

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,530, 29 ta' Jannar, 2016

Taqsim A

MALTA

ATT Nru X tal-2016

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jipprovdi għall-ħatra ta' Kummissarju għall-Anzjani bis-setgħa li jippromwovi u jissalvagwardja l-interessi tal-anzjani, u jinvestiga kwalunkwe allegat ksur jew ksur potenzjali tad-drittijiet tal-bniedem tal-anzjani.

ACT No. X of 2016

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the appointment of a Commissioner for Older Persons with power to promote and safeguard the interests of older persons, and investigate any alleged breaches or potential infringements of the human rights of the older persons.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

29 ta' Jannar, 2016

ATT Nru X tal-2016

ATT biex jipprovdi għall-ħatra ta' Kummissarju għall-Anzjani bis-setgħa li jippromwovi u jissalvagwardja l-interessi tal-anzjani, u jinvestiga kwalunkwe allegat ksur jew ksur potenzjali tad-drittijiet tal-bniedem tal-anzjani.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 dwar il-Kummissarju għall-Anzjani.

Titolu fil-qosor
u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Familja u Solidarjetà Soċjali jista' b'avviż fil-Gazzetta jistabbilixxi.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

Tifsir.

"anzjan" tfisser persuna li għandha iktar minn sittin sena;

"min jagħmel ilment" tfisser persuna li tirrapporta, bil-miktub jew bil-fomm, dwar ksur allegat ta' xi dritt tal-anzjan iżda ilment li jsir bil-fomm għandu dejjem wara jsir bil-miktub;

"Kummissarju" tfisser il-Kummissarju għall-Anzjani maħtur taħt l-artikolu 3 u jinkludi kwalunkwe uffiċjal li jinħatar biex jassisti lill-Kummissarju u li jkun awtorizzat minnu għal dak l-iskop;

"Kumitat" tfisser il-Kumitat dwar l-Affarijiet Soċjali tal-Kamra tad-Deputati jew xi kumitat iehor li jissostitwih;

A 476

"Ministru" tfisser il-Ministru responsabbli għall-Anzjani;

"Drittijiet tal-Bniedem tal-Anzjani" jirreferu għall-prinċipji internazzjonali għall-anzjani kif imħabbar fil-Prinċipji tal-Ġnus Magħquda għall-Anzjani (*United Nations Principles for Older Persons*) adottati mill-Assemblea Ġenerali tal-Ġnus Magħquda fis-16 ta' Diċembru 1991 (riżoluzzjoni 46/91).

Hatra ta'
Kummissarju.

3. (1) Għandu jkun hemm Kummissarju għall-Anzjani li jinħatar mill-Prim Ministru wara konsultazzjoni mal-Kap tal-Opożizzjoni.

(2) Persuna ma tkunx kwalifikata biex ikollha l-kariga ta' Kummissarju jekk dik il-persuna:

(a) tkun Ministru, Segretarju Parlamentari, jew Membru tal-Kamra tad-Deputati; jew

(b) tkun qed isservi bhala mhallef jew magistrat; jew

(c) tkun legalment inkapaċitata; jew

(d) tkun giet dikjarata falluta jew tkun għamlet kompożizzjoni jew arrangament mal-kredituri tagħha; jew

(e) tkun instabet hatja ta' reat li jolqot il-fiduċja pubblika jew ta' serq jew frodi, jew li tkun xjentement irċeviet proprjetà miksuba b'serq jew frodi, ta' reat li jolqot il-bon ordni tal-familji, jew ta' reat kontra dan l-Att, jew ta' reat kontra jew għad-detriment ta' anzjan.

(3) Meta l-persuna mahtura bhala Kummissarju tkun qabel dik il-hatra digà uffiċjal pubbliku, din il-persuna għandha tibqa' żzomm dik il-kariga imma ma tista' tokkupa ebda kariga li tkun mhux kompatibbli mal-qadi kif xieraq tad-dmirijiet uffiċjali tagħha bhala Kummissarju għall-Anzjani jew mal-imparzjalità u l-indipendenza mistennija minn din il-kariga jew mill-fiduċja pubblika fiha.

Indipendenza
tal-funzjonijiet.

4. Fl-eżerċizzju tal-funzjonijiet stabbiliti taht dan l-Att, il-Kummissarju għandu jaġixxi indipendentement u ma għandux ikun soġġett għad-direzzjoni jew il-kontroll ta' ebda persuna jew awtorità oħra.

Rappreżentanza
tal-
Kummissarju.

5. Dokument li jagħti x'jifhem li jkun strument magħmul jew maħruġ u ffirmat mill-Kummissarju għandu jintlaqa' bi prova u għandu, sakemm ma jigix ippruvat il-kuntrarju, jitqies bhala strument magħmul jew maħruġ mill-Kummissarju.

6. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2), il-Kummissarju għandu jibqa' fil-kariga għal żmien tliet snin u għandu jkun eliġibbli biex jerga' jinhatar mill-ġdid meta jiskadi dak iż-żmien tal-kariga. Żmien tal-kariga.

(2) Sakemm il-kariga ma ssirx vakanti qabel, persuna mahtura bhala Kummissarju għandha tibqa' fil-kariga sakemm jinhatar Kummissarju ġdid.

(3) Il-Kummissarju jista' f'kull żmien jirriżenja mill-kariga tiegħu permezz ta' ittra bil-mikub lill-Ministru.

7. Kummissarju jista' f'kull żmien jitneħħa jew ikun sospiż mill-kariga mill-Prim Ministru wara konsultazzjoni mal-Kumitat għal raġunijiet ta' nuqqas ta' kapaċità bil-provi biex jaqdi l-funzjonijiet tal-kariga ta' Kummissarju jew għal imġiba ħażina bil-provi: Tneħħija jew sospensjoni mill-kariga.

Izda jekk il-Kumitat mhuwiex kostitwit jew jekk il-Parlament ma jkunx qed jiltaqa', il-Kummissarju jista' jiġi sospiż mill-kariga, mill-Prim Ministru, skont id-diskrezzjoni tiegħu:

Izda wkoll jekk il-Kummissarju ma jkunx kapaċi jaqdi l-funzjonijiet tal-kariga ta' Kummissarju jew fil-każ ta' mġiba ħażina ppruvata għas-sodisfazzjon tal-Prim Ministru, din is-sospensjoni għandha tibqa' fis-seħħ għal perjodu massimu ta' xahrejn wara li l-Kumitat ikun kostitwit u l-Parlament ikun qed jiltaqa', wara liema terminu l-Kumitat għandu jikkonferma jew jirrevoka tali sospensjoni.

8. (1) Il-Prim Ministru jista', f'kull żmien waqt il-mard jew l-assenza tal-Kummissarju jew għal xi raġuni temporanja oħra, jahtar sostitut sakemm il-Kummissarju jerga' jidhol lura għal xogħlu. Hatra temporanja ta' Kummissarju għall-Anzjani.

(2) Persuna ma għandhiex tkun kwalifikata biex tinhatar taht dan l-artikolu jekk dik il-persuna tkun skwalifikata milli tinhatar għall-kariga ta' Kummissarju taht l-artikolu 3(2).

9. (1) Il-Kummissarju għandu jkollu l-funzjonijiet li ġejjin: Funzjonijiet tal-Kummissarju.

(a) li jippromwovi u jaqbez għad-drittijiet u l-interessi tal-anzjani u jissalvagwardja dawk id-drittijiet u l-interessi;

(b) li jippromwovi l-opportunitajiet għal, u jelimina d-diskriminazzjoni kontra, l-anzjani;

(ċ) li jinkoraġġixxi l-aħjar prattiċi fit-trattament tal-anzjani;

(d) li jzomm taht reviżjoni l-adegwatezza u l-effettività

ta' kwalunkwe leġislazzjoni li għandha x'taqsam u taffettwa l-interessi tal-anzjani;

(e) li jargumenta favur support adegwat u servizzi lill-persuni li jagħtu l-wens lill-anzjani;

(f) li jissorvelja u jeżamina l-impatt ta' kwalunkwe deċiżjoni meħuda minn xi korp, entità jew awtorità dwar id-drittijiet tal-bniedem u l-interessi tal-persuni anzjani;

(g) li jippromwovi l-protezzjoni tal-anzjani minn kwalunkwe abbuż, ħsara, trattament mhux xieraq, negliġenza u esplojtazzjoni fi kwalunkwe forma;

(h) li jippromwovi l-ogħla *standards* ta' saħħa, edukazzjoni, divertiment, faċilitajiet rikreattivi u servizzi soċjali għall-anzjani f'konformità mal-*standards* approvati relattivi li jkunu fis-seħħ minn żmien għal żmien;

(i) li jiżgura li l-miżuri kollha possibbli huma meħuda mill-awtoritajiet rilevanti sabiex jipprevjenu u jindirizzaw il-faqar u l-eskluzjoni soċjali u materji relatati fost l-anzjani;

(j) li jippromwovi konformità mal-Prinċipji tal-Ġnus Magħquda għall-Anzjani (*United Nations Principles for Older Persons*) adottata mill-Assemblea Ġenerali tal-Ġnus Magħquda fis-16 ta' Diċembru 1991, il-Pjan ta' Azzjoni Internazzjonali f'Madrid dwar l-Anzjanità (*Madrid International Plan of Action on Ageing*) adottat mill-Ġnus Magħquda matul it-Tieni Assemblea Dinjija dwar l-Anzjanità (8-12 ta' April 2002), flimkien ma' daww it-trattati internazzjonali, konvenzjonijiet jew ftehimiet relatati mal-anzjani kif jew li jiġu ratifikati jew li xort'oħra Malta taderixxi għalihom.

(2) Il-Kummissarju jista' johroġ linji gwida dwar l-aħjar prattici konnessi ma' kwalunkwe materja relatata fl-interessi tal-anzjani u waqt li jagħmel dan il-Kummissarju jista' jwettaq kull konsultazzjoni li tista' tkun meħtieġa jew neċessarja.

Prinċipji ta' direzzjoni.

10. Il-Kummissarju għandu jkollu bħala gwida l-prinċipji generali li ġejjin:

(a) li l-aqwa interessi tal-anzjani u tal-familja jiġu l-ewwel u qabel kollox;

(b) li l-anzjani kollha għandhom jiġu ttrattati b'dinjità, rispett u sens ta' ġustizzja;

(ċ) li anzjani b'diżabilità u, jew ċirkustanzi soċjali zvantagġati għandhom igawdu l-istess kwalità ta' ħajja bħall-anzjani l-oħra kollha;

(d) li l-anzjani u l-familji tagħhom għandu jkollhom kull opportunità li jipparteċipaw f'deċiżjonijiet li jolqtu u fid-definizzjoni, l-ippjanar u l-evalwazzjoni ta' servizzi lil anzjani; u

(e) li l-gvern, il-familji u l-komunitajiet jaqsmu kull responsabbiltà għall-promozzjoni tal-iżvilupp u l-ġid tal-anzjani.

11. Bil-għan li jippromwovi l-ġid tal-anzjani u jżomm kontroll kontinwu fuq il-kondizzjonijiet li tahtom l-anzjani jagħmlu progress, il-Kummissarju għandu:

Promozzjoni tal-aqwa interessi tal-anzjani.

(a) jipprovdi edukazzjoni u informazzjoni pubblika maħsuba biex jippromwovu kull għarfen tad-drittijiet tal-anzjani;

(b) jagħti bidu għal miżuri biex jiġu asseriti d-drittijiet tal-anzjani u jingiebu 'l quddiem l-interessi tagħhom;

(ċ) jiġbor informazzjoni u jinvestiga kwalunkwe allegat ksur jew ksur potenzjali tad-drittijiet tal-bniedem tal-anzjani;

(d) jistabilixxi *standards* li għandhom jiġu applikati minn ministeri, dipartimenti jew aġenziji tal-Gvern sabiex jiġi żgurat li l-proċessi ta' revizzjoni interni tagħhom ikunu jwieġbu għall-ilmenti dwar deċiżjonijiet li jkollhom x'jaqsmu mal-ghoti ta' servizzi maħsubin għall-anzjani;

(e) jikkontrolla dwar jekk il-ministeri, id-dipartimenti jew l-aġenziji tal-Gvern imsemmija fil-paragrafu (d) ikunux qegħdin jilhqqu l-*standards* stipulati taht dak il-paragrafu;

(f) jiġbor informazzjoni, u jmexxi jew jinkoraġġixxi ricerka dwar materji rilevanti għas-servizzi għall-anzjani;

(g) jiżgura li dawk is-servizzi fir-rigward tal-anzjani jkunu -

(i) aċċessibbli,

(ii) bbażati fil-komunità,

(iii) koordinati u integrati,

A 480

(iv) inklussivi ta' sess, dizabilità, kultura, ilsien, u orjentazzjoni sesswali, u

(v) iwieġbu għal htigiet individwali;

(h) jipprovdi edukazzjoni u informazzjoni pubblika maħsubin biex jipromwovu għarfien tal-ħidma tal-Kummissarju, u jistieden kummenti mill-pubbliku dwar dik il-ħidma;

(i) jikkontrolla u jistma kull *policy* u prattika ta' servizzi ta' benesseri soċjali li jolqtu lill-anzjani;

(j) jiżgura li l-legiżlazzjoni li għandha x'taqsam mal-harsien tal-interessi tal-anzjani tiġi osservata;

(k) jaġixxi ta' portavuċi għad-drittijiet, htigiet u interessi tal-anzjani u joħroġ bi proposti għal miżuri li jistgħu jsolvu jew jipprevjenu konflitti bejn l-anzjani u s-soċjetà; u

(l) jagħti pariri lill-Gvern u jipproponi lill-Gvern dawk il-miżuri li jistgħu jkunu meħtieġa sabiex ikun jista' jiġi provdut dwar id-drittijiet u l-interessi tal-anzjani.

Kunsill għall-
Anzjani.

12. (1) Għandu jkun hemm Kunsill għall-Anzjani mahtur mill-Ministru sabiex jgħin lill-Kummissarju. Dan il-Kunsill għandu jkun magħmul mill-Kummissarju li għandu jkun iċ-*chairperson* u sitt membri oħra mahtura kif ġej:

(a) persuna waħda mahtura mill-Ministru;

(b) persuna waħda mahtura mill-Ministru responsabbli għas-saħħa;

(ċ) persuna waħda mahtura mill-Ministru responsabbli għall-edukazzjoni;

(d) persuna waħda mahtura mill-Kummissjoni Nazzjonali għall-Anzjanità Attiva; u

(e) żewġ persuni mahtura mill-Kunsill Nazzjonali għall-Anzjani.

(2) Il-Kunsill ikollu d-dritt li jeleġgi b'għazla sa ħames persuni oħra li, fl-opinjoni tal-Kunsill, jirrappreżentaw l-aħjar lill-anzjani u d-drittijiet tal-anzjani. Sakemm ikun possibbli, dawn il-persuni għandhom ikunu anzjani u persuni involuti fil-promozzjoni tad-drittijiet tal-anzjani.

(3) Il-*quorum* tal-Kunsill għandu jkun stabbilit bil-preżenza taċ-*chairperson* u żewġ membri oħra.

(4) Il-Kunsill għandu jiltaqa' mill-inqas darba kull tliet xhur u għandu jitlaqqa' miċ-*chairperson*. Ic-*chairperson* għandu wkoll jsejjaħ laqgħa tal-Kunsill meta mill-inqas żewġ membri tal-istess Kunsill jitolbuh jagħmel dan.

(5) Il-Kunsill għandu, bla ħsara għad-dispożizzjonijiet ta' qabel, jirregola l-proċeduri tiegħu nnifsu.

(6) Il-funzjonijiet tal-Kunsill ikunu:

(a) jissorvelja l-konformità mal-Prinċipji tal-Ġnus Magħquda dwar l-Anzjani (*United Nations Principles for Older Persons*) adottata mill-Assemblea Ġenerali tal-Ġnus Magħquda fis-16 ta' Diċembru 1991, il-Pjan ta' Azzjoni Internazzjonali f'Madrid dwar l-Anzjanità (*Madrid International Plan of Action on Ageing*) adottat mill-Ġnus Magħquda matul it-Tieni Assemblea Dinjija dwar l-Anzjanità (8-12 ta' April 2002), flimkien ma' dawk it-trattati internazzjonali, konvenzjonijiet jew ftehimiet li għandhom x'jaqsmu mal-anzjani kif jew li jiġu ratifikati jew li xort'oħra Malta taderixxi għalihom;

(b) jagħti parir u jassisti lill-Kummissarju fit-twettiq tal-funzjonijiet ta' Kummissarju kif elenkat fl-Att, u fil-promozzjoni tal-benesseri tal-anzjani kif speċifikat fl-artikolu 11.

13. Il-Kummissarju, il-membri tal-Kunsill u kull membru tal-persunal fl-uffiċċju tal-Kummissarju għandhom ikunu marbuta bil-kunfidenzjalità fir-rigward tal-materji personali kollha li jaslu għall-għarfien tagħhom fl-eżerċizzju tas-setgħat tagħhom u fit-twettiq tad-dmirijiet u l-funzjonijiet skont dan l-Att; u m'għandhomx jiżvelaw ebda materja li tasal għall-għarfien tagħhom kif hawn fuq imsemmi, bl-eċċezzjoni ta' investigazzjonijiet uffiċjali, jew prosekuzzjoni ta' reat skont dan l-Att jew xi reat ieħor kontra anzjan meta l-investigazzjoni jew prosekuzzjoni titwettaq mill-awtorità uffiċjali kompetenti.

Kunfidenzjalità.

14. (1) Mingħajr ħsara għad-dispożizzjonijiet tas-subartikolu (2), il-Kummissarju jista' jagħmel investigazzjoni għal kwalunkwe raġuni konnessa mat-twettiq tad-dmirijiet tal-Kummissarju jew fuq ilment bil-miktub lill-Kummissarju minn kwalunkwe persuna jew fuq inizjattiva tal-Kummissarju nnifsu.

Investigazzjonijiet.

(2) Il-Kummissarju ma għandu jagħmel ebda investigazzjoni dwar konflitti speċifiċi individwali bejn anzjani u t-tutori tagħhom

jew il-persuni li jagħtuhom il-wens u kull haġa oħra li taqa' taħt il-kompetenza ta' xi qorti jew tribunal stabbilit bil-ligi u f'kull każ bhal dak il-Kummissarju għandu jipprezenta lil min jagħmel l-ilment, irraguni għaliex ikun qiegħed jirrifjuta.

(3) Kull investigazzjoni mill-Kummissarju skont dan l-Att għandha ssir fil-magħluq.

(4) Il-Kummissarju jista' jisma' jew jikseb informazzjoni mingħand dawk il-persuni li huwa jqis xieraq, u jagħmel dawk l-inkjesti li jqis xierqa.

(5) Il-Kummissarju m'għandux jasal għal konklużjoni jew jagħmel xi rakkomandazzjoni li tista' taffettwa b'mod negattiv il-persuna li qed tiġi investigata mingħajr ma jagħti lil din il-persuna id-dritt tas-smiġh.

(6) Jekk, matul jew wara xi investigazzjoni, il-Kummissarju jkun tal-opinjoni illi hemm evidenza sostanzjali ta' xi ksur sinifikanti min-naħa ta' xi persuna li qed tiġi investigata, huwa għandu jirreferi l-kwistjoni lill-awtoritajiet xierqa inkluża l-Pulizija:

Izda l-Kummissarju jista' jkompli bl-investigazzjonijiet tiegħu wara li jkun irrefera l-kwistjoni kif hawn fuq imsemmi.

(7) Kwalunkwe persuna li għaliha japplika dan l-Att għandha d-dmir li tikkopera, fi kwalunkwe stadju, f'investigazzjoni skont dan l-Att.

(8) Mingħajr hsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regola magħmula tahtu, il-Kummissarju jista' jirregola l-proċeduri tiegħu b'dak il-mod illi huwa jaħseb xierqa.

(9) Iċ-ċaħda tal-Kummissarju milli jwettaq investigazzjoni għandha tkun waħda finali.

(10) Mal-approvazzjoni ta' talba sabiex issir investigazzjoni fuq ilment, il-Kummissarju għandu jinnotifika lil min jagħmel l-ilment bid-deċizjoni li ser jinvestiga u għandu jinnotifika kull dipartiment, aġenzija jew entità involuta bl-intenzjoni li ser jinvestiga.

(11) Il-Kummissarju jista' jagħti parir lil min jagħmel l-ilment dwar ir-rimedji amministrattivi u ġudizzjarji applikabbli u rilevanti jew dwar il-modi differenti ta' ilmenti disponibbli lil min jagħmel l-ilment qabel jew minflok ma jsir ilment mal-Kummissarju.

(12) Il-Kummissarju għandu jhejji u jippubblika rapport tar-

rizultanzi f'xi investigazzjoni formali u għandu jinkludi fih dawk ir-rakkomandazzjonijiet li jkunu jidhrulu li huma meħtieġa jew spedjenti.

(13) Il-Kummissarju jista' jiddelega kull waħda mill-funzjonijiet tiegħu lil uffiċjal għoli sa limitu ta' awtorità mogħtija mill-Kummissarju.

15. (1) Għall-finijiet ta' investigazzjoni l-Kummissarju jista' jeħtieġ xi persuna li tkun fil-pussess ta' dokumenti jew informazzjoni rilevanti għall-investigazzjoni li l-Kummissarju jista' jqijs meħtieġ jew spedjenti li jkollu, sabiex: Evidenza.

(a) tipproduċi dawk id-dokumenti; u, jew

(b) tagħti l-informazzjoni bil-miktub; u, jew

(ċ) tattendi f'hin u post speċifikat u tagħti informazzjoni orali bil-ġurament.

(2) It-taħrika għall-attenzenza ta' xhieda tista' ssir fil-forma stabbilita fl-Iskeda jew f'xi forma oħra kif ikun xieraq skont il-każ, u għandha tkun iffirmata mill-Kummissarju.

(3) Minkejja d-dispożizzjonijiet tas-subartikoli (1) u (2), l-ebda persuna m'għandha tkun imġiegħla li tagħti informazzjoni jew tipproduċi dokumenti li dik il-persuna ma tistax tkun imġiegħla tagħti jew tipproduċi fi proċeduri ċivili jew kriminali quddiem qorti.

(4) Il-Kummissarju għandu jkollu s-setgħa li -

(a) iħarrek xhieda;

(b) jagħti l-ġurament lil kull xhieda jew kull persuna interessata.

(5) Taħrika tista' tiġi notifikata jew personalment jew bil-posta. Meta tiġi notifikata personalment tkun biżżejjed bħala prova tan-notifika l-evidenza li t-taħrika thalliet ma' persuna 'l fuq minn sittax-il sena fil-post ta' residenza jew hidma tal-persuna mharrka; u jekk notifikata bil-posta tkun biżżejjed bħala prova tan-notifika l-evidenza li t-taħrika giet debitament indirizzata u impustata.

(6) Dawn li ġejjin għandhom *mutatis mutandis* japplikaw għall-persuna li tkun ser tinstema' mill-Kummissarju:

(a) id-dispożizzjonijiet tal-artikolu 522 tal-Kodiċi Kriminali, meta l-persuna li ser tinstema' tirrifjuta milli tagħti Kap. 9.

x-xhieda tagħha meta meħtieġa tagħmel dan mill-Kummissarju; għal dawn il-finijiet, il-proċeduri quddiem il-Kummissarju għandhom jitqiesu bhala proċeduri quddiem qorti;

Kap. 9. (b) id-dispożizzjonijiet tal-artikoli 104, 105, 107, 108 u 109 tal-Kodiċi Kriminali, skont il-każ, meta l-persuna li ser tinstema' ma tixhidx il-verita; għal dawn il-finijiet il-proċeduri quddiem il-Kummissarju għandhom jitqiesu bhala proċeduri quddiem qorti u l-persuna li qed tagħti x-xhieda għandha titiqies bhala persuna li qed tagħti xhieda waqt dawk il-proċeduri:

Kap. 9. Izda xejn f'dan is-subartikolu m'għandu jiġi interpretat bhala li jagħti lill-Kummissarju s-setgħa li jsib hati jew li jikkundanna xi persuna għal xi reat kriminali. F'kull proċediment quddiem qorti ta' ġurisdizzjoni kriminali meta akkuża tkun saret kontra xi persuna għal xi ksur tad-dispożizzjonijiet tal-artikoli 104, 105, 107, 108, 109 jew 522 tal-Kodiċi Kriminali fir-rigward ta' xhieda mogħtija jew ta' rifjut li tingħata xhieda quddiem il-Kummissarju dak ir-reat għandu, għall-ghanijiet u finijiet kollha tal-liġi, jitqies li jkun sar quddiem qorti ta' ġurisdizzjoni kriminali u għandu jitqies bl-istess mod daqslikieku sar f'dik il-qorti.

(7) Għall-finijiet li tiġi determinata l-piena applikabbli kif jista' jkun meħtieġ fi proċeduri għal rifjut milli tingħata xhieda jew għal spergur jew ġurament falz taħt dan is-subartikolu, l-allegazzjoni li tkun qed tiġi investigata jew aġġudikata mill-Kummissarju għandha titqies li tista' twassal għall-piena li għaliha dik l-allegazzjoni tista' twassal li kieku l-istess fatt seħħ quddiem xi qorti.

Rakkomandazzjonijiet. **16.** (1) Il-Kummissarju jista' jagħmel rakkomandazzjonijiet għal azzjoni biex tittiehed minn persuni oħra jew minn xi korp iehor skont kif meħtieġ jew spedjenti u jista' jippubblika dawk ir-rakkomandazzjonijiet, jekk il-Kummissarju jidhirlu li jkun hekk xieraq, bla ma jikxef l-identità tal-persuna li r-rapport ikun jirreferi għaliha.

(2) F'dawk il-każi meta l-Kummissarju jiddeċiedi li jagħmel rakkomandazzjonijiet, għandu jitfassal rapport mill-Kummissarju fejn ifisser ir-raġunijiet għar-rakkomandazzjonijiet u għandu jibgħat kopja ta' dak ir-rapport.

Konformità mal-Prinċipji tal-Ġnus Magħquda għall-Anzjani (*United Nations Principles for Older Persons*). **17.** (1) Jekk jidher lill-Kummissarju li persuna jew korp partikolari mhux konformi mad-dispożizzjonijiet tal-Prinċipji tal-Ġnus Magħquda għall-Anzjani (*United Nations Principles for Older Persons*) adottat mill-Assemblea Ġenerali tal-Ġnus Magħquda fis-16 ta' Dicembru 1991, il-Kummissarju jista' jagħmel rakkomandazzjonijiet fl-għamla ta' avviz ta' konformità li jkun jagħti l-fehma tal-

Kummissarju dwar il-mod kif ma jkunx hemm konformità mad-dispożizzjonijiet tal-Principji u dwar l-azzjoni li jkollha tittiehed għar-rigward ta' dik il-konformità.

(2) Kull persuna jew korp li jirċievi rakkomandazzjoni skont is-subartikolu (1), għandu jipprovdi lill-Kummissarju risposta fi żmien ħmistax-il jum mid-data tan-notifika tar-rakkomandazzjoni.

(3) Meta persuna jew korp li lilhom għet diretta rakkomandazzjoni jkunu biĥsiebhom jikkunsidraw ir-rakkomandazzjoni, huma għandhom jagħtu lill-Kummissarju informazzjoni rigward l-azzjoni li tkun ittiehdet jew li tkun ser tittiehed b'rispons għar-rakkomandazzjoni.

(4) Meta persuna jew korp li lilhom tkun saret rakkomandazzjoni ma jkunux biĥsiebhom josservaw ir-rakkomandazzjoni, huma għandhom jagħtu lill-Kummissarju r-raġunijiet li għalihom mhux ser josservaw ir-rakkomandazzjoni u l-Kummissarju jista', jekk iqis li huwa xieraq, jippubblika dawn ir-raġunijiet.

(5) In-nuqqas ta' risposta għandu jitqies bħala intenzjoni ta' nuqqas ta' konformità mar-rakkomandazzjoni.

(6) Kull persuna jew korp li lilhom tkun saret rakkomandazzjoni għandhom jagħtu lill-Kummissarju l-informazzjoni kollha neċessarja sabiex jivverfika jekk ir-rakkomandazzjoni għetx segwita jew le.

(7) Il-Kummissarju għandu jistabilixxi u jzomm Regjistru ta' Avviżi ta' Konformità u r-regjistru jista' jkun spezzjonat minn kull persuna wara li tikseb l-awtorizzazzjoni meħtieġa mingħand il-Kummissarju.

18. (1) Kull meta jkun jidher meħtieġ jew spedjenti, il-Kummissarju jista' jagħmel jew jordna li ssir Dikjarazzjoni ta' Impatt fuq l-Anzjani rigward xi deċiżjoni jew proposta fuq xi *policy* li tolgot l-anzjani.

Dikjarazzjoni ta' Impatt fuq l-Anzjani.

(2) Dikjarazzjoni ta' Impatt fuq l-Anzjani għandha tispjega l-impatt probabbli fuq l-anzjani tad-deċiżjoni jew tal-proposta fuq *policy*.

(3) Il-Kummissarju jista' jippubblika d-Dikjarazzjoni ta' Impatt fuq l-Anzjani.

19. (1) Il-Kummissarju għandu, mhux aktar tard minn sitt ġimgħat wara tmiem kull sena kalendarja, jagħmel u jibgħat lill-

Rapport annwali.

A 486

Ministru rapport annwali li għandu jinkludi:

- (a) rapport tal-attivitajiet tal-Kummissarju tul is-sena;
- (b) deskrizzjoni ġenerali tal-qagħda tal-anzjani f'Malta u *survey* tal-iżviluppi li jkunu laqtuhom;
- (c) rakkomandazzjonijiet dwar il-htieġa ta' leġislazzjoni jew bidla fir-regoli jew *policies*; u
- (d) kull reazzjoni li tkun saret lill-Kummissarju skont dan l-Att.

(2) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar minn tmien ġimgħat wara li jkun irċieva kopja ta' kull rapport bħal dak, jew jekk f'xi żmien tul dak il-perjodu l-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li jmiss, jordna li kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra tad-Deputati.

(3) Ir-rapport imsemmi fis-subartikolu (1) għandu jiġi diskuss mill-Kumitat.

Reati u pieni.

20. Kull persuna li xjentemnet timpedixxi jew tostakola lill-Kummissarju jew membru tal-persunal tiegħu fit-twettiq jew fl-eżerċizzju tas-setgħat jew funzjonijiet mogħtija skont l-Att; jew li tirrifjuta, jew mingħajr raġuni valida tonqos milli tattendi fil-ħin u l-post indikat fit-tahrifa; jew tirrifjuta, mingħajr raġuni valida milli twieġeb b'mod shiħ u sodisfaċenti, mill-aħjar għarfien u twemmin tagħha għall-mistoqsijiet imqiegħda lilha mill-Kummissarju, jew tirrifjuta jew tonqos, mingħajr raġuni valida, li tagħti informazzjoni meħtieġa mill-Kummissarju jew xjement tagħti informazzjoni falza jew qarrieqa skont dan l-Att, tkun hatja ta' reat u tehel meta tinstab hatja multa ta' mhux aktar minn elf u hames mitt euro (€1,500):

Izda meta l-att kommess mill-ħati jkun jikkostitwixxi reat aktar serju taħt xi liġi oħra, id-dispożizzjonijiet ta' dik il-liġi l-oħra għandhom ikunu japplikaw fir-rigward ta' dak l-att.

21. Id-dispożizzjonijiet tal-artikoli 3, 6, 7 u 9 għandhom ikunu b'żjieda mad-dispożizzjonijiet tal-Kostituzzjoni ta' Malta u ma għandhomx jidderogaw minnhom għar-rigward tal-ħatra, id-dixxiplina u t-tneħħija ta' uffiċjali pubbliċi.

Dispożizzjonijiet ta' dan l-Att ma jidderogawx mid-dispożizzjonijiet tal-Kostituzzjoni ta' Malta.

SKEDA
(Artikolu 15)

Taħrika ta' Xhieda
(Att dwar il-Kummissarju għall-Anzjani)

Lil A.B. (*isem il-persuna mħarrka u residenza*)

B'dan int imħarrek biex tidher quddiem fi
..... (*post*) fil-..... (*data u ħin*) u
tagħti xhieda dwar
..... (*il-materja tal-investigazzjoni*).

Mogħti illum il-..... jum ta' 20

(*Firma tal-Kummissarju*)

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 348 tal-25 ta'
Jannar, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 488

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

29th January, 2016

ACT No. X of 2016

AN ACT to provide for the appointment of a Commissioner for Older Persons with power to promote and safeguard the interests of older persons, and investigate any alleged breaches or potential infringements of the human rights of the older persons.

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

Short title and commencement.

1. (1) The short title of this Act is the Commissioner for Older Persons Act, 2016.

(2) This Act shall come into force on such date as the Minister responsible for the Family and Social Solidarity may by notice in the Gazette appoint.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Commissioner" means the Commissioner for Older Persons appointed under article 3 and includes any officer assigned to assist the Commissioner and authorised by him in that behalf;

"Committee" means the Social Affairs Committee of the House of Representatives or any other committee substituting the same;

"complainant" means any person who reports, in writing or verbally, an alleged breach or potential infringement of the human rights of any older person, provided that a verbal complaint should always be subsequently put in writing;

"older person" means a person aged over sixty years;

"Minister" means the Minister responsible for Older Persons;

"Human Rights of Older Persons" refers to the international principles for older persons enunciated in the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991 (resolution 46/91).

3. (1) There shall be a Commissioner for Older Persons who shall be appointed by the Prime Minister after consultation with the Leader of the Opposition. Appointment of Commissioner.

(2) A person shall not be qualified to hold office as Commissioner if such person:

(a) is a Minister, Parliamentary Secretary, or a Member of the House of Representatives; or

(b) is serving as a judge or magistrate; or

(c) is legally incapacitated; or

(d) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(e) has been convicted of a crime affecting public trust or theft or fraud, or of knowingly receiving property obtained by theft or fraud, a crime affecting the good order of families, of an offence against this Act or an offence committed against or to the detriment of an older person.

(3) Where the person appointed Commissioner is, prior to such appointment, already a public officer, such person shall continue to retain such office but shall not hold any position which is incompatible with the proper performance of his or her official duties as Commissioner for Older Persons or with the impartiality and independence expected from this office or with public confidence therein.

4. In the exercise of the functions established under this Act, the Commissioner shall act independently and shall not be subject to the direction or control of any other person or authority. Independence of functions.

5. Any document purporting to be an instrument made or issued and signed by the Commissioner shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commissioner. Representation of the Commissioner.

6. (1) Subject to the provisions of sub-article (2), the Commissioner shall hold office for a term of three years and shall be Tenure of office.

A 490

eligible for reappointment on the expiration of such term of office.

(2) Unless the office becomes vacant sooner, a person appointed as Commissioner shall hold office until a successor is appointed.

(3) The Commissioner may at any time resign from office by letter in writing addressed to the Minister.

Removal or suspension from office.

7. A Commissioner may at any time be removed or suspended from office by the Prime Minister after consultation with the Committee on the grounds of proved inability to perform the functions of the office of Commissioner or misbehaviour:

Provided that if the Committee is not constituted or if Parliament is not in session, the Commissioner may be suspended from office by the Prime Minister, acting in accordance with his own discretion:

Provided also that, if the Commissioner is unable to perform the functions of the office or in case of misbehaviour proved to the satisfaction of the Prime Minister, such suspension shall only remain effective for a maximum period of two months after the Committee is constituted and Parliament is in session, after which term the Committee is to confirm or revoke such suspension.

Temporary appointment of Commissioner.

8. (1) The Prime Minister may, at any time during the illness or absence of the Commissioner or for any other temporary cause, appoint a substitute until the resumption of office of the Commissioner.

(2) A person shall not be qualified to be appointed under this article if such person is disqualified to be appointed to the office of Commissioner under article 3(2).

Functions of the Commissioner.

9. (1) The Commissioner shall have the following functions:

(a) to promote and advocate human rights and interests of older persons, and the need to safeguard those rights and interests;

(b) to promote opportunities for, and the elimination of discrimination against, older persons;

(c) to encourage best practices in the treatment of older persons;

(d) to keep under review the adequacy and effectiveness of any legislation relating and affecting the interests of older persons;

(e) to advocate for adequate support and services to carers of the older persons;

(f) to monitor and examine the impact of any decision taken by any body, entity or authority on the human rights and interests of older persons;

(g) to promote the protection of older persons from any kind of abuse, harm, ill-treatment, neglect and exploitation of any form;

(h) to promote the highest standards of health, education, leisure, recreational facilities and social services for older persons in line with the relative approved standards in place from time to time;

(i) to ensure that all possible measures are taken by the relevant authorities to prevent and address poverty and social exclusion and related issues among older persons; and

(j) to promote compliance with the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991, the Madrid International Plan of Action on Ageing adopted by the United Nations during the Second World Assembly on Ageing (8-12 April 2002), and with such other international treaties, conventions or agreements relating to older persons as are or may be ratified or otherwise acceded to by Malta.

(2) The Commissioner may issue guidelines on best practices in connection with any matter relating to the interests of older persons and in doing so the Commissioner may carry out any consultation which may be required or necessary.

10. The Commissioner shall be guided by the following general principles:

Guiding principles.

(a) the best interests of older persons are paramount;

(b) all older persons are to be treated with dignity, respect and fairness;

(c) older persons with disability and, or disadvantaged social circumstances should enjoy the same quality of life as all

A 492

other older persons;

(d) older persons and their families are to be provided with opportunities to participate in decisions that affect them and in defining, planning and evaluating services to older persons; and

(e) government, families and communities share the responsibility for the promotion of the development and well-being of older persons.

Promoting the best interests of older persons.

11. In order to promote the welfare of older persons and to monitor the conditions under which older persons progress, the Commissioner shall:

(a) provide public education and information designed to promote an understanding of human rights of older persons;

(b) initiate measures for asserting human rights of older persons and promoting their interests;

(c) collect information and investigate any alleged breaches and potential infringements of the human rights of older persons;

(d) set standards to be applied by ministries, departments or agencies of the Government to help ensure that their internal review processes are responsive to complaints about decisions concerning the provision of designated services to older persons;

(e) monitor whether ministries, government departments and agencies referred to in paragraph (d) are meeting the standards set under that paragraph;

(f) collect data about, conduct or encourage research into, matters relevant to services for older persons;

(g) ensure that such services in relation to older persons are -

(i) accessible,

(ii) community-based,

(iii) co-ordinated and integrated,

(iv) inclusive of gender, disability, culture,

language, and sexual orientation, and

(v) responsive to individual needs;

(h) provide public education and information designed to promote an understanding of, and to invite public comment on, the work of the Commissioner;

(i) monitor and assess the policies and practices of social welfare services affecting older persons;

(j) ensure that legislation relating to the protection of older persons' interests is observed;

(k) act as a spokesperson for human rights, needs and interests of older persons and put forward proposals for measures which can solve or prevent conflicts between older persons and society; and

(l) advise and submit proposals to Government on such measures as may be required to foster, promote and safeguard human rights and interests of older persons.

12. (1) There shall be a Council for Older Persons appointed by the Minister to assist the Commissioner. This Council shall be composed of the Commissioner, who shall be the chairperson, and six other members appointed as follows:

Council for
Older Persons.

(a) one person appointed by the Minister;

(b) one person appointed by the Minister responsible for health;

(c) one person appointed by the Minister responsible for education;

(d) one person appointed by the National Commission for Active Ageing; and

(e) two persons appointed by the National Council for the Elderly.

(2) The Council shall have the right to co-opt up to five other persons who, in the opinion of the Council, best represent older persons and the human rights of older persons. These persons shall, as far as possible, be older persons and persons involved in the promotion of active ageing measures and initiatives.

A 494

(3) The quorum of the Council shall be established by the presence of the chairperson and any other two members present.

(4) The Council shall meet at least once every three months and shall be convened by the chairperson. The chairperson shall also convene a meeting of the Council when requested to do so by at least two members of the Council.

(5) The Council shall, subject to the foregoing provisions regulate its own procedures.

(6) The functions of the Council shall be:

(a) to monitor compliance with the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991, the Madrid International Plan of Action on Ageing adopted by the United Nations during the Second World Assembly on Ageing (8-12 April 2002), and with all such other international treaties, conventions or agreements relating to older persons as are or may be ratified or otherwise acceded to by Malta;

(b) to advise and assist the Commissioner in the performance of the functions of the Commissioner as listed in this Act, and in the promotion of the welfare of older persons as specified in article 11.

Confidentiality.

13. The Commissioner, the Council members and every member of the staff of the Commissioner's office shall be bound by confidentiality in respect of all personal matters that come to their knowledge in the exercise of their powers and the carrying out of their duties and functions under this Act; they shall not divulge any matter coming to their knowledge as aforesaid except for the purpose of an official investigation, or prosecutions for an offence against this Act or any other offence against an older person when carried out by the competent official authority.

Investigations.

14. (1) Saving the provisions of sub-article (2), the Commissioner may carry out an investigation for any purpose connected with the execution of the Commissioner's duties either on a written complaint made to the Commissioner by any person or on the Commissioner's own motion.

(2) The Commissioner shall not carry out investigations concerning specific, individual conflicts between older persons and their guardians or carers and any other matter that falls within the competence of any court or tribunal established by law and in any such case the Commissioner shall submit to the complainant the

reasons for the refusal.

(3) Every investigation by the Commissioner under this Act shall be conducted *in camera*.

(4) The Commissioner may hear or obtain information from such persons as he thinks fit, and may make such enquiries as he thinks fit.

(5) The Commissioner shall not make any finding or recommendation that may adversely affect the reputation of any person being investigated without granting such person a right to be heard.

(6) If, during or after any investigation, the Commissioner is of the opinion that there is substantial evidence of any significant breach on the part of any person being investigated, he shall refer the matter to the appropriate authority including the Police:

Provided that the Commissioner may continue further with his investigation after having referred the matter as aforesaid.

(7) Any person to whom this Act applies has a duty to cooperate, at all stages, with an investigation under this Act.

(8) Subject to the provisions of this Act and of any rules made thereunder, the Commissioner may regulate his procedure in such manner as he thinks fit.

(9) A rejection by the Commissioner to carry out an investigation shall be final.

(10) Upon acceding to a request to investigate a complaint, the Commissioner shall notify the complainant of the decision to investigate and shall notify any department, agency or entity involved of the intention to investigate.

(11) The Commissioner may advise a complainant to pursue all applicable and relevant administrative or judicial remedies or channels of complaint open to the complainant before or in lieu of pursuing a complaint with the Commissioner.

(12) The Commissioner shall prepare and publish a report of the findings in any formal investigation and shall include in it such recommendations as appear to be necessary or expedient.

(13) The Commissioner may delegate any of his functions to a senior official to the extent authorised by the Commissioner.

A 496

Evidence.

15. (1) For the purpose of an investigation the Commissioner may require any person who possesses documents or information relevant to the investigation, which the Commissioner thinks it necessary or expedient to have, to:

- (a) produce such documents; and, or
- (b) furnish the information in writing; and, or
- (c) attend at a specified time and place and give oral information on oath.

(2) Summons for attendance of witnesses may be in the form set out in the Schedule or in such other form as may be appropriate to the case, and shall be signed by the Commissioner.

(3) Notwithstanding the provisions of sub-articles (1) and (2), no person shall be compelled to give information or produce documents which such person could not be compelled to give or produce in civil or criminal proceedings before a court.

(4) The Commissioner shall have power to -

- (a) summon witnesses;
- (b) administer an oath to any witness and to any person concerned in the investigation.

(5) A summons may be served either by hand or by post. Where it is served by hand it shall be sufficient to prove service by evidence that the summons was left with a person over the age of sixteen years at the place of residence or of business of the person summoned; and if served by post it shall be sufficient to prove service by evidence that the summons was properly addressed and posted.

(6) The following shall *mutatis mutandis* apply to the person to be heard by the Commissioner:

Cap. 9.

(a) the provisions of article 522 of the Criminal Code, where the person to be heard refuses to testify when required to do so by the Commissioner; for this purpose, the proceedings before the Commissioner shall be deemed to be proceedings taking place before a court;

Cap. 9.

(b) the provisions of articles 104, 105, 107, 108 and 109 of the Criminal Code, as the case may be, where the person to be heard does not testify to the truth; for this purpose the proceedings before the Commissioner shall be deemed to be

proceedings taking place before a court and the person to be heard shall be deemed to be a person testifying in those proceedings:

Provided that nothing in this sub-article shall be interpreted as conferring upon the Commissioner the power to convict or sentence any person for any criminal offence. In any proceedings before a Court of criminal jurisdiction upon a charge raised against any person for a breach of the provisions of articles 104, 105, 107, 108, 109 or 522 of the Criminal Code in relation to evidence given or to refusal to give evidence before the Commissioner such offence shall, for all intents and purposes of law, be deemed to have been committed before a court of criminal jurisdiction and shall be treated in the same manner as though it had been committed in such a court.

Cap. 9.

(7) For the purpose of determining the applicable punishment as may be necessary in proceedings for refusal to testify or for perjury or false oath under this sub-article, the allegation being inquired into or adjudicated by the Commissioner shall be deemed to be liable to the punishment to which it would have been liable had the same fact taken place before any court.

16. (1) The Commissioner may make recommendations for action to be taken by other persons or any body as may be necessary or expedient and may publish such recommendations, if the Commissioner deems fit, without revealing the identity of the person to whom the report refers.

Recommendations.

(2) In those cases where the Commissioner decides to make recommendations, a report shall be drawn up by the Commissioner explaining the reasons for the recommendations and the Commissioner shall send a copy of such report.

17. (1) If it appears to the Commissioner that a particular person or body is not complying with the provisions of the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991, then the Commissioner may make recommendations in the form of a compliance notice, which shall state the Commissioner's opinion as to the way in which the provisions of the Principles are not being complied with and what action should be taken to comply.

Compliance with the United Nations Principles for Older Persons.

(2) Any person or body receiving a recommendation in accordance with sub-article (1) shall provide the Commissioner with a reply within fifteen days from the date of notification of such recommendation.

A 498

(3) Where any person or body to whom a recommendation is directed intends to consider the recommendation, they shall furnish the Commissioner with information regarding the action which has been taken or it is intended to take in response to the recommendation.

(4) Where any person or body to whom a recommendation is directed intends not to comply with it, they shall furnish the Commissioner with reasons for not doing so and the Commissioner may, if deemed fit, publish these reasons.

(5) Failure to reply shall be deemed to be an intention not to comply with the recommendation.

(6) Any person or body to whom a recommendation has been directed shall provide the Commissioner with all the necessary information to verify whether the recommendation has been complied with or not.

(7) The Commissioner shall establish and maintain a Register of Compliance Notices and the register may be inspected by any person after obtaining the necessary authorisation from the Commissioner.

Older Person
Impact
Statement.

18. (1) Whenever it appears necessary or expedient, the Commissioner may carry out or cause to be carried out an Older Person Impact Statement relating to any decision or proposal on policy which affects older persons.

(2) Any Older Person Impact Statement shall set out the probable impact on older persons of the decision or proposal on policy.

(3) The Commissioner may publish the Older Person Impact Statement.

Annual report.

19. (1) The Commissioner shall, not later than six weeks after the end of each calendar year, compile and transmit to the Minister an annual report which shall include:

(a) a report of the Commissioner's activities during the year;

(b) a general description of the circumstances of older persons in Malta and a survey of the developments which have affected them;

(c) any recommendations regarding the need for

legislation or change in rules or policies; and

(d) any responses made to the Commissioner in accordance with this Act.

(2) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House of Representatives.

(3) The report mentioned in sub-article (1) shall be discussed by the Committee.

20. Any person who knowingly impedes or obstructs the Commissioner or a member of his staff in performing or exercising powers or functions given under this Act; or who refuses, or without sufficient cause, fails to attend at the time and place mentioned in the summons; or who refuses, without sufficient cause, to answer fully and satisfactorily, to the best of his knowledge and belief all questions put to him by the Commissioner, or refuses or fails, without sufficient cause, to give any information required by the Commissioner or knowingly provides false or misleading information as required under this Act, shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) not exceeding one thousand five hundred euro (€1,500);

Offences and penalties.

Provided that when the act committed by an offender constitutes a more serious offence under any other law, the provisions of that other law shall apply in respect of that act.

21. The provisions of articles 3, 6, 7 and 9 shall be in addition to, and shall not derogate from, the provisions of the Constitution of Malta with regard to the appointment, discipline and removal of public officers.

Provisions of this Act not to derogate from provisions of the Constitution of Malta.

A 500

SCHEDULE
(Article 15)

Summons to Witnesses
(Commissioner for Older Persons Act)

To A.B. (*name of person summoned and residence*)

You are hereby summoned to appear before at
..... (*place*) on (*date and time*)
and to give evidence in respect of
..... (*the matter of the investigation*).

Given under my hand this day of 20

(*Signature of the Commissioner*)

Passed by the House of Representatives at Sitting No. 348 of the
25th January, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

