

ATT DWAR L-AMMINISTRAZZJONI PUBBLIKA

TAQSIMA I

TIFSIR U DIKJARAZZJONI TA' PRINĊIPJI

1. Titolu fil-qosor u bidu fis-sehh.
2. Tifsir.
3. Prinċipju tar-risponsabbiltà.
4. Valuri ta' l-amministrazzjoni pubblika.
5. Kodiċi ta' Etika.

TAQSIMA II

IS-SERVIZZ PUBBLIKU

Titolu 1 – L-Organizzazzjoni

6. Ministri u segretarjati ta' Ministri.
7. Ministeri.
8. Dipartimenti.
9. Kumitat Konsultattiv ghall-Hatriet Anzjani.
10. Titoli ta' pożizzjonijiet ta' kap u ta' karigi pubbliċi ohra, u titoli ekwivalenti fil-ligi.
11. Qadi ta' setghat fin-nuqqas ta' uffiċjal pubbliku.
12. Segretarjati ta' bordijiet u kummissjonijiet.

Titolu 2 – It-Tmexxija

13. Is-Segretarju Permanenti Ewlieni.
14. Hatra ta' Segretarju Permanenti Ewlieni.
15. Direttivi u linji gwida mahruġa mis-Segretarju Permanenti Ewlieni dwar dipartimenti tal-Gvern.
16. Kumitat tas-Segretarji Permanenti.
17. Sorveljanza ta' dipartimenti minn Segretarji Permanenti.
18. Dmirijiet tal-kapijiet tad-dipartimenti.
19. Servizz Eżekuttiv Anzjan.

Titolu 3 – Uffiċjali Pubbliċi

20. L-assenjazzjoni u t-trasferiment ta' uffiċjali bejn postijiet.
21. Prinċipju tal-mertu.
22. Setghat ta' kapijiet ta' dipartimenti dwar impjegati.
23. Setgha ghall-holqien, it-tnehhija u l-klassifikazzjoni ta' pożizzjonijiet.
24. Hatriet f'pożizzjonijiet.
25. Mili ta' pożizzjonijiet b'hatra laterali.

A 2

26. Tnehhija minn pożizzjonijiet.
27. Gradi.
28. *Surplus Pool*.
29. Applikabbiltà ta' ċerti dispożizzjonijiet skond il-Kostituzzjoni.
30. Estensjoni lis-servizz pubbliku tas-setgħat mogħtija lil-Kummissjoni għall-Harsien tal-Mertu.
31. Rakkomandazzjoni dwar vittimizzazzjoni.

TAQSIMA III

IL-KUMMISSJONI GħALL-HARSIEN TAL-MERTU, AĠENZIJI U ENTITAJIET TAL-GVERN

Titolu 1 – Il-Kummissjoni għall-Harsien tal-Mertu

32. Il-Kummissjoni dwar is-Servizz Pubbliku taġixxi bhala Kummissjoni għall-Harsien tal-Mertu.
33. Funzjonijiet tal-Kummissjoni.
34. Setgħat tal-Kummissjoni.
35. Applikazzjoni ta' dan it-**Titolu**.

Titolu 2 – Aġenziji

36. Kif ikunu stabbiliti l-aġenziji.
37. Personalità legali u rappreżentanza ġuridika ta' aġenziji.
38. Direttivi u linji gwida mahruġa mis-Segretarju Permanenti Ewlieni dwar aġenziji.
39. Direzzjoni ġenerali u kontroll ta' aġenziji minn Ministri u sorveljanza mis-Segretarji Permanenti.
40. Ftehim dwar il-hidma ta' l-aġenzija.
41. Kontijiet, verifika u arrangamenti finanzjarji ohra.
42. Bordijiet konsultattivi.
43. Uffiċjali pubbliċi assenjati ma' aġenzija.
44. Drittijiet għal pensjoni u arrangamenti ohra.
45. Applikazzjoni ta' dan it-**Titolu**.

Titolu 3 – Entitajiet tal-Gvern, Bordijiet u Kummissjonijiet

46. Applikazzjoni ta' ċerti artikoli ta' dan l-Att u ta' liġijiet ohra.
47. Sorveljanza ta' entitajiet tal-Gvern minn Segretarji Permanenti.
48. Sorveljanza ta' bordijiet u kummissjonijiet.

TAQSIMA IV

MIXXELLANJI

49. Setgħa għall-egħmil ta' regolamenti.
50. Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.
51. Emenda ta' l-Att dwar l-Interpretazzjoni.

L-EWWEL SKEDA – KODIĊI TA' ETIKA

IT-TIENI SKEDA – DIPARTIMENTI TAL-GVERN

IT-TIELET SKEDA – GRADI

IR-RABA' SKEDA – AĠENZIJI

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

3 ta' Frar, 2009

ATT Nru. I tal-2009

ATT biex jafferma l-valuri ta' l-amministrazzjoni pubblika bhala strument għall-ġid komuni, biex jipprovdi għall-applikazzjoni ta' dawk il-valuri fis-settur pubbliku kollu, u biex jipprovdi għall-organizzazzjoni u tmexxija tiegħu.

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

TAQSIMA I

TIFSIR U DIKJARAZZJONI TA' PRINĊIPJI

Titolu fil-qosor u bidu fis-sehh.

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2009 dwar l-Amministrazzjoni Pubblika.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Prim Ministru jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att:

Izda l-artikoli minn 21 sa 26 inklużi, 28 u 31 sa 34 inklużi jistgħu jinġiebu fis-sehh biss wara li l-istrumenti ta' delega meħtieġa jkunu harġu skond l-artikolu 110 tal-Kostituzzjoni.

Tifsir.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'ohra:—

“aġenzija tal-Gvern” jew “aġenzija” tfisser korp kif imsemmi fir-Raba’ Skeda;

“amministrazzjoni pubblika” tfisser il-Gvern ta’ Malta inklużi l-ministeri u d-dipartimenti tiegħu, u l-aġenzji, l-entitajiet tal-Gvern, il-kummissjonijiet u l-bordijiet imsemmija f’dan l-Att;

“dipartiment tal-gvern” jew “dipartiment” tfisser kull entità fis-Servizz Pubbliku mniżżla fit-Tieni Skeda;

“entità tal-Gvern” tfisser organizzazzjoni, li ma tkunx dipartiment tal-Gvern, aġenzija tal-Gvern jew soċjetà kummerċjali, li fiha l-Gvern ikollu kontroll effettiv, sew jekk dik l-organizzazzjoni tkun jew ma tkunx imwaqqfa b’ligi;

“grad” tfisser kull wiehed mill-grad mniżżla fit-Tielet Skeda, u li jikkonsisti fi grupp ta’ post wiehed jew għadd ta’ postijiet f’dipartiment wiehed jew iktar li jissejhu bl-istess mod u li jkun jimtlew direttament permezz ta’ hatra fil-grad;

“impjegat pubbliku” tinkludi uffiċjali pubbliċi u impjegati ta’ aġenzji tal-Gvern u entitajiet tal-Gvern, u għall-fini tas-sezzjoni B, sezzjoni Ċ u paragrafu 27 tal-Kodiċi ta’ Etika, persuna tkompli titqies bhala mpjegat pubbliku għal tliet snin wara li tirtira, tirriżenja jew titkeċċa mill-impjieg pubbliku;

“kariga pubblika” għandha l-istess tifsir mogħti lilha bl-artikolu 124 tal-Kostituzzjoni u għandha ukoll, għall-finijiet ta’ dan l-Att, tiftiehem li tfisser kull grad jew pożizzjoni fis-servizz pubbliku, hlief dawk imsemmija fil-paragrafu (a) tas-subartikolu (2);

“Kodiċi ta’ Etika” tfisser il-kodiċi ta’ etika li hemm fl-Ewwel Skeda;

“Kummissjoni dwar is-Servizz Pubbliku” tfisser il-Kummissjoni stabbilita bl-artikolu 109 tal-Kostituzzjoni;

“ministeru” tfisser organizzazzjoni msemmija fl-artikolu 6;

“Ministru” tfisser, kemm il-darba r-rabta tal-kliem ma teħtieġx xort’ohra, il-Ministru responsabbli għall-amministrazzjoni pubblika, hekk iżda li meta l-Prim Ministru jkun iddelega, għal kollox jew f’parti, xi waħda mis-setgħat, funzjonijiet jew awtoritajiet mogħtija lilu b’dan l-Att, il-Prim Ministru jista’ xorta waħda jibqa’ jeżerċita dawk is-setgħat, funzjonijiet jew awtoritajiet kollateralment ma’ dak il-Ministru;

“post” tfisser gabra ta’ xoghlijiet jew dmirijiet li jitwettqu jew li huma intiżi li jitwettqu minn persuna waħda;

“pożizzjoni” tfisser kull kariga fis-servizz pubbliku li ma tkunx grad;

“Regolamenti tad-Dixxiplina” tfisser ir-Regolmenti tal-Proċedura ta’ Dixxiplina tal-Kummissjoni dwar is-Servizz Pubbliku jew kull regolamenti oħra dwar id-dixxiplina li jissostitwuhom u li jistgħu jsiru taħt is-subartikolu (1) ta’ l-artikolu 121 tal-Kostituzzjoni;

“Segretarju Permanenti Ewlieni” tfisser l-persuna mahtura skond l-artikolu 14 ta’ dan l-Att;

“Servizz Eżekuttiv Anzjan” tfisser il-korp ta’ uffiċjali pubbliċi anzjani li għalihom jirreferi l-artikolu 19;

“servizz pubbliku” għandha l-istess tifsir mogħti lilha bil-Kostituzzjoni, iżda għall-finijiet ta’ dan l-Att għandha tiftiehem skond is-subartikolu (2);

“trasferiment” tfisser l-assenjazzjoni ta’ uffiċjal pubbliku għal post ieħor;

“uffiċjal pubbliku” għandha l-istess tifsir kif mogħti lilha bil-artikolu 124 tal-Kostituzzjoni, iżda għandha għall-finijiet ta’ dan l-Att tiftiehem skond is-subartikolu (2);

“valuri ta’ l-amministrazzjoni pubblika” tfisser il-valuri mniżżla fl-artikolu 4.

(2) Dan l-Att ma japplikax:

(a) għall-karigi ta’ imhalled, maġistrat, Avukat Ġenerali u Awditur Ġenerali; u

(b) għall-karigi ta’ *Speaker*, *Deputy Speaker*, Ombudsman u Kummissarju għall-Privatezza u l-Protezzjoni tad-*Data*; u

(ċ) għall-Awtorità dwar ix-Xandir, il-Kummissjoni Elettorali, il-Kummissjoni dwar l-Impiegi, u (safejn ma ssirx riferenza speċifika għaliha f’dan l-Att) il-Kummissjoni dwar is-Servizz Pubbliku;

Iżda, bla hsara għall-indipendenza tal-Kummissjoni Elettorali u l-Kummissjoni dwar is-Servizz Pubbliku skond il-Kostituzzjoni, dan l-Att għandu japplika għall-Uffiċċju Elettorali u s-Segretajat tal-Kummissjoni dwar is-Servizz Pubbliku.

(3) Kemm-il darba ma jkunx speċifikat kuntrarju f'dan l-Att, meta dispożizzjoni ta' dan l-Att ma tkunx taqbel mad-dispożizzjonijiet ta' xi liġi oħra li tirregola dipartiment, agenzija jew entità tal-Gvern, il-liġi l-oħra għandha tipprevali.

3. Id-dipartimenti, agenziji u entitajiet tal-Gvern huma korpi li jamministraw riżorsi pubbliċi u li jipprovdu servizzi lill-pubbliku jew jaqdu funzjonijiet oħra f'isem l-Istat, u bhala tali dawk il-korpi, u l-impjegati pubbliċi li jaqdu dmirijiet hemmhekk, għandhom:

Prinċipju tar-risponsabbiltà.

(a) ikunu regolati bid-dispożizzjonijiet ta' dan l-Att, magħduda l-valuri ta' l-amministrazzjoni pubblika u l-Kodiċi ta' Etika;

(b) ikunu suġġetti għal direzzjoni Ministerjali kif provdut fil-Kostituzzjoni u f'dan l-Att u liġijiet oħra, hlief għal dawk il-hwejjeġ li dwarhom huma espressament mehtieġa bil-liġi biex jaġixxu b'mod indipendenti jew taht id-direzzjoni ta' persuna jew awtorità oħra barra minn Ministru;

(ċ) ikunu responsabbli taht dan l-Att u liġijiet oħra għall-mod kif jipprovdu s-servizzi, jaqdu l-funzjonijiet tagħhom u jamministraw ir-riżorsi tagħhom, għat-tharis minnhom tal-valuri ta' l-amministrazzjoni pubblika u tal-Kodiċi ta' Etika, u għat-tharis minnhom tad-direzzjonijiet Ministerjali skond il-paragrafu (b).

4. (1) Id-dipartimenti, l-agenziji u l-entitajiet tal-Gvern għandhom ikunu regolati bil-valuri inerenti fid-dmirijiet hawn taht imsemmija, u l-impjegati pubbliċi għandhom:

Valuri ta' l-amministrazzjoni pubblika.

(a) jeżerċitaw kull setgħa mogħtija lilhom bil-liġi, u jagħtu servizzi lill-pubbliku, b'korteżija, malajr u b'imparzjalità;

(b) jagħtu pariri b'mod oġġettiv u b'għarfien fuq hwejjeġ li jkunu fil-kompetenza tagħhom;

(ċ) jimplimentaw il-politika tal-Gvern tal-ġurnata b'mod effiċjenti u effettiv;

(d) jikkontribwixxu għall-koordinazzjoni tal-politika tal-Gvern flimkien ma' dipartimenti, agenziji, entitajiet tal-Gvern u Kunsilli Lokali; u

(e) b'kontribut ta' l-imġieba tagħhom stess jagħmlu l-post tax-xogħol wieħed li jagħraf it-talenti, jiżviluppa l-kapaċitajiet u l-hiliet, jippremja t-tweqqif, jevita diskriminazzjoni u joffri sigurtà.

(2) Impjegati pubbliċi għandhom iħarsu u jippromwovu l-valuri ta' l-amministrazzjoni pubblika, u jista' jkun hemm bażi għal proċedimenti dixxiplinarji skond ir-regoli u l-proċeduri applikabbli kontra impjegat li jonqos li jagħmel dan.

(3) Is-Segretarju Permanenti Ewlieni jista' johroġ direttivi u linji gwida sabiex isostni u jwettaq aħjar il-valuri ta' l-amministrazzjoni pubblika, u l-impjegati pubbliċi għandhom iħarsu dawk id-direttivi.

Kodiċi ta' Etika.

5. (1) Il-Kodiċi ta' Etika li hemm fl-Ewwel Skeda għandu japplika għall-impjegati pubbliċi.

(2) Il-Prim Ministru jista' b'Ordni fil-Gazzetta, minn żmien għal żmien, jemenda jew jissostitwixxi l-Ewwel Skeda.

(3) Ikun id-dmir ta' l-impjegati pubbliċi kollha li jħarsu l-Kodiċi ta' Etika, u fin-nuqqas minn xi mpjegat pubbliku jista' jkun hemm bażi għal proċedimenti dixxiplinarji kontra dak l-impjegat skond ir-regoli u l-proċeduri applikabbli.

(4) Is-Segretarju Permanenti Ewlieni jista' johroġ direttivi u linji gwida sabiex isostnu u jiżguraw it-tħaris tal-Kodiċi ta' Etika u, bi ftehim mal-Ministru responsabbli għal bord jew kummissjoni partikolari, jista' johroġ linji gwida bħal dawk dwar bordijiet u kummissjonijiet.

(5) Kap ta' dipartiment, aġenzija, jew entità tal-Gvern jista', bl-approvazzjoni tas-Segretarju Permanenti Ewlieni, jagħmel regoli għall-imġieba etika, komplimentari u b'żieda mal-Kodiċi ta' Etika, li jirrelataw għaċ-ċirkostanzi partikolari ta' dik l-organizzazzjoni, u l-frażi Kodiċi ta' Etika fir-rigward ta' l-impjegati pubbliċi f'dik l-organizzazzjoni għandha tinkludi dawk ir-regoli.

TAQSIMA II

IS-SERVIZZ PUBBLIKU

Titolu 1 – L-Organizzazzjoni

Ministri u
segretarjati ta'
Ministri.

6. (1) Meta Ministru jkun ngħata responsabbiltà għal xi dipartiment tal-Gvern skond l-artikolu 82 tal-Kostituzzjoni, dak il-Ministru għandu jkollu, skond l-artikolu 92 tal-Kostituzzjoni u bla hsara

ghall-artikolu 6 ta' l-Att dwar l-Interpretazzjoni, id-direzzjoni ġenerali u l-kontroll ta' kull dipartiment, aġenzija u entità tal-Gvern li tista' titqiegħed taħt ir-responsabbiltà tiegħu, u jista' jagħti direzzjonijiet direttament lill-kap tad-dipartiment, lill-Uffiċjal Eżekuttiv Ewlieni, lill-Bord tad-Diretturi jew lil kull impjegat li jaqa' taħt ir-responsabbiltà tiegħu, dwar kull haġa hlief dwar hwejjeġ li kap ta' dipartiment, Uffiċjal Eżekuttiv Ewlieni, Bord tad-Diretturi jew impjegat iehor ikun meħtieġ b'xi liġi li jaġixxi –

(a) b'mod indipendenti; jew

(b) skond id-direzzjoni ta' persuna jew awtorità oħra li ma tkunx il-Ministru:

Izda meta jkun inhatar Segretarju Permanenti biex jissorvelja d-dipartiment, l-aġenzija jew l-entità tal-Gvern relattiva, il-Ministru għandu jgħarraf lis-Segretarju Permanenti li jkun ta dawk d-direzzjonijiet.

(2) Ministru jista' jkun assenjat responsabbiltà għal kull dipartiment, aġenzija jew entità tal-Gvern magħduda dawk imniżzla fil-Parti II tat-Tieni Skeda.

(3) L-istaff assenjat lis-segretarjat ta' Ministru, magħduda *advisors* u konsulenti tal-Ministru, għandhom jitqiesu li jokkupaw pożizzjonijiet ta' fiduċja speċjali u għandhom, ukoll jekk ikunu uffiċjali pubbliċi assenjati bi trasferiment, jinhatru f'dik il-pożizzjoni fuq il-bażi ta' kuntratt definit:

Izda meta jiskadi jew jintemm il-kuntratt, id-direttivi u l-linji gwida msemmija fis-subartikolu (4) għandhom japplikaw.

(4) Il-Prim Ministru jista' johroġ direttivi u linji gwida dwar il-funzjonijiet, l-amministrazzjoni u l-istabbiliment tas-segretarjati tal-Ministri, l-ingaġġ ta' l-istaff tagħhom, u l-pattijiet u l-kondizzjonijiet ta' kif għandhom iservu dawk l-istaff.

(5) Hlief kif jista' jkun provdut bid-direttivi tal-Prim Ministru, is-segretarjat ta' Ministru jkun taħt is-sorveljanza ta' membru ta' l-istaff imsejjaħ Kap tas-Segretarjat li għandu jirrapporta lill-Ministru.

(6) Id-dispożizzjonijiet tas-subartikoli (3), (4) u (5) ta' dan l-artikolu japplikaw *mutatis mutandis* għas-segretarjat ta' Segretarju Parlamentari.

Ministeri.

7. (1) Ministeru jkun kostitwit bhala enti distint u separat taht kull Ministru li jkun assenjat responsabbiltajiet tal-portafol skond l-artikolu 82 tal-Kostituzzjoni, u l-ministeru jkun jikkonsisti minn:

(a) is-segretarjat tal-Ministru;

(b) is-segretarjati ta' dawg is-Segretarji Parlamentari li jistgħu jkunu mahtura biex jghinu lill-Ministru;

(ċ) l-uffiċċju tas-Segretarju Permanenti; u

(d) dawg id-diviżjonijiet, direttorati, taqsimiet, uffiċċji jew entitajiet ohra fi hdan is-servizz pubbliku li jistgħu jitqieghdu jew ikunu stabbiliti fil-ministeru mill-Prim Ministru.

(2) Meta jkun hemm iktar minn Segretarju Permanenti wiehed li jirrapporta lill-istess Ministru (hlief temporanjament skond l-artikoli 83 jew 84 tal-Kostituzzjoni), il-firxa tar-responsabbiltajiet ta' kull Segretarju Permanenti ghandha tkun delinejata mill-Prim Ministru.

Dipartimenti.

8. (1) Id-dipartimenti tal-Gvern ikunu dawg imniżzla fit-Tieni Skeda.

(2) Il-funzjonijiet tad-dipartimenti jkunu skond is-sommarji indikattivi mniżzla kontra d-dipartimenti rispettivi fit-Tieni Skeda.

(3) Il-Prim Ministru jista', b'ordni fil-Gazzetta, jemenda t-Tieni Skeda sabiex:

(a) jstabilixxi dipartiment ġdid;

(b) jabolixxi dipartiment jew jibdillu ismu jew il-funzjoni tiegħu; u

(ċ) jibdel it-titolu ta' kapijiet ta' dipartiment u uffiċjali ohra kif provdut fl-artikolu 10.

(4) Dipartimenti li, bis-sahha ta' xi ligijiet applikabbli jew arrangamenti amministrattivi speċjali, ma jkunux suġġetti għad-direzzjoni jew il-kontroll ta' Ministru fil-qadi tal-funzjonijiet prinċipali tagħhom ikunu mniżzla fil-Parti II tat-Tieni Skeda, iżda l-applikabbiltà ta' kull ligi bhal dik għal dipartiment ma tkunx tiddependi mill-inkluzjoni ta' dak id-dipartiment fl-Iskeda.

Kumitat
Konsultattiv għall-
Hatriet Anzjani.

9. (1) Ghandu jkun hemm Kumitat Konsultattiv għall-hatriet Anzjani, hawnhekk iżjed 'il quddiem imsejjah il-Kumitat, li ghandu:

(a) jikkonsulta lill-Ministru rilevanti dwar id-dmirijiet marbutin ma', u r-rizultati li jkunu mistennija minn, xi pożizzjoni ta' Kap li tkun vakanti jew li tkun mistennija li titbattal;

(b) jidentifika kandidati għall-pożizzjoni skond is-subartikolu (2) ta' l-artikolu 21 ta' dan l-Att, fil-parametri stabbiliti bil-Kostituzzjoni; u

(c) jagħti rendikont dwar il-kandidati u jipproponi għall-konsiderazzjoni tal-Prim Ministru l-kandidat li fl-opinjoni tiegħu jkun l-aħjar fuq il-bażi ta' mertu biex jimla l-pożizzjoni.

(2) Il-Kumitat ikun presedut *ex officio* mis-Segretarju Permanenti Ewlieni u jkun magħmul minn:

(a) għall-inqas żewġ membri oħra, li wiehed minnhom ma jkunx uffiċjal pubbliku, li jkunu mahtura mill-Prim Ministru; u

(b) membri addizzjonali li jistgħu jiġu *co-opted* mill-Prim Ministru sabiex jikkunsidraw applikanti għal pożizzjonijiet speċifiċi ta' kap.

(3) Il-Kumitat għandu jfittex il-parir u l-ghajnuna tas-Segretarji Permanenti dwar skrutinju jew *short-listing* ta' kandidati iżda mill-bqija għandu jirregola l-proċedura tiegħu stess.

(4) L-ebda persuna ma għandha tingħata hatra f'pożizzjoni ta' Kap li għaliha tapplika s-subartikolu (4) ta' l-artikolu 92 tal-Kostituzzjoni sakemm:

(a) dik il-persuna mhix eliġibbli għall-pożizzjoni bis-sahha tal-grad tagħha; jew

(b) dik il-persuna ma servietx għal perijodu ta' sitt snin konsekuttivi f'pożizzjoni jew pożizzjonijiet fis-Servizz Eżekuttiv Anzjan.

10. (1) Il-Prim Ministru jista' minn żmien għal żmien jistabbilixxi t-titoli tal-pożizzjoni li taħthom kapijiet ta' dipartimenti għandhom jinhatru, u dawk it-titoli għandhom, b'ordni tal-Prim Ministru pubblikat fil-Gazzetta tal-Gvern, jitniżzlu hdejn l-ismijiet tad-dipartimenti fit-Tieni Skeda:

Titoli ta' pożizzjonijiet ta' kap u ta' karigi pubbliċi oħra, u titoli ekwivalenti fil-liġi.

Iżda jekk pożizzjoni tingħata titolu ġdid waqt li tkun okkupata, dan ma għandhux jiftiehem bħala hatra mill-ġdid tal-persuna li tkun qed tokkupaha jew bdil fil-kondizzjonijiet tal-hatra tagħha.

(2) L-assenjazzjoni mill-Prim Ministru ta' titoli simili ghal pożizzjonijiet ta' kapijiet differenti ma għandhiex tiftiehem li dawk il-pożizzjonijiet għandu jkollhom neċessarjament l-istess stat u pattijiet u kondizzjonijiet.

(3) Meta, skond id-dispożizzjonijiet ta' dan l-Att, pożizzjoni ta' kap, jew xi kariga ohra fis-servizz pubbliku, li tkun għet stabbilita jew tkun ingħatat funzjonijiet b'xi Att ieħor –

(a) tingħata titolu għdid; jew

(b) tingħaqad ma' kariga pubblika ohra bhala riżultat ta' ristrutturar organizzattiv;

it-titolu assenjat lill-kariga bl-Att l-ieħor (hawnhekk iżjed 'il quddiem f'dan l-artikolu msejjaħ "it-titolu ekwivalenti fil-liġi") għandu jkun imniżżel fit-Tieni Skeda flimkien mat-titolu l-għdid tal-kariga jew it-titolu tal-kariga li magħha għet magħquda skond il-paragrafu (a) jew (b) skond il-każ, u s-subartikoli (4) u (5) għandhom japplikaw.

(4) Meta xi kariga fis-servizz pubbliku hija mnizżla fit-Tieni Skeda flimkien ma' titolu ekwivalenti fil-liġi –

(a) is-setgħat mogħtija lill-kariga taħt it-titolu ekwivalenti fil-liġi għandhom jiġu eżerċitati mid-detentur tal-kariga kif ikun f'dak iż-żmien titolat; u

(b) iż-żewġ titoli għandhom jitqiesu li jistgħu jinbidlu ma' xulxin għall-fini ta' xi liġi u riferenza għal titolu minflok ieħor ma tinvalidax għemil jew xi proċedimenti legali.

(5) Meta xi liġi –

(a) tagħti, jew tippermetti l-għoti ta', funzjonijiet lil staff li jaġixxi f'isem id-detentur ta' kariga pubblika; u

(b) dik il-kariga tkun imniżżla fit-Tieni Skeda bhala t-titolu ekwivalenti fil-liġi ta' kariga ohra,

dawk il-funzjonijiet jistgħu jsiru minn staff fid-dipartiment li għalih tkun tappartjeni t-tieni kariga, minkejja kull haġa għall-kuntrarju fl-imsemmija liġi; iżda kull kondizzjoni jew htieġa marbuta bil-liġi mal-qadi ta' dawk il-funzjonijiet għandha xort'ohra tkompli tapplika.

(6) Jekk kariga pubblika jkollha iktar minn titolu ekwivalenti fil-liġi wiehed, is-subartikoli (4) u (5) għandhom japplikaw dwar kull wiehed minn dawk it-titoli.

11. Is-Segretarju Permanenti dwar il-kap ta' kull dipartiment imnizzel fit-Tieni Skeda u l-kap tad-dipartiment dwar membru tal-istaff skond il-każ, għandhom jiżguraw li l-iktar uffiċjal xieraq skond il-każ, u tenut kont ta' l-anzjanità u tal-kapaċitajiet tekniċi, ikun nominat għall-finijiet tas-subartikolu (5) ta' l-artikolu 124 tal-Kostituzzjoni bil-għan li jeżerċita kull setgħa li tkun mogħtija b'xi liġi jekk il-kap jew membru iehor tal-istaff ikun nieqes mill-kariga tiegħu u ma jkunx jista' temporanjament jaqdi d-dmirijiet tiegħu sabiex dawk is-setgħat ikunu jistgħu jinqadew matul iż-żmien tan-nuqqas ta' l-uffiċjal.

Qadi ta' setgħat fin-nuqqas ta' uffiċjal pubbliku.

12. (1) Kemm-il darba ma jkunx provdut xort'ohra f'xi liġi ohra, meta bord jkollu s-sustenn ta' segretarjat li jkun magħmul minn uffiċjali pubbliċi minn dipartiment, il-bord, sal-limitu tal-hwejjeġ amministrattivi u hwejjeġ li jolqtu d-dipartiment b'mod ġenerali, ikun suġġett għall-awtorità tal-kap tad-dipartiment.

Segretarjati ta' bordijiet u kummissjonijiet.

(2) Is-segretarjat tal-bord ikun taħt id-direzzjoni ta' uffiċjal, hawnhekk iżjed 'il quddiem imsejjah "l-uffiċjal imsemmi", li għandu jimxi skond id-direzzjonijiet tal-kap tad-dipartiment li fih jopera s-segretarjat tal-bord fuq hwejjeġ imsemmija fis-subartikolu (1).

(3) Kap ta' dipartiment ma jagħtix direzzjonijiet lill-bord jew lil uffiċjal imsemmi fuq hwejjeġ li dwarhom il-bord ikun meħtieġ bil-liġi li jahdem b'mod indipendenti.

(4) F'dan l-artikolu "bord" tinkludi kull kummissjoni, kunsill, *panel*, kumitat jew korp iehor simili, li ma jkunx korp imwaqqaf bil-Kostituzzjoni, iżda ma tinkludix xi bord *ad hoc* imwaqqaf sabiex jinvestiga l-imġieba ta' xi mpjegat pubbliku jew l-operat ta' xi dipartiment, aġenzija, entità jew xi korp iehor simili.

Titolu 2 – It-Tmexxija

13. (1) Għandu jkun hemm Segretarju Permanenti Ewlieni li jkun il-kap tas-servizz pubbliku u li jkun maħtur skond l-artikolu 14 ta' dan l-Att.

Is-Segretarju Permanenti Ewlieni.

(2) Is-Segretarju Permanenti Ewlieni jiehu struzzjonijiet mingħand il-Prim Ministru.

(3) Is-Segretarju Permanenti Ewlieni jista', bi ftehim mal-Prim Ministru, jiddelega kull wahda mill-funzjonijiet tiegħu taħt dan l-

artikolu lil Segretarju Permanenti jew lil kap ta' dipartiment wiehed jew iktar.

(4) Is-Segretarju Permanenti Ewlieni ghandu:

(a) jipprovdi t-tmexxija tas-servizz pubbliku;

(b) isostni u jippromwovi l-valuri ta' l-amministrazzjoni pubblika u l-Kodiċi ta' Etika, u jissorvelja l-harsien taghhom mill-impjegati pubbliċi;

(c) jiehu miżuri biex jitjeb is-servizz pubbliku;

(d) jassumi responsabbiltà ġenerali ghat-tmexxija u għall-iżvilupp tar-riżorsi umani fis-servizz pubbliku;

(e) jiehu miżuri biex jiżgura l-koordinazzjoni bejn dipartimenti, aġenziji, entitajiet tal-Gvern u Kunsilli Lokali u biex jiżgura li aġenziji u entitajiet tal-Gvern iharsu l-oġġettivi prinċipali u l-prijoritajiet tat-tmexxija tal-Gvern;

(f) jipprovdi tmexxija u direzzjoni lis-Segretarji Permanenti;

(g) johloq miri għax-xogħol tas-Segretarji Permanenti wara konsultazzjoni mal-Ministru relattiv;

(h) jaghti pariri lill-Prim Ministru fuq is-servizz pubbliku u fuq is-settur pubbliku aktar wiesa', maghduda l-hatra u t-tmiem tal-hatra ta' Segretarji Permanenti u kapijiet ta' dipartimenti; u

(i) jaqdi kull funzjoni ohra li tista' tinghatalu minn jew taht xi liġi.

(5) Is-Segretarju Permanenti Ewlieni ghandu jassumi l-funzjonijiet, sew ta' kap u sew ta' sorveljanza, ta' Segretarju Permanenti fir-rigward ta' l-Uffiċċju tal-Prim Ministru u tad-dipartimenti, l-aġenziji u l-entitajiet tal-Gvern li jaqghu taht ir-responsabbiltà tal-Prim Ministru:

Izda jistgħu jinhatru wiehed jew iktar Segretarji Permanenti biex jghinu lis-Segretarju Permanenti Ewlieni skond arrangamenti li l-Prim Ministru jista' jagħmel taht is-subartikolu (2) ta' l-artikolu 7.

Hatra ta' Segretarju
Permanenti Ewlieni.

14. (1) Is-Segretarju Permanenti Ewlieni ghandu jinhatar minn fost persuni li jkollhom il-kwalifiki li jinhatru Segretarji Permanenti skond il-Kostituzzjoni.

(2) Meta s-Segretarju Permanenti Ewlieni ma jkunx mahtur, tkun xi tkun ir-raġuni, is-Segretarju tal-Kabinett għandu jassumi l-funzjonijiet ta' Segretarju Permanenti Ewlieni, sakemm jinhatar Segretarju Permanenti Ewlieni.

15. (1) Is-Segretarju Permanenti Ewlieni jista' jgħodgħ direttivi u linji gwida kif speċifikat b'mod varju f'dan l-Att u jista' wkoll jgħodgħ direttivi u linji gwida dwar kull haġa li għandha x'taqsam ma' l-organizzazzjoni u t-tmexxija tas-servizz pubbliku, u meta jagħmel dan għandu jinkwadra d-direttivi tiegħu fl-aħjar interessi tal-konsumatur u b'dak il-mod li jimponi l-inqas piż amministrattiv possibbli.

Direttivi u linji gwida mahruġa mis-Segretarju Permanenti Ewlieni dwar dipartimenti tal-Gvern.

(2) Uffiċjali pubbliċi għandhom isegwu d-direttivi applikabbli kollha mahruġa mis-Segretarju Permanenti Ewlieni, u uffiċjali li jonqsu milli jagħmlu dan ikunu suġġetti għal proċedimenti taht ir-Regolamenti tad-Dixxiplina.

(3) Direttivi mahruġa mis-Segretarju Permanenti Ewlieni jistgħu jkollhom magħhom linji gwida biex jgħinu lill-uffiċjali pubbliċi biex japplikaw u josservaw id-direttivi b'mod korrett, u uffiċjali pubbliċi għandhom bl-istess mod jimxu ma' daww il-linji gwida.

(4) Direttivi u linji gwida mahruġa mis-Segretarju Permanenti Ewlieni jistgħu japplikaw għal żmien definit jew indefinit u għad-dipartimenti u l-uffiċjali pubbliċi kollha jew uħud minnhom, skond ix-xorta tad-dispożizzjonijiet li jkunu jinsabu fihom jew kif speċifikat mis-Segretarju Permanenti Ewlieni.

(5) Is-Segretarju Permanenti Ewlieni jista' jikkodifika direttivi u linji gwida permanenti, flimkien ma' emendi li jista' jagħmel minn żmien għal żmien, fil-forma tal-Kodiċi dwar l-Immaniġjar tas-Servizz Pubbliku jew manwali oħra fuq hwejjeġ speċifiċi li jista' jgħodgħ għal dan l-għan.

(6) Il-Prim Ministru jista' jagħti struzzjonijiet lis-Segretarju Permanenti Ewlieni dwar il-hruġ, it-tibdil u r-revoka ta' kull direttiva u linja gwida.

16. (1) Għandu jkun hemm Kumitat tas-Segretarji Permanenti li jkun presedut mis-Segretarju Permanenti Ewlieni u li jkun magħmul mis-Segretarju tal-Kabinett bħala deputat *chairperson* u mis-Segretarji Permanenti kollha bħala membri.

Kumitat tas-Segretarji Permanenti.

(2) Is-Segretarji Permanenti għandhom jaqdu r-responsabbiltà kolleġjali tagħhom għall-qadi tax-xogħol u għall-effiċjenza tas-servizz pubbliku, jiffaċilitaw it-twettiq tal-politika tal-

Gvern, u jiżguraw li jintlahqu l-oġġettivi tal-Gvern li jaffettwaw iżjed minn ministeru wiehed, permezz tal-Kumitat tas-Segretarji Permanenti.

(3) Il-Kumitat tas-Segretarji Permanenti jitlaqqa' mis-Segretarju Permanenti Ewlieni kull meta jkun mehtieg u għall-inqas darba kull tliet xhur.

(4) Dan l-artikolu għandu japplika minghajr hsara għar-responsabbiltà individwali tas-Segretarji Permanenti lejn il-Ministri tagħhom, u lejn il-Prim Ministru permezz tas-Segretarju Permanenti Ewlieni, biex jintlahqu l-oġġettivi tal-Gvern.

Sorveljanza ta'
dipartimenti minn
Segretarji
Permanenti.

17. (1) Meta, skond is-subartikolu (2) ta' l-artikolu 92 tal-Kostituzzjoni, Segretarju Permanenti jkollu r-responsabbiltà għas-sorveljanza ta' wiehed jew uħud mid-dipartimenti tal-Gvern inniżżla fil-Parti I tat-Tieni Skeda, is-Segretarju Permanenti għandu jiżgura li kull dipartiment ikun qed:

(a) jahdem għat-twettiq fil-hin u b'mod effettiv, flimkien ma' organizzazzjonijiet oħra tal-Gvern kif mehtieg, ta' l-oġġettivi tal-politika tal-Ministru tiegħu u tal-Gvern;

(b) jitmexxa skond il-liġi, il-valuri ta' l-amministrazzjoni pubblika, il-Kodiċi ta' Etika, u *policies* u direttivi li jirregolaw l-imġieba ta' l-istaff, it-tmexxija u l-użu ta' rizzorsi; u

(c) jopera b'mod ekonomiku, effiċjenti u effettiv u joffri servizzi ta' livell sodisfaċenti lill-pubbliku;

(2) Segretarju Permanenti għandu jagħti parir lill-Ministru tiegħu dwar il-hwejjeġ kollha li jappartjenu mad-dipartimenti taht is-sorveljanza tiegħu.

(3) Fil-qadi ta' dmirijiet taht is-subartikolu (1), Segretarju Permanenti jista' jagħti direzzjonijiet u johloq miri għal kap ta' dipartiment dwar kull haġa, u għandu jissorvelja u jevalwa l-hidma tal-kap tad-dipartiment fir-rigward ta' dawk id-direzzjonijiet u miri:

Izda Segretarju Permanenti ma jistax jagħti direzzjonijiet jew johloq miri għal kap ta' dipartiment fuq hwejjeġ fejn il-kap ikun mehtieg b'xi liġi li jaġixxi b'mod indipendenti jew skond id-direzzjoni ta' persuna jew awtorità oħra barra minn Ministru.

(4) Segretarju Permanenti jista', bil-kunsens tal-Prim Ministru, jeżerċita s-setgħat tiegħu ta' sorveljanza ta' dipartiment tal-Gvern permezz ta' uffiċjal pubbliku iehor ta' anzjanità xierqa.

(5) Segretarju Permanenti jkun responsabbli lejn il-Ministru tiegħu u, permezz tas-Segretarju Permanenti Ewlieni, lejn il-Prim Ministru għall-hidma tad-dipartimenti taht is-sorveljanza tiegħu minkejja kull arrangamenti li jistgħu jkunu fis-sehh taht is-subartikolu (4).

(6) Meta Segretarju Permanenti jkollu r-responsabbiltà għas-sorveljanza ta' wiehed jew uħud mid-dipartimenti imniżżla fil-Parti II tat-Tieni Skeda, dan l-artikolu għandu japplika sugġett għal-limitazzjonijiet li gejjin:

(a) il-paragrafu (a) tas-subartikolu (1) u s-subartikolu (2) ma għandhomx japplikaw, u

(b) is-subartikolu (5) għandu japplika biss safejn ikun kompatibbli mal-paragrafu (a) ta' dan is-subartikolu.

18. (1) Barra mid-dmirijiet kollha li jistgħu jingħataw jew ikunu delegati lilu b'xi liġi, ikun id-dmir ta' kap ta' dipartiment –

Dmirijiet tal-kapijiet tad-dipartimenti.

(a) li jmexxi l-attivitajiet u l-programmi tad-dipartiment b'mod effiċjenti, effettiv u ekonomiku;

(b) li jiżgura li d-dipartiment jikseb livell sodisfaċenti fit-twertiq ta' kull servizz lill-pubbliku u lill-komunità kummerċjali bl-inqas proċessi burokratiċi possibbli;

(c) li jagħti pariri lill-Ministru relattiv permezz tas-Segretarju Permanenti u lil awtoritajiet ohra kif xieraq fuq hwejjeġ li jkunu fil-kompetenza tad-dipartiment;

(d) li jistabbilixxi indikaturi tal-hidma li jkopru l-programmi u l-attivitajiet tad-dipartiment, u li johloq miri ta' xogħol għall-uffiċjali pubbliċi li jaħdmu fid-dipartiment; u

(e) li jikkoordina l-attivitajiet tad-dipartiment ma' dawk ta' organizzazzjonijiet ohra tal-Gvern fl-aħjar interess ta' l-effiċjenza, l-effettività u l-kwalità tas-servizz.

(2) Kap ta' dipartiment li hu mniżżel fil-Parti I tat-Tieni Skeda għandu jirrispondi lill-Ministru tiegħu permezz tas-Segretarju Permanenti u għandu jaqdi d-dmirijiet tiegħu taht is-subartikolu (1) skond id-direzzjonijiet legittimi tagħhom.

(3) Kap ta' dipartiment li hu mniżżel fil-Parti II tat-Tieni Skeda għandu jaqdi d-dmirijiet tiegħu taht is-subartikolu (1) skond il-

liġijiet li jirregolaw id-dipartiment tiegħu u dawk l-arranġamenti amministrattivi speċjali li jistgħu japplikaw għalih.

Servizz Eżekuttiv
Anzjan.

19. (1) Għandu jkun hemm Servizz Eżekuttiv Anzjan li jkollu bhala kap is-Segretarju Permanenti Ewlieni u li jkun magħmul minn dawn li ġejjin:

(a) is-Segretarji Permanenti;

(b) il-kapijiet tad-dipartimenti mnizzla fit-Tieni Skeda;

(ċ) uffiċjali pubbliċi anzjani f'kull ministeru li jkun nkarigati bir-responsabbiltà primarja għal xi wahda mill-funzjonijiet li ġejjin jew funzjoni simili:

(i) l-immaniġġjar ta' servizzi korporattivi;

(ii) l-iżvilupp ta' *policy*;

(iii) l-applikazzjoni ta' indikaturi ta' l-effiċjenza;

(iv) il-koordinazzjoni ta' l-affarijiet ta' l-Unjoni Ewropea; u

(v) l-immaniġġjar ta' l-informazzjoni; u

(d) id-detenturi ta' dawk il-karigi pubbliċi anzjani li l-Prim Ministru jista' jsemmi għal dan l-ghan.

(2) Uffiċjali f'ministeru jew f'dipartiment li jkunu membri tas-Servizz Eżekuttiv Anzjan għandhom jikkostitwixxu l-grupp anzjan tat-tmexxija ta' dak il-ministeru jew dipartiment u, bla hsara għall-awtorità tal-kap tad-dipartiment jew tal-ministeru, għandhom ikunu kollettivament responsabbli sabiex, f'dak id-dipartiment jew ministeru:

(a) jippromwovu u jsostnu l-valuri ta' l-amministrazzjoni pubblika, il-Kodiċi ta' Etika u l-*policies* u d-direttivi applikabbli li jirregolaw l-imġieba ta' l-istaff, l-immaniġġjar u l-użu ta' riżorsi;

(b) jintlahqu livelli sodisfaċenti ta' effiċjenza u kwalità fit-twettiq tas-servizzi pubbliċi kollha;

(ċ) jintlahqu l-oġġettivi tal-Gvern, b'koordinazzjoni fejn ikun meħtieġ ma' unitajiet, dipartimenti, aġenziji u entitajiet oħra tal-Gvern.

(3) Membru tas-Servizz Eżekuttiv Anzjan ikun individwalment responsabbli għall-hwejjeg imnizzla fis-subartikolu (2) fir-rigward tal-qasam tar-responsabbiltà tiegħu; u hu jkun suġġett għal passi taht ir-Regolamenti tad-Dixxiplina jekk jonqos li jipprevjeni jew jikkoreġi mgieba hażina jew negliġenza min-naha tas-subordinati tiegħu fejn ikun seta' b'mod raġonevoli jagħmel dan.

(4) Karigi fis-Servizz Eżekuttiv Anzjan jistgħu jkunu stabbiliti, mnehhija jew mogħtija titoli ġodda mill-Prim Ministru biss, u l-Prim Ministru jista' jippreskrivi l-pattijiet u l-kondizzjonijiet li bihom għandhom isiru hatriet f'dawk il-karigi:

Iżda dan is-subartikolu ma għandux jinqara li jagħti s-setgħa li jbidel il-pattijiet ta' hatra ta' uffiċjal matul il-kariga tiegħu:

Iżda ukoll kariga tista' titnehha biss jekk xi wahda mill-kondizzjonijiet imnizzla fis-subartikolu (4) ta' l-artikolu 23 tkun tapplika.

(5) Il-Prim Ministru jista' jiddelega s-setgħat tiegħu taht il-paragrafu (d) tas-subartikolu (1) u taht is-subartikolu (4) lis-Segretarju Permanenti Ewlieni jew lil uffiċjali pubbliċi anzjani oħra, fir-rigward ta' dawk l-oqsma u taht dawk il-kondizzjonijiet li jidhirlu xieraq li jimponi.

Titolu 3 – Uffiċjali Pubbliċi

20. (1) Uffiċjal pubbliku jista' jiġi assenjat f'post f'xi dipartiment fis-servizz pubbliku li jinvolvi l-qadi tad-dmirijiet fil-grad jew pożizzjoni tiegħu u jista' ukoll ikun trasferit f'post simili f'dipartiment ieħor. L-assenjazzjoni u t-trasferiment ta' uffiċjali bejn postijiet.

(2) Dik l-assenjazzjoni oriġinali jew trasferiment jista' jsir mis-Segretarju Permanenti Ewlieni jew minn xi uffiċjal pubbliku ieħor delegat minnu għal dan l-ghan.

21. (1) Hlief kif provdut xort'oħra f'dan l-Att jew f'xi Att ieħor, hatriet f'karigi pubbliċi jsiru b'għażla kompetittiva skond il-mertu. Prinċipju tal-mertu.

(2) Għall-fini ta' dan l-artikolu, l-għażla kompetittiva skond il-mertu tfisser l-għażla tal-kandidat li jkun l-aħjar għall-kariga kif indikat minn evalwazzjoni tal-meriti individwali u relattivi tal-kandidati eliġibbli skond il-htigiet tal-kariga.

22. Bla hsara għad-dispożizzjonijiet tal-Kostituzzjoni, ta' l-artikoli 181B u 469A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, ta' dan l-Att, u tal-Kodiċi dwar l-Immaniġġjar tas-Servizz Pubbliku, Setgħat ta' kapijiet ta' dipartimenti dwar impjegati.

kap ta' dipartiment ghandu jeżerċita fir-relazzjoni ta' uffiċjali pubbliċi fid-dipartiment tiegħu, id-drittijiet, id-dmirijiet u s-setgħat kollha ta' prinċipal relattivament għall-impjegati tiegħu.

Setgħa għall-holqien, it-tnehhija u l-klassifikazzjoni ta' pożizzjonijiet.

23. (1) Kap ta' dipartiment jista' bil-miktub johloq pożizzjonijiet fid-dipartiment tiegħu skond dawk id-direttivi u linji gwida li jistgħu jinharġu f'dan ir-rigward mis-Segretarju Permanenti Ewlieni.

(2) Pożizzjonijiet għandhom jiġu klassifikati, u l-pattijiet u l-kondizzjonijiet ta' servizz applikabbli għalihom għandhom jiġu deċizi, skond dawk id-direttivi u linji gwida dwar klassifikazzjoni li jistgħu jinharġu mis-Segretarju Permanenti Ewlieni, bl-approvazzjoni tal-Prim Ministru.

(3) Kap ta' dipartiment jista' jagħti titolu mill-ġdid lil pożizzjoni fid-dipartiment tiegħu u jibdel id-dmirijiet marbutin magħha, u jekk meħtieġ il-pożizzjoni tista' tkun klassifikata mill-ġdid skond is-subartikolu (2):

Iżda dan is-subartikolu ma għandhux jiftiehem li jagħti s-setgħa li jinbidlu l-pattijiet tal-hatra ta' uffiċjal waqt li dik il-hatra tkun għadha fis-sehh.

(4) Kap ta' dipartiment jista' jnehhi pożizzjoni fid-dipartiment tiegħu fil-kazijiet li ġejjin:

(a) fil-każ li pożizzjoni tkun imtliet permezz ta' kuntratt ta' servizz għal terminu ta' żmien fiss jew sakemm tintemm biċċa xogħol speċifika, meta jgħaddi dak iż-żmien jew tispicċa dik il-biċċa xogħol; jew

(b) jekk il-pożizzjoni tkun vakanti; jew

(ċ) jekk id-dipartiment ma jibqax jeħtieġ dik il-pożizzjoni.

(5) Ebda persuna f'xi pożizzjoni ma tista' tithallas rimunerazzjoni li tkun inqas minn dik applikabbli għall-grad tagħha.

Hatriet f'pożizzjonijiet.

24. (1) Kap ta' dipartiment jista' jahtar persuna biex timla pożizzjoni f'dipartiment taht ir-responsabbiltà tiegħu skond dawk id-direttivi u linji gwida li jistgħu jinharġu mis-Segretarju Permanenti Ewlieni f'dan ir-rigward.

(2) Hatriet f'pożizzjonijiet għandhom isiru bil-mod preskritt taht l-artikolu 110 u l-paragrafu (1) ta' l-artikolu 121 tal-Kostituzzjoni

u skond l-artikolu 21 ta' dan l-Att, u qabel ma jagħmel hatra f'pożizzjoni kap ta' dipartiment għandu –

(a) jirreklama l-pożizzjoni b'mod li jiżgura li persuni eliġibbli jkollhom opportunità xierqa biex japplikaw għall-pożizzjoni; u

(b) jahtar bord ta' għażla biex jeżamina lill-applikanti u biex jagħmel ir-rakkomandazzjonijiet bażati fuq il-kriterji msemmija fl-artikolu 21.

(3) Kull persuna mahtura f'pożizzjoni skond dan l-artikolu għandha, matul il-hatra tagħha, titqies bhala uffiċjal pubbliku u jkollha d-drittijiet, is-setgħat u d-dmirijiet kollha ta' uffiċjal pubbliku taht din il-liġi u kull liġi applikabbli, ukoll jekk ma jkollhiex grad.

(4) Kap ta' dipartiment jista' jagħmel hatra f'pożizzjoni għal żmien definit jew għal biċċa xogħol speċifika.

(5) Hatra għal żmien definit tista', bla hsara għad-dispożizzjonijiet ta' xi liġi oħra, tkun imtawla darba għal perjodu simili mingħajr ma tohroġ sejha ġdida għall-applikazzjonijiet.

(6) Is-Segretarju Permanenti Ewlieni jista' johroġ direttivi u linji gwida fuq hwejjeġ li għandhom x'jaqsmu ma' l-impiegi magħduda, iżda mhux limitati għal:

(a) l-irbit ta' htigiet ta' eliġibbiltà ma' pożizzjonijiet; u

(b) il-kondizzjonijiet li tahtom kapijiet jistghu jagħmlu hatriet;

hekk iżda li fejn ix-xogħol li għandu jsir hu ta' natura intermittenti jew mhux fuq bażi regolari, għandu jiġi kkummissjont permezz ta' kuntratt għal servizz.

(7) Is-Segretarju Permanenti Ewlieni għandu jikkonsulta mal-Kummissjoni dwar is-Servizz Pubbliku qabel ma johroġ direttivi u linji gwida taht dan l-artikolu, u safejn daww id-direttivi u linji gwida jittrattaw dwar hwejjeġ li huma koperti mis-subartikolu (1) ta' l-artikolu 110 tal-Kostituzzjoni, jistghu jinharġu biss bi ftehim mal-Kummissjoni dwar is-Servizz Pubbliku.

25. (1) Kap ta' dipartiment jista' jagħzel li jimla pożizzjoni permezz ta' hatra ta' uffiċjal pubbliku li jkollu grad jew pożizzjoni fuq

Mili ta' pożizzjonijiet b'hatra laterali.

livell komparabbli ma' dak tal-pożizzjoni battala, hekk li l-uffiċjal hekk maħtur ma għandhux, bis-saħħa biss tal-hatra laterali tiegħu, jikseb pattijiet u kondizzjonijiet, inkluż salarju, aħjar minn dawk tal-grad tiegħu jew tal-pożizzjoni li kellu qabel.

(2) Meta pożizzjoni timtela skond is-subartikolu (1), ma hemmx għalfejn issir għażla kompetittiva u f'dan ir-rigward l-artikolu 21 ma għandhux japplika għal hatriet li jsiru skond dan l-artikolu.

Tnehhija minn
pożizzjonijiet.

26. (1) Uffiċjal pubbliku ma jistax jitnehha minn pożizzjoni hliet fil-każijiet li ġejjin:

(a) bhala sanzjoni skond ir-Regolamenti dwar id-Dixxiplina; jew

(b) mat-tmien taż-żmien li għalih tkun saret il-hatra fil-pożizzjoni; jew

(ċ) meta l-pożizzjoni tkun abolita.

(2) Meta uffiċjal pubbliku fi grad ikun inhatar f'pożizzjoni skond id-dispożizzjonijiet ta' dan l-Att, l-uffiċjal għandu jzomm il-grad tiegħu u jekk il-hatra tiegħu fil-pożizzjoni tiskadi jew tiġi tterminata, jinghata xogħol fil-grad tiegħu, kemm-il darba l-hatra fil-grad ma tkunx intemmet jew l-uffiċjal ma jkunx ġie dikjarat eċċessiv skond l-artikolu 28.

Gradi.

27. (1) Il-grad li fihom jistgħu jinhatru uffiċjali pubbliċi huma dawk imniżżla fit-Tielet Skeda.

(2) Il-Ministru responsabbli għall-amministrazzjoni pubblika jista', b'Ordni fil-Gazzetta, iżid gradi ġodda mat-Tielet Skeda u jabolixxi jew jagħti titoli ġodda lill-grads mnizżlin fiha.

(3) Il-Ministru responsabbli għall-amministrazzjoni pubblika għandu, wara li jgħarraf lill-Kummissjoni dwar is-Servizz Pubbliku, jistabilixxi l-htigiet ta' l-eligibbiltà għall-hatriet f'kull grad magħduda, meta applikabbli, regoli ta' progressjoni.

(4) Il-Ministru responsabbli għall-amministrazzjoni pubblika jista' jiddelega s-setgħat tiegħu taħt dan l-artikolu lis-Segretarju Permanenti Ewlieni jew lil uffiċjali pubbliċi anzjani ohra, fir-rigward ta' dawk l-oqsma u taħt dawk il-kondizzjonijiet li jista' jipprekrivi.

(5) Fejn il-pattijiet u l-kondizzjonijiet ta' uffiċjal pubbliku huma f'konflitt mat-Tielet Skeda, dawk il-pattijiet u l-kondizzjonijiet għandhom jipprevalu.

(6) Hatriet għal gradi għandhom isiru bil-mod preskritt taht l-artikolu 110 u s-subartikolu (1) ta' l-artikolu 121 tal-Kostituzzjoni u jkunu bażati fuq il-htigiet ta' eligibbiltà preskritti taht is-subartikolu (3) u, hlief kif hemmhekk provdut, skond l-artikolu 21 ta' dan l-Att.

28. (1) F'dan l-artikolu "*Surplus Pool*" tfisser dawk l-uffiċjali pubbliċi li ġew assenjati hemmhekk skond is-subartikolu (2) ta' dan l-artikolu minhabba li huma ta' numru aktar minn dak mehtieg, fis-sens li:

(a) ma hemmx bżonnhom fil-postijiet kurrenti tagħhom u ma jistgħux jiġu trasferiti jew mahtura lateralment għal dmirijiet ohra fid-dipartiment rispettiv tagħhom; u

(b) ma jistgħux jiġu trasferiti f'dipartiment iehor skond l-artikolu 20.

(2) Is-Segretarju Permanenti Ewlieni jista' b'direzzjoni bil-miktub jassenja lil uffiċjal pubbliku li jkun fin-numru aktar minn dak mehtieg lis-*Surplus Pool* u fl-istess hin –

(a) jassenja lill-imsemmi uffiċjal dawk id-dmirijiet f'kull dipartiment li s-Segretarju Permanenti Ewlieni jidhirlu xieraq meta jqis il-hiliet u l-abbiltajiet ta' l-uffiċjal; jew

(b) jassenja lil dak l-uffiċjal biex jitharreġ mill-ġdid fi speċjalizzazzjoni, hila jew professjoni li fiha s-servizz pubbliku jkollu nuqqas ta' staff.

(3) Uffiċjal pubbliku li għandu grad sostantiv u li hu assenjat fis-*Surplus Pool* għandu jżomm il-grad sostantiv tiegħu.

(4) Uffiċjal li jkun tharreġ mill-ġdid sa livell sodisfaċenti skond il-paragrafu (b) tas-subartikolu (2) jista' jiġi rtirat mis-*Surplus Pool* u mahtur mis-Segretarju Permanenti Ewlieni fi grad jew pożizzjoni xierqa għall-hiliet il-ġodda ta' l-uffiċjal, iżda fil-każ ta' dawn il-hatriet id-dispożizzjonijiet ta' l-artikolu 21 ma għandhomx għalfejn ikunu applikati.

(5) Kemm iddum l-assenjazzjoni taht is-subartikolu (2) ikun stabbilit mis-Segretarju Permanenti Ewlieni.

29. L-artikoli mil-21 sas-26 it-tnejn inklużi u 28 ta' dan l-Att għandu jkollhom effett sakemm ikun hemm fis-sehħ strument ta' delega taht l-artikolu 110 tal-Kostituzzjoni, u jieqfu milli jkollhom effett sal-limitu li dik id-delega tkun ġiet irtirata, sospiża, jew issir deroga minnha b'emenda, sa dak iż-żmien li l-istrument jerga' jingiebb fis-sehħ.

Applikabbiltà ta' ċerti dispożizzjonijiet skond il-Kostituzzjoni.

Estensjoni lis-servizz pubbliku tas-setghat moghtija lill-Kummissjoni għall-Harsien tal-Mertu.

30. Meta l-artikoli relattivi jingiebu fis-sehh skond is-subartikolu (2) ta' l-artikolu 1 ta' dan l-Att, il-Kummissjoni dwar is-Servizz Pubbliku għandha, billi taġixxi skond is-subartikolu (1) ta' l-artikolu 121 tal-Kostituzzjoni, testendi lejn is-servizz pubbliku d-dispożizzjonijiet kollha ta' l-artikoli 33 u 34 ta' dan l-Att jew uħud minnhom, sabiex tassumi direttament fir-rigward tas-servizz pubbliku s-setghat moghtija minn dawn l-artikoli lill-Kummissjoni għall-Harsien tal-Mertu:

Izda r-restrizzjonijiet li japplikaw għall-Kummissjoni għall-Harsien tal-Mertu dwar hwejjeġ li jaqgħu taht il-ġurisdizzjoni tat-Tribunal Industrijali ma għandhomx japplikaw għall-Kummissjoni dwar is-Servizz Pubbliku hija u taġixxi fir-rigward tas-servizz pubbliku u ta' uffiċjali pubbliċi.

Rakkomandazzjoni dwar vittimizazzjoni.

31. (1) Safejn l-artikoli 33 u 34 ta' dan l-Att (hekk kif estizi lejn is-servizz pubbliku skond l-artikolu 30) jagħtuha s-setghat, il-Kummissjoni dwar is-Servizz Pubbliku għandha tiżgura li ebda uffiċjal pubbliku ma jkun vittimizzat għax ikun għamel xi rapport lis-superjur tiegħu, lill-Kummissjoni jew lil awtorità oħra rilevanti fuq xi ksur tal-Kodiċi ta' Etika jew ta' xi dispożizzjonijiet oħra ta' dan l-Att jew kull Att ieħor.

(2) Meta l-Kummissjoni dwar is-Servizz Pubbliku ssib li uffiċjal pubbliku kien vittimizzat kif intqal qabel b'mod li ma tkunx tista' tipprevjeni jew tindirizza, din għandha tagħmel rapport lill-Prim Ministru jew lil awtoritajiet oħra fejn tirrakkomanda dawk il-mizuri li jidhrilha xierqa.

TAQSIMA III

KUMMISSJONI GĦALL-HARSIEN TAL-MERTU, AĠENZIJI U ENTITAJIET TAL-GVERN

Titolu 1 – Il-Kummissjoni għall-Harsien tal-Mertu

Il-Kummissjoni dwar is-Servizz Pubbliku taġixxi bhala Kummissjoni għall-Harsien tal-Mertu.

32. B'żieda mal-funzjonijiet tagħha taht liġijiet oħra l-Kummissjoni dwar is-Servizz Pubbliku għandha taġixxi bhala Kummissjoni għall-Harsien tal-Mertu (f'dan it-**Titolu** msejha "il-Kummissjoni") għall-finijiet ta' dan l-Att.

Funzjonijiet tal-Kummissjoni.

33. (1) Bla hsara għas-subartikolu (3) il-funzjonijiet tal-Kummissjoni għandhom ikunu:

(a) li tivverifika l-hatra ta' mpjegati ta' aġenziji tal-Gvern u ta' entitajiet tal-Gvern sabiex taċċerta ruhha li dan isir skond l-artikolu 21;

(b) li tissorvelja direttivi u linji ta' gwida mahruġa mis-Segretarju Permanenti Ewlieni fuq hwejjeġ li ghandhom x'jaqsmu ma' l-impiegi kif ukoll l-applikazzjoni taghhom, u tipproponi emendi ghalihom; u

(ċ) sakemm ma jkunx provdut mod iehor fil-leġislazzjoni, ordni jew strument li johloq l-entità, l-aġenzija, il-bord, il-kummissjoni jew xi organizzazzjoni ohra jew korp iehor tal-Gvern, li tinvestiga rapporti li d-direttivi mahruġa mis-Segretarju Permanenti Ewlieni ma jkunux tharsu.

(2) Fil-qadi tal-funzjonijiet taghha skond il-paragrafu (a) tas-subartikolu (1), l-Kummissjoni ghandha taġixxi bi skrutinju wara li jkun ġara l-fatt u m'ghandhiex teziġi li xi aġenzija jew entità tal-Gvern ghandha tikseb il-kunsens jew l-approvazzjoni tal-Kummissjoni bil-quddiem qabel ma taghmel hatriet jew tiehu deċiżjonijiet, hlief bhala miżura temporanja f'każijiet fejn il-Kummissjoni –

(a) issib li d-dispożizzjonijiet ta' dan l-Att ikunu inkisru jew x'aktarx ikunu ser jinkisru; u

(b) tkun tal-fehma li dik il-miżura tkun mehtieġa biex ikun evitat iktar ksur ta' dan l-Att sa dak iż-żmien li l-Kummissjoni tkun tista' tikkonkludi xi investigazzjonijiet u tiehu miżuri korrettivi.

(3) Il-Kummissjoni m'ghandhiex tisma' jew tinvestiga lmenti fuq hwejjeġ li huma assenjati esklużivament minn xi liġi ohra lil xi korp iehor jew lit-Tribunal Industrijali msemmi fl-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, u jekk isiru xi lmenti bhala dawk lill-Kummissjoni din ghandha tirreferi lil min jaghmel l-ilment lit-Tribunal, iżda dwar hwejjeġ bhala dawk il-Kummissjoni tista' –

(a) fuq l-inizjattiva taghha stess tistharreġ u tinvestiga kull każ li dwaru ma jkunux tqajmu lmenti formali; u

(b) issegwi deċiżjoni jew rimedju tat-Tribunal Industrijali bil-hsieb li tiehu azzjoni ta' rimedju addizzjonali taht il-paragrafu (ċ) tas-subartikolu (4) u s-subartikolu (5) ta' l-artikolu 34 ta' dan l-Att.

(4) Il-Kummissjoni ghandha tirregola l-proċeduri taghha stess fil-qadi tal-funzjonijiet taghha taht dan l-Att.

34. (1) Ghall-finijiet tal-funzjonijiet taghha taht dan l-Att il-Kummissjoni tista':

Setgħat tal-Kummissjoni.

(a) taghmel dawk l-ispezzjonijiet u investigazzjonijiet li jidhrilha xierqa;

(b) tharrek lil kull persuna biex tidher quddiemha u tixhed bil-ġurament;

(ċ) titlob bil-miktub il-produzzjoni ta' taghrif, dokumenti jew *files* fil-kustodja ta' xi ufficjal pubbliku sabiex teżaminahom jew taghmel kopji tagħhom; u

(d) tidhol fil-post ta' kull aġenzija jew entità tal-Gvern, kemm-il darba ssegwi l-htigiet legali li b'xi liġi huma mposti fuq il-pulizija għall-istess għan.

(2) L-artikolu 6 ta' l-Att dwar l-Inkjesti għandu japplika għall-investigazzjonijiet li jsiru mill-Kummissjoni u għal kull tahrika jew talba li tista' taghmel f'dawn l-investigazzjonijiet.

(3) Bla hsara għas-subartikoli (4) u (5) u l-artikolu 34, dak li ssib il-Kummissjoni jista' jintuża bħala prova f'kull kawża ċivili li tista' taghmel il-parti leża iżda, minkejja kull liġi oħra, il-membri tal-Kummissjoni ma jistghux ikunu mharrka biex jixhdu.

(4) Il-Kummissjoni għandha taghmel rapport lill-Prim Ministru wara kull investigazzjoni taht dan l-Att, u meta ssib li deċiżjoni dwar impjeg ittiehdet xort'oħra milli skond id-dispożizzjonijiet ta' dan l-Att, il-Kummissjoni għandha:

(a) tannulla dik id-deċiżjoni;

(b) taghti dawk id-direttivi li jidhrilha mehtieġa biex tindirizza s-sitwazzjoni;

(ċ) tirrakkomanda li tittiehed dik l-azzjoni dixxiplinarja jew kriminali li jidhrilha xierqa fiċ-ċirkostanzi.

(5) Bla hsara għal kull azzjoni dixxiplinari jew kriminali li tista' tittiehed skond id-dispożizzjonijiet tal-paragrafu (ċ) tas-subartikolu (4) ta' dan l-artikolu, meta mpjegat ta' aġenzija jew entità tal-Gvern ikun ha deċiżjoni dwar impjeg li ma tkunx taqbel mad-dispożizzjonijiet ta' dan l-Att, il-Kummissjoni tista' tneħhi lill-impjegat mill-pożizzjoni tiegħu u/jew tinterdic'ih milli jinhatar jew milli jerga' jinhatar għal żmien massimu ta' hames snin.

(6) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, id-deċiżjonijiet li jittiehdu u d-direttivi mahruġa mil-Kummissjoni taht il-

paragrafu (a) u (b) tas-subartikolu (4) u taht is-subartikolu (5) ghandhom jorbtu lill-organizzazzjoni li għaliha japplikaw, u l-bord tad-diretturi jew il-kap ta' l-organizzazzjoni, skond l-każ, ghandu jiżgura li d-deċiżjonijiet u d-direttivi tal-Kummissjoni jitharsu.

(7) Il-Kummissjoni ghandha, kemm jista' jkun malajr wara l-gheluq ta' kull sena ta' hidma tagħha, tagħmel lill-Prim Ministru rapport annwali dwar il-hidma tagħha f'dik is-sena, u l-Prim Ministru ghandu kemm jista' jkun malajr wara li jirċievi l-imsemmi rapport, iqiegħed l-istess rapport fuq il-Mejda tal-Kamra tad-Deputati.

35. Id-dispożizzjonijiet ta' dan it-Titolu, sakemm ma jkunx muri xort'ohra b'dan l-Att, ghandhom japplikaw biss għall-aġenziji u għal-entitajiet tal-Gvern. Applikazzjoni ta' dan it-Titolu.

Titolu 2 – Aġenziji

36. (1) Aġenzija tal-Gvern tista' tkun stabbilita b'liġi jew taħtha jew b'Ordni tal-Prim Ministru fil-Gazzetta. Kif ikunu stabbiliti l-aġenziji.

(2) Ordni li tistabbilixxi aġenzija taht dan l-Att ghandha sservi bhala d-dokument bażiku li jirregola l-operat ta' l-aġenzija u ghandha:

- (a) tistabbilixxi l-funzjonijiet u d-dmirijiet ta' l-aġenzija;
- (b) tispeċifika liema Ministru jkun responsabbli għaliha;
- (ċ) tippreskrivi l-arrangamenti finanzjarji li japplikaw għall-aġenzija skond l-artikolu 41;
- (d) tistabbilixxi kull arrangament speċjali iehor li japplika għall-aġenzija; u
- (e) temenda r-Raba' Skeda.

(3) L-aġenziji tal-Gvern kollha stabbiliti skond is-subartikolu (1) ghandhom ikunu mniżżla fir-Raba' Skeda flimkien ma' sommarju indikattiv tal-funzjonijiet tagħhom.

(4) Il-Prim Ministru jista' b'Ordni fil-Gazzetta:

- (a) jabolixxi aġenzija stabbilita b'Ordni taht dan l-Att u mniżżla fir-Raba' Skeda; jew

(b) jemenda l-funzjonijiet u d-dmirijiet taghha kif ukoll jemenda kull haġa oħra provdut għaliha fis-subartikolu (2) ta' dan l-artikolu:

Iżda kull Ordni bhal din għandha ttipprovdi għall-emendi meħtieġa fir-Raba' Skeda.

Personalità legali u rappreżentanza ġuridika ta' aġenziji.

37. (1) Aġenzija tal-Gvern tkun korp ġuridiku li jkollu personalità legali separata u distinta u tkun kapaċi li tagħmel kuntratti, li timpjega persunal, li takkwista, iżżomm u tidisponi minn kull xorta ta' proprjetà għall-ghanijiet ta' l-operat taghha, u li tħarrek u li tiġi mħarrka, u li jistgħu jinghatawliha kull funzjoni jew operat tal-Gvern taht din il-liġi jew xi liġi oħra.

(2) Ir-rappreżentanza legali u ġuridika ta' aġenzija tkun vestita fl-Uffiċjal Eżekuttiv Ewlieni taghha jew f'dak l-uffiċjal ta' l-aġenzija li l-Ministru responsabbli għaliha jista' minn żmien għal żmien jahtar b'avviz fil-Gazzetta:

Iżda għall-finijiet ta' l-artikolu 181B tal-Kodiċi ta' Organizzazzjoni u Proċedura Civili, meta uffiċjal ikun hekk mahtur, kull riferenza għall-Uffiċjal Eżekuttiv Ewlieni f'azzjoni jew f'att ġudizzjarju għandha tapplika awtomatikament għall-uffiċjal hekk imsemmi.

Direttivi u linji gwida mahruġa mis-Segretarju Permanenti Ewlieni dwar aġenziji.

38. (1) Hlief kif espressament eskluż b'xi liġi oħra jew xi Ordni li tistabilixxi aġenzija taht dan l-Att, is-Segretarju Permanenti Ewlieni jista' b'żieda mas-setgħat tiegħu taht l-artikoli 4, 5 u 40 johroġ direttivi u linji gwida għall-aġenziji tal-Gvern kollha jew għal uhud minnhom sabiex –

(a) jiżgura li l-aġenziji jikkoordinaw xogħolhom ma' aġenziji oħra u ma' dipartimenti, entitajiet tal-Gvern u Kunsilli Lokali skond il-każ;

(b) jintroduċi miżuri biex titjeb il-hidma ta' aġenziji u l-kwalità tas-servizzi li jagħtu lill-pubbliku;

(ċ) jipprovdi għal hwejjeġ li għandhom x'jaqsmu ma' l-impiegi, maghduda –

(i) iċ-ċaqliq ta' l-istaff minn aġenzija għal band' oħra jew bil-maqlub, jew bejn żewġ aġenziji;

(ii) l-applikazzjoni tal-prinċipju tal-mertu u l-holqien ta' salvagwardi dwaru; u

(d) jistabbilixxi mekkaniżmi għall-klassifikazzjoni ta' staff u l-iffissar ta' livelli ta' rimunerazzjoni; u

(e) jagħti effett lil dawk l-oġġettivi ta' *policy* u prijoritajiet amministrattivi oħra li l-Gvern jista' jistabbilixxi minn żmien għal żmien.

(2) Uffiċjali Eżekuttivi Ewlenija u mpjegati ta' aġenziji tal-Gvern għandhom iħarsu kull direttiva mahruġa mis-Segretarju Permanenti Ewlieni, u nuqqas ta' tharis ikun bażi biex jittiehdu passi ta' dixxiplina kontribom taħt il-proċeduri applikabbli.

(3) Is-Segretarju Permanenti Ewlieni għandu jfittex li jinkwadra d-direttivi tiegħu fl-aħjar interess tal-konsumatur u b'dak il-mod li jintlahqu l-oġġettivi tal-Gvern filwaqt li jimponi fuq l-aġenziji l-anqas piż amministrattiv possibbli, ukoll meta jitqiesu d-direttivi mahruġa skond l-artikolu 72 ta' l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika.

(4) Is-subartikoli minn (3) sa (6) ta' l-artikolu 15 għandhom japplikaw *mutatis mutandis* għad-direttivi mahruġa mis-Segretarju Permanenti Ewlieni taħt dan l-artikolu.

39. (1) Hlief kif provdut f'xi liġi oħra jew f'xi Ordni li tistabbilixxi aġenzija, l-Uffiċjal Eżekuttiv Ewlieni ta' kull aġenzija għandu jkun taħt id-direzzjoni ġenerali u l-kontroll tal-Ministru responsabbli għall-aġenzija u, suġġett għal dik id-direzzjoni u l-kontroll, taħt is-sorveljanza tas-Segretarju Permanenti ta' dak il-ministeru.

Direzzjoni ġenerali u kontroll ta' aġenziji minn Ministri u sorveljanza mis-Segretarji Permanenti.

(2) Hlief kif jingħad hawn qabel, meta aġenzija tkun suġġetta għas-sorveljanza ta' Segretarju Permanenti, l-artikolu 17, hlief is-subartikolu (6) tiegħu, u l-artikolu 18 għandhom japplikaw għall-aġenzija u għall-Uffiċjal Eżekuttiv Ewlieni bl-istess mod kif japplikaw għal dipartimenti u l-kapijiet tagħhom.

40. (1) Aġenzija tal-Gvern għandha tagħmel ftehim dwar il-hidma tagħha mas-Segretarju Permanenti li jkun responsabbli għaliha jew, meta ma jkunx hemm Segretarju Permanenti mahtur, mal-Ministru relattiv, u dak il-ftehim għandu jindirizza x-xogħol li jkollha tagħmel l-aġenzija, il-miri li tkun trid tilhaq, u l-fondi li jingħatawliha.

Ftehim dwar il-hidma ta' l-aġenzija.

(2) Ftehim dwar il-hidma ta' aġenzija jista' japplika għal perjodu ta' minn sena sa tliet snin, u jista' jiġġedded skond dawk id-direttivi jew linji gwida li s-Segretarju Permanenti Ewlieni jista' johrog biex jirregola l-iżvilupp ta' ftehim dwar il-hidma ta' aġenziji.

Kontijiet, verifika u
arrangamenti
finanzjarji ohra.

41. (1) Il-Prim Ministru ghandu, b'konsultazzjoni mal-Ministru responsabbli għall-finanzi, jiddeċiedi dwar il-mod ta' kif aġenzija tkun finanzjata u jekk u safejn għandhom japplikaw id-dispożizzjonijiet ta' l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika għall-aġenzija.

(2) Id-dispożizzjonijiet li ġejjin għandhom japplikaw –

(a) kapijiet ta' aġenziji għandhom iżommu kotba tal-kontijiet kif imiss b'dak il-mod li l-Ministru responsabbli għall-finanzi jista' jordna minn żmien għal zmien;

(b) dawk il-kontijiet għandhom ikunu sugġetti għall-verifika minn awditur li jinhatar għal hekk mill-kap ta' l-aġenzija bi ftehim mal-Ministru responsabbli għall-finanzi u għandu barra minn hekk ikun sugġett għall iskrutinju mill-*Monitoring Unit* ta' l-Immaniġġjar Finanzjarju, u għall-verifika mid-Direttorat għall-Awditjar Intern u l-Investigazzjonijiet u mill-Awditur Ġenerali, skond il-każ;

(ċ) mhux aktar tard minn sitt gimghat wara t-tmiem ta' kull sena finanzjarja, il-kap ta' kull aġenzija għandu jippreżenta lill-Ministru tiegħu permezz tas-Segretarju Permanenti, il-kontijiet verifikati flimkien ma' rapport fuq l-operat ta' l-aġenzija li għandu jgħid kif hadmet l-aġenzija biex twettaq il-funzjonijiet tagħha u x'inhuma l-pjanijiet tagħha għall-futur; u

(d) dan ir-rapport għandu jitqiegħed fuq il-Mejda tal-Kamra mill-Ministru responsabbli għall-aġenzija mhux iktar tard minn sitt gimghat minn meta jkun irċevihom jew, jekk il-Kamra ma tkunx qed tiltaqa', mhux iktar tard mit-tieni gimgha wara li l-Kamra terġa' tibda s-seduti tagħha.

Bordijiet
konsultattivi.

42. (1) Il-Ministru responsabbli għal aġenzija jista' jahtar bord konsultattiv biex jgħin lill-Uffiċjal Eżekuttiv Ewlieni fil-qadi ta' dmirijietu.

(2) Bord konsultattiv stabbilit taht dan l-artikolu jkun presedut mill-Uffiċjal Eżekuttiv Ewlieni u jkun magħmul minn mhux inqas minn tnejn u mhux iktar minn erba' membri mahtura mill-Ministru responsabbli għall-aġenzija.

(3) Ir-rimunerazzjoni li tithallas lill-membri tal-bord konsultattiv ta' aġenzija għandha tkun skond dawk id-direttivi u linji gwida li jinħarġu mis-Segretarju Permanenti Ewlieni dwarhom.

43. Is-Segretarju Permanenti Ewlieni jista' skond direzzjoni tal-Prim Ministru jassenja jew jirrevoka l-assenjazzjoni ta' uffiċjal pubbliku biex jaqdi dmirijietu ma' aġenzija għal dak iż-żmien u taht dawk il-kondizzjonijiet li jista' jippreskrivi.

Uffiċjali pubbliċi assenjati ma' aġenzija.

44. (1) Meta uffiċjal pubbliku jkun assenjat biex jaqdi dmirijietu ma' aġenzija dak l-uffiċjal għandu, f'dak iż-żmien li matulu dik id-direzzjoni tkun fis-seħh, ikun taht id-direzzjoni u l-kontroll amministrattiv tal-kap ta' l-aġenzija, iżda għandu xort'ohra jibqa' jzomm id-drittijiet u d-dmirijiet kollha bhala uffiċjal pubbliku, u għall-finijiet ta' kull liġi li għandha x'taqsam mal-pensjonijiet għal servizz mal-Gvern, is-servizz ma' dik l-aġenzija għandu jitqies bhala servizz mal-Gvern:

Drittijiet għal pensjoni u arrangamenti ohra.

Izda fil-kalkolu ta' l-emolumenti pensjonabbli ta' dak l-uffiċjal għall-finijiet ta' xi liġi li għandha x'taqsam mal-pensjonijiet għal servizz mal-Gvern, m'għandu jittiehed ebda kont ta' xi *allowance*, bonus jew gratifikazzjoni mhallsa lil dak l-uffiċjal mill-aġenzija li tkun iżjed minn dak li għandu jedd għalih bhala uffiċjal pubbliku:

Izda wkoll matul iż-żmien li hu jkun assenjat biex jaqdi dmirietju ma' l-aġenzija, il-pattijiet u l-kondizzjonijiet tas-servizz tiegħu ma għandhomx ikunu inqas favorevoli minn dawk marbuta mal-hatra tiegħu taht il-Gvern fl-istess perjodu. Dawk il-pattijiet u l-kondizzjonijiet m'għandhomx jitqiesu li jkunu inqas favorevoli sempliċiment għaliex ma jkunux f'kull rigward identiċi ma' jew superjuri għal dawk gawduti mill-uffiċjal involut fid-data li fiha jkun assenjat, jekk il-pattijiet u l-kondizzjonijiet, meħud in flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew aħjar.

(2) (a) Għall-finijiet tal-kalkolu ta' l-emolumenti pensjonabbli, il-postijiet u l-gradji tas-salarji ma' aġenzija għandhom jiġu klassifikati f' dawk il-gradji u l-livelli inkrementali fis-servizz tal-Gvern ta' Malta li jkunu l-iktar jikkorrispondu b'riferenza għal *job descriptions*, hiliet, responsabbiltajiet u fatturi ohra analogi.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) ta' dan is-subartikolu għandha ssir minn bord magħmul minn *chairperson* mahtur mill-Ministru responsabbli għall-finanzi u żewġ membri ohra, wiehed mahtur mill-Ministru responsabbli għall-aġenzija u l-iehor mahtur mill-aġenzija. Il-klassifikazzjoni tkun suġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Dik il-klassifikazzjoni għandha ssir fi żmien tliet xhur minn kull aġġustament tas-salarji ta' l-impjegati fis-servizz tal-Gvern jew ta' l-impjegati ta' l-aġenzija.

(d) Ebda post ma ghandu jkun klassifikat fi grad oghla minn dak ta' Grad 3 fis-servizz tal-Gvern jew dak il-grad l-iehor li l-Ministru responsabbli ghall-finanzi jista' minn żmien ghal żmien jistabbilixxi b'avviż fil-Gazzetta.

(e) Bla hsara ghall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni kif hawn qabel imsemmi, ikollu jedd ghal drittijiet taht l-Ordinanza dwar il-Pensjonijiet li jkunu anqas favorevoli minn dawk li kien ikollu jedd ghalihom qabel dik il-klassifikazzjoni.

(f) Minghajr hsara ghal xi liġi ohra, jekk fid-data tal-bidu fis-sehh ta' dan l-Att, arrangamenti li kellhom isiru dwar ufficjali pubbliċi li jkunu assenjati skond xi liġi applikabbli ma jkunux finalizzati, il-Prim Ministru jista' johroġ regolamenti bil-ghan li jkunu rizolti diffikultajiet amministrattivi li setghu inqalghu minn meta ufficjal pubbliku jkun ġie assenjat.

Applikazzjoni ta' dan it-Titolu.

45. Id-dispożizzjonijiet ta' dan it-Titolu ghandhom japplikaw ghall-aġenziji tal-Gvern kollha hlief fejn ikunu f'konflitt mad-dispożizzjonijiet ta' xi liġi ohra li tirregola aġenzija.

Titolu 3 – Entitajiet tal-Gvern, bordijiet u kummissjonijiet

Applikazzjoni ta' ċerti artikoli ta' dan l-Att u ta' liġijiet ohra.

46. Bla hsara ghal kull liġi li tikkontrolla entità tal-Gvern, il-Prim Ministru jista' b'ordni fil-Gazzetta jestendi ghal kull entità bhal dik u/jew ghall-ufficjali u l-impjegati taghha, l-applikabbiltà ta' kull dispożizzjoni ta' dan l-Att li ma tapplikax ghalihom diġà, kif ukoll l-applikabbiltà ta' xi liġi ohra li tapplika ghas-servizz pubbliku jew ghal ufficjali pubbliċi.

Sorveljanza ta' entitajiet tal-Gvern minn Segretarji Permanenti.

47. (1) Entità tal-Gvern li tkun sugġetta ghad-direzzjoni u l-kontroll ta' Ministru tista', sal-limitu delegat minn dak il-Ministru, tkun sugġetta ghas-sorveljanza mis-Segretarju Permanenti relattiv, f'liema każ is-Segretarju Permanenti jista' jkollu s-setgha li johroġ direzzjonijiet lill-entità u li jaghti struzzjonijiet jew jaghti pariri lir-rappreżentanti tal-Gvern fuq il-bord eżekuttiv ta' l-entità.

(2) Segretarju Permanenti li jkun qed jissorvelja entità tal-Gvern skond is-subartikolu (1) ghandu jiżgura illi din tkun qed –

(a) tahdem lejn it-twettiq fil-hin u b'mod effettiv, flimkien ma' entitajiet ohra tal-Gvern kif xieraq, ta' l-oġġettivi tal-politika tal-Ministru u tal-Gvern;

(b) titmexxa skond il-liġi, il-valuri ta' l-amministrazzjoni pubblika, il-Kodiċi ta' Etika, u *policies* u direttivi applikabbli li jirregolaw l-imġieba ta' l-istaff, l-immaniġġjar u l-użu ta' rizzorsi; u

(ċ) taħdem b'mod ekonomiku, effiċjenti u effettiv u toffri servizzi ta' livell sodisfaċenti lill-pubbliku.

(3) Fil-qadi tad-dmirijiet tiegħu taħt is-subartikolu (2), Segretarju Permanenti jista', b'konsultazzjoni mal-Ministru relattiv, jistabbilixxi miri għall-entità u jehtieg kull tagħrif hlief fejn dan ikun eskluż bil-liġi.

(4) Segretarju Permanenti għandu jirrapporta lill-Ministru tiegħu fuq l-operat ta' l-entitajiet tal-Gvern taħt is-sorveljanza tiegħu.

48. (1) Is-Segretarju Permanenti Ewlieni jista' jestendi għall-bordijiet u kummissjonijiet id-direttivi u l-linji gwida kollha jew uħud minnhom imsemmija f'dan l-Att, wara konsultazzjoni mal-Prim Ministru u mal-Ministru meta l-Prim Ministru jkun hatar Ministru responsabbli għall-amministrazzjoni pubblika.

Sorveljanza ta' bordijiet u kummissjonijiet.

(2) Id-dispożizzjonijiet ta' l-artikolu 47 għandhom *mutatis mutandis* japplikaw ukoll dwar bordijiet u kummissjonijiet.

(3) Id-direttivi u l-linja gwida msemmija fis-subartikolu (1) u s-sorveljanza msemmija fis-subartikolu (2) għandhom japplikaw għall-amministrazzjoni u għall-affarijiet ta' kuljum tal-bordijiet u l-kummissjonijiet bla hsara għall-jeddijiet u dmirijiet ta' l-imsemmija bordijiet u kummissjonijiet li jaqdu l-funzjonijiet jew ir-rwoli li għalihom ikunu nholqu.

(4) F'dan l-artikolu, "bordijiet u kummissjonijiet" tinkludi kull kunsill, kumitat, *panel* jew korp simili li dan l-Att ma jipprovdix għalih diġà, u f'kull każ ma tapplikax għal xi kummissjoni jew awtorità stabbilita bil-Kostituzzjoni.

TAQSIMA IV

Mixxellanji

49. Il-Prim Ministru jista' jagħmel regolamenti biex jagħti effett lid-dispożizzjonijiet ta' dan l-Att u l-infurzar tagħhom, u bla hsara għall-generalità ta' dak li ntqal qabel dawk ir-regolamenti jistgħu jipprovd:

Setgħa għall-egħmil ta' regolamenti.

(a) biex is-servizz pubbliku, l-aġenziji tal-Gvern u l-entitajiet tal-Gvern jitmexxew u jkunu amministrati aħjar;

(b) dwar il-mod li bih jinżammu l-kontijiet u r-records ta' aġenziji tal-Gvern u ta' entitajiet tal-Gvern;

(ċ) dwar il-mod li bih ghandu jsir l-akkwist ta' servizzi u oġġetti minn uhud jew minn kull wahda mill-aġenziji tal-Gvern jew entitajiet tal-Gvern, u l-proċeduri li ghandhom jiġu adottati ghal hekk;

(d) ghas-sanzjonijiet li jkunu applikabli f'każ ta' ksur tal-Kodiċi ta' Etika;

(e) għall-mod li bih uffiċjali pubbliċi jistgħu jkunu assenjati, meħlusa, imhaddma, marbuta jew sekondati ma' aġenziji u entitajiet tal-Gvern, u l-jeddijiet li jkollhom dawk l-uffiċjali, hekk iżda li l-Prim Ministru jista', bla hsara ghal kull jedd vestit, jagħmel ukoll regolamenti bil-hsieb li jirregolaw kull kwistjoni pendenti fiż-żmien li dan l-Att jiġi fis-seħh; u

(f) għar-reklutaġġ fl-amministrazzjoni pubblika ta' persuni ta' nazzjonalità ta' stati membri ta' l-Unjoni Ewropea barra minn Malta u ta' persuni ta' nazzjonalità oħra li jkollhom l-istess jeddijiet dwar il-moviment hieles tal-haddiema:

Izda l-postijiet li jinvolvu l-eżercitazzjoni ta' awtorità pubblika u li jharsu l-interessi ġenerali ta' l-Istat, u b'mod partikolari dawk li ġejjin, jistgħu jithallew ghal persuni ta' nazzjonalità Maltija:

(i) postijiet fl-Uffiċċju tal-President, fil-Kamra tad-Deputati, fis-Segretarjati tal-Prim Ministru u tal-Ministri, fl-Uffiċċju tal-Kabinett, u fl-uffiċċji tas-Segretarju Permanenti Ewlieni u tas-Segretarji Permanenti;

(ii) il-ġudizzjarju, u postijiet li jinvolvu t-thejjija ta' pariri ta' esperti fil-qasam tal-prosekuzzjoni ghal reati jew l-egħmil tal-liġijiet, u postijiet li jinvolvu responsabbiltà ghal korpi kostituzzjonali konsultattivi;

(iii) postijiet li jinvolvu s-sovranità ta' l-Istat, maghduda rappreżentazzjoni diplomatika u barranija;

(iv) postijiet fl-Uffiċċju tal-Prim Ministru u l-Ministeri tal-Finanzi, il-Gustizzja, l-Intern u l-Affarijiet Barranin;

(v) postijiet f'dipartimenti li jkollhom ir-responsabbiltà li jharsu l-interessi ekonomiċi ta' l-Istat, maghduda l-awtoritajiet tat-taxxi;

(vi) postijiet fis-Servizz Eżekuttiv Anzjan;

(vii) postijiet fil-korpi dixxiplinati u l-uffiċċji li jkunu responsabbli minn hwejjeġ tad-difiża; u

(viii) postijiet fis-servizzi ta' sigurtà u fil-qasam tal-protezzjoni u d-difiża ċivili.

50. Fil-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 181B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, minflok il-kliem "mis-Segretarju Amministrattiv" għandhom jidhlu l-kliem "mis-Segretarju Permanenti Ewlieni".

Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

51. (1) Minnufih wara l-paragrafu (ċ) ta' l-artikolu 6 ta' l-Att dwar l-Interpretazzjoni għandu jżied il-proviso li ġej:

Emenda ta' l-Att dwar l-Interpretazzjoni.

"Izda dwar hwejjeġ li għandhom x'jaqsmu ma' mpjiegi, promozzjoni jew dixxiplina fir-rigward ta' mpjegati individwali, dik id-direzzjoni tista' tinghata biss mill-Prim Ministru u f'dak il-każ, il-kap tad-dipartiment għandu jgħarraf lill-Kummissjoni dwar is-Servizz Pubbliku."

L-EWWEL SKEDA

KODIČI TA' ETIKA

(Artikolu 5)

A. Prinċipji

1. Dan il-Kodiċi ta' Etika huwa adottat f' qafas ta' prinċipji li huma fundamentali ghal kif wiehed ghandu jgħib ruhu. Dawn ġew identifikati bhala l-fiduċja tal-pubbliku; il-qadi tal-pubbliku u tal-komunità kummerċjali; ir-responsabbiltà lejn il-Gvern tal-ġurnata; il-produttività u l-flessibilità; u d-drittijiet ta' l-impjegati pubbliċi.

2. Il-pubbliku ghandu dritt jistenna li organizzazzjonijiet fis-settur pubbliku kif ukoll l-impjegati tagħhom ikunu ta' l-ogħla integrità u kompetenza u li jaqdu ċ-ċittadini kollha bil-fier, raġonevolment, indaqs u b'effiċjenza.

3. Impjegati pubbliċi ghandhom jagħtu parir imparzjali u korrett lill-Gvern tal-ġurnata, u ghandhom iwettqu l-*policies* tiegħu fil-pront, b'effiċjenza u b'effettività.

4. Il-pubbliku u l-komunità kummerċjali ghandhom dritt jistennew li l-impjegati pubbliċi jagħmlu hilithom biex jaqdu l-bżonnijiet leġittimi tagħhom fil-pront u b'korteżija.

5. Il-pajjiż jistenna li l-impjegati pubbliċi jimpenjaw ruhhom sabiex kontinwament ifittxu l-innovazzjoni, it-titjib fil-produttività, u aktar heffa fil-proċeduri, u b'hekk jagħmlu kontribut lejn it-tkabbir ekonomiku u l-kompetittività nazzjonali.

6. L-impjegati pubbliċi ghandhom jagħmlu użu shih mit-teknoloġija ta' l-informatika u l-komunikazzjoni bhala għodda essenzjali għat-titjib ta' l-amministrazzjoni pubblika u tas-servizzi pubbliċi, u l-impjegati pubbliċi ghandhom jiżguraw li ghandhom il-hiliet neċessarji għal dan il-għan.

7. Id-drittijiet ta' l-impjegati pubbliċi huma dawk normali ta' impjegati, skond id-dispożizzjonijiet tal-liġijiet u r-regolamenti.

B. Konflitti ta' Interess

8. Konflitt ta' nteress jista' jiġi definit bhala sitwazzjoni fejn impjegat pubbliku jkollu suffiċjentament interess privat jew personali li jinfluwenza, jew jidher li jista' jinfluwenza, dak li oġġettivament mistenni jagħmel fil-qadi ta' dmirijietu.

9. Impjegati pubbliċi ghandhom jevitaw kull interess finanzjarju jew ta' natura oħra kif ukoll kull attività oħra li tista', direttament jew indirettament, tikkomprometti l-qadi ta' dmirijiethom.

10. F'hafna każi, l-impjegat ikkonċernat biss jista' jkun jaf bil-potenzjal ta' konflitt. Għalhekk huwa d-dmir ta' l-impjegat li jgħarraf lis-superjuri tiegħu jew tagħha kemm-il darba jkun hemm potenzjalment jew realment, konflitt ta' nteress.

11. Dan it-tagħrif għandu jinkludi notifikazzjoni ta' l-interessi kollha rilevanti, sew dawk personali, finanzjarji, ta' negozju u interessi oħra, partikolarment:

(a) kull direttorat, shubija f'soċjetajiet jew kumpaniji kummerċjali, aġenziji jew kontroll ta' ishma;

(b) kull interess li jista' jkollu f'attività jew negozju li fihom hija mdahhla jew li magħhom ikollha x'taqsam l-organizzazzjoni fejn huwa jaħdem; u

(ċ) kull interess li jista' jkollu f'oġġetti jew f'servizzi rakkomandati jew approvduti lill-organizzazzjoni fejn huwa jaħdem.

12. L-impjegati pubbliċi għandhom jgħarrafu bil-miktub lill-kap ta' l-organizzazzjoni fi żmien ġimgħa minn meta tinholoq xi sitwazzjoni msemmija hawn fuq, jiġifieri, hekk kif jidhlu fl-impjeg tagħhom, jew hekk kif ikollhom xi bidla fid-dmirijiet tagħhom jew jekk ikun hemm xi bidla fiċ-ċirkustanzi.

Ċ. Aċċettazzjoni ta' Rigali jew Benefiċċji

13. L-ebda impjegat pubbliku jew membru tal-familja tiegħu ma għandu jaċċetta rigali jew benefiċċji jekk jista' jitqies li b'hekk qed jidhol f'obbligu reali jew immaġinarju.

14. Rigal jista' jiġi interpretat bħala lixka jew kumpens sempliċement mill-valur intrinsiku tiegħu u għalhekk rigali ta' valur nominali biss jistgħu jiġu aċċettati.

D. Imġieba Personali u Professionali

15. Impjegati pubbliċi għandhom jaqdu d-dmirijiet kollha li jmorru mal-kariga tagħhom mill-aħjar li jistgħu, bir-reqqa, b'imparzjalità u b'kuxjenza.

16. Fil-qadi ta' dmirijiethom, l-impjegati pubbliċi għandhom:

(a) iżommu ruħhom aġġornati ma' l-avvanz u tibdil li jkun qed isir fil-qasam ta' l-ispeċjalizzazzjoni tagħhom;

(b) josservaw dak kollu li jitolbu minnhom il-provvedimenti leġislattivi u amministrattivi rilevanti;

(ċ) jużaw il-kortesija mal-membri tal-pubbliku u mal-membri l-oħra ta' l-istaff, u jagħtu każ tad-drittijiet tagħhom;

- (d) jipprovdu kull għajnuna mehtieġa u xierqa lill-membri tal-pubbliku;
- (e) iżommu dokumentazzjoni adegwata biex isahhu kull deċiżjoni li tittiehed;
- (f) jagħmlu hilithom biex jiksbu l-aħjar siwi fl-infiq ta' fondi pubbliċi u jevitaw hela u nfiq żejjed fl-użu ta' riżorsi pubbliċi;
- (g) ma jiehdux, u lanqas ma jipprovaw jiehdu, vantaġġ li mhux suppost minn xi informazzjoni uffiċjali li tista' tiġi għandhom fil-kors ta' l-impjegat tagħhom;
- (h) ma jagħtux apposta informazzjoni mhux korretta jew li tista' tiżvija;
- (i) ma jimxux bil-favuri jew bin-neputiżmu.

17. F'kull hin l-imġieba ta' impjegat pubbliku għandha tkun tali li ma titfax dell ikrah fuq il-pożizzjoni tiegħu jew tagħha u li ma tirriflettix hażin fuq is-servizz pubbliku.

18. L-impjegati pubbliċi huma mistennija li jagħtu appoġġ sħiħ lill-Gvern tal-ġurnata, indipendentement mill-partit jew partiti politiċi li jkunu fil-Gvern. Meta jimplementaw *policy* tal-Gvern, il-valuri u t-twemmin ta' l-impjegati pubbliċi m'għandhomx jiehdu preċedenza fuq daww il-impjegati jew espliciti fil-policy tal-Gvern.

19. Impjegati pubbliċi m'għandhomx waqt ix-xogħol idejqu jew jiddiskriminaw ma' shabhom, jew ma' membri tal-pubbliku, minhabba sess, stat matrimonjali, tqala, età, razza, kulur, nazzjonalità, dizabilità fiżika jew mentali, preferenzi sesswali jew konvinzjonijiet jew lealtajiet reliġjużi, politiċi jew ta' xort'ohra.

20. Impjegati pubbliċi għandhom id-dmir li jirrappurtaw għand impjegat anzjan kull imġieba hażina jew etikament skorretta ta' impjegat pubbliku iehor jew ohra waqt il-qadi tad-dmirijiet tiegħu jew tagħha.

E. Trattament Xieraq u Ġust

21. Suġġetti u każijiet li jkunu qegħdin jiġu kkunsidrati minn impjegati pubbliċi għandhom jiġi trattati b'konsistenza, malajr u bil-fier. Dan ifisser li kull suġġett u kull każ għandu jiġi trattat skond il-proċeduri approvati, mingħajr ma ssir diskriminazzjoni fuq xi bażi. Hemm obbligu li kull materja tkun trattata raġonevolment bl-iskop li jintlahqu l-prinċipji tal-ġustizzja naturali.

22. Meta jużaw poteri diskrezzjonali, impjegati pubbliċi għandhom jaċċertaw ruhhom li jkunu kkunsidraw il-fatti kollha rilevanti u l-meriti partikolari ta' kull każ.

F. L-Użu ta' Informazzjoni Uffiċjali

23. Impjegati pubbliċi għandhom biss jiżvelaw informazzjoni uffiċjali jew dokumenti li jkunu ġew f'idejhom tul l-impjieg tagħhom, jew meta jkun hemm bżonn li jagħmlu dan bil-liġi, jew fil-qadi ta' dmirijietom, jew meta tinghata awtorizzazzjoni kif suppost. F'każijiet bħal dawn, kummenti magħmula minn impjegati pubbliċi għandhom ikunu limitati għal informazzjoni fattwali u m'għandhomx jesprimu opinjoni dwar *policy* uffiċjali jew xi tfisser fil-prattika.

24. Impjegati pubbliċi (skond it-tifsira fl-artikolu 2 ta' l-Att dwar l-Amministrazzjoni Pubblika) m'għandhomx jaċċettaw impjegi fis-settur privat jekk b'hekk jiġu f'pożizzjoni fejn jistgħu jagħmlu użu minn tagħrif ta' ġewwa (*insider information*) jekk saru jafu dan it-tagħrif b'riżultat dirett ta' l-impjieg pubbliku tagħhom.

G. Użu ta' Faċilitajiet u Apparat Uffiċjali

25. Huwa mistenni li impjegati pubbliċi:

(a) jkunu effiċjenti u ekonomiċi fl-użu u fl-amministrazzjoni tar-riżorsi pubbliċi

(b) jkunu skruplużi fl-użu li huma jagħmlu minn proprjetà u servizzi pubbliċi u ma jippermettux l-abbuż tagħhom minn oħrajn.

26. Faċilitajiet u apparat uffiċjali ma jistgħux jintużaw għal skopijiet privati sakemm ma jkunx inghata permess uffiċjali.

H. Impjieg Barra mid-Dmirijiet Uffiċjali u Tmiem ta' Impjieg

27. L-approvazzjoni minn qabel tas-Segretarju Permanenti tal-Ministeru kkonċernat jew taċ-*Chairman*/l-Uffiċjal Eżekuttiv Ewlieni hija meħtieġa qabel ma impjegati pubbliċi jkunu jistgħu jidhlu f'xi negozju jew impjieg barra mid-dmirijiet uffiċjali tagħhom.

28. F'kull każ, meta jkun qed jiġi kkunsidrat impjieg ieħor barrani wara x-xogħol, l-impjegati pubbliċi għandhom jagħtu l-ewwel konsiderazzjoni lill-impjieg tagħhom fis-settur pubbliku u jevitaw sitwazzjonijiet li jistgħu jagħtu lok għal konflitt ta' interess, jew għal dak li jidher li jkun hekk. Partikolarment, għandhom jikkunsidraw jekk ma' min ser jahdmu privatament għandux, jew hux se jidhol, f'relazzjoni kuntrattwali mal-Gvern jew ma' l-organizzazzjoni fejn huma jahdmu; għandhom jagħtu każ jekk ma' min se jahdmu hux qed ifittex prinċipalment li jkollu appoġġ minn organizzazzjonijiet governattivi jew Membri Parlamentari, jew jekk hemmx relazzjoni regolatorja tal-Gvern ma' min se jahdmu.

29. Impjegati pubbliċi li jkunu spiċċaw minn mas-servizz għandhom jiżguraw li ma jaċċettawx impjieg jew jiehdu sehem f'attivitajiet li jistgħu jifgħu dell fuq l-

integrità tagħhom jew fuq dik ta' l-organizzazzjoni li magħha kienu qabel impjegati jew fuq dik tas-Servizz Pubbliku in ġenerali.

I. Sehem fil-Politika

30. Hu ta' l-akbar importanza li l-fiduċja tal-pubbliku fl-imparzjalità ta' l-amministrazzjoni pubblika bl-ebda mod ma tiġi mminata. Impjegati pubbliċi jridu jiżguraw li l-partecipazzjoni tagħhom f'attivitajiet politiċi ma toholqilhomx konflitt mad-dmir ewlieni tagħhom li jservu l-Gvern tal-ġurnata. Dan hu mportanti biex tinżamm il-fiduċja Ministerjali u tal-pubbliku fl-imparzjalità tal-pariri li jinghataw u fl-azzjonijiet mehuda mill-impjegati pubbliċi.

31. Bl-istess mod impjegati pubbliċi jridu jiżguraw li jirrispettaw l-ispirtu tal-paragrafu 30 hawn fuq kull meta jintalbu jagħmlu kummenti fil-pubbliku. Kummenti fil-pubbliku jinkludu l-indirizzar ta' udjenza, kummenti fuq ir-radju u t-televiżjoni, u l-kitba fil-ġurnali, kotba, rivisti, avvizi jew fejn wiehed jista' jistenna li l-kitba tiċċirkola mal-komunità ġenerali.

32. Biex jiddetermina x'inhu xieraq li wiehed jagħmel f'każ partikolari jiddependi mil-limitu sa fejn twassal il-partecipazzjoni ta' l-individwu, in-natura tal-kwistjoni, x'pożizzjoni jokkupa l-individwu u mir-regolamenti eżistenti fl-organizzazzjoni konċernata.

33. Jekk impjegati pubbliċi jindunaw li nholoq, jew li jista' jinholoq, konflitt potenzjali, kemm jekk ikun reali u kemm jekk jidher li jista' jkun reali, huma għandhom immedjatement jinformaw lill-kap ta' l-organizzazzjoni tagħhom.

34. Jekk fil-fatt jinholoq konflitt ta' nteress, l-impjegati pubbliċi jista' jkollhom itemmu s-sehem tagħhom fl-attività politika jew inkella jirtiraw minn daww l-oqsma tad-dmirijiet tagħhom li jagħtu lok għall-konflitt ta' nteress.

J. Sanzjonijiet

35. Sanzjonijiet jistgħu jiġu applikati jekk impjegati pubbliċi jkun mdaħħla fi ksur ta' dan il-Kodiċi ta' Etika.

36. Is-sanzjonijiet applikati jiddependu mill-gravità u n-natura tal-ksur tal-Kodiċi u jistgħu jagħtu lok għal azzjoni dixxiplinarja formali u / jew azzjoni kriminali skond kif ikun applikabbli.

37. Fejn ikun xieraq, jistgħu jinghataw ukoll pariri minn *supervisor* jew minn xi membru anzjan ta' l-istaff.

**IT-TIENI SKEDA
DIPARTIMENTI TAL-GVERN**

(Artikolu 8)

**Taqsim I
Dipartimenti apparti dawk li mhumiex suġġetti għall-kontroll ministerjali**

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji ohra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Diviżjoni ta' l-Affarijiet Rurali u Aġenzija għall-Hlas	Direttur Ġenerali (Affarijiet Rurali) u Kap ta' l-Aġenzija għall-Hlas	Direttur (Agrikoltura) Direttur (Sahha tal-Pjanti)	— Direttur ta' l-Agrikoltura Direttur tad-Dipartiment responsabbli għas-Sahha tal-Pjanti	Biex jippromwovi u jiżviluppa il-biedja u jirregola iż-żamma ta' ġonna pubbliċi u jhaddem skemi ta' għajjuna għall-produtturi ta' l-ikel
Diviżjoni ta' l-Affarijiet Veterinarji u Sajd	Direttur Ġenerali (Affarijiet Veterinarji u Sajd)	—	Direttur Ġenerali, Servizzi Veterinarji Direttur tas-Servizzi Veterinarji Direttur tas-Sajd Direttur responsabbli mis-sajd	Biex jissalvagwardja s-sahha pubblika permezz ta' assigurazzjoni tas-sahha tal-bhejjem u s-sigurtà tal-ikel, u biex jirregola l-industrija tas-sajd u jikkontribwixxi għall-konservazzjoni tal- hut
Dipartiment għall-Akkomodazzjoni Soċjali	Direttur (Akkomodazzjoni Soċjali)	—	Direttur għall-Akkomodazzjoni Soċjali	Biex jipprovdi akkomodazzjoni alternattiva kif xieraq għal dawk fil-bżonn
Diviżjoni ta' l-Avjazzjoni Ċivili	Direttur Ġenerali (Avjazzjoni Ċivili)	—	Direttur ta' l-Avjazzjoni Ċivili	Biex jirregola l-avjazzjoni ċivili
Dipartiment ta' l-Ċittadinanza u ta' l-Expatriates	Direttur (Ċittadinanza u Expatriates)	—	—	Biex jamministra d-dispożizzjonijiet tal-liġi dwar iċ-ċittadinanza Maltija u biex johroġ permessi għar-residenza
Diviżjoni tad-Dwana	Direttur Ġenerali (Dwana)	—	Kontrullur tad-Dwana Kollettur tad-Dwana	Biex jiġbor it-taxxi tad-dazju u s-sisa u jrażżan l-importazzjoni illegali filwaqt li jiffaċilita il-kummerċ

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji oħra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Diviżjoni ta' l-Edukazzjoni	Direttur Ġenerali (Edukazzjoni)	—	Direttur ta' l-Edukazzjoni	Biex jassigura l-edukazzjoni ta' l-istudenti Maltin kollha ta' l-età obbligatorja għall-edukazzjoni u 'l fuq, u biex jinkoraġġixxi u jagħti appoġġ lit-tagħlim għal matul il-hajja
Dipartiment ta' l-Eżamijiet	Direttur (Eżamijiet)	—	Reġistratur ta' l-Eżamijiet	Biex jamministra eżamijiet lokali u barranin
Direttorat għall-Frodi u Investigazzjoni dwar Benefiċċji	Direttur (Frodi u Investigazzjoni dwar Benefiċċji)	—	Direttur responsabbli mid-Direttorat għall-Frodi u Investigazzjoni dwar Benefiċċji	Biex jinvestiga frodi minn individwi li jirċievu benefiċċji u allowances li jithallsu taht l-Att dwar is-Sigurtà Soċjali
Dipartiment għall-Gvern Lokali	Direttur (Gvern Lokali)	—	Direttur responsabbli għall-Kunsilli Lokali	Biex jissorvelja u jappoġġja l-attivitajiet tal-Kunsilli Lokali
Dipartiment ta' l-Infommazzjoni	Direttur (Infommazzjoni)	—	Reġistratur ta' l-Istampa	Biex jipprovdi lill-pubbliku infommazzjoni aġġornata, komprensiva u ċara dwar policies, is-servizzi u l-attivitajiet tal-Gvern u dwar affarijiet li jistgħu ikunu ta' nteress pubbliku
Uffiċċju tal-Kabinett	Segretarju tal-Kabinett	—	—	Biex jappoġġja il-hidma tal-Kabinett
Diviżjoni tal-Konsumatur u l-Kompetizzjoni	Direttur Ġenerali (Konsumatur u Kompetizzjoni)	—	Direttur għall-Affarijiet tal-Konsumatur Uffiċċjal pubbliku li jmexxi l-Uffiċċju tal-Kompetizzjoni	Biex iħares interessi komuni u jgħib 'il-quddiem il-kompetizzjoni fis-swieq
Diviżjoni għall-Koordinazzjoni ta' l-Ippjanar u l-Prijoritajiet	Direttur Ġenerali (Koordinazzjoni ta' l-Ippjanar u l-Prijoritajiet)	—	—	Biex jamministra u jikkoordina l-użu ta' fondi tal-UE u fondi minn protokollu u arrangamenti oħra ta' finanzjament

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji ohra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Dipartiment għall-Kostruzzjoni u Manteniment tad-Djar	Direttur (Kostruzzjoni u Manteniment tad-Djar)	—	—	Biex jiehu hsieb il-bini ta' djar żviluppati mill-Awtorita' tad-Djar u biex jiehu hsieb il-manteniment ta' residenzi li huma proprjetà tal-Gvern.
Diviżjoni tal-Kummerċ	Direttur Ġenerali (Kummerċ)	—	Kontrollur tal-Proprjetà Industrijali Direttur tal-Kummerċ Direttur ta' l-Industrija	Biex jissorvelja u jipprovdi għajnuna lill-intrapriżi żgħar u l-industriji ta' l-artiġjanat, u jirregola l-proprjetà intellettuali u l-kummerċ
Diviżjoni tal-Kuntratti	Direttur Ġenerali (Kuntratti)	—	Kap tad-Dipartiment tal-Kuntratti	Biex jirregola, jissorvelja, jamministra u japprova kuntratti mahruġa mid-Dipartimenti tal-Gvern
Dipartiment għall-Libreriji	Direttur (Libreriji)	—	Biblijotekarju	Biex jassigura l-gbir u l-konservazzjoni tal-patrimonju dokumentarju ta' Malta u jipprovdi materjal biblijotekarju għal skopijiet ta' edukazzjoni, informazzjoni, riċerka u rikreazzjoni
<i>Management and Personnel Office</i>	Direttur Ġenerali (<i>Management and Personnel Office</i>)	—	—	Biex jipprovdi qafas li permezz tiegħu il-ministeri u d-dipartimenti jkunu jistgħu jamministraw ir-riżorsi umani tagħhom b'mod effettiv
Uffiċċju tan-Nutar Prinċipali tal-Gvern	Nutar Prinċipali tal-Gvern	—	—	Biex ihejji, jikteb u jipubblika atti nutarili li jinvolvu lill-Gvern, u biex iżomm atti nutarili skond il-liġi

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji ohra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Diviżjoni tal-Proprjetà tal-Gvern	Direttur Ġenerali (Proprjetà tal-Gvern)	Direttur (Artijiet)	Kummissarju ta' l-Artijiet	Biex jipromwovi l-użu effettiv u bi qliegh tal-proprjetà immobbli tal-Gvern
Dipartiment għall-Protezzjoni Ċivili	Direttur (Protezzjoni Ċivili)	—	Direttur tad-Dipartiment għall-Protezzjoni Ċivili	Biex jipprovdi servizzi ta' tifi tan-nar u salvataġġ u jieh u azzjoni protettiva kontra emergenzi naturali, industrijali u oħrajn
Korp tal-Pulizija ta' Malta	Kummissarju tal-Pulizija	—	Uffiċjal Prinċipali ta' l-Immigrazzjoni	Biex iżomm il-paċi u l-ordni, jiskopri u jinvestiga offiżi, u jharrek lil min jikser il-liġi; u biex jikkontrolla l-immigrazzjoni lejn Malta
Diviżjoni tal-Qrati tal-Ġustizzja	Direttur Ġenerali (Qrati)	Direttur (Qrati Ċivili u Tribunali Ċivili, Malta)	Regiŝtratur tal-Qrati Direttur Ġenerali tal-Qrati	Biex jappoġġja u jiffaċilita l-amminstrazzjoni tal-ġustizzja
		Direttur (Qrati Kriminali u Tribunali Kriminali, Malta)	Direttur, Qrati Ċivili u Tribunali Regiŝtratur, Qrati Ċivili u Tribunali	
		Direttur (Qrati u Tribunali, Ghawdex)	Regiŝtratur, Qrati u Tribunali Kriminali Direttur, Qrati u Tribunali f'Ghawdex Regiŝtratur Qrati u Tribunali f'Ghawdex	

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji ohra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Reġistru Pubbliku u ta' l-Artijiet	Direttur Ġenerali (Reġistru Pubbliku u ta' l-Artijiet)		—	Biex jahseb ghar-registrazzjoni u l-ipoteka tal-proprietà, ir-registrazzjoni ta' l-istat ċivili, ir-registrazzjoni ta' atti notarili u atti ġuridiċi ohra, u materji relatati inkluż il-hruġ ta' passaporti
		Direttur (Reġistru ta' l-Artijiet)	Reġistratur ta' l-Artijiet	
		Direttur (Reġistru Pubbliku)	Direttur tar-Reġistru Pubbliku Reġistratur taż-Żwieġ	
		Direttur (Reġistrazzjoni Ċivili)	Uffiċjal tal-Passaporti	
Dipartiment tar-Relazzjonijiet Industrijali u ta' l-Impjeg	Direttur (Relazzjonijiet Industrijali u ta' l-Impjeg)	—	Direttur responsabbli għall-Impiegi u Relazzjonijiet Industrijali Reġistratur tat-Trade Unions	Biex ihares l-interessi tal-partijiet kollha f'kuntratti ta' xogħol u biex jikkontribwixxi għal relazzjonijiet industrijali stabbli
Diviżjoni tas-Sahha	Direttur Ġenerali (Sahha)		Tabib Prinċipali tal-Gvern Suprintendent tas-Sahha Pubblika	Biex jirregola l-kura medika, jara li l-pubbliku għandu aċċess għal kura medika komprensiva, u jippromwovi s-sahha pubblika
		Direttur (Anzjani u Servizzi fil-Komunità)	Direttur responsabbli għad-Dipartiment ta' l-Anzjani u Servizzi fil-Komunità	
Diviżjoni tas-Servizzi	Direttur Ġenerali (Servizzi)	—	—	Biex jipprovdi servizzi anċillari għal proġetti ta' bini, servizzi ta' manifattura, servizzi ta' tindif pubbliku, u qafas regolatorju għall-industrija tal-kostruzzjoni
Dipartiment għas-Servizzi Korrettivi	Direttur (Servizzi Korrettivi)	—	Direttur tas-Servizzi Korrettivi	Biex iżomm lil dawk li jikkommettu reat f'kondizzjonijiet ta' sigurtà filwaqt li jipprovdi lhom servizzi ta' riabilitazzjoni biex jgħinhom jerġghu jintegraw fis-socjeta
			Direttur tas-Servizzi ta' Probation	

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji ohra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Dipartiment tas-Sigurtà Soċjali	Direttur (Sigurtà Soċjali)	—	—	Biex jamministra l-iskema dwar is-sigurtà soċjali (kontributorja u mhux kontributorja) u jipprovdi fil-waqt, assistenza finanzjarja u benefiċċji soċjali ohra, pensjonijiet u allowances lil applikanti eliġibbli
Stamperija tal-Gvern	Direttur (Stamperija tal-Gvern)	—	—	Biex jagħmel xogħol ta' stampar ta' dokumenti tal-Gvern
Dipartiment għall-iStandards fil-Harsien Soċjali	Direttur (<i>Standards</i> fil-Harsien Soċjali)	—	Direttur tad-Dipartiment responsabbli għall-Harsien Soċjali	Biex jirregola is-settur tal-harsien soċjali u jiżgura li min jipprovdi servizzi għall-harsien soċjali jimxi skond l-istandards stabbiliti
<i>Staff Development Organisation</i>	Direttur (<i>Staff Development Organisation</i>)	—	—	Biex jiżviluppa l-hiliet u l-kapaċitajiet ta' l-uffiċjali pubbliċi u jxerred prattiċi ta' amministrazzjoni tajba permezz tat-tahriġ
<i>Tax Compliance Unit</i>	Kap (<i>Tax Compliance Unit</i>)	—	—	Biex irażżan l-evażjoni tat-taxxa
Dipartiment tat-Taxxa fuq il-Valur Miżjud	Direttur Ġenerali (Taxxa fuq il-Valur Miżjud)	—	Kummissarju tat-Taxxa fuq il-Valur Miżjud Direttur tat-Taxxa tad-Dwana u tas-Sisa	Biex jiżgura li l-persuni kollha li qed jagħmlu attività ekonomika bi hlas jirreġistraw kif imiss skond l-Att dwar i-Taxxa fuq il-Valur Miżjud, u biex jiġbor dak li hu dovut
Diviżjoni tat-Taxxi Interni	Direttur Ġenerali (Taxxi Interni)	—	Kummissarju tat-Taxxi Interni	Biex jamministra l-liġijiet fiskali li għandhom x'jaqsmu mat-taxxa tad-dhul u taxxi ohra

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji oħra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad- dipartiment</i>
Teżor	Direttur Ġenerali (Teżor)	—	<i>Accountant General</i>	Biex jimplimenta sistema ta' kontijiet fuq linji komuni fid-dipartimenti kollha tal-Gvern, u biex jissorvelja u jirrapporta dwar it-transazzjonijiet finanzjarji kollha tal-Gvern
Dipartiment tat-Tiftix ghaż-Żejt	Direttur (Tiftix ghaż-Żejt)	—	—	Biex jamministra il-proċess tat-tiftix ghaż-zejt fil-blata kontinentali ta' Malta
Diviżjoni tax-Xogholijiet	Direttur Ġenerali (Xogholijiet)	—	Direttur tax-Xogholijiet Pubbliċi Suprintendent tax-Xogholijiet	Biex jiddisinja, jippjana u jwettaq xogholijiet u proġetti ta' infrastruttura pubblika

Taqsimi II
Dipartimenti li mhumiex suġġetti għall-kontroll ministerjali

<i>Dipartiment</i>	<i>Kap tad-dipartiment</i>	<i>Uffiċċji oħra b'poteri statutorji</i>	<i>Titolu ekwivalenti skond il-liġi (artikolu 10)</i>	<i>Funzjoni tad-dipartiment</i>
Direttorat għall-Awdiċjar Intern u Investigazzjonijiet	Direttur (Awdiċjar Intern u Investigazzjonijiet)	—	Direttur, id-Direttorat għall-Awdiċjar Intern u Investigazzjonijiet	Biex jamministra u jimplimenta l-Att dwar Awdiċjar Intern u Investigazzjonijiet
Uffiċċju Elettorali	Kummissjonarju Elettorali Prinċipali	—	—	Biex jappoġġja l-Kummissjoni Elettorali fl-eżerċizzju tal-funzjonijiet tagħha
Segretarjat tal-Kummissjoni dwar is-Servizz Pubbliku	Segretarju, Kummissjoni dwar is-Servizz Pubbliku	—	Segretarju tal-Kummissjoni	Biex jappoġġja l-Kummissjoni dwar is-Servizz Pubbliku fl-eżerċizzju tal-funzjonijiet tagħha
Uffiċċju tal-President	Segretarju għall-Presidenza	—	—	Biex jappoġġja lill-President fil-qadi tad-dmirijiet kostituzzjonali tiegħu
Uffiċċju ta' l-Iskrivan tal-Kamra	Skrivan tal-Kamra tad-Deputati	—	Skrivan tal-Kamra	Biex jipprovdi għajnuna amministrattiva lill-Kamra tad-Deputati

IT-TIELET SKEDA GRADI

(Artikolu 27)

Skala ta' Salarju 1

Avukat Ġenerali
Uffiċjal fi Grad 1

Skala ta' Salarju 2

Kummissarju tal-Pulizija
Uffiċjal fi Grad 2

Skala ta' Salarju 3

Ambaxxatur
Deputat Avukat Ġenerali
Deputat Kummissarju tal-Pulizija
Direttur (*Clinical*)
Uffiċjal fi Grad 3

Skala ta' Salarju 4

Assistent Avukat Ġenerali
Assistent Kummissarju tal-Pulizija
Kummissjonarju Elettorali Prinċipali
Nutar Prinċipali tal-Gvern
Konsulent
Senior Counsellor
Uffiċjal fi Grad 4

Skala ta' Salarju 5

Assistent Direttur tal-Edukazzjoni
Assistent Direttur, Servizzi Farmaċeutiċi
Assistent Registratur
Kap, Arkitett u Inġinier Civili
Kuratur Ewlieni
Kap Uffiċjal tal-Ekonomija
Inġinier Ewlieni
Kap Spettur tad-Dwana
Chief Psychologist
Chief Quantity Surveyor
Chief Scientific Officer
Deputat Direttur, Dipartiment Protezzjoni
Ċivili
Deputat Direttur, Istitut għall-Istudji tat-
Turizmu
First Counsellor
Librar
Manager Health Inspectorate
Uffiċjal fi Grad 5

Skala ta' Salarju 5 (ikompli)

Principal Information Officer
Principal Medical Officer
Uffiċjal Veterinarju Prinċipali
Project Manager (IT)
Senior Clerk Assistant
Senior Counsel
Senior Registrar
Sports Officer II
Supretendent tal-Pulizija

Skala ta' Salarju 6

Clerk Assistant
Counsel
Uffiċjal Edukattiv
General Practitioner
Head of Building & Restoration
Kap ta' Skola
Kap ta' Skola tas-Snajja
Internal Audit Manager
Manager, Dental Hygiene Services
Manager, Dental Technology Services
Manager, Medical Laboratory Technology Services
Manager, Midwifery Services
Manager, Nursing Services
Manager, Occupational Therapy Services
Manager, Office of Co-operatives
Manager, Physiotherapy Services
Manager, Podology Services
Manager, Radiography Services (Diagnostic)
Manager, Radiography Services (Therapeutic)
Manager, Speech Therapy Services
Uffiċjal Prinċipali ta' l-Ekonomija
Uffiċjal Prinċipali ta' l-Ambjent
Uffiċjal Prinċipali għall-Promozzjoni tas-
Sahha
Principal Inspector (Health & Safety)
Spizjar Prinċipali
Principal Probation Officer
Uffiċjal Prinċipali ta' l-Indafa Pubblika
Principal Scientific Officer

Skala ta' Salarju 6 (ikompli)

Principal Social Worker
Principal Trading Standards Officer
Registrar
 Arkitett u Inġinier Ċivili Anzjan
 Inġinier Anzjan
 Uffiċjal Legali Anzjan
 Uffiċjal Mediku Anzjan
Senior Psychologist
Senior Quantity Surveyor
 Uffiċjal Anzjan Veterinarju

Skala ta' Salarju 7

Assistent Kap ta' Skola
 Assistent Kap ta' Skola tas-Snajja
Chief Assistance and Rescue Officer
 Kap Stampatur
Counsellor
 Kuratur
Departmental Midwifery Officer
Departmental Nursing Manager
Head, Care Centre
 Uffiċjal Mediku (GP)
Operations Manager
 Uffiċjal Prinċipali ta' l-Agrikultura
 Prinċipal tal-Kulleġġ ta' l-Agrikultura
Principal Veterinary Support Officer
School Counsellor
Senior Information Officer
 Spettur Anzjan tad-Dwana
Senior Internal Auditor
 Nutar Anzjan
 Spizjar Anzjan
 Uffiċjali Prinċipali Anzjan
Senior Systems Analyst (IT)
Subject Co-ordinator
Trade/ Subject Co-ordinator
Trade School Counsellor

Skala ta' Salarju 8

Arkitett u Inġinier Ċivili
 Kirurgu Dentali
 Spettur tal-Pulizija
Internal Auditor II
 Uffiċjal Legali
 Uffiċjal Mediku
 Uffiċjal Mediku (*GP Trainee*)
Meteorological Officer
Midwifery Officer
Nursing Officer
 Spettur Prinċipali tas-Saħha

Skala ta' Salarju 8 (ikompli)

Paramediku Prinċipali
Psychologist
 Assistent Librar Anzjan
Senior Co-operatives Officer
 Uffiċjal Anzjan ta' l-Ekonomija
 Spettur Anzjan ta' l-Ambent
 Uffiċjal Anzjan għall-Promozzjoni tas-Saħha
Senior House Officer
Senior Inspector (Health and Safety)
Senior Probation Officer
Senior Scientific Officer
Senior Social Worker
Senior Statistics and Research Officer
Senior Trading Standards Officer
 Uffiċjal Veterinarju

Skala ta' Salarju 9

Assistent Kap Stampatur
Assistant Principal Health Inspector
 Assistent Paramediku Prinċipali
Cultural Organizer
Deputy Midwifery Officer
Deputy Nursing Officer
Disablement Resettlement Officer
 Inġinier
First Secretary
House Surgeon (Dentistry)
 Houseman
 Spettur tad-Dwana
Instructor
 Arkitett u Inġinier Ċivili *Junior*
 Uffiċjal Legali *Junior*
 Uffiċjal Veterinarju *Junior*
 Maniġer, Servizzi għas-Sigurtà
 Nutar
 Nutar tal-Gvern (Ghawdex)
Officer i/c Operations (IT)
Operations Officer
 Spizjar
Principal Agricultural Foreman
Principal ECG Technician
Principal Pharmacy Technician
 Uffiċjal Tekniku Prinċipali
 Uffiċjal ta' l-Indafa Pubblika
Quantity Surveyor
 Uffiċjal Anzjan ta' l-Agrikultura
 Konslu Anzjan
 Prokoratur Legali Anzjan
Senior Veterinary Support Officer

Skala ta' Salarju 9 (ikompli)

Station Officer
Sports Officer I
Systems Analyst (IT)
 Ghalliem

Skala ta' Salarju 10

Avukat għall-Għajna Legali
 Assistant Kuratur
 Assistant Kap, *Care Centre*
 Assistent Librar
 Marixxal Ewlieni
 Skriivan tal-Kumitati
Co-operatives Officer
 Uffiċjal ta' l-Ekonomija
 Uffiċjal għall-Ambjent
 Uffiċjal għall-Promozzjoni tas-Sahha
Information Officer
Internal Auditor I
Inginier Junior
 Prokuratur Legali
 Uffiċjal għar-Relazzjonijiet Pubbliċi
 Uffiċjal Prinċipali
 Uffiċjal Prinċipali għas-Sajd
Scientific Officer
Second Secretary
 Spettur Anzjan għas-Sahha
 Paramediku Anzjan
Senior Meteorological Assitant
 Surgent Maġġur
Social Worker
Statistician
Statistics and Research Officer
Trading Standards Officer
Trainee Psychologists

Skala ta' Salarju 11

Assistant Uffiċjal Prinċipali
Assistant Cultural Organizer
Court Recorder In Charge
Duty Management Officer
 Spettur (Stamperija)
Leading Assistance and Rescue Officer
Mail Inspector
 Uffiċjal fi Grad 11
 Fotografu *In Charge*
 Uffiċjal Prinċipali għas-Sigurtà
Programmer II (IT)
Senior Agricultural Foreman
Senior Correctional Officer
Senior ECG Technician

Skala ta' Salarju 11 (ikompli)

Uffiċjal Anzjan għas-Sajd
Senior Foreman
 Marixxal Anzjan
Senior Operator (IT)
Senior Pharmacy Technician
Senior Public Cleansing Foreman
 Uffiċjal Tekniku Anzjan
 Surgent

Skala ta' Salarju 12

Agricultural Foreman
 Uffiċjal ta' l-Agrikoltura
 Pizatur Ewlieni
 Konslu
 Uffiċjal tad-Dwana
 Spettur ta' l-Ambjent
Facilitator
Foreman
 Spettur tas-Sahha
Inspector (Health and Safety)
Library Officer
 Qabla
 Uffiċjal tal-Mużewijiet
 Paramediku
Probation Officer
Public Cleansing Foreman
Quantity Surveyor's Assistant
Senior Care Worker
 Stampatur Anzjan
 Restawratur Anzjan
Staff Nurse
 Uffiċjal Tekniku
Trainee Internal Auditor
Veterinary Support Officer

Skala ta' Salarju 13

Assistant Agricultural Foreman
Assistant Foreman
 Assistent Uffiċjal Tekniku
Communications Officer
Computer Operator (IT)
ECG Technician
Enrolled Nurse
Instructor of Braille
Mail Officer
 Marixxal
Meteorological Assitant
Officer i/c Minor Staff
Pharmacy Technician
 Uffiċjal tas-Sigurtà

Skala ta' Salarju 13 (ikompli)

Fotografu Anzjan
Piżatur Anzjan

Skala ta' Salarju 14

Assistance and Rescue Officer
Assistant Veterinary Support Officer
Kuntistabbli
Correctional Officer
Uffiċjal Eżekuttiv
Uffiċjal għas-Sajd
Library Assistant
Uffiċjal fi Grad 14
Restawratur
Skrivan Anzjan
Assistent tad-Dwana Anzjan
Pustier Anzjan
Senior Technician
Senior Tradesman
Social Support Worker

Skala ta' Salarju 15

Data Control Clerk (IT)
Kindergarten Assistant
Nursing Aide
Paramedic Aide
Fotografu
Senior Court Recorder
Messagġier Anzjan
Technician
Purtier

Skala ta' Salarju 16

Airfield Operator
Airport Attendant
Airport Office Despatcher
Care Worker
Chaplain
Skrivan
Communicator
Custodian and Guide
Assistent tad-Dwana
Għassies
Health Assistant
Pustier
Stampatur
Għassies għas-Sigurtà
Supervisor
Tradesman
Warden (Environment)
Piżatur

Skala ta' Salarju 16 (ikompli)

Gradi Industrijali Ohrain

Armourer
Art/Graphic Technician
Bookbinder
Biċċier
Ċeramista
Construction Diver
Kok
Equipment Cover Manufacturer
Farmer
Ġardinar
Hallmarker of Gold and Silver Articles
Hospital Orderly
Jeweller
Marbler
Meter Reader
Postmortem and Mortuary Attendant
Repairer of Records
Rigger
Silversmith
Timekeeper

Skala ta' Salarju 17

Assistant Care Worker
Messagġier tal-Qorti
Court Recorder

Gradi Industrijali Grupp IV

Xufier ta' Ambulanza
Barber/Hairdresser
Heavy Plant Driver
Laboratory Operator
Seamstress
Senior Operative
Vulcanizer

Skala ta' Salarju 18

Messagġier
Ward Clerical Assistant

Gradi Industrijali Grupp III

Boiler Attendant
Customs Auxiliary
Dairy Operative II
Deliveryman
Fuel Pump Attendant
Grave Digger
Library Attendant
Lighthouse Keeper

**Skala ta' Salarju 18 – Gradi Industrijali
Grupp III (ikompli)**

Motor Transport Driver
Operational Support Worker
Operative
Porter
Runway Painter
Quarryman
Stamper

Skala ta' Salarju 19

Gradi Industrijali Grupp II
General Hand
Health Attendant (Public Cleansing)
Hospital Auxiliary
Seaman II
Warder

Skala ta' Salarju 20

Gradi Industrijali Grupp I
Charwoman
Health Attendant (Public Convenience)
Labourer
Labourer (ex-Impressed Driver)
Watchman

**IR-RABA' SKEDA
AĠENZIJI**

(Artikolu 36)

Aġenzija	Funzjoni ta' l-aġenzija
<i>Management Efficiency Unit</i>	Biex tappoġġja inizjattivi għall-bidla fis-settur pubbliku billi tipprovdi pariri ta' konsulenza
Uffiċċju ta' l-Avukat Ġenerali	Biex tappoġġja l-Avukat Ġenerali fir-rwol tiegħu ta' konsulent legali prinċipali tal-Gvern u ta' uffiċjal prosekutur ewlieni

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 77 tat-28 ta' Jannar, 2009.

LOUIS GALEA
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

PUBLIC ADMINISTRATION ACT

PART I

DEFINITIONS AND DECLARATION OF PRINCIPLES

1. Short title and commencement.
2. Interpretation.
3. Principle of accountability.
4. Public administration values.
5. Code of Ethics.

PART II

THE PUBLIC SERVICE

Title 1 – Organisation

6. Ministers and Ministers' secretariats.
7. Ministries.
8. Departments.
9. Senior Appointments Advisory Committee.
10. Titles of headship positions and other public offices, and equivalent titles at law.
11. Exercise of powers during a public officer's absence.
12. Secretariats of boards and commissions.

Title 2 – Leadership

13. The Principal Permanent Secretary.
14. Appointment of Principal Permanent Secretary.
15. Directives and guidelines issued by the Principal Permanent Secretary in relation to departments of Government.
16. Committee of Permanent Secretaries.
17. Supervision of departments by Permanent Secretaries.
18. Duties of heads of department.
19. Senior Executive Service.

Title 3 – Public officers

20. Public officers' assignment to and transfer between posts.
21. Merit principle.
22. Powers of heads of department in relation to employees.
23. Power to create, abolish and classify positions.
24. Appointments to positions.
25. Filling of positions by lateral appointment.
26. Removal from positions.
27. Grades.
28. Surplus Pool.
29. Applicability of certain provisions in terms of the Constitution.
30. Extension to the public service of powers assigned to the Merit Protection Commission.
31. Recommendation on victimisation.

PART III
MERIT PROTECTION COMMISSION,
AGENCIES AND GOVERNMENT ENTITIES

Title 1 – The Merit Protection Commission

32. Public Service Commission to act as Merit Protection Commission.
33. Functions of the Commission.
34. Powers of investigation and remedy.
35. Application of this Title.

Title 2 – Agencies

36. Establishment of agencies.
37. Legal personality and judicial representation of agencies.
38. Directives and guidelines issued by the Principal Permanent Secretary in relation to agencies.
39. General direction and control of agencies by Ministers and supervision by Permanent Secretaries.
40. Agency performance agreements.
41. Accounts, audit and other financial arrangements.
42. Advisory boards.
43. Detailing of public officers with an agency.
44. Pension rights and other arrangements.
45. Application of this Title.

Title 3 – Government entities, boards and commissions

46. Application of certain articles of this Act and of other laws.
47. Supervision of government entities by Permanent Secretaries.
48. Supervision of boards and commissions.

PART IV
MISCELLANEOUS

49. Power to make regulations.
50. Amendment to article 181B of the Code of Organisation and Civil Procedure.
51. Amendment to the Interpretation Act.

FIRST SCHEDULE – CODE OF ETHICS

SECOND SCHEDULE – DEPARTMENTS

THIRD SCHEDULE – GRADES

FOURTH SCHEDULE – AGENCIES

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

3rd February , 2009

ACT No. I of 2009

AN ACT to affirm the values of public administration as an instrument for the common good, to provide for the application of those values throughout the public sector, and to provide for the organisation and management thereof.

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:—

**PART I
DEFINITIONS AND DECLARATION OF PRINCIPLES**

1. (1) The short title of this Act is the Public Administration Act, 2009. Short title and commencement.

(2) This Act shall come into force on such a date as the Prime Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act:

Provided that articles 21 to 26 inclusive, 28 and 31 to 34 inclusive may only be brought into force after the necessary instruments of delegation have been issued in terms of article 110 of the Constitution.

2. (1) In this Act, unless the context otherwise requires: Interpretation.

“Code of Ethics” means the code of ethics in the First Schedule;

“department of Government” or “department” means any entity in the Public Service that is listed in the Second Schedule;

“Disciplinary Regulations” means the Disciplinary Procedure in the Public Service Commission Regulations or any other regulations on disciplinary matters substituting them and which may be made under subarticle (1) of article 121 of the Constitution;

“government agency” or “agency” means a body listed in the Fourth Schedule;

“government entity” means an organisation, not being a government department, a government agency or a commercial partnership, in which Government has a controlling interest, whether or not such organisation is established by law;

“grade” means any of the grades listed in the Third Schedule, and consists of a group of one or more posts in one or more departments which bear a common designation and are filled directly through an appointment to the grade;

“Minister” means, unless the context otherwise requires, the Minister responsible for the public administration so however that where the Prime Minister has delegated, wholly or in part, any of the powers, functions or authorities assigned to him by this Act, the Prime Minister may still exercise such powers, functions or authorities collaterally with such Minister;

“ministry” means an organisation referred to in article 6;

“position” means any office in the public service, other than a grade;

“post” means a particular set of tasks or duties which are performed or intended to be performed by one person;

“Principal Permanent Secretary” means the person appointed in terms of article 14;

“public administration” means the Government of Malta including its ministries and departments, and the agencies, government entities, commissions and boards referred to in this Act;

“public administration values” means the values listed in article 4;

“public employee” includes public officers and employees of government agencies and government entities, and for the purpose of section B, section C and paragraph 27 of the Code of Ethics a person shall continue to be regarded as a public employee for three years following his retirement, resignation or dismissal from public employment;

“public office” has the same meaning assigned to it by article 124 of the Constitution and shall also, for the purposes of this Act, be understood to mean any grade or position in the public service except those listed in paragraph (a) of subarticle (2);

“public officer” has the same meaning assigned to it by article 124 of the Constitution, but shall for the purposes of this Act be understood in accordance with subarticle (2);

“public service” has the same meaning assigned to it by the Constitution, but shall for the purposes of this Act be understood in accordance with subarticle (2);

“Public Service Commission” means the Commission established by article 109 of the Constitution;

“Senior Executive Service” means the body of senior public officers to which article 19 refers;

“transfer” means to assign a public officer to a different post.

(2) This Act shall not apply to:

(a) The offices of judge, magistrate, Attorney General and Auditor General; and

(b) the offices of Speaker, Deputy Speaker, Ombudsman and Data Protection Commissioner; and

(c) the Broadcasting Authority, the Electoral Commission, the Employment Commission, and (in so far as this Act does not specifically refer to it) the Public Service Commission:

Provided that, without prejudice to the independence of the Electoral Commission and the Public Service Commission under the Constitution, this Act shall apply to the Electoral Office and the Public Service Commission Secretariat.

(3) Unless otherwise specified to the contrary in this Act, where a provision of this Act conflicts with the provisions of any other law governing a department, an agency or a government entity, the other law shall prevail.

Principle of accountability.

3. Departments of Government, government agencies and government entities are bodies which manage public resources and which provide services to the public or perform other functions on behalf of the State, and as such, these bodies, and the public employees performing duties therein, shall:

(a) be governed by the provisions of this Act, including the public administration values and the Code of Ethics;

(b) be subject to Ministerial direction as provided for in the Constitution and in this Act and other laws, except on matters in respect of which they are expressly required by law to act independently or under the direction of a person or authority other than a Minister;

(c) be accountable under this Act and other laws for the manner in which they provide services, carry out their functions and manage their resources, for their observance of the public administration values and the Code of Ethics, and for their observance of the Ministerial directions referred to in paragraph (b).

Public administration values.

4. (1) Departments, agencies and government entities shall be governed by the values inherent in the duties listed hereunder, and public employees shall:

(a) exercise any powers vested in them by law, and deliver services to the public, courteously, expeditiously and impartially;

(b) provide objective and knowledgeable advice on matters within their competence;

(c) efficiently and effectively implement the policies of the government of the day;

(d) contribute towards the co-ordination of Government policy in conjunction with departments, agencies, government entities and Local Councils; and

(e) contribute through their own conduct to making their workplace one which recognises talent, develops skills and abilities, rewards performance, avoids discrimination and offers safety.

(2) Public employees shall uphold and promote the public service values, and a failure to do so on the part of any public employee may constitute grounds for disciplinary proceedings against that employee under applicable rules and procedures.

(3) The Principal Permanent Secretary may issue directives and guidelines aimed at upholding and better realising the public service values, and public employees shall comply with such directives.

5. (1) The Code of Ethics set out in the First Schedule shall apply to public employees. Code of Ethics.

(2) The Prime Minister may from time to time, by Order in the Gazette, amend or substitute the First Schedule.

(3) It shall be the duty of all public employees to comply with the Code of Ethics, and failure to do so on the part of any public employee may constitute grounds for disciplinary proceedings against that employee under applicable rules and procedures.

(4) The Principal Permanent Secretary may issue directives and guidelines aimed at upholding and ensuring compliance with the Code of Ethics and, with the concurrence of the Minister responsible for the particular board or commission, he may also issue such guidelines with respect to boards and commissions.

(5) The head of a department, agency or government entity may, with the approval of the Principal Permanent Secretary, make rules of ethical conduct, complementary and in addition to the Code of Ethics, relating to the circumstances particular to that organisation, and the term Code of Ethics in relation to public employees in that organisation shall include such rules.

PART II THE PUBLIC SERVICE

Title 1 – Organisation

6. (1) Where a Minister is assigned responsibility for any department of Government in terms of article 82 of the Constitution, that Minister shall, in line with article 92 of the Constitution, and without prejudice to article 6 of the Interpretation Act, have the general direction and control of all departments, agencies and government entities that may be placed under his responsibility and may give directions directly to the head of the department, Chief Executive Officer, Board of Directors or any other employee falling within his responsibilities, on

Ministers and
Ministers'
secretariats.

any matter, except matters where the head of department, Chief Executive Officer, Board of Directors or other employee is required by any law to act—

- (a) independently; or
- (b) in accordance with the direction of a person or authority other than the Minister:

Provided that where a Permanent Secretary has been appointed to supervise the relative department, agency or government entity the Minister shall inform the Permanent Secretary that he has given such directions.

(2) A Minister may be assigned responsibility for any department, agency or government entity including those listed in Part II of the Second Schedule.

(3) The staff assigned to the secretariat of a Minister, including advisors or consultants to the Minister, shall be deemed to be occupying positions of special trust and shall, even if they are public officers assigned on transfer, be appointed thereto on the basis of a definite contract:

Provided that on the expiration or termination of the contract, the directives and guidelines mentioned in subarticle (4) shall apply.

(4) The Prime Minister may issue directives and guidelines concerning the functions, administration and establishment of Ministers' secretariats, the engagement of staff thereto, and the terms and conditions under which such staff shall serve.

(5) Save as may otherwise be provided for by the Prime Minister's directives, a Minister's secretariat shall be under the supervision of a member of staff designated as Head of Secretariat who shall report to the Minister.

(6) The provisions of subarticles (3), (4) and (5) of this article shall apply *mutatis mutandis* to the secretariat of a Parliamentary Secretary.

Ministries.

7. (1) A ministry shall be constituted as a distinct organisation in its own right under every Minister who is assigned portfolio responsibilities in accordance with article 82 of the Constitution, and the ministry shall consist of:

- (a) the Minister's secretariat;
- (b) the secretariats of such Parliamentary Secretaries as may be appointed to assist the Minister;
- (c) the office of the Permanent Secretary; and
- (d) such other divisions, directorates, sections, offices or other units within the public service as may be placed or established within the Ministry by the Prime Minister.

(2) Where more than one Permanent Secretary reports to the same Minister (other than temporarily due to arrangements made under articles 83 or 84 of the Constitution), the scope of responsibilities of each Permanent Secretary shall be delineated by the Prime Minister.

8. (1) Departments of Government shall be those listed in the Departments. Second Schedule.

(2) The functions of departments shall be in accordance with the indicative summaries shown against the respective departments in the Second Schedule.

(3) The Prime Minister may, by Order in the Gazette, amend the Second Schedule to:

- (a) establish a new department;
- (b) abolish a department or change its name or function;
and
- (c) change the titles of heads of department and other officers as provided for in article 10.

(4) Departments which, by virtue of any applicable laws or special administrative arrangements, are not subject to the direction and control of a Minister in the performance of their main functions shall be listed in Part II of the Second Schedule, but the applicability of any such law to such a department shall not depend on its listing in the Schedule.

9. (1) There shall be a Senior Appointments Advisory Committee, hereinafter referred to as the Committee, that shall: Senior Appointments Advisory Committee.

(a) consult the relevant Minister about the duties attached to and the results expected from any headship position that is vacant or expected to become vacant;

(b) identify candidates for the position in accordance with subarticle (2) of article 21 hereof, within the parameters set by the Constitution; and

(c) give due account about the candidates and propose for the Prime Minister's consideration the candidate who in its opinion is best suited on the basis of merit to fill the position.

(2) The Committee shall be chaired *ex officio* by the Principal Permanent Secretary and shall consist of:

(a) at least two other members, one of whom shall not be a public officer, who shall be appointed by the Prime Minister; and

(b) any additional members co-opted by the Prime Minister for the purpose of considering applicants for specific headship positions.

(3) The Committee shall call upon the advice and assistance of Permanent Secretaries in screening or short-listing candidates but shall otherwise regulate its own procedure.

(4) No person may be appointed to a headship position to which subarticle (4) of article 92 of the Constitution applies unless:

(a) that person is eligible therefore by virtue of the grade which he holds; or

(b) that person has served for six consecutive years in one or more positions in the Senior Executive Service.

Titles of headship positions and other public offices, and equivalent titles at law.

10. (1) The Prime Minister may from time to time determine the position titles under which heads of department shall be appointed, and such titles shall, by order of the Prime Minister published in the Government Gazette, be listed next to the names of the departments in the Second Schedule:

Provided that the re-designation of a position while it is occupied shall not be taken as a re-appointment of the incumbent or a change to the terms of his appointment.

(2) The assignment by the Prime Minister of similar position titles to different headship positions shall not mean that such positions should necessarily attract the same status and terms and conditions.

(3) Where, in accordance with the provisions of this Act, a headship position, or any other office in the public service, that has been established or is assigned functions by another Act—

(a) is assigned a new title; or

(b) is merged with another public office as a result of organisational restructuring;

the title assigned to the office by the other Act (hereafter in this article referred to as the “equivalent title at law”) shall be listed in the Second Schedule along with the new title of the office or the office with which it has been merged in terms of paragraph (a) or (b) as the case may be, and subarticles (4) and (5) shall apply.

(4) Where any office in the public service is listed in the Second Schedule along with an equivalent title at law—

(a) the powers assigned to the office under its equivalent title at law shall vest in the holder of the office as currently titled; and

(b) both titles shall be regarded as interchangeable for the purpose of any law and a reference to one title in place of another shall not invalidate any act or any legal proceedings.

(5) Where any law –

(a) assigns, or permits the assignment of, functions to staff acting on behalf of the holder of a public office; and

(b) that office is listed in the Second Schedule as the equivalent title at law of a second office;

such functions may be performed by staff in the department to which the second office belongs, notwithstanding anything to the contrary in the said law; but any conditions or requirements attached by the law to the performance of such functions shall otherwise continue to apply.

(6) If a public office has more than one equivalent title at law, subarticles (4) and (5) shall apply in respect of each such title.

Exercise of powers during a public officer's absence.

11. The Permanent Secretary with respect to the head of any department listed in the Second Schedule and the head of department with respect to a member of staff as the case may be, shall ensure that the most suitable officer as the case may be, and due account being taken of seniority and technical abilities, is nominated for the purposes of subarticle (5) of article 124 of the Constitution with the aim of exercising any powers as are vested by any law if the head or other member of staff is absent from his office and temporarily unable to discharge his duties so that such powers shall be exercised during the period of the officer's absence.

Secretariats of boards and commissions.

12. (1) Unless otherwise provided for in any other law, where a board is supported by a secretariat consisting of public officers drawn from a department, the board, limitedly in relation to administrative matters and matters affecting the department as a whole, shall be subject to the authority of the head of department.

(2) The secretariat of the board shall be under the direction of an officer, hereinafter referred to in this article as "the designated officer", who shall follow the directions of the head of department within which the board secretariat operates on the matters mentioned in subarticle (1).

(3) A head of department shall not give directions to the board or the designated officer on matters in respect of which the board is required by law to function independently.

(4) In this article "board" includes any commission, council, panel, committee or other similar body, not being a body established by the Constitution, but does not include any *ad hoc* board set up for the purpose of inquiring into the conduct of any public employee or the operations of any department, agency, entity or such other similar body.

Title 2 – Leadership

The Principal Permanent Secretary.

13. (1) There shall be a Principal Permanent Secretary who shall be head of the public service and who shall be appointed in terms of article 14 of this Act.

(2) The Principal Permanent Secretary shall take instructions from the Prime Minister.

(3) The Principal Permanent Secretary may, with the concurrence of the Prime Minister, delegate any of his functions under this article to one or more Permanent Secretaries or heads of department.

(4) The Principal Permanent Secretary shall:

- (a) provide leadership to the public service;
- (b) uphold and promote the public administration values and the Code of Ethics, and monitor the compliance of public employees therewith;
- (c) take measures to improve the performance of the public service;
- (d) assume overall responsibility for human resource management and development within the public service;
- (e) take measures to ensure coordination between departments, agencies, government entities and Local Councils and to ensure that agencies and government entities are complying with the key policy objectives and management priorities of the Government;
- (f) provide leadership and direction to Permanent Secretaries;
- (g) set performance targets for Permanent Secretaries and monitor their performance following consultation with the relative Minister;
- (h) advise the Prime Minister on matters relating to the public service and the wider public sector, including the appointment and termination of appointment of Permanent Secretaries and heads of department; and
- (i) perform any other function that may be assigned to him by or under any law.

(5) The Principal Permanent Secretary shall assume the headship and supervisory functions of a Permanent Secretary in relation to the Office of the Prime Minister and the departments, agencies and government entities under the Prime Minister's responsibility:

Provided that one or more additional Permanent Secretaries may be appointed to assist the Principal Permanent Secretary in accordance with such arrangements as the Prime Minister may make under subarticle (2) of article 7.

14. (1) The Principal Permanent Secretary shall be appointed from amongst persons having the qualifications to be appointed Permanent Secretaries in terms of the Constitution.

Appointment of
Principal Permanent
Secretary.

(2) Where the Principal Permanent Secretary is not appointed for any reason whatsoever, the Secretary to the Cabinet shall assume the functions of Principal Permanent Secretary until such time as a Principal Permanent Secretary is appointed.

Directives and guidelines issued by the Principal Permanent Secretary in relation to departments of Government.

15. (1) The Principal Permanent Secretary may issue directives and guidelines as variously specified in this Act and may in addition issue directives and guidelines on any matter relating to the organisation and management of the public service, and in so doing he shall seek to frame his directives in the best interests of the consumer and in such a manner as to impose the least possible administrative burden.

(2) Public officers shall comply with all applicable directives issued by the Principal Permanent Secretary, and officers who fail to comply shall be liable to proceedings under the Disciplinary Regulations.

(3) Directives issued by the Principal Permanent Secretary may incorporate guidelines to assist public officers in correctly applying and observing the directives, and public officers shall accordingly have regard to such guidelines.

(4) Directives and guidelines issued by the Principal Permanent Secretary may apply for a definite or an indefinite period and to any or all departments and public officers, according to the nature of the provisions contained therein or as specified by the Principal Permanent Secretary.

(5) The Principal Permanent Secretary may codify standing directives and guidelines, together with any amendments that he may make thereto from time to time, in the form of the Public Service Management Code or other manuals on specific matters which he may issue for this purpose.

(6) The Prime Minister may give directions to the Principal Permanent Secretary concerning the issue, amendment or revocation of any directives and guidelines.

Committee of Permanent Secretaries.

16. (1) There shall be a Committee of Permanent Secretaries which shall be chaired by the Principal Permanent Secretary, and which shall consist of the Secretary to the Cabinet as deputy chairperson and all Permanent Secretaries as members.

(2) The Permanent Secretaries shall fulfil their collegiate responsibility for the performance of the public service, facilitate the realisation of Government policies and ensure the achievement of

Government objectives that cut across ministries through the Committee of Permanent Secretaries.

(3) The meetings of the Committee of Permanent Secretaries shall be convened by the Principal Permanent Secretary as often as he may deem necessary but at least once every three months.

(4) This article shall apply without prejudice to the individual responsibility of Permanent Secretaries to their Ministers, and to the Prime Minister through the Principal Permanent Secretary, for the achievement of Government objectives.

17. (1) Where, in accordance with subarticle (2) of article 92 of the Constitution, a Permanent Secretary is charged with the supervision of one or more of the departments of Government that are listed in Part I of the Second Schedule, he shall ensure that each department is:

Supervision of departments by Permanent Secretaries.

(a) working towards the timely and effective fulfilment, in conjunction with other government organisations as appropriate, of his Minister's and the Government's policy objectives;

(b) being managed according to law, the public service values, the Code of Ethics, and applicable policies and directives governing staff conduct, management and the use of resources; and

(c) operating economically, efficiently and effectively and delivering any services to the public to a satisfactory standard.

(2) A Permanent Secretary shall advise his Minister on all matters pertaining to the departments under his supervision.

(3) A Permanent Secretary may give directions to and set targets for a head of department on any matter in fulfilment of his duties under subarticle (1), and he shall monitor and assess the head of department's performance in relation to such directions and targets:

Provided that a Permanent Secretary may not give directions to or set targets for a head of department on matters where the head is required by any law to act independently or in accordance with the direction of a person or authority other than a Minister.

(4) A Permanent Secretary may, with the concurrence of the Prime Minister, exercise his powers of supervision of a department of government through another public officer of suitable seniority.

(5) A Permanent Secretary shall be answerable to his Minister and, through the Principal Permanent Secretary, to the Prime Minister for the performance of the departments under his supervision notwithstanding any arrangements that may be in effect under subarticle (4).

(6) Where a Permanent Secretary is charged with the supervision of one or more of the departments listed in Part II of the Second Schedule, this article shall apply subject to the following limitations:

(a) paragraph (a) of subarticle (1) and subarticle (2) shall not apply; and

(b) subarticle (5) shall apply only as may be compatible with paragraph (a) of this subarticle.

Duties of heads of department.

18. (1) Besides any other duties that may be assigned or delegated to him by or under any law, it shall be the duty of a head of department—

(a) to manage the activities and programmes of the department efficiently, effectively and economically;

(b) to ensure that the department achieves a satisfactory standard in the delivery of any services to the public and the business community with the least possible bureaucratic processes;

(c) to tender advice to the relative Minister through the Permanent Secretary and to other authorities as appropriate on matters within the department's competence;

(d) to establish performance indicators covering the programmes and activities of the department, and to set performance targets for public officers serving in the department; and

(e) to coordinate the activities of the department with those of other government organisations in the best interests of efficiency, effectiveness and service quality.

(2) The head of a department that is listed in Part I of the Second Schedule shall answer to his Minister through the Permanent Secretary and shall discharge his duties under subarticle (1) in accordance with their lawful directions.

(3) The head of a department that is listed in Part II of the Second Schedule shall discharge his duties under subarticle (1) in accordance with the laws governing his department and any special administrative arrangements that may apply thereto.

19. (1) There shall be a Senior Executive Service which shall be headed by the Principal Permanent Secretary and shall consist of: Senior Executive Service.

(a) Permanent Secretaries;

(b) heads of the departments listed in the Second Schedule;

(c) senior public officers within each ministry who have been charged with primary responsibility for any of the following or similar functions:

(i) the management of corporate services;

(ii) policy development;

(iii) the application of indicators of efficiency;

(iv) the co-ordination of European Union affairs; and

(v) information management; and

(d) the holders of such other senior public offices as the Prime Minister may designate for this purpose.

(2) Officers in a ministry or department who are members of the Senior Executive Service shall constitute the senior management team of that ministry or department, and in relation thereto they shall, without prejudice to the authority of the head of the department or ministry, be collectively responsible for:

(a) promoting and upholding the public administration values, the Code of Ethics, and applicable policies and directives governing staff conduct, management and the use of resources;

(b) achieving satisfactory levels of efficiency and quality in the delivery of any public services; and

(c) achieving Government objectives, in coordination as necessary with other units, departments, agencies and government entities.

(3) A member of the Senior Executive Service shall be individually responsible in relation to his area of responsibility for the matters listed in subarticle (2); and he shall be liable to proceedings under the Disciplinary Regulations if he fails to prevent or correct misconduct or negligence on the part of his subordinates where he could reasonably have taken steps to do so.

(4) Offices within the Senior Executive Service may be established, abolished or retitled only by the Prime Minister, who may prescribe the terms on which appointments to such offices shall be made:

Provided that this subarticle shall not be read as conferring power to change the terms of an officer's appointment during the course of that appointment;

Provided further that an office may be abolished only if any of the conditions listed under subarticle (4) of article 23 applies.

(5) The Prime Minister may delegate his powers under paragraph (d) of subarticle (1) and subarticle (4) to the Principal Permanent Secretary or to other senior public officers in such respects, and under such conditions, as he may prescribe.

Title 3 – Public officers

Public officers' assignment to and transfer between posts.

20. (1) A public officer may be assigned to a post in any department in the public service which involves performance of the duties of his grade or position, and he may also be transferred to such a post in any other department.

(2) Such initial assignment or transfer may be made by the Principal Permanent Secretary or by any other public officer delegated by him for the purpose.

Merit principle.

21. (1) Except as otherwise provided for in this or any other Act, appointments to public offices shall be made by competitive selection on merit.

(2) For the purpose of this article, competitive selection on merit means the selection of the candidate best suited for the office on the basis of an assessment of eligible candidates' individual and relative merits against the requirements of that office.

Powers of heads of department in relation to employees.

22. Subject to the provisions of the Constitution, articles 181B and 469A of the Code of Organization and Civil Procedure, this Act, and the Public Service Management Code, a head of department shall

exercise in relation to public officers in his department all rights, duties and powers of an employer in relation to his employees.

23. (1) A head of department may in writing create positions in his department in accordance with such directives and guidelines as may be issued in that respect by the Principal Permanent Secretary.

Power to create, abolish and classify positions.

(2) Positions shall be classified, and the terms and conditions of service applicable thereto determined, in accordance with such directives and guidelines on classification as may be issued by the Principal Permanent Secretary with the approval of the Prime Minister.

(3) A head of department may retitle a position in his department and alter the duties attached to it, and if necessary the position shall be reclassified in accordance with subarticle (2):

Provided that this subarticle shall not be read as conferring power to change the terms of an officer's appointment during the course of that appointment.

(4) A head of department may abolish a position in his department only in the following cases:

(a) where a position has been filled through a contract of service for a fixed term or for the duration of a specified task, on the conclusion of that term or task; or

(b) if the position is vacant; or

(c) if the position is no longer needed by the department.

(5) No person in any position may be paid a remuneration which is less than that applicable to his grade.

24. (1) A head of department may appoint a person to fill a position in a department under his charge in accordance with such directives and guidelines as may be issued by the Principal Permanent Secretary in relation thereto.

Appointments to positions.

(2) Appointments to positions shall be made in the manner prescribed under article 110 and paragraph (1) of article 121 of the Constitution and in accordance with article 21 of this Act, and before making an appointment to a position a head of department shall—

(a) advertise the position in such a manner as to allow eligible persons a reasonable opportunity to apply for the position; and

(b) appoint a selection panel to examine applicants and to make recommendations based on the criteria set out in article 21.

(3) Any person appointed to a position in terms of this article shall, for the duration of his appointment, be considered a public officer and shall have all the rights, powers and duties pertaining thereto under this law and any applicable law, even if he does not hold a grade.

(4) A head of department may make an appointment to a position for a fixed term or for the duration of a specified task.

(5) An appointment for a fixed term may, subject to the provisions of any other law, be extended for one further term without recourse to a fresh call for applications.

(6) The Principal Permanent Secretary may issue directives and guidelines on matters of employment including but not limited to:

(a) the definition of eligibility requirements for positions;
and

(b) the conditions under which heads may make appointments;

so however that where the tasks that are to be carried out are intermittent or not on a regular basis, they shall be commissioned through a contract for service.

(7) The Principal Permanent Secretary shall consult with the Public Service Commission before issuing directives and guidelines under this article, and in so far as such directives and guidelines deal with matters falling within the scope of subarticle (1) of article 110 of the Constitution they may only be issued with the agreement of the Public Service Commission.

Filling of positions
by lateral
appointment.

25. (1) A head of department may opt to fill a position through the appointment of a public officer who holds a grade or position at a level comparable to the vacant position, such that the officer so appointed shall not obtain better terms and conditions, including salary, than those pertaining to his grade or to his previous position solely by virtue of this lateral appointment.

(2) Where a position is filled in terms of subarticle (1), a competitive selection need not be carried out and in this respect article 21 shall not apply to appointments made in accordance with this article.

26. (1) A public officer may not be removed from a position except in the following cases: Removal from positions.

(a) as a sanction in accordance with the Disciplinary Regulations; or

(b) at the end of the term for which the appointment to the position was made; or

(c) where the position is abolished.

(2) Where a public officer in a grade has been appointed to a position in accordance with the provisions of this Act, he shall retain his grade and shall, on the expiry or termination of his appointment to the position, be assigned work in his grade, unless his appointment to the grade has also been terminated or he is declared surplus to requirements in terms of article 28.

27. (1) The grades to which public officers may be appointed shall be those listed in the Third Schedule. Grades.

(2) The Minister responsible for the public administration may, by Order in the Gazette, add new grades to the Third Schedule and abolish or retitle any of the grades listed therein.

(3) The Minister responsible for the public administration shall, after informing the Public Service Commission, establish the eligibility requirements for appointments to each grade including, where applicable, rules of progression.

(4) The Minister responsible for the public administration may delegate his powers under this article to the Principal Permanent Secretary or to other senior public officers in such respects, and under such conditions, as he may prescribe.

(5) Whenever the terms and conditions of a public officer's appointment are in conflict with the Third Schedule, such terms and conditions shall prevail.

(6) Appointments to grades shall be made in the manner prescribed under article 110 and subarticle (1) of article 121 of the Constitution and based on the eligibility requirements prescribed under subarticle (3), and except as otherwise provided by the foregoing, in accordance with article 21 of this Act.

Surplus Pool.

28. (1) In this article “Surplus Pool” means those public officers who are assigned thereto as provided by subarticle (2) hereof because they are surplus to requirements, that is:

(a) they are not needed in their current posts and cannot be transferred or laterally appointed to other duties within their respective department; and

(b) they cannot be transferred to another department in terms of article 20.

(2) The Principal Permanent Secretary may by direction in writing assign a public officer who is surplus to requirements to the Surplus Pool, concurrently —

(a) assigning the said officer such duties in any department as the Principal Permanent Secretary may deem appropriate in view of the officer’s skills and abilities; or

(b) assigning such officer for retraining in a specialisation, skill or profession in which the public service has a shortage of staff.

(3) A public officer in a substantive grade who is assigned to the Surplus Pool shall retain his substantive grade.

(4) An officer who has been retrained to a satisfactory standard in terms of paragraph (b) of subarticle (2) may be withdrawn from the Surplus Pool and appointed by the Principal Permanent Secretary to a grade or position appropriate to the officer’s new skills provided that in the case of such appointments the provisions of article 21 need not be applied.

(5) The duration of the assignment under subarticle (2) shall be determined by the Principal Permanent Secretary.

Applicability of certain provisions in terms of the Constitution.

29. Articles 21 to 26 inclusive and 28 hereof shall have effect subject to there being an instrument of delegation in force under article 110 of the Constitution, and they shall cease to have effect to the extent that such delegation is withdrawn, suspended or derogated from by amendment, until such time as the instrument is restored.

Extension to the public service of powers assigned to the Merit Protection Commission.

30. Once the relative articles are brought into force in terms of subarticle (2) of Article 1 of this Act, the Public Service Commission shall, acting in accordance with subarticle (1) of article 121 of the Constitution, extend to the public service any or all of the provisions of

articles 33 and 34 of this Act, assuming directly in respect of the public service the powers therein assigned to the Merit Protection Commission:

Provided that the restrictions applying to the Merit Protection Commission concerning matters under the jurisdiction of the Industrial Tribunal shall not apply to the Public Service Commission acting in relation to the public service and public officers.

31. (1) The Public Service Commission shall ensure, in so far as its powers under articles 33 and 34 of this Act (as extended to the public service under article 30) permit, that no public officer is victimised for making any report to his superior, to the Commission or to another relevant authority about any breach of the Code of Ethics or of any other provision of this or any other Act.

Recommendation on victimisation.

(2) Where the Public Service Commission finds that a public officer has been victimised as aforesaid in a manner that it is unable to prevent or redress, it shall make a report to the Prime Minister or to other authorities recommending such measures to redress the situation as it considers appropriate.

PART III MERIT PROTECTION COMMISSION, AGENCIES AND GOVERNMENT ENTITIES

Title 1 – The Merit Protection Commission

32. In addition to its functions under any other law the Public Service Commission shall act as a Merit Protection Commission (in this Title referred to as the “Commission”) for the purposes of this Act.

Public Service Commission to act as Merit Protection Commission.

33. (1) Subject to subarticle (3), the functions of the Commission shall be:

Functions of the Commission.

(a) to audit the appointment of employees of government agencies and government entities to verify that these are made in accordance with article 21;

(b) to monitor and suggest amendments to directives and guidelines on employment matters issued by the Principal Permanent Secretary in relation to agencies and government entities, as well as the application of such directives and guidelines; and

(c) unless otherwise catered for in the legislation, Order or instrument setting up the government entity, agency, board or

commission or any other similar organisation or body, to inquire into reports that the directives issued by the Principal Permanent Secretary have not been adhered to.

(2) In performing its functions in virtue of paragraph (a) of subarticle (1) the Commission shall operate through after-the-event scrutiny and shall not subject any agency or government entity to any requirement to obtain the Commission's clearance or approval in advance of making appointments or taking decisions, except as a temporary measure in cases where the Commission —

(a) finds that the provisions of this Act have been, or are likely to be, breached; and

(b) is of the view that such a measure is necessary to prevent further breaches of this Act until such time as the Commission is able to conclude any investigations and take corrective measures.

(3) The Commission shall not hear and investigate complaints on matters which are assigned exclusively by any other law to any other body or to the jurisdiction of the Industrial Tribunal referred to in the Employment and Industrial Relations Act, and if any such complaints are made to the Commission it shall refer the complainants to the Tribunal; but in relation to such matters the Commission may—

(a) on its own initiative inquire into and investigate any cases with respect to which no formal complaints have been raised; and

(b) follow up a decision or award of the Industrial Tribunal with a view to taking additional remedial action under paragraph (c) of subarticle (4) and subarticle (5) of article 33 of this Act.

(4) The Commission shall regulate its own procedure in the discharge of its functions under this Act.

Powers of investigation and remedy.

34. (1) For the purposes of its functions under this Act the Commission may:

(a) carry out such inspections and investigations as it may deem necessary;

(b) summon any person to appear before it and give evidence on oath;

(c) request in writing the production of information, documents or files in the custody of any public employee for the purpose of examining the same or making copies thereof; and

(d) enter the premises of any agency or government entity, subject to compliance with any legal requirements placed by any law on the police for the same purposes.

(2) Article 6 of the Inquiries Act shall apply to the investigations undertaken by the Commission and any summons or requests it may make in pursuit thereof.

(3) Without prejudice to subarticles (4) and (5) and article 34, the Commission's findings may be used in evidence in any civil cause that may be filed by the injured party but, notwithstanding any other law, the members of the Commission cannot be called to give evidence.

(4) The Commission shall make a report to the Prime Minister following every investigation under this Act, and where it finds that an employment decision has been made otherwise than in conformity with the provisions of this Act it shall:

(a) annul the decision in question;

(b) issue such directives as it may consider necessary to redress the situation; and

(c) recommend the taking of such disciplinary or criminal action as it may consider appropriate in the circumstances.

(5) Without prejudice to any disciplinary or criminal action that may be taken in accordance with paragraph (c) of subarticle (4), where an employee of a government agency or government entity has made an employment decision that is not in conformity with the provisions of this Act the Commission may remove the employee from his position and/or interdict him from appointment or re-appointment for a maximum period of five years.

(6) Notwithstanding the provisions of any other law, the decisions taken and directives issued by the Commission under paragraphs (a) and (b) of subarticle (4) and under subarticle (5) shall be binding on the organisation to which they apply, and the board of directors or head of the organisation as applicable shall ensure that the Commission's decisions and directives are complied with.

(7) The Commission shall, as soon as possible after the conclusion of each year of its activity, make an annual report to the Prime Minister about its workings during the said year, and the Prime

Minister shall, as soon as possible after he has received the said report, lay it on the Table of the House of Representatives.

Application of this Title.

35. The provisions of this Title, unless otherwise indicated in this Act, shall only apply to agencies and government entities.

Title 2 – Agencies

Establishment of agencies.

36. (1) A government agency may be set up by or under any law or by Order of the Prime Minister in the Gazette.

(2) An Order establishing an agency under this Act shall serve as the basic charter governing the agency's operations and it shall:

- (a) set out the functions and duties of the agency;
- (b) specify which Minister is responsible therefor;
- (c) prescribe the financial arrangements applying to the agency in accordance with article 41;
- (d) set out any other special arrangements applying to the agency; and
- (e) amend the Fourth Schedule.

(3) All government agencies established in accordance with subarticle (1) shall be listed in the Fourth Schedule together with an indicative summary of their functions.

- (4) The Prime Minister may by Order in the Gazette:
- (a) abolish an agency established by Order under this Act and listed in the Fourth Schedule; or
 - (b) amend the functions and duties thereof as well as amend any other matter provided for in subarticle (2) hereof:

Provided that any such Order shall provide for the necessary amendments to the Fourth Schedule.

Legal personality and judicial representation of agencies.

37. (1) A government agency shall be a body corporate having a separate and distinct legal personality and capable of entering into contracts, of employing personnel, of acquiring, holding and disposing of any kind of property for the purposes of its operations, and of suing

and being sued, and to which any function or operation of Government may be assigned under this or any other law.

(2) The legal and judicial representation of an agency shall lie in its Chief Executive Officer or such other officer of the agency as the Minister responsible for it may from time to time appoint by notice in the Gazette:

Provided that for the purposes of article 181B of the Code of Organisation and Civil Procedure, where such other officer is duly designated, any reference to the Chief Executive Officer in a judicial action or act shall automatically apply to the officer so designated.

38. (1) Except in so far as expressly precluded by any other law or any Order establishing an agency under this Act, the Principal Permanent Secretary may in addition to his powers under articles 4, 5 and 40 issue directives and guidelines to any or all government agencies to –

Directives and guidelines issued by the Principal Permanent Secretary in relation to agencies.

(a) ensure that agencies coordinate their activities with other agencies, departments, government entities and Local Councils as applicable;

(b) put into effect measures to improve the performance of agencies and the quality of the services they deliver to the public;

(c) provide for matters relating to employment, including –

(i) the redeployment of staff to, from or between agencies; and

(ii) the application of the merit principle and the establishment of safeguards in relation thereto;

(d) establish mechanisms for staff classification and the determination of pay levels; and

(e) put into effect such other policy objectives and management priorities as the Government may from time to time set out.

(2) Chief Executive Officers and employees of government agencies shall comply with all applicable directives issued by the Principal Permanent Secretary, and failure to comply shall be grounds for disciplinary proceedings under any applicable procedures.

(3) The Principal Permanent Secretary shall seek to frame his directives in the best interests of the consumer and in such a manner as to impose the least possible administrative burden on agencies consonant with the achievement of Government objectives, bearing in

mind any directives issued in virtue of article 72 of the Financial Administration and Audit Act.

(4) Subarticles (3) to (6) of article 15 shall apply *mutatis mutandis* to the directives issued by the Principal Permanent Secretary under this article.

General direction and control of agencies by Ministers and supervision by Permanent Secretaries.

39. (1) Save as otherwise provided in any other law or in any Order establishing an agency, the Chief Executive Officer of any agency shall be under the general direction and control of the Minister responsible for the agency and, subject to such direction and control, under the supervision of the Permanent Secretary of that ministry.

(2) Save as aforementioned, where an agency is subject to supervision by a Permanent Secretary article 17, except for subarticle (6) thereof, and article 18 shall apply to the agency and its Chief Executive Officer in the same manner as to departments and their heads.

Agency performance agreements.

40. (1) A government agency shall enter into an agency performance agreement with the Permanent Secretary responsible therefor, or, where a Permanent Secretary is not appointed, with the relative Minister, and such agreement shall set out the tasks to be addressed by the agency, the targets it is expected to meet, and the funds available to it.

(2) An agency performance agreement shall cover a period of one year to three years and shall be renewable in accordance with such directives and guidelines as the Principal Permanent Secretary may issue governing the development of agency performance agreements.

Accounts, audit and other financial arrangements.

41. (1) The Prime Minister shall, in consultation with the Minister responsible for finance, decide on the manner in which an agency should be financed and whether and to what extent the provisions of the Financial Administration and Audit Act shall apply to the agency.

(2) The following provisions shall apply:

(a) heads of agency shall keep proper books of accounts in such a manner as the Minister responsible for finance may from time to time direct;

(b) such accounts shall be subject to audit by an auditor appointed for the purpose by the head of each agency with the concurrence of the Minister responsible for finance and shall moreover be subject to scrutiny by the Financial Management

Monitoring Unit, and audit by the Internal Audit and Investigations Directorate and the Auditor General as the case may be;

(c) not later than six weeks after the end of each financial year, the head of each agency shall present to his Minister through the relative Permanent Secretary an audited statement of accounts together with a report on the workings of the agency which shall state the manner in which the agency has operated to fulfil its functions and its plans for the future; and

(d) this report shall be laid before the House by the Minister responsible for the agency not later than six weeks after its receipt or, where the House is not in session, not later than the second week after the House resumes its sittings.

42. (1) The Minister responsible for an agency may establish an advisory board to assist the Chief Executive Officer in the discharge of his duties. Advisory boards.

(2) An advisory board established under this article shall be chaired by the Chief Executive Officer and shall consist of not less than two and not more than four members appointed by the Minister responsible for the agency.

(3) The remuneration paid to members of an agency advisory board shall be in accordance with any directives and guidelines issued by the Principal Permanent Secretary in relation thereto.

43. The Principal Permanent Secretary may, following the direction of the Prime Minister, detail or revoke the detailing of a public officer for duty with an agency for such a term and under such conditions as he may prescribe. Detailing of public officers with an agency.

44. (1) Where a public officer is detailed for duty with an agency such officer shall, during the time in which such direction is in force, be under the administrative direction and control of the head of the agency, but shall otherwise remain and retain all rights and duties as a public officer, and for the purpose of any law relating to government service pensions, service with any such agency shall be deemed to be service with the Government: Pension rights and other arrangements.

Provided that in assessing the pensionable emoluments of such officer for the purposes of any law relating to government service pensions, no account shall be taken of any allowances, bonuses or

gratuities paid to such officer by the agency in excess of what he is entitled to as a public officer:

Provided further that during the time in respect of which he is so detailed to perform duties with the agency his terms and conditions of service shall not be less favourable than those which are attached to his appointment with the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable because they are not in all respects identical or superior to those enjoyed by the officer concerned at the date of such detailing, if in the opinion of the Prime Minister such terms and conditions, taken as a whole, offer substantially equivalent or greater benefits.

(2) (a) For the purposes of calculating pensionable emoluments, posts and salary grades with an agency shall be classified in the most nearly corresponding grades and incremental levels in the services of the Government of Malta by reference to job descriptions, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Minister responsible for the agency and one appointed by the agency. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of the salaries of employees in Government service or of employees of the agency.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of Government or such other grade that the Minister responsible for finance may from time to time, by notice in the Gazette, determine.

(e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

(f) Without prejudice to any other law, where on the date of the coming into force of this Act, arrangements which should have been made with respect to public officers that have been detailed in terms of any applicable law have not been finalised, the Prime Minister may issue regulations with the purpose of resolving any administrative

difficulties that may have arisen between the time that a public officer has been detailed.

45. The provisions of this Title shall apply to all Government agencies except in so far as they may conflict with the provisions of any other law regulating an agency. Application of this Title.

Title 3 —Government entities, boards and commissions

46. Subject to any other law governing a government entity, the Prime Minister may by Order in the Gazette extend to any such entity and/or the officers and employees thereof, the applicability of any of the provisions of this Act which do not already apply thereto as well as the applicability of any other law applying to the public service or to public officers. Application of certain articles of this Act and of other laws.

47. (1) A government entity which is subject to the direction and control of a Minister shall, to the extent delegated by that Minister, be subject to supervision by the appropriate Permanent Secretary, in which case the Permanent Secretary may be empowered to issue directions to the entity and to instruct or advise Government representatives on the entity's governing board. Supervision of government entities by Permanent Secretaries.

(2) A Permanent Secretary who is supervising a government entity in terms of subarticle (1) shall ascertain that it is—

(a) working towards the timely and effective fulfilment, in conjunction with other government entities as appropriate, of the Minister's and the Government's policy objectives;

(b) being managed according to law, the public administration values, the Code of Ethics, and applicable policies and directives governing staff conduct, management and the use of resources; and

(c) operating economically, efficiently and effectively and delivering any services to the public to a satisfactory standard.

(3) In fulfilment of his duties under subarticle (2), a Permanent Secretary may, in consultation with the relative Minister, establish targets for the entity and require any information except where this is precluded by law.

(4) A Permanent Secretary shall report to his Minister on the performance of the government entities under his supervision.

Supervision of boards and commissions.

48. (1) The Principal Permanent Secretary may extend to boards and commissions any or all of the directives and guidelines referred to in this Act, after consultation with the Prime Minister or with the Minister where the Prime Minister has appointed a Minister with responsibility for the public administration.

(2) The provisions of article 47 shall *mutatis mutandis* also apply with respect to boards and commissions.

(3) The directives and guidelines mentioned in subarticle (1) and the supervision referred to in subarticle (2) shall apply to administrative and day-to-day affairs of boards and commissions without prejudice to the rights and duties of the said boards and commissions to carry out those functions or roles for which they are set up.

(4) In this article, “boards and commissions” includes any council, committee, panel or similar body not already catered for by this Act and in any case shall not apply to any commission or authority established by the Constitution.

PART IV MISCELLANEOUS

Power to make regulations.

49. The Prime Minister may make regulations to give effect to any of the provisions of this Act and the enforcement thereof, and without prejudice to the generality of the foregoing such regulations may provide for:

(a) the better management and administration of the public service, government agencies and government entities;

(b) the manner in which the accounts and records of government agencies and government entities are to be kept;

(c) the manner in which goods and services are to be procured by any or all government agencies or government entities, and the procedures to be adopted in connection therewith;

(d) the sanctions that may be applicable in case of breaches of the Code of Ethics;

(e) the manner in which public officers shall be detailed, released, deployed, attached or seconded with agencies and government entities, and the rights accruing to such officers, so however that the Prime Minister may, without prejudice to any vested rights, also issue regulations with a view to resolving any

matter outstanding as at the time of the coming into force of this Act; and

(f) the recruitment in public administration of nationals of member states of the European Union other than Malta and nationals of other countries enjoying similar rights in relation to the free movement of workers:

Provided that posts involving the exercise of public authority and the safeguarding of the general interests of the State, and particularly those listed herein, may be reserved for Maltese nationals:

(i) posts in the Office of the President, the House of Representatives, the Prime Minister's and Ministers' Secretariats, the Cabinet Office, and the offices of the Principal Permanent Secretary and of Permanent Secretaries;

(ii) the Judiciary, posts involving the preparation of expert advice in the field of prosecution of offences or lawmaking, and posts entailing responsibility for advisory constitutional bodies;

(iii) posts involving the sovereignty of the State, including diplomatic and foreign representation;

(iv) posts in the Office of the Prime Minister and the Ministries of Finance, Justice, Home Affairs and Foreign Affairs;

(v) posts within departments charged with the protection of the economic interests of the State, including tax authorities;

(vi) positions in the Senior Executive Service;

(vii) posts in the disciplined forces and offices responsible for defence matters; and

(viii) posts in the security services and in the field of civil protection and defence.

50. In paragraph (b) of subarticle (1) of article 181B of the Code of Organisation and Civil Procedure, for the words “by the Administrative Secretary” there shall be substituted the words “by the Principal Permanent Secretary”.

Amendment to article 181B of the Code of Organisation and Civil Procedure.

51. Immediately after paragraph (c) of article 6 of the Interpretation Act, the following proviso shall be added:

“Provided that on employment, promotion or disciplinary matters in relation to individual employees, such direction may only be given by the Prime Minister and in such a case the head of department shall inform the Public Service Commission.”

FIRST SCHEDULE CODE OF ETHICS

(Article 5)

A. Principles

1. This Code of Ethics is adopted within a framework of principles which are fundamental to the ethos governing behaviour. These have been identified as public trust; serving the public and the business community; responsibility to the Government of the day; productivity and flexibility; and public employees' rights.

2. The public has a right to expect that public sector organisations and their employees are of the highest integrity and competence and serve all citizens fairly, reasonably, equitably and efficiently.

3. Public employees shall provide impartial and accurate advice to the Government of the day and shall implement its policies promptly, efficiently and effectively.

4. The public and the business community have a right to expect that public employees will seek to meet their legitimate needs promptly and courteously.

5. The nation expects public employees to be committed to a constant quest for innovation, improved productivity, and the simplification of procedures, so as to contribute to national economic growth and competitiveness.

6. Public employees shall make full use of information and communication technology as an essential tool in the improvement of public administration and the delivery of better services, and they shall ensure that they possess the necessary skills to this end.

7. Public employees' rights are all the rights of employees, within the provisions of legislation and regulations.

B. Conflicts of Interest

8. A conflict of interest may be defined as a situation in which a public employee has a private or personal interest sufficient to influence or appear to influence the objective exercise of his or her official duties.

9. Public employees shall avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties.

10. In many cases only the individual employee will be aware of the potential for conflict. Therefore, the onus is on the employee to disclose to his or her senior if a potential or actual conflict of interest arises.

11. This includes the notification of all relevant personal, financial, business or other interests, in particular:

(a) any directorship, partnership, agency or any shareholding;

(b) any interest in any activity or business in which or with which the organisation is engaged;

(c) any interest in goods or services recommended or supplied to the organisation.

12. Public employees shall notify the head of the organisation in writing within a week whenever any of the above interests arise namely, upon assuming office, change in duties or due to a change in circumstances.

C. Acceptance of Gifts or Benefits

13. No public employee or any member of his household shall accept gifts or services such as might be deemed to create an obligation, real or imagined.

14. A gift can be interpreted as an inducement or a reward simply because of its intrinsic value and therefore only token gifts may be accepted.

D. Personal and Professional Behaviour

15. Public employees shall perform any duties associated with their positions diligently, impartially and conscientiously, to the best of their ability.

16. In the performance of their duties, public employees shall:

(a) keep up to date with advances and changes in their area of expertise;

(b) comply with any relevant legislative or administrative requirements;

(c) treat members of the public and other staff members with courtesy and sensitivity to their rights;

(d) provide all necessary and appropriate assistance to members of the public;

(e) maintain adequate documentation to support any decisions made;

- (f) strive to obtain value for public money spent and avoid waste and extravagance in the use of public resources;
- (g) not take or seek to take improper advantage of any official information gained in the course of employment;
- (h) not wilfully supply incorrect or misleading information;
- (i) not indulge in favouritism or nepotism.

17. At all times the behaviour of a public employee shall be in such a way as not to discredit his or her position and not to reflect adversely on the public service.

18. Public employees shall be expected to give full support to the Government of the day regardless of which political party or parties are in office. When implementing Government policy, public employees' own values and beliefs shall not take precedence over those explicit or implicit in Government policy.

19. Public employees shall not harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other convictions / allegiances when dealing with their colleagues and members of the public.

20. Public employees have a duty to report to a senior employee any unethical behaviour or wrongdoing by any other public employee during the course of his or her duties.

E. Fairness and Equity

21. Issues or cases being considered by public employees shall be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, without discrimination on any grounds. There is an obligation to treat each issue reasonably and with a view to meeting the principles of natural justice.

22. When using any discretionary powers public employees shall ensure that they take all relevant facts into consideration and have regard to the particular merits of each case.

F. Use of Official Information

23. A public employee shall only disclose official information or documents acquired in the course of his or her employment when required to do so by law, in the course of duty, or when proper authority has been given. In such cases, comments made by public employees shall be confined to factual information and shall not express opinion on official policy or practice.

24. A public employee as defined in article 2 of the Public Administration Act shall not accept employment in the private sector if he will be placed in a position to make use of “insider information” if such information came to his knowledge as a direct result of his public employment.

G. Use of Official Facilities and Equipment

25. It is expected that public employees shall:

(a) be efficient and economical in the use and management of public resources;

(b) be scrupulous in their use of public property and services and not permit their abuse by others.

26. Official facilities and equipment shall not be used for private purposes unless prior official permission has been given.

H. Outside Employment and Termination

27. The prior approval of the Permanent Secretary of the Ministry concerned or the Chairperson/Chief Executive Officer is required before public employees may engage in any form of business or employment outside their official duties.

28. In all cases when outside employment is considered, public employees shall give their public sector employment first consideration and avoid situations which could give rise to, or the appearance of, a conflict of interest. In particular, they must consider whether the company or organisation concerned is in, or entering into, a contractual relationship with the Government, whether its primary purpose is to lobby government organisations or members of Parliament, or whether it is in a regulatory relationship with the organisation.

29. Former public employees shall ensure that they do not accept employment or engage in activities which may cast doubts on their own integrity or that of the organisation in which they were previously employed or of the Public Service generally.

I. Political Participation and Comment

30. It is of the greatest importance that public confidence in the impartiality of the public administration shall not be impaired in any way. Public employees need to ensure that their participation in political activities does not bring them into conflict with their primary duty to serve the Government of the day. This is important in order to maintain ministerial and public trust in the impartiality of the advice given, and actions taken, by public employees.

31. Likewise public employees need to ensure that the spirit of paragraph 30 hereof is respected whenever they are asked to make a public comment. Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to the newspapers or in books, journals or notices or where it might be expected that the publication or circulation of the comment will spread to the community at large.

32. Determining what is appropriate in any particular case will depend on the extent of the participation of the individual, the nature of the issue, the position held by the individual and existing regulations within the organisation concerned.

33. If a public employee becomes aware that a potential conflict, whether real or apparent, has arisen or is likely to arise, the public employee shall immediately inform the head of his or her organisation.

34. If a conflict of interest does arise, the public employee may have to stop participating in political activity or withdraw from areas of his or her duties giving rise to the conflict of interest.

J. Sanctions

35. Sanctions may be applied if public employees are involved in breaches of this Code of Ethics.

36. The sanctions applied shall depend on the seriousness and nature of the breaches and may entail formal disciplinary and/or criminal action as applicable.

37. Whenever appropriate, counselling by a supervisor or member of senior staff may also be given.

**SECOND SCHEDULE
DEPARTMENTS**

(Article 8)

Part I

Departments other than those not subject to ministerial control

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function of the department</i>
Benefit Fraud and Investigation Directorate	Director (Benefit Fraud and Investigation)	—	Director responsible for the Benefit Fraud and Investigation Directorate	To investigate fraud by individuals receiving benefits and allowances payable under the Social Security Act
Cabinet Office	Secretary to Cabinet	—	—	To support the workings of Cabinet
Citizenship and Expatriate Affairs Department	Director (Citizenship and Expatriate Affairs)	—	—	To administer the provisions of the law on Maltese citizenship, and to issue residence permits and employment licences
Civil Aviation Department	Director General (Civil Aviation)	—	Director of Civil Aviation	To regulate civil aviation
Department of Civil Protection	Director (Civil Protection)	—	Director of Civil Protection	To provide fire-fighting and rescue services and take protective action against natural, industrial and other emergencies
Commerce Division	Director General (Commerce)	—	Comptroller of Industrial Property Director of Trade Director of Industry	To monitor and provide assistance to small enterprises and craft industries, and to regulate intellectual property and trade
Consumer and Competition Division	Director General (Consumer and Competition Division)	—	Director of Consumer Affairs Public officer heading the Office for Fair Competition	To safeguard common interests and promote competitive market practices
Department of Contracts	Director General (Contracts)	—	Head of the Department of Contracts	To regulate, monitor, manage and approve contracts issued by Government Departments
Correctional Services Department	Director (Correctional Services)	—	Director of Correctional Services Director of Probation Services	To securely detain offenders while providing rehabilitation services to help them reintegrate into society

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function of the department</i>
Courts of Justice Division	Director General (Courts)		Registrar of Courts	To support and facilitate the administration of justice
		Director (Civil Courts and Civil Tribunals, Malta)	Director, Civil Courts and Tribunals Registrar, Civil Courts and Tribunals	
		Director (Criminal Courts and Criminal Tribunals, Malta)	Registrar, Criminal Courts and Tribunals	
		Director (Gozo Courts and Tribunals)	Director, Gozo Courts and Tribunals Registrar, Gozo Courts and Tribunals	
Customs Division	Director General (Customs)	—	Comptroller of Customs Collector of Customs	To collect customs and excise duties and curb illegal imports while facilitating trade
Economic Policy Division	Director General (Economic Policy)	—	—	To provide expert advice and assistance to Government in the formulation of economic policy and the management of economic activity
Education Division	Director General (Education)	—	Director of Education	To assure the education of all Maltese students of compulsory education age and beyond, and to encourage and support life-long learning
Examinations Department	Director (Examinations)	—	Registrar of Examinations	To administer local and overseas examinations
Government Printing Press	Director (Printing Press)	—	—	To print Government documents
Government Property Division	Director General (Government Property)		—	To promote the effective and profitable use of government owned immovable property
		Director (Land)	Commissioner of Land	

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function of the department</i>
Health Division	Director General (Health)		Chief Government Medical Officer Superintendent of Public Health Director responsible for the Department of the Elderly and Community Services	To regulate and ensure the availability of comprehensive health care and to promote public health
Housing Construction and Maintenance Department	Director (Housing Construction and Maintenance)	—	—	To manage the construction of housing units developed by the Housing Authority and to maintain Government-owned residential premises
Department of Industrial and Employment Relations	Director (Industrial and Employment Relations)	—	Director responsible for employment and industrial relations Registrar of Trade Unions	To protect the interests of parties in employment contracts and to contribute towards stable industrial relations
Department of Information	Director (Information)	—	Press Registrar	To provide the public with up-to-date, comprehensive and meaningful information on Government policies, services and activities, and on matters which may be of public interest
Inland Revenue Division	Director General (Inland Revenue)	—	Commissioner of Inland Revenue	To administer fiscal legislation in relation to income and other taxes
Land and Public Registry	Director General (Land and Public Registry)	Director (Land Registry) Director (Public Registry) Director (Civil Registration)	— Land Registrar Director of the Public Registry Marriage Registrar Passport Officer	To cater for property registration and hypothecation, civil status registration, the registration of notarial deeds and other judicial acts, and related matters including the issue of passports

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function of the department</i>
Libraries Department	Director (Libraries)	—	Librarian	To ensure the collection and conservation of Malta's documentary heritage, and to provide library material for education, information, research and leisure purposes
Local Government Department	Director (Local Government)	—	Director responsible for Local Councils	To support and monitor the activities of Local Councils
Management and Personnel Office	Director General (Management and Personnel Office)	—	—	To provide a framework that would enable ministries and departments to manage their human resources in the most effective manner
Malta Police Force	Commissioner of Police	—	Principal Immigration Officer	To preserve peace and order, to detect and investigate offences, and to prosecute offenders; to control immigration into Malta
Office of the Notary to Government	Chief Notary to Government	—	—	To prepare, draft and publish notarial deeds to which the government is a party and to conserve notarial acts according to law
Oil Exploration Department	Director (Oil Exploration)	—	—	To manage the process of oil exploration in Malta's continental shelf
Planning and Priorities Coordination Division	Director General (Planning and Priorities Coordination)	—	—	To manage and co-ordinate the use of EU funds and funds from other funding protocols or arrangements
Rural Affairs and Paying Agency Division	Director General (Rural Affairs) and Head of Paying Agency	Director (Agriculture)	Director of Agriculture	To promote and develop farming and regulate the upkeep of public gardens and to manage income support for food producers
		Director (Plant Health)	Director of the Department responsible for plant health	

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function of the department</i>
Services Division	Director General (Services)	—	—	To provide ancillary building projects services, manufacturing services, public cleansing services and a regulatory framework for the building construction industry
Social Housing Department	Director (Social Housing)	—	Director of Social Housing	To provide adequate and suitable alternative accommodation to those in need
Department of Social Security	Director (Social Security)	—	—	To administer the social security (contributory and non-contributory) scheme and provide timely financial assistance and other social benefits, pensions and allowances to eligible applicants
Social Welfare Standards Department	Director (Social Welfare Standards)	—	Director of the Department responsible for social welfare	To regulate the welfare sector and ensure that the providers of social welfare services comply with set standards
Staff Development Organisation	Director (Staff Development Organisation)	—	—	To develop the skills and abilities of public officers and disseminate good management practices through training
Tax Compliance Unit	Director General (Tax Compliance Unit)	—	—	To curb tax evasion
Treasury	Director General (Treasury)	—	Accountant General	To implement a standard accounting system throughout Government departments, and to supervise, monitor and report on all Government financial transactions
VAT Department	Director General (VAT)	—	Commissioner of Value Added Tax Director of Customs and Excise Tax	To ensure that all persons performing an economic activity against a consideration duly register under the VAT Act, and collect dues

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function of the department</i>
Veterinary Affairs and Fisheries Division	Director General (Veterinary Affairs and Fisheries)	—	Director General, Veterinary Services Director of Veterinary Services Director of Fisheries Director responsible for fisheries	To safeguard public health through assurance of livestock health and food safety and to regulate the fishing industry and contribute to the conservation of fish stocks
Works Division	Director General (Works)	—	Director of Public Works Superintendent of Public Works	To design, plan and carry out public infrastructure works and projects

Part II
Departments not subject to ministerial control

<i>Department</i>	<i>Head of department</i>	<i>Other offices with statutory powers</i>	<i>Equivalent title at law (article 10)</i>	<i>Function</i>
Office of the Clerk to the House	Clerk to the House of Representatives	—	Clerk of the House of Representatives	To provide administrative support to the House of Representatives
Electoral Office	Chief Electoral Commissioner	—	—	To support the Electoral Commission in the exercise of its functions
Internal Audit and Investigations Directorate	Director (Internal Audit and Investigations)	—	Director, Internal Audit and Investigations Directorate	To conduct internal audits and investigations under the Internal Audit and Financial Investigations Act
Office of the President	Secretary to the Presidency	—	—	To support the President in the fulfilment of his constitutional duties
Public Service Commission Secretariat	Secretary, Public Service Commission	—	Secretary to the Commission	To support the Public Service Commission in the exercise of its functions

**THIRD SCHEDULE
GRADES**

(Article 27)

Salary Scale 1

Attorney General
Officer in Grade 1

Salary Scale 2

Commissioner of Police
Officer in Grade 2

Salary Scale 3

Ambassador
Deputy Attorney General
Deputy Commissioner of Police
Director (Clinical)
Officer in Grade 3

Salary Scale 4

Assistant Attorney General
Assistant Commissioner of Police
Chief Electoral Commissioner
Chief Notary to Government
Consultant
Officer in Grade 4
Senior Counsellor

Salary Scale 5

Assistant Director of Education
Assistant Director, Pharmaceutical Services
Assistant Registrar
Chief Architect & Civil Engineer
Chief Curator
Chief Economics Officer
Chief Engineer
Chief Inspector of Customs
Chief Psychologist
Chief Quantity Surveyor
Chief Scientific Officer
Deputy Director, Dept of Civil Protection
Deputy Director, Institute of Tourism
Studies
First Counsellor
Librarian
Manager, Health Inspectorate
Officer in Grade 5

Salary Scale 5 Continued

Principal Information Officer
Principal Medical Officer
Principal Veterinary Officer
Project Manager (IT)
Senior Clerk Assistant
Senior Counsel
Senior Registrar
Sports Officer II
Superintendent of Police

Salary Scale 6

Clerk Assistant
Counsel
Education Officer
General Practitioner
Head of Building & Restoration
Head of School
Head of Trade School
Internal Audit Manager
Manager, Dental Hygiene Services
Manager, Dental Technology Services
Manager, Medical Laboratory Technology
Services
Manager, Midwifery Services
Manager, Nursing Services
Manager, Occupational Therapy Services
Manager, Office of Co-operatives
Manager, Physiotherapy Services
Manager, Podology Services
Manager, Radiography Services
(Diagnostic)
Manager, Radiography Services
(Therapeutic)
Manager, Speech Therapy Services
Principal Economics Officer
Principal Environment Officer
Principal Health Promotion Officer
Principal Inspector (Health & Safety)
Principal Pharmacist
Principal Probation Officer
Principal Public Cleansing Officer
Principal Scientific Officer

Salary Scale 6 Continued

Principal Social Worker
 Principal Trading Standards Officer
 Registrar
 Senior Architect & Civil Engineer
 Senior Engineer
 Senior Legal Officer
 Senior Medical Officer
 Senior Psychologist
 Senior Quantity Surveyor
 Senior Veterinary Officer

Salary Scale 7

Assistant Head of School
 Assistant Head of Trade School
 Chief Assistance and Rescue Officer
 Chief Printer
 Counsellor
 Curator
 Departmental Midwifery Officer
 Departmental Nursing Manager
 Head, Care Centre
 Medical Officer (GP)
 Operations Manager
 Principal Agricultural Officer
 Principal, Agricultural College
 Principal Veterinary Support Officer
 School Counsellor
 Senior Information Officer
 Senior Inspector of Customs
 Senior Internal Auditor
 Senior Notary
 Senior Pharmacist
 Senior Principal
 Senior Systems Analyst (IT)
 Subject Co-ordinator
 Trade/Subject Co-ordinator
 Trade/School Counsellor

Salary Scale 8

Architect & Civil Engineer
 Dental Surgeon
 Inspector of Police
 Internal Auditor II
 Legal Officer
 Medical Officer
 Meteorological Officer
 Midwifery Officer
 Nursing Officer
 Principal Health Inspector
 Principal Paramedic

Salary Scale 8 Continued

Psychologist
 Senior Assistant Librarian
 Senior Co-Operatives Officer
 Senior Economics Officer
 Senior Environment Inspector
 Senior Health Promotion Officer
 Senior House Officer
 Senior Inspector (Health & Safety)
 Senior Probation Officer
 Senior Scientific Officer
 Senior Social Worker
 Senior Statistics and Research Officer
 Senior Trading Standards Officer
 Veterinary Officer

Salary Scale 9

Assistant Chief Printer
 Assistant Principal Health Inspector
 Assistant Principal Paramedic
 Cultural Organiser
 Deputy Midwifery Officer
 Deputy Nursing Officer
 Disablement Resettlement Officer
 Engineer
 First Secretary
 House Surgeon (Dentistry)
 Houseman
 Inspector of Customs
 Instructor
 Junior Architect & Civil Engineer
 Junior Legal Officer
 Junior Veterinary Officer
 Manager, Security Services
 Notary
 Notary to Government (Gozo)
 Officer i/c Operations (IT)
 Operations Officer
 Pharmacist
 Principal Agricultural Foreman
 Principal ECG Technician
 Principal Pharmacy Technician
 Principal Technical Officer
 Public Cleansing Officer
 Public Relations Officer
 Quantity Surveyor
 Senior Agricultural Officer
 Senior Consul
 Senior Legal Procurator
 Senior Veterinary Support Officer
 Station Officer

Salary Scale 9 Continued

Sports Officer I
Systems Analyst (IT)
Teacher

Salary Scale 10

Advocate for Legal Aid
Assistant Curator
Assistant Head, Care Centre
Assistant Librarian
Chief Marshal
Committee Clerk
Co-operatives Officer
Economics Officer
Environment Officer
Health Promotion Officer
Information Officer
Internal Auditor I
Junior Engineer
Legal Procurator
Principal
Principal Fisheries Officer
Scientific Officer
Second Secretary
Senior Health Inspector
Senior Paramedic
Sergeant Major
Social Worker
Statistician
Statistics and Research Officer
Trading Standards Officer

Salary Scale 11

Assistant Principal
Assistant Cultural Organiser
Court Recorder in Charge
Duty Management Officer
Inspector (Printing Press)
Leading Assistance and Rescue Officer
Main Inspector
Officer in Grade 11
Photographer in Charge
Principal Security Officer
Programmer II (IT)
Senior Agricultural Foreman
Senior Correctional Officer
Senior ECG Technician
Senior Fisheries Officer
Senior Foreman
Senior Marshal

Salary Scale 11 Continued

Senior Operator (IT)
Senior Pharmacy Technician
Senior Public Cleansing Foreman
Senior Technical Officer
Sergeant

Salary Scale 12

Agricultural Foreman
Agricultural Officer
Chief Weigher
Consul
Customs Officer
Environment Inspector
Facilitator
Foreman
Health Inspector
Inspector (Health & Safety)
Library Officer
Midwife
Museums Officer
Paramedic
Probation Officer
Public Cleansing Foreman
Quantity Surveyor's Assistant
Senior Care Worker
Senior Printer
Senior Restorer
Staff Nurse
Technical Officer
Trainee Internal Auditor
Veterinary Support Officer

Salary Scale 13

Assistant Agricultural Foreman
Assistant Foreman
Assistant Technical Officer
Communications Officer
Computer Operator (IT)
ECG Technician
Enrolled Nurse
Instructor of Braille
Mail Officer
Marshal
Meteorological Assistant
Officer i/c Minor Staff
Pharmacy Technician
Security Officer
Senior Photographer
Senior Weigher

Salary Scale 14

Assistance and Rescue Officer
Assistant Veterinary Support Officer
Constable
Correctional Officer
Executive Officer
Fisheries Officer
Library Assistant
Officer in Grade 14
Restorer
Senior Clerk
Senior Customs Assistant
Senior Postperson
Senior Technician
Senior Tradesman
Social Support Worker

Salary Scale 15

Kindergarten Assistant
Nursing Aide
Paramedic Aide
Photographer
Senior Court Recorder
Senior Messenger
Technician
Usher

Salary Scale 16

Airfield Operator
Airport Attendant
Airport Office Despatcher
Care Worker
Chaplain
Clerk
Communicator
Custodian and Guide
Customs Assistant
Guard
Health Assistant
Postperson
Printer
Security Guard
Supervisor
Tradesman
Warden (Environment)
Weigher

Other Industrial Grades

Armourer
Art/Graphic Technician
Bookbinder

Salary Scale 16 (Other Industrial Grades) Continued

Butcher
Ceramist
Construction Diver
Cook
Equipment Cover Manufacturer
Farmer
Gardener
Hallmarker of Gold and Silver Articles
Hospital Orderly
Jeweller
Marbler
Meter Reader
Postmortem and Mortuary Attendant
Repairer of Records
Rigger
Silversmith
Timekeeper

Salary Scale 17

Assistant Care worker
Court Messenger
Court Recorder

Industrial Grades Group IV

Ambulance Driver
Barber/Hairdresser
Heavy Plant Driver
Laboratory Operator
Seamstress
Senior Operative
Vulcaniser

Salary Scale 18

Messenger
Ward Clerical Assistant

Industrial Grades Group III

Boiler Attendant
Customs Auxiliary
Dairy Operative II
Deliveryman
Fuel Pump Attendant
Grave Digger
Library Attendant
Lighthouse Keeper
Motor Transport Driver
Operational Support Worker
Operative
Porter

**Salary Scale 18 (Industrial Grades
Group III) Continued**

Runway Painter
Quarryman
Stamper

Salary Scale 19

Industrial Grades Group II

General Hand
Health Attendant (Public Cleansing)
Hospital Auxiliary
Seaman II
Warden

Salary Scale 20

Industrial Grades Group I

Charwoman
Health Attendant (Public Convenience)
Labourer
Labourer (ex-Impressed Driver)
Watchman

**FOURTH SCHEDULE
AGENCIES**

(Article 36)

Agency	Agency function
Management Efficiency Unit	To support public sector change initiatives through the provision of consultancy advice
Office of the Attorney General	To support the Attorney General in his role as chief legal adviser to the Government and chief prosecuting officer

Passed by the House of Representatives at Sitting No. 77 of 28th January, 2009.

LOUIS GALEA
Speaker

PAULINE ABELA
Clerk to the House of Representatives