

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,943, 2 ta' Frar, 2018

Taqsim A

MALTA

ATT Nru II tal-2018

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

ACT No. II of 2018

AN ACT enacted by the Parliament of Malta.

ATT sabiex jemenda l-Att dwar l-Amministrazzjoni Pubblika, (Kap. 497).

AN ACT to amend the Public Administration Act, (Cap. 497).

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

2 ta' Frar, 2018

ATT Nru II tal-2018

*Att sabiex jemenda l-Att dwar l-Amministrazzjoni Pubblika,
(Kap. 497).*

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 li jemenda l-Att dwar l-Amministrazzjoni Pubblika u għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Amministrazzjoni Pubblika, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-amministrazzjoni pubblika għandu b'ordni jistabbilixxi fil-Gazzetta u jistgħu jiġu stabbiliti dati differenti u dispożizzjonijiet transitorji differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

Żjieda ta' artikoli ġodda mal-Att prinċipali.

2. Minnufih wara l-artikolu 48 tal-Att prinċipali, għandhom jiżiedu l-artikoli ġodda li ġejjin:

"Kumitat Permanenti dwar il-Ħatriet Pubbliċi.

48A. (1) Għandu jkun hemm Kumitat Permanenti dwar il-Ħatriet Pubbliċi li għandu jkun magħmul minn seba' membri maħtura mill-Kamra tad-Deputati, li minnhom erbgħa jkunu membri maħtura mill-Gvern, u li minn fosthom wieħed jinħatar bħala *Chairperson*, u t-tlieta l-oħra jkunu maħtura mill-Oppożizzjoni.

(2) Erba' membri tal-Kumitat jikkostitwixxu *quorum*.

(3) Il-Kumitat Permanenti dwar il-Ħatriet Pubbliċi jkollu s-setgħa li jwettaq smiġh ta' qabel ħatriet tal-persuni nominati għal ċerti ħatriet pubbliċi kif jista' minn żmien għal żmien ikun provdut b'liġi.

(4) Id-dispożizzjonijiet tal-paragrafi (3) u (4) tal-Ordni Permanenti 120B tal-Ordnijiet Permanenti tal-Kamra tad-Deputati għandhom japplikaw, *mutatis mutandis*, għall-Kumitat Permanenti dwar il-Ħatriet Pubbliċi.

Smigh parlamentari qabel ħatriet ta' Ambaxxaturi u ħatriet ta' ċerti postijiet f'Aġenziji Governattivi u entitajiet oħra.

48B. (1) Minkejja d-dispożizzjonijiet ta' xi liġi oħra, meta Ministru (iktar 'il quddiem f'dan l-artikolu msejjaħ il-"Ministru") għandu l-intenzjoni li jinnomina persuna bħala Ambaxxatur jew Kummissarju Għoli jew rappreżentant prinċipali ieħor ta' Malta f'pajjiż ieħor, li ma jkunx persuna magħzula minn fost l-uffiċjali pubbliċi fis-servizz tal-Ministeru għall-Affarijiet Barranin jew persuna li tkun digà tokkupa l-kariga ta' Ambaxxatur, Kummissarju Għoli jew ta' rappreżentant prinċipali ieħor ta' Malta f'pajjiż ieħor, kif jista' jiġi speċifikat b'ordni tal-Prim Ministru fl-Ewwel Taqsima tal-Ħames Skeda ta' dan l-Att, jew sabiex ikun f'kariga f'Aġenzija Governattiva, Entità, Bord jew Kummissjoni jew sabiex imexxi xi istituzzjoni oħra stabbilita mil-liġi kif jista' jiġi stabbilit b'ordni mill-Prim Ministru fit-Tieni Taqsima tal-Ħames Skeda ta' dan l-Att, f'dawk il-każijiet sakemm in-nomina ma tkunx tikkonċerna tiġdid fil-kariga, il-Ministru għandu, għall-inqas għoxrin jum qabel ma jkun jixtieq li l-ħatra ssir effettiva, javża bil-ħatra proposta liċ-*Chairperson* tal-Kumitat Permanenti dwar il-Ħatriet Pubbliċi (hawn

iżjed 'il quddiem f'dan l-artikolu msejjaħ "il-Kumitat"):

Iżda:

(i) l-eżenzjoni li hemm provdut għaliha f'dan is-subartikolu dwar nomina li tkun tikkonċerna tiġdid fil-kariga m'għandhiex tapplika dwar persuni li ma jkunux fil-kariga fid-data tad-dhul fis-seħħ ta' dan is-subartikolu; u

(ii) ordni li temenda t-Tieni Taqsima tal-Hames Skeda b'mod li tkun tnaqqas mill-karigi msemmija f'dik it-Tieni Parti tal-Hames Skeda, hliet fil-każ meta dik l-emenda ssir biss biex tirrifletti tibdil fl-isem ta' xi kariga jew ta' xi entità, tkun tinħtieġ l-approvazzjoni b'riżoluzzjoni tal-Kamra tad-Deputati qabel ma tidhul fis-seħħ.

(2) Hekk kif jirċievi l-avviż imsemmi fis-subartikolu (1), iċ-*Chairperson* tal-Kumitat għandu, permezz tal-Iskrivan tal-Kamra, jiċċirkola l-imsemmi avviż lill-Membri kollha tal-Kumitat u għandu jagħtihom hamest ijiem sabiex jissottomettu kwalunkwe mistoqsijiet bil-miktub lill-persuna nominata. L-imsemmija mistoqsijiet għandhom ikunu relatati mal-kompetenza professjonali, l-adattabilità u l-isfond tal-persuna nominata u għandhom jiġu notifikati lill-Iskrivan tal-Kamra li għandu jinnotifikahom lill-Ministru li jkun ta l-avviż dwar il-ħatra proposta, liċ-*Chairperson* u lill-Membri tal-Kumitat u lill-persuna nominata li jkollha għaxart ijiem sabiex twieġeb għall-imsemmija mistoqsijiet bil-miktub lill-Iskrivan tal-Kamra li għandu jerga' jiċċirkola t-tweġibiet kif fuq spjegat. Il-mistoqsijiet u t-tweġibiet għandhom, kemm il darba l-Kumitat ma jipprovdux xort'oħra, isiru pubbliċi.

(3) Sa mhux iktar tard mill-gurnata ta' hidma immedjatament sussegwenti għall-iskadenza tal-perjodu ta' għaxart ijiem stabbilit fis-subartikolu (2) jew tal-estensjoni tal-imsemmi perjodu, fil-każ fejn dak il-perjodu jkun ġie estiż mill-Kumitat skont is-subartikolu (6), l-Iskrivan tal-Kamra għandu jagħti t-tweġibiet sottomessi mill-persuna nominata lill-Ministru li jkun ta l-avviż tal-ħatra proposta, liċ-*Chairperson* u lill-Membri kollha tal-Kumitat.

(4) Il-Kumitat għandu f'kull każ isejjaħ lill-persuna nominata għal smiġh waqt laqgħa tal-Kumitat, sabiex ikunu jistgħu jsirulha mistoqsijiet supplimentari relatati mat-tweġibiet bil-miktub li hija tkun ipprovdiet. L-imsemmi smiġh għandu jsir f'data li ma tkunx iktar tard minn hamest ijiem min-notifika lill-Kumitat tat-tweġibiet għall-mistoqsijiet, sakemm il-Kumitat ma jiftihemx dwar data oħra għas-smiġh. L-imsemmi smiġh għandu jinżamm fil-pubbliku, iżda l-Kumitat jista', jekk ikun sodisfatt li dan huwa xieraq, jiddeċiedi li s-smiġh jinżamm *in camera*.

(5) Hekk kif jiġi konkluz is-smiġh ta' qabel il-ħatra, skont dan l-artikolu, il-Kumitat għandu, sakemm ma jiddeċidix li għandu bżonn jiddiskuti jew jikkjarifika xi kwistjoni mal-Ministru, jagħti l-parir tiegħu lill-Ministru liema parir għandu jinkludi l-kontenut tal-formola li hemm fit-Tielet Taqsima tal-Hames Skeda ta' dan l-Att, u miegħu għandha tiġi annessa kopja tal-minuti tal-Kumitat relattivi għas-smiġh:

Izda li:

(i) kwalunkwe diskussjoni bejn il-Kumitat u l-Ministru li tinżamm skont dan is-subartikolu, għandha ssir waqt laqgħa tal-Kumitat, jew fil-pubbliku jew *in camera* skont kif jiddeċiedi l-Kumitat;

(ii) kwalunkwe kwistjoni li skont dan l-artikolu għandha tiġi diskussa mill-Kumitat, ma għandhiex, minkejja xi liġi oħra, tiġi trasferita għad-diskussjoni lil xi Kumitat ieħor tal-Kamra tad-Deputati jew lill-Kamra kollha, sakemm dan ma jiġix deċiż mill-Kumitat b'vot ta' maġġoranza tal-membri kollha tiegħu; u

(iii) id-deċiżjoni finali dwar jekk ħatra li hija suġġetta għall-proċedura stabbilita f'dan l-artikolu għandhiex issir tkun fi kwalunkwe każ tispetta lill-Ministru.

(6) Il-Kumitat jista', filwaqt li jagħti raġunijiet, jew fuq inizjattiva tiegħu jew fuq talba tal-Ministru li jkun ta l-avviż ta' proposta dwar il-ħatra, itawwal jew iqassar kull terminu stipulat f'dan l-artikolu.

(7) It-termini stabbiliti f'dan l-artikolu għandhom ikunu sospiżi f'kull żmien li matulu l-Kamra tad-Deputati ma tkunx qed tiltaqa' jew li matulu tkun aġġornata għal aktar minn sebat ijiem:

Iżda xejn f'dan is-subartikolu ma għandu jitqies bħala li jipprekludi lill-Kumitat, li jaġixxi bil-kunsens unanimu tal-Membri kollha tiegħu milli jwettaq il-funzjonijiet tiegħu wkoll f'kull żmien meta l-Kamra tkun aġġornata għal perjodu ta' aktar minn sebat ijiem kif fuq imsemmi.

(8) Il-proċedura stipulata f'dan l-artikolu m'għandhiex tapplika għal ħatriet fil-kwalità ta' Aġent għal perjodu ta' massimu ta' sitt xhur."

3. Minnufih wara r-Raba' Skeda tal-Att prinċipali, għandha tiżdied l-iskeda ġdida li ġejja:

Żjieda ta' skeda ġdida mal-Att prinċipali.

"IL-HAMES SKEDA
(Artikolu 48B)

L-EWWEL TAQSIMA

Ambaxxaturi, Kummissarji Għolja jew rappreżentanti prinċipali ta' Malta għal pajjiżi fejn huma mahtura bħala Ambaxxaturi residenti, Kummissarji Għolja jew rappreżentanti prinċipali.

IT-TIENI TAQSIMA

Il-Gvernatur tal-Bank Ċentrali ta' Malta

Iċ-*Chairman* tal-Awtorità għas-Servizzi Finanzjarji ta' Malta

Ir-Regolatur għas-Servizzi tal-Energija u l-Ilma

Iċ-*Chairperson* tal-Awtorità għat-Trasport f'Malta

Iċ-*Chairman* tal-Awtorità ta' Malta dwar il-Komunikazzjoni

Iċ-*Chairman* tal-Awtorità Maltija dwar il-Logħob

Iċ-*Chairperson* tal-Bord tal-Ippjanar tal-Awtorità tal-Ippjanar

Iċ-*Chairperson* tal-Awtorità għall-Ambjent u r-Riżorsi

Il-Kummissarju għall-Organizzazzjonijiet Volontarji

Iċ-*Chairperson* tal-Awtorità tal-Artijiet

Iè-*Chairman* tal-Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur

L-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità dwar il-Mediċini

Iè-*Chairperson* tal-Awtorità tat-Turiżmu ta' Malta

Iè-*Chairman* tal-Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Ogħla

Iè-*Chairman* tal-Korp għall-Analisi ta' Informazzjoni Finanzjarja

Il-lista ta' karigi hawn fuq stabbilita għandha titqies li tinkludi kwalunkwe kariga oħra li fiha jistgħu minn żmien għal żmien jigu vestiti l-funzjonijiet legali tal-karigi fuq imsemmija sew jekk fl-istess entità kif ukoll jekk f'entità oħra, apparti Dipartiment tal-Gvern, li tista' minn żmien għal żmien titwaqqaf sabiex twettaq l-imsemmija funzjonijiet legali."

IT-TIELET TAQSIMA

Formola għal parir li għandu jingħata
mill-Kumitat Permanenti dwar il-Ħatriet Pubbliċi

"Ministru,

Il-Kumitat Permanenti dwar il-Ħatriet Pubbliċi organizza smiġh ta' qabel il-ħatra fir-rigward tal-ħatra proposta ta' bħala ta', u wara li qies ir-riżultati tas-smiġh ta' qabel il-ħatra, iddeċieda li jagħti parir favur/kontra l-ħatra proposta.

Chairperson

Kumitat Permanenti dwar il-Ħatriet Pubbliċi "

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 76 tat-30 ta' Jannar, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

2nd February, 2018

ACT No. II of 2018

An Act to amend the Public Administration Act, (Cap. 497)

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.
Cap. 497.

1. (1) The short title of this Act is the Public Administration (Amendment) Act, 2018 and this Act shall be read and construed as one with the Public Administration Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister responsible for public administration shall by order in the Gazette establish and different dates may be established and different transitory provisions may be made in respect of different provisions and purposes of this Act.

Addition of new
articles to the
principal Act.

2. Immediately after article 48 of the principal Act there shall be

added the following new articles:

"Standing
Committee on
Public
Appointments.

48A. (1) There shall be a Standing Committee on Public Appointments which shall consist of seven members appointed by the House of Representatives of whom four shall be appointed by the Government, one of whom shall be appointed as Chairperson, and the other three shall be appointed by the Opposition.

(2) Four members of the Committee shall constitute a *quorum*.

(3) The Standing Committee on Public Appointments shall have the power to conduct pre-appointment hearings of persons nominated for certain public appointments as may be provided by law from time to time.

(4) The provisions of paragraphs (3) and (4) of Standing Order 120B of the Standing Orders of the House of Representatives shall, *mutatis mutandis*, apply to the Standing Committee on Public Appointments.

Pre-appointment
parliamentary
hearing on
appointments of
Ambassadors and
on appointments to
certain posts in
Government
Agencies, and
other entities.

48B. (1) Notwithstanding the provisions of any other law, where a Minister (hereinafter in this article referred to as "the Minister") intends to nominate a person to be an Ambassador or High Commissioner or other principal representative of Malta in any other country, not being a person who is selected from amongst public officers in the service of the Ministry for Foreign Affairs or a person who already holds the post of Ambassador or High Commissioner or other principal representative of Malta in any other country, as may be specified by order of the Prime Minister in the First Part of the Fifth Schedule to this Act, or to hold a post in a Government Agency, Entity, Board or Commission or to head any other institution established by law as may be specified by order of the Prime Minister in the Second Part of the Fifth Schedule to this Act, then unless the nomination is in respect of a re-appointment, the Minister shall at least twenty days before he intends that the appointment should become effective give notice of the proposed appointment to the Chairperson of the Standing Committee on Public Appointments (hereinafter in this article referred to as "the Committee"):

Provided that:

(i) the exemption in respect of a nomination consisting of a re-appointment provided for in this sub-article shall not apply to persons who are not in the post on the date of coming into force of this sub-article; and

(ii) an order which amends the Second Part of the Fifth Schedule in such a manner as to reduce the posts listed in the said Second Part of the Fifth Schedule, except in the case where the sole purpose of such an amendment is that of reflecting a change in the name of a post or of an entity, shall require approval by resolution of the House of Representatives before it comes into force.

(2) Upon receipt of the notice referred to in sub-article (1) the Chairperson of the Committee shall, through the Clerk of the House, circulate the said notice to all Members of the Committee giving the members five days to submit any questions in writing to the proposed nominee. The said questions shall relate to the professional competence, suitability and background of the nominee and they shall be notified to the Clerk of the House, who shall notify them to the Minister who gave notice of the proposed appointment, to the Chairperson and to the Members of the Committee and to the person nominated who shall have ten days to reply to the said questions in writing to the Clerk of the House who shall again circulate the replies as explained above. The questions and the replies shall, unless the Committee otherwise decides, be made public.

(3) By not later than the working day immediately following the expiry of the period of ten days established in sub-article (2) or of the extension of any such period in the case that the said period has been extended by the Committee in accordance with sub-article (6), the Clerk of the House shall transmit the replies submitted by the nominee to the Minister who gave notice of the proposed appointment, to the Chairperson and to all the Members of the Committee.

(4) The Committee shall in all cases call the nominee to a hearing at a meeting of the Committee so that supplementary questions related to the written replies provided may be put to the nominee. The said hearing shall be held on a date not later than five days from the notification to the Committee of the replies to the questions unless the Committee agrees to another date for the hearing. The said hearing shall be held in public but the Committee may where it is satisfied that it is appropriate, decide that the hearing should be held *in camera*.

(5) Upon the conclusion of the pre-appointment hearing in accordance with this article the Committee shall, unless it decides that it needs to discuss or clarify any matter with the Minister give its advice to the Minister which shall include the content of the form included in the Third Part of the Fifth Schedule to this Act to which there shall be annexed a copy of the minutes of the Committee relative to the hearing:

Provided that:

(i) any discussion between the Committee and the Minister held in terms of this sub-article shall be held during a meeting of the Committee to take place either in public or *in camera* as the Committee may decide;

(ii) any matter which according to this article is to be discussed by the Committee shall, notwithstanding any other law, not be transferred for discussion to another Committee of the House of Representatives or to the whole House unless the Committee by a majority vote of all its members so decides; and

(iii) the final decision as to whether an appointment which is subject to the procedure provided in this article is to be made shall in any case pertain to the Minister.

(6) The Committee may, giving reasons, either on its own initiative or at the request of the Minister who has given the notice of a proposal for the appointment, lengthen or shorten any time limit set out in this article.

(7) The time limits established in this article shall be suspended during any period when the House of Representatives is not in session or during which it is adjourned for more than seven days:

Provided that nothing in this sub-article shall be interpreted as precluding the Committee, acting upon the unanimous consent of all its Members, from implementing its functions even at any time during which the House is adjourned for more than seven days as above-mentioned.

(8) The procedure provided for in this article shall not apply to Acting appointments made for a maximum period of up to six months."

Addition of new schedule to the principal Act.

3. Immediately after the Fourth Schedule to the principal Act there shall be added the following new schedule:

"FIFTH SCHEDULE
(Article 48B)

FIRST PART

Ambassadors, High Commissioners or principal representatives of Malta to countries where they are appointed as resident Ambassadors, High Commissioners or principal representatives.

SECOND PART

The Governor of the Central Bank of Malta

The Chairman of the Malta Financial Services Authority

The Regulator for Energy and Water Services

The Chairperson of the Authority for Transport in Malta

The Chairman of the Malta Communications Authority

The Chairman of the Malta Lotteries and Gaming Authority

The Chairperson of the Planning Board of the Planning Authority

The Chairperson of the Environment and Resources Authority

The Commissioner for Voluntary Organisations

The Chairperson of the Lands Authority

The Chairman of the Malta Competition and Consumer Affairs Authority

The Chief Executive Officer of the Medicines Authority

The Chairperson of the Malta Tourism Authority

The Chairman of the National Commission for Further and Higher Education

The Chairman of the Financial Intelligence Analysis Unit

The list of offices established above shall be deemed to include any other office in which all the legal functions of the offices above-mentioned shall be vested from time to time both if in the same entity and if in another entity, except for a Government Department, which may be established from time to time to fulfil the said legal functions."

THIRD PART

Form of Advice to be given by the Standing Committee on Public Appointments

"Minister,

The Standing Committee on Public Appointments has organized a pre-appointment hearing in respect of the proposed appointment of as of and after having considered the results of the pre-appointment hearing has decided to advise in favour/ against the proposed appointment.

Chairperson

Standing Committee on Public Appointments".

A 40

Passed by the House of Representatives at Sitting No. 76 of the 30th
January, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives