att dwar *Standards* fil-Ħajja Pubblika

2. Din it-Taqsima temenda l-Att dwar *Standards* fil-Ħajja Emendi għall-
Att dwar
Standards fil-
Ħajja Pubblika.
Kap. 570.
Pubblika, u għandha tinqara u tinftiehem bħala ħaġa waħda mal-Att
dwar *Standards* fil-Ħajja Pubblika, hawnhekk iżjed 'il quddiem f'din
it-Taqsima msejjaħ bħala "l-Att prinċipali".

3. Fl-artikolu 2 tal-Att prinċipali, it-tifsira "persuna ta' fidučja" Emenda tal-
artikolu 2 tal-Att
prinċipali.
għandha tiġi sostitwita bit-tifsira li ġejja:

" "persuna ta' fidučja" tfisser kwalunkwe impjegat jew
persuna ingaġġata direttament minn barra mis-servizz
pubbliku jew mis-settur pubbliku biex jaġixxu ta'
konsulenti tal-Ministru jew tas-Segretarju Parlamentari
jew f'każ illi, wara sejhiet pubbliċi repetittivi għall-ingaġġ
ta' kariga tibqa' vakanti, jekk tali ingaġġ ikun għal perjodu
ta' inqas minn sena u fejn il-persuna tkun ġiet ingaġġata
skont il-proċeduta stabbilita taht artikolu 6A tal-Att dwar l-
Amministrazzjoni Pubblika;"

Kap. 595.

C 4500

Emenda tal-artikolu 22 tal-Att prinċipali.

4. Fis-subartikolu (6) tal-artikolu 22 tal-Att prinċipali, il-kliem "jew lill-Kummissjoni Permanenti Kontra l-Korruzzjoni" għandhom jiġu sostitwiti bil-kliem "jew direttament lill-Avukat Ġenerali" u l-kliem ", skont kif ikun il-każ," għandhom jiġu mħassra.

TAQSIMA II

Emendi tal-Att dwar l-Amministrazzjoni Pubblika

Emendi għall-Att dwar l-Amministrazzjoni Pubblika. Kap. 595.

5. Din it-Taqsima temenda l-Att dwar l-Amministrazzjoni Pubblika u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Amministrazzjoni Pubblika, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ bħala "l-Att prinċipali".

Żieda ta' artikolu ġdid fl-Att prinċipali.

6. Minnufih wara l-artikolu 6 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġejj:

"Persuni ta' fiduċja.

6A. (1) Il-Ministri u s-Segretarji Parlamentari jistgħu jingagġaw direttament, fuq bażi ta' persuni ta' fiduċja, individwi minn barra s-servizz pubbliku u s-settur pubbliku biex jaġixxu bħala:

(a) konsulenti għal Ministru jew Segretarju Parlamentari;

(b) persunal tas-Segretarjat ta' Ministru jew Segretarju Parlamentari; jew

(ċ) f'każ li wara sejhiet pubbliċi ripetittivi għal ingaġġ, kariga tibqa' vakanti, jekk dak l-ingaġġ ikun għal inqas minn sena:

Iżda persuni ta' fiduċja ma għandhomx jiġu meqjusa bħala uffiċjali pubbliċi jew impjegati pubbliċi.

(2) Persuni ta' fiduċja għandhom jiġu ingaġġati fuq kuntratt għal terminu ta' żmien fiss:

Iżda persuna ingaġġata f'din il-pożizzjoni ma għandhiex tilhaq status indefinit jekk tkun impjegata għal iżjed mill-limitu legali stipulat fil-Regolamenti dwar Kuntratti ta' Servizz għal Terminu ta' Żmien Fiss, fuq il-bażi li l-ingaġġ huwa marbut ma' Ministru jew Segretarju Parlamentari partikolari fejn iż-żamma ta' livell oġhla ta' fiduċja huwa meħtieġ bis-saħħa tan-natura tal-pożizzjoni u fejn livell għoli ta' fiduċja huwa oġġettivament element essenzjali tar-relazzjoni ta' impjieg.

L.S. 452. 81.

(3) In-numru ta' persuni li jistgħu jiġu ingaġġati u l-kundizzjonijiet tal-impjieg ta' persuni ta' fiduċja għandhom jiġu stabbiliti fil-manwal pubblikat mill-Uffiċċju tal-Kabinett li għandu jkun imqiegħed fuq il-mejda tal-Kamra."

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu bażi legali għall-ħatra ta' persuni ta' fiduċja. L-Abbozz jagħti poter lill-Kummissarju għall-*Istandards* fil-Ħajja Pubblika li jibgħat ir-riżultanzi ta' sejbien ta' atti ta' korruzzjoni direttament lill-Avukat Ġenerali.

C 4502

**A BILL
entitled**

AN ACT to provide for the amendment of the laws relative to the appointment of persons of trust.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title. **1.** The short title of this Act is Appointment (Persons of Trust) Act, 2020.

**PART I
Amendments to the Standards in Public Life Act**

Amendments to the Standards in Public Life Act. Cap. 570. **2.** This Part amends the Standards in Public Life Act and it shall be read and construed as one with the Standards in Public Life Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 2 of the principal Act. **3.** In article 2 of the principal Act, the definition "person of trust" shall be substituted by the following:

Cap. 595. " "person of trust" means any employee or person engaged directly from outside the public service and the public sector to act as consultants and staff in the private secretariat of a Minister or Parliamentary Secretary or in the event that following repetitive public calls for engagement a post remains vacant if such engagement is for a period of less than one year and where the person has been engaged according to the procedure established under article 6A of the Public Administration Act;"

4. In sub-article (6) of article 22 of the principal Act, the words "or the Permanent Commission Against Corruption" shall be substituted by the words "or directly to the Attorney General" and the words ", as the case may be," shall be deleted.

Amendment of article 22 of the principal Act.

PART II
Amendments to the Public Administration Act

5. This Part amends the Public Administration Act and it shall be read and construed as one with the Public Administration Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Public Administration Act. Cap, 595.

6. Immediately after article 6 of the principal Act, there shall be added the following new article:

Addition of new article to the principal Act.

"Persons of trust.

6A. (1) Ministers and Parliamentary Secretaries may engage directly, on a persons of trust basis, individuals from outside the public service and the public sector to act as:

(a) consultants to a Minister or Parliamentary Secretary;

(b) staff of the Secretariat of a Minister or a Parliamentary Secretary; or

(c) in the event that following repetitive public calls for engagement, a post remains vacant, if such engagement is for a period of less than one year:

Provided that persons of trust shall not be deemed to be public officers or public employees.

(2) Persons of trust shall be engaged on a fixed term engagement contract:

Provided that a person engaged in this position shall not attain indefinite status if employed in excess of the legal limit stipulated in the Contracts of Service for a fixed term Regulations, on the basis that the engagement is linked to a particular Minister or Parliamentary Secretary where the maintenance of a higher level of trust is necessary by virtue of the nature of the position and where a high level of trust is objectively an essential element of the employment relationship.

S.L. 452. 81.

(3) The number of persons that may be engaged and the conditions of employment of persons of trust shall be established in the manual published by Cabinet Office which shall be laid on the table of the House."

C 4504

Objects and Reasons

The objects and reasons of this Bill are to provide a legal basis for the appointment of persons of trust. The Bill gives the Commissioner for Standards in Public Life the power to refer the results of findings of an act of corruption directly to the Attorney General.