



UFFIĊĊU TAL-PRIM MINISTRU
MALTA

MANWAL TA' PROCEDURI TAL-KABINETT

**UFFIĊĊU TAL-KABINETT
Awwissu 2014**

MANWAL TA' PROĊEDURI TAL-KABINETT

WERREJ

	Paġna
1. INTRODUZZJONI	1
2. ASPETTI FIL-KOSTITUZZJONI TA' MALTA GĦAR-RIGWARD IL-KABINETT	1-3
2.1 Hatra ta' Prim Ministro, Ministri u Segretarji Parlamentari	1
2.2 Tneħħija ta' Kariga ta' Ministri	1
2.3 Assenjazzjoni ta' portafolji lill-Ministri	2
2.4 Hatra ta' Ağent Prim Ministro	2
2.5 Eżerċizzju tal-funzjonijiet tal-President u I-Kabinet	2
2.6 Segretarju tal-Kabinet	3
3. IL-KABINETT	3-6
3.1 Responsabbiltà kollettiva	3
3.2 Kumitati tal-Kabinet	3
3.3 Il-Laqgħat	3
3.4 Attendenza	4
3.5 L-Ägħda	4
3.6 Memoranda u impatt finanzjarju jew soċjali ta' miżuri proposti	4
3.7 Preżentazzjoni ta' Memoranda	5
3.8 Materja t'urġenza	6
3.9 Żamma ta' dokumenti tal-Kabinet	6
4. HIDMA PARLAMENTARI	6-7
4.1 Mistoqsijiet Parlamentari	6
4.2 Attendenza fil-Parlament	7
4.3 Stqarrijiet Parlamentari	7
5. HIDMA MINISTERJALI	7-10
5.1 Avvizi legali	7
5.2 Preparazzjoni ta' dokumenti ta' natura legali	7
5.3 Twaqqif ta' Kumitati, inkluż kumitati ta' inkjesta	8
5.4 Hatriet ta' membri f'kumitati u bordijiet u konsulenzi	8
5.5 Is-Servizz Pubbliku	8
5.6 Segretarjat Privat	9
5.7 Il-Kostitwenza	9
5.8 Safar	9
5.9 Il-preżenza tar-raġel jew mart il-Ministro fi zjara uffiċjali	10
5.10 Sostituzzjoni ta' Ministri	10
5.11 Politika Ewropea u Barranija ta' Malta	10

6. IMġIEBA U OBBLIGI	11-13
6.1 Dikjarazzjoni tal-Assi	11
6.2 Ażjendi pubblici u privati u assoċjazzjonijiet voluntarja u filantropiċi	11
6.3 Kuntratt mal-Gvern ta' Malta	12
6.4 Impieg għal rasu (<i>self-employment</i>)	12
6.5 Investimenti li jistgħu jesponu lil Ministru għall-konfliett ta' interess	12
6.6 Proċeduri legali	13

ANNESS I : MUDELL TA' MEMORANDUM

ANNESS II : LINJI GWIDA DWAR HLASIJET LIL KONSULENTI F'MINISTERI

ANNESS III: DIRECTIVE NO 5 - POLITICAL PARTICIPATION AND COMMUNICATION WITH THE MEDIA

ANNESS IV: ENGAGEMENT OF STAFF FOR MINISTERS' SECRETARIATS

ANNESS V: DIKJARAZZJONI TAL-ASSI - MINISTRU/SEGRETARJU PARLAMENTARI

MANWAL TA' PROCEDURI TAL-KABINETT

F'dan il-manwal, riferenza għal Ministru tħinkludi fiha riferenza għal Segretarju Parlamentari ħlief fejn indikat mod ieħor. Il-kelma Ministru għandha tittieħed li tapplika kemm għall-maskil u kemm għall-femminil.

1. INTRODUZZJONI

Dan il-manwal ta' proċeduri jikkomplementa l-Kodiċi ta' Etika għall-Ministri u Segretarji Parlamentari u huwa intiż sabiex jelabora aspetti importanti mill-lat amministrattiv. Għaldaqstant, dan il-manwal jista' jitqies bħala riferenza utli bil-għan li jkun żgurat l-oħra livell morali u politiku mill-membri tal-Kabinet fil-qadi tad-doveri tagħhom skont il-Kostituzzjoni u l-liġijiet ta' pajjiżna.

2. ASPETTI FIL-KOSTITUZZJONI TA' MALTA GHAR-RIGWARD TAL-KABINETT

Il-Kostituzzjoni ta' Malta tipprovd għat-twaqqif tal-Kabinet magħmul minn Prim Ministru u għadd ta' Ministri u Segretarji Parlamentari maħtura bil-għan li jkollu direzzjoni ġenerali u kontroll tal-Gvern ta' Malta u jkun responsabbi kollettivament dwar hekk lejn il-Parlament [Art. 79 (2)].

2.1 Hatra ta' Prim Ministru, Ministri u Segretarji Parlamentarji

Kull meta jkun hemm lok għall-ħatra ta' Prim Ministru, il-President għandu jaħtar Prim Ministru, il-membru tal-Kamra tad-Deputati li, fil-ġudizzju tiegħu, ikun l-aħjar persuna li jkun jista' jgawdi l-appoġġ tal-maġġoranza tal-membri tal-Kamra. Hatriet ta' Ministri, u jekk ikun il-każ Segretarji Parlamentari, isiru mill-President, fuq parir tal-Prim Ministru, minn fost il-membri tal-Kamra tad-Deputati [Art. 80 u Art. 88].

Artikolu 89 tal-Kostituzzjoni jesīġi li l-Ministru jew Segretarju Parlamentari ma għandux jidħol għad-dmirijiet tal-kariga tiegħu jekk ma jkunx ħa u ffirma l-ġurament ta' fedeltà u lealtà lejn il-Poplu u r-Repubblika ta' Malta u l-Kostituzzjoni tagħha u l-ġurament għall-qadi xieraq tal-kariga.

2.2 Tneħħija ta' Kariga ta' Ministri

Il-President jista' jneħħi l-Prim Ministru mill-kariga jekk il-Kamra tad-Deputati tgħaddi rizoluzzjoni, li jkollha favur tagħha l-voti tal-maġġoranza tal-membri kollha tal-Kamra, li ma jkollhiex fiduċja fil-Gvern [Art. 81(1)].

Il-kariga tal-Prim Ministru u ta' Ministri/Segretarji Parlamentari ssir ukoll vakanti f'ċerti cirkostanzi kif stabbilit fl-istess Artikolu 81.

2.3 Assenjazzjoni ta' portafolji lill-Ministri

Permezz ta' artikolu 82 tal-Kostituzzjoni, il-President, li jaġixxi skont parir tal-Prim Ministru, jassenja lill-Prim Ministru jew kull Ministru ieħor responsabbiltà ta' kull xogħol tal-Gvern ta' Malta magħduda l-amministrazzjoni ta' xi dipartiment tal-Gvern.

Il-Ministru għandu jeżerċita direzzjoni ġenerali u kontroll fuq dawk id-dipartimenti fdati lilu u li jaqgħu taħt ir-responsabbiltà tiegħu. Bla ħsara għal dik id-direzzjoni u kontroll, id-dipartimenti jistgħu jkunu taħt is-sorveljanza ta' Segretarji Permanenti.

Il-Prim Ministru huwa responsabbi għall-assenjazzjoni ta' dipartimenti tal-gvern lis-Segretarji Permanenti. Is-setgħa ta' ħatra ta' ufficjal pubblici biex iżommu jew jaġixxu f'dik il-ħatra tkun fil-President li jaġixxi skont il-parir tal-Prim Ministru.

Il-kapijiet ta' dipartimenti tal-gvern li ma jkunux dawk li l-mod ta' ħatra tagħhom huwa speċifikament provdut fil-Kostituzzjoni, ikunu maħtura mill-Prim Ministru .

2.4 Ħatra ta' Aġent Prim Ministru

Artikolu 83 jirregola l-ħatra ta' Aġent Prim Ministru. Kull meta l-Prim Ministru jkun assenti minn Malta jew bil-vaganzi, jew ma jkunx jista' minħabba mard jaqdi l-funzjonijiet tal-kariga tiegħu, il-President jista' jawtorizza xi membru ieħor tal-Kabinett biex jaqdi dawk il-funzjonijiet u dak il-membru (Aġent Prim Ministru) jkun jista' jaqdi dawk il-funzjonijiet sakemm l-awtorità tiegħu tiġi revokata mill-President.

Subartikolu 2 ta' artikolu 83 jiprovd li s-setgħat tal-President għandhom jiġu eżerċitati minnu skont il-parir tal-Prim Ministru. L-istess artikolu jagħti lok li meta l-President iqis li ma jkunx prattikabbli li jikseb il-parir tal-Prim Ministru, minħabba l-assenza jew mard tiegħu, huwa jkun jista' jeżerċita dawk is-setgħat mingħajr dak il-parir.

2.5 Eżerċizzju tal-funzjonijiet tal-President u l-Kabinett

Artikolu 85 jgħid li fl-eżerċizzju tal-funzjonijiet tiegħu, il-President għandu jaġixxi skont il-parir tal-Kabinett jew ta' Ministru li jaġixxi skont l-awtorità ġenerali tal-Kabinett ħlief fil-każijiet meta huwa msemmi mill-Kostituzzjoni jew b'xi li ġi oħra.

2.6 Segretarju tal-Kabinett

Is-Segretarju tal-Kabinett għandu jkun ufficjal pubbliku nominat mill-Prim Ministru. Hu jkun responsabbi, skont dawk l-istruzzjonijiet mogħtija lilu mill-Prim Ministru, biex jipprepara x-xogħol għal, u biex iżomm il-minuti ta', il-laqgħat tal-Kabinett u biex iwassal id-deċiżjonijiet tal-Kabinett lill-persuna jew awtorità xierqa, u jkollu dawk il-funzjonijiet l-oħra li l-Prim Ministru jista' minn żmien għal żmien jordna [Art. 94].

3. IL-KABINETT

3.1 Responsabbiltà kollettiva

Il-Kabinet għandu jkollu direzzjoni ġenerali u l-kontroll tal-Gvern ta' Malta u jkun responsabbi kollettivament dwar hekk lejn il-Parlament [Art.79 (2) Kostituzzjoni ta' Malta].

Hemm ċirkustanži partikulari fejn informazzjoni li tinstab f'dokumenti tal-Kabinet għandha tkun protetta fl-interess nazzjonali. Għaldaqstant, id-diskussioni fil-laqgħat tal-Kabinet u l-kontenut tad-dokumenti relatati għandhom jitqiesu rizervati u protetti fl-interess nazzjonali [Ara l-Att dwar il-Libertà tal-Informazzjoni (Kap. 496), Att dwar Arkivji Nazzjonali (Kap. 477) u Att dwar is-Sigreti Uffiċċiali (Kap. 50)].

Il-principju ta' responsabbiltà kollettiva u l-bżonn li tiġi mħarsa s-sigurtà nazzjonali u r-relazzjonijiet ma' pajjiżi oħra jipponu certi obbligi fuq l-eks-Ministri li jkunu qed jikkonsidraw il-pubblikazzjoni ta' materjal ibbażat fuq l-esperjenzi tagħhom fil-Kabinet. Dawn huma obbligati li jissottomettu l-manuskritt tagħhom lis-Segretarju tal-Kabinet qabel il-pubblikazzjoni. Dan jgħodd ukoll għal persuni oħra, fosthom eks-Segretarji tal-Kabinet, li jkollhom aċċess għall-aġenda, dokumenti u diskussionijiet fil-Kabinet.

3.2 Kumitat tal-Kabinet

Il-Kabinet jista' jwaqqaf kumitat *ad hoc* sabiex jikkunsidraw proposta, tema, qasam jew azzjoni partikulari.

Il-Prim Ministro jista' jwaqqaf Kumitat tal-Kabinet bil-ġhan li jtejjeb l-operat tal-Kabinet. Hu jista' jaħtar Ministri, kif ukoll uffiċċiali pubblici, bħala membri.

Il-laqgħat tal-Kumitat tal-Kabinet huma ntīži bħala lok ta' diskussioni dwar tema speċifika dwar il-politika tal-Gvern. Huwa wkoll post fejn għadd ta' Ministri jagħtu l-vadut tagħhom, kif ukoll jikkontribwixxu sabiex tissawwar il-politika tal-Gvern f'qasam jew f'oqsma partikulari. L-ġhan aħħari hu li tinħema aktar il-politika tal-Gvern u jittieħdu d-deċiżjonijiet meħtieġa.

3.3 Il-Laqqħat

Il-Kabinet huwa magħmul mill-Ministri. Imma s-Segretarji Parlamentari jistgħu wkoll ikunu mistiedna jattendu mill-Prim Ministro.

F'diskussionijiet partikulari jistgħu jkunu mistiedna wkoll uffiċċiali pubblici jew persuni oħra biex jgħinu fid-diskussioni li tkun qed issir fil-Kabinet.

Is-Segretarju tal-Kabinet għandu jkun mgħarrraf minn qabel li se jkun meħtieġ jattendi xi ħadd 'il barra mill-Kabinet. Il-permess jingħata mill-Prim Ministro.

Fil-laqgħat tal-Kabinet għandu jkun mgħarrraf minn qabel li se jkun meħtieġ jattendi xi ħadd 'il barra mill-Kabinet. Il-permess jingħata mill-Prim Ministro.

Gvern. Għandhom ukoll jitressqu materji ta' importanza nazzjonali u/jew kwistjonijiet li dwarhom jista' jkun hemm nuqqas ta' qbil bejn il-ministeri u d-dipartimenti tal-gvern.

Materji li jaqgħu strettament taħt Ministru wieħed u li m'għandhomx riperkussjonijiet nazzjonali jew li huma biss materji amministrattivi m'għandhomx bżonn l-approvazzjoni tal-Kabinet, sakemm il-Ministru konċernat ma jkunx irid il-pariri tal-kolleġi tiegħu. Ma tistax tingħata definizzjoni preċiża ta' dawn il-materji iżda f'kaži dubbu żu l-Ministru għandu jikkonsulta mas-Segretarju tal-Kabinet.

Affarijiet li jinvolvu aktar minn ministeru wieħed għandhom jiġu eżaminati fuq livell inter-ministerjali qabel issir is-sottomissjoni lill-Kabinet.

Il-Ministri huma responsabbi li jinfurmaw lid-dipartimenti li tagħhom huma responsabbi bid-deċiżjonijiet li jikkonċernawhom u jagħtuhom direttivi skont id-deċiżjonijiet meħuda u kkomunikati lilhom mis-Segretarju tal-Kabinet.

3.4 Attendenza

Il-laqgħat tal-Kabinet jieħdu preċedenza fuq kull attivită oħra. Ministru li f'ċirkostanzi rari ma jkunx jista' bl-ebda mod jattendi għal laqgħa tal-Kabinet għandu minn qabel javża b'dan lis-Segretarju tal-Kabinet.

3.5 L-Āġenda

L-Āġenda tal-Kabinet tingabar u titfassal mis-Segretarju tal-Kabinet iżda tkun approvata mill-Prim Ministru u hija dik l-āġenda hekk approvata li titqassam lill-membri.

3.6 Memoranda u Impatt finanzjarju jew soċjali ta' miżuri proposti

Meta Ministru jkun jixtieq iressaq għad-diskussjoni fil-Kabinet materja dwar direzzjoni politika u azzjonijiet dwarhom, dan għandu jagħmlu bil-kitba permezz ta' memorandum lill-Kabinet.

Fil-memorandum, il-Ministru għandu jagħti deskrizzjoni tal-proposta li hu bi ħsiebu jressaq għad-diskussjoni tal-Kabinet. Hu għandu wkoll jagħmel ir-rakkmandazzjoni tiegħu dwar is-suġġett, kif ukoll il-linjal ta' azzjoni, li skont il-fehma tiegħu, il-Gvern għandu jieħu fl-interess nazzjonali.

Il-memoranda u rapporti lill-Kabinet għandhom ikunu konċi, jiġifieri, li filwaqt li jkun hemm spjega čara tas-suġġett, għandu jkun evitat tul-żejjed u ripetizzjoni. Importanti ħafna li dawn ir-rapporti jinkludu spjegazzjoni tal-għażiex ta' azzjoni, kif ukoll rakkmandazzjoni čara ta' azzjoni li l-Gvern għandu jieħu.

Memorandum għandu jinkludi, bħala minimu, l-informazzjoni murija fil-mudell meħmuż bħala ANNESS I.

Meta t-tali proposta tinvolvi proposta ta' liġi ġdida jew emenda ta' liġi, il-Ministru għandu jehmeż mal-memorandum l-abbozz ta' liġi jew l-abbozz ta' emendi għall-liġi eżistenti.

Għalkemm il-memorandum jista' jinkiteb minn Segretarji Parlamentari, uffiċjali pubbliċi jew minn esperti, il-Ministru għandu jerfa' r-responsabbiltà politika għal kull proposta mressqa mill-ministeru tiegħu lill-Kabinett.

Għaldaqstant, kull memorandum li jintbagħat lill-Uffiċċju tal-Kabinett bil-ġhan li jitressaq għal kunsiderazzjoni tal-Kabinett għandu, anke meta mressaq mis-Segretarju Parlamentari, jew ikun iffirms ukoll mill-Ministru responsabbli jew ikun hemm imniżżeq fil-covering note li l-memorandum ikun ġie diskuss mal-Ministru jew ġie mgħoddi mingħandu qabel tressaq lis-Segretarju tal-Kabinett.

Jista' jagħti l-każ li memorandum ikun jittratta suġġett li dwaru s-sehem tar-responsabbiltà ministerjali tinqasam bejn żewġ Ministri jew aktar. F'każijiet bħal dawn, ikun meħtieg li kull Ministru li jaqsam tali responsabbiltà jiffirma l-memorandum qabel dan jintbagħat lis-Segretarju tal-Kabinett.

Meta materja dwar direzzjoni politika u proposta ta' azzjoni jkunu jinvolvu infieq u użu tal-fondi pubbliċi, jew jistgħu jħallu impatt finanzjarju u ekonomiku fuq il-Gvern jew fuq il-pajjiż, ikun meħtieg li tali proposta l-ewwel tintbagħat lill-Ministru responsabbli għall-Finanzi mill-ministeru li jkun qed iressaq il-proposta. Il-Ministru għall-Finanzi jista' japprova jew jagħmel il-kummenti tiegħu bil-miktub dwar il-kontenut tal-memorandum. Il-Ministru għall-Finanzi għandu jagħti l-kummenti tiegħu fi żmien ġimgħa minn meta jirċievi l-memorandum. Kemm-il darba f'dal-perjodu ma jsirux kummenti, ikun meqjus li hemm approvazzjoni għall-memorandum.

L-istess proċedura għandha tkun osservata għar-rigward ta' materja dwar direzzjoni politika u proposta ta' azzjoni li jistgħu jħallu impatt fuq il-familja u s-socjetà. F'dan il-każ, il-ministeru li jkun qed iressaq il-proposta għandu jitlob lill-Ministru għall-Familja u Solidarjetà Soċjali sabiex isir Studju dwar l-Impatt Soċjali (Social Impact Assessment) qabel ma l-memorandum jitressaq għall-konsiderazzjoni tal-Kabinett. Dan l-istudju għandu juri b'mod oġġettiv l-impatt soċjali tal-proġett jew il-miżura importanti u kbira (kemm fil-požittiv kif ukoll fin-negattiv) li se jolqot ħafna nies.

Dan il-proċess għandu jsir qabel ma l-memorandum jintbagħat lis-Segretarju tal-Kabinett.

Meta proposta tista' tħalli impatt fuq xi settur partikulari, is-Segretarju tal-Kabinett jista' jitlob mingħand il-Ministru responsabbli studju dwar l-impatt tat-tali proposta fuq xi qasam tas-socjetà, eżempju, l-oqsma ambjentali, edukattiv, ekonomiku jew oħraejn.

3.7 Preżentazzjoni ta' Memoranda

Sabiex memoranda jkunu kkunsidrati għal laqgħa tal-Kabinett li jmiss, dawn għandhom jaslu fl-Uffiċċju tal-Kabinett sa mhux aktar tard mill-10.00am ta' tlett ijiem ta' xogħol qabel il-ġurnata li fiha jkun se jiltaqa' l-Kabinett. (eż. Jekk il-Kabinett jiltaqa' t-Tlieta, memoranda għandhom jaslu sal-ħamis ta' qabel fl-10.00 am.) Sottomissionijiet għandhom l-ewwel

jintbagħtu f'forma elettronika, fuq l-indirizz cab.sec@gov.mt. Dan isir biex ikun hemm čans tiġi mfassla l-aġenda tal-laqgħa tal-Kabinett għal kunsiderazzjoni tal-Prim Ministru.

Ġaladarba l-memoranda jkunu ser jitressqu għall-konsiderazzjoni tal-Kabinett, il-ministeri responsabbli jiġu mgħarrfa mill-Ufficċju tal-Kabinett u jintalbu jipprovdu numru ta' kopji (*double-sided print*) tal-Memoranda u appendiċi konċernati, kif jista' jkun determinat mill-Ufficċju tal-Kabinett minn żmien għal żmien.

Jista' jagħti l-każ li 'l quddiem wieħed jikkunsidra li dokumenti relatati mal-laqgħat tal-Kabinett jintbagħtu permezz tal-posta elettronika. Dan ma jħassar xejn mill-kontenut tal-ewwel paragrafu ta' din it-taqṣima.

3.8 Materja t'urġenza

Meta Ministru jħoss li għandu jressaq għal kunsiderazzjoni tal-Kabinett materja b'urġenza, dan għandu jagħmlu billi jikseb il-permess tal-Prim Ministru qabel ma tibda l-laqgħa tal-Kabinett.

3.9 Żamma ta' dokumenti tal-Kabinett

Id-dokumenti tal-Kabinett huma dokumenti riżervati. Għaldaqstant, il-Ministri għandhom jassiguraw li d-dokumenti tal-Kabinett jinżammu f'post ta' sigurtà u li l-aċċess għalihi ikun wieħed kontrollat u riżervat għal persuni ta' fiduċja.

Meta Ministru jtemm il-kariga tiegħu mingħajr ma jkun hemm bidla fil-Gvern, hu għandu jiżgura li d-dokumenti tal-Kabinett jiġu ritornati lis-Segretarju tal-Kabinett. Minkejja dan, hu għandu jara li s-suċċessur tiegħu jingħata kopji ta' dawk id-dokumenti li huma neċċessarji sabiex hu jkun jista' jaħdem b'mod effettiv u effiċjenti.

Fi tmiem il-legislatura, il-Ministri għandhom jiżguraw li d-dokumenti kollha tal-Kabinett jiġu ritornati lis-Segretarju tal-Kabinett.

Hu fid-diskrezzjoni tal-Gvern ta' Malta li jippermetti lil eks-Ministri aċċess raġonevoli għal dokumenti u materjal ieħor li jikkonċernaw il-perjodu meta huma kienu fil-kariga ministerjali.

4. HIDMA PARLAMENTARI

4.1 Mistoqsijiet Parlamentari

Il-Ministri għandhom iwieġbu l-mistoqsijiet parlamentari li jsirulhom fil-ħin stabbilit mill-Ufficċju tal-iSkrivan tal-Kamra tar-Rappreżentanti u jagħtu tagħrif eżatt u korrett.

Huma, iżda, għandhom jiżguraw li kull informazzjoni li jistgħu jagħtu fit-tweġibiet tagħhom tkun konformi mal-liġijiet u b'mod partikulari mal-provvedimenti għall-protezzjoni tal-individwi kontra l-ksur tal-privatezza tagħhom [Ara I-Att dwar il-Protezzjoni u l-Privatezza tad-Data (Kap. 440)].

Il-Prim Ministro jista' jagħti direzzjoni ġenerali dwar tweġibiet għal mistoqsijiet parlamentari u l-Ministri għandhom jaraw li jimxu strettament ma' dawn id-direzzjonijiet.

4.2 Attendenza fil-Parlament

Il-Ministri għandhom jagħtu preċedenza lix-xogħol tal-Parlament u tal-Kumitati magħżula tal-Parlament fuq kull xogħol ieħor.

Meta għal xi raġuni speċjali - u li għandha tkun l-eċċeżżjoni - il-Prim Ministro ma jkunx jista' jattendi seduti u laqgħat tal-Parlament u tal-Kumitati magħżula tal-Parlament, hu għandu javża lill-Prim Ministro u lill-Whip Parlamentari tal-Gvern.

4.3 Stqarrijiet Parlamentari

Meta l-Ministri jkunu sejrin jagħmlu stqarrija fil-Parlament, f'kull każ, huma għandhom jinfurmaw lill-iSpeaker tal-Kamra tar-Rappresentanti, lill-Whip Parlamentari tal-Gvern, u b'mod ġenerali anki lill-Oppożizzjoni ftit qabel ma ssir l-istqarrija.

5. HEDMA MINISTERJALI

Il-Prim Ministro jqassam ir-responsabbiltajiet ministerjali u għandu s-setgħa li jiddeċiedi f'ċirkustanzi ta' dubju jew nuqqas ta' qbil dwar xi funzjoni jew responsabbiltà ministerjali.

5.1 Avviżi legali

L-Avviżi Legali għandhom jitressqu għall-approvażzjoni tal-Prim Ministro permezz tal-Ufficċju tal-Kabinet. Kull abbozz ta' Avviż Legali għandu jintbagħħat lis-Segretarju tal-Kabinet wara li tinkiseb l-approvażzjoni u jkun iffirmsat mill-Ministru responsabbli u uffiċjali anzjani oħra kif u fejn ikun meħtieg.

Ma' kull proposta ta' Avviż Legali, għandu jkun hemm meħmuż Studju jew Lista ta' Verifika dwar il-Valutazzjoni tal-Impatt (*Impact Assessment Framework for Subsidiary Legislation*) skont l-Att dwar l-Intraprizi ż-Żgħar (Kap. 512).

L-Ufficċju tal-Kabinet huwa responsabbli li jivverifika din il-formola u l-avviżi legali nfushom u jiproċċessa l-proposti għall-approvażzjoni tal-Prim Ministro.

Il-Prim Ministro jista' jiddeċiedi li jressaq l-abbozz ta' Avviż Legali għall-kunsiderazzjoni u approvażzjoni tal-Kabinet.

Wara li tinkiseb l-approvażzjoni meħtieġa, il-Ministru responsabbli għandu jara li l-abbozz ta' Avviż Legali jkun ppubblikat fil-Gazzetta tal-Gvern u mqiegħed fuq il-Mejda tal-Parlament skont Artikolu 11 (1) tal-Att dwar l-Interpretazzjoni (Kap. 249).

5.2 Preparazzjoni ta' dokumenti ta' natura legali

Meta jkun meħtieg li jkunu ppreparati dokumenti ta' natura legali, per eżempju, ligijiet ġodda, tibdil fil-ligijiet u avviżi legali, il-Ministri għandhom jagħmlu użu mis-servizzi legali pprovduti mill-Uffiċċju tal-Avukat Ĝenerali. Fost affarrijiet oħra, dan l-uffiċċju għandu r-responsabbiltà li jiġura il-korrettezza ta' dokumenti ta' natura legali qabel ma jitressqu l-Parlament jew ikunu ppubblikati fil-Gazzetta tal-Gvern.

Kull abbozz ta' liġi, wara li jgħaddi mill-Uffiċċju tal-Avukat Ĝenerali għandu jitressaq mill-Ministru li jkun se jippilot a l-abbozz fil-Parlament għad-diskussjoni u l-approvazzjoni tal-Kabinett. Ikun biss meta tingħata din l-approvazzjoni li abbozz ta' liġi jkun jista' jitressaq għall-ewwel qari fil-Parlament u ppubblikat fil-Gazzetta tal-Gvern.

5.3 Twaqqif ta' Kunitati, inkluż kunitati ta' inkjesta

Il-Prim Ministro għandu jiġi kkonsultat dwar kwalunkwe proposta biex jitwaqqfu kunitati ta' inkjesta, kunitati li jkunu mmexxija minn membru tas-Servizz Pubbliku jew kunitati biex jagħmlu proposti dwar il-politika tal-Gvern.

5.4 Hatriet ta' membri f'kunitati u bordijiet u konsulentu

Chairpersons u membri ta' kunitati u bordijiet tal-Gvern, entitajiet governattivi u kumpaniji li fihom il-Gvern għandu ishma jinħatru skont kif titlob il-liġi li tirregola kull wieħed minnhom jekk ikun hemm li ġi għalhekk. Fejn m'hemmx li ġi tirregola, allura dawn jinħatru mill-Ministru responsabbli minnhom. F'kull kaž il-Ministri għandhom ifittxu l-parir tal-Prim Ministro f'dawn il-ħatriet.

F'dan ir-rigward, il-Ministri għandhom jinnominaw bħala membri f'kunitati u bordijiet tal-Gvern, entitajiet governattivi u kumpaniji li fihom il-Gvern għandu ishma dawk l-individwi li jistgħu jagħtu kontribut effettiv fit-tmexxa u fit-twettiq tal-programm tal-Gvern.

Il-Ministri għandhom ukoll ifittxu l-parir u l-approvazzjoni tal-Prim Ministro dwar ħatra ta' konsulentu li jkunu parti mill- *Strategic and Priorities Unit (SPU)* li hemm f'kull ministeru jew li jiġu mpjegati b'kuntratt definit fuq bażi ta' persuna ta' fiduċja. F'dan ir-rigward, il-Ministri għandhom josservaw il-provvedimenti ta' impieg b'terminu definit ippubblikati mill-Uffiċċju tal-Prim Ministro permezz tal-Uffiċċju tal-Kabinett f'Mejju 2013 bħala linji gwida ntitolati ħlasijiet lil Konsulenti f'Ministeri (ANNESS II).

5.5 L-Amministrazzjoni Pubbliku

Kif stipulat fil-Kodiċi ta' Etika [paragrafu 7.4], il-Ministri għandhom jagħtu widen għall-pariri imparzjali u infurmati li jingħataw minn ufficċjali jew impiegati pubblici fuq tfassil u twettiq tal-politika tal-Gvern. Il-Ministri għandhom id-dmir li jirrispettaw il-kundizzjonijiet tax-xogħol tal-impiegati fid-dipartimenti u entitajiet pubblici li tagħhom huma responsabbli. Il-Ministru għandu jiġura wkoll li l-influwenza tiegħu fil-ħatriet ma tiġix abbużata għal skopijiet ta' politika partiġġjana.

Il-Ministri m'għandhomx jitkolu lill-membri tal-Amministrazzjoni Pubblika biex jattendu jew jieħdu sehem f'laqgħat u konferenzi ta' partiti političi [Ara ANNESS III - Directive No 5 – *Political Participation and Communication with the Media*].

Il-Ministru jista' jitlob mingħand membri tal-Amministrazzjoni Pubblika memoranda u rapporti li jispjegaw il-politika u l-azzjonijiet tal-Gvern jew tal-ministeru u d-dipartimenti tiegħu bl-intenzjoni li jintużaw f'attivitajiet političi.

5.6 Segretarjat Privat

Il-Ministru jista' jkollu segretarjat privat kompost skont struzzjonijiet li minn żmien għal żmien jinhārġu mill-Prim Ministro permezz tal-Ufficċju tal-Kabinett f'manwali jew dokumenti ta' linji gwida fejn jiġu determinati l-kundizzjonijiet ta' impjieg. Kopja tad-dokument *Engagement of Staff for Ministers' Secretariats* maħruġ f'Mejju 2013 hu meħmuż bħala ANNESS IV. Il-Ministri m'għandhomx jappuntaw fis-segretarjati privati tagħhom konjuġi jew qrabha b'konsangwinità sal-ewwel grad.

Is-Segretarji Permanenti huma fid-dmir u l-obbligu li jaraw li s-segretarjati privati tal-Ministri u Segretarji Parlamentari la jaqbżu n-numru ta' mpjegati mogħtija u lanqas il-baġit li joħrog mill-iskali u allowances, kif ukoll li l-proċeduri u r-regoli jiġu osservati.

5.7 Il-Kostitwenza

Waqt li hu rikonoxxut li fis-sitwazzjoni lokali hu diffiċċli li tiddistingwi b'mod prattiku u ġar il-ħidma ta' Ministro bħala tali mill-ħidma tiegħu bħala membru parlamentari li jirrappreżenta distrett elettorali partikolari u l-votanti tiegħu, il-Ministru huwa fl-obbligu li jaċċerta ruħu li r-riżorsi u faċilitajiet tal-Gvern ma jintużawx minnu b'mod indebitu u rragonevoli meta jkun qed jaġixxi bħala membru tal-Parlament.

Il-Ministri m'għandhomx jagħmlu rappreżentazzjonijiet pubbliċi lil Ministro oħra f'isem il-kostitwenti tagħhom iżda jistgħu juru l-fehmiet tagħhom lill-Ministru konċernat bil-miktub jew bil-fomm sakemm dawn ma jmorrx kontra l-politika tal-Kabinett.

Meta Ministro jrid jieħu deċiżjonijiet f'xi dipartiment li jaqa' taħtu u li jista' jkollhom impatt fuq il-kostitwenza tiegħu, hu għandu jieħu kull prekawzjoni biex jevita kull possibbiltà ta' konflitt ta' interess.

5.8 Safar

Kull Ministro u Segretarju Parlamentari li għandu bżonn iħalli Malta, kemm fuq safar uffiċjali kif ukoll privat, jeħtieg l-approvażzjoni tal-Prim Ministro.

Il-proċedura stabbilita hija li dawn it-talbiet jiġu ndirizzati lis-Segretarju tal-Kabinett permezz tal-posta elettronika fuq cab.sec@gov.mt, sabiex jiġi żgurat li l-proċeduri amministrattivi, fost dawn il-koordinament mal-Whip Parlamentari tal-Gvern, u l-ħatra ta' sostitut għall-Ministru li jkun ser isiefer, jitwettqu fil-ħin. Fil-każ ta' safar minn Segretarji Parlamentari, ikun meħtieg ukoll li t-talba jkollha l-għarfien tal-Ministri tagħhom.

Dawn it-talbiet għandhom isiru fi żmien adegwat qabel id-data tas-safar. Dan għandu jippermetti lill-Uffiċċju tal-Kabinett jikseb l-approvazzjonijiet meħtieġa fil-ħin u jikkomunika tweġiba qabel ma jsiru l-arrangamenti logistiċi relatati ma' dan is-safar.

Kull talba għandha tinkludi r-raġunijiet għaż-żjara, lista ta' pajiżi li jkun ser iżur il-Ministru, kif ukoll il-kompożizzjoni tad-delegazzjoni ministerjali. Il-Ministri għandhom iżommu n-numru ta' membri tad-delegazzjonijiet tagħhom żgħir kemm jista' jkun. Il-Ministri huma mistennija jagħtu rapport lill-Prim Ministru wara kull żjara uffiċċali.

F'ċirkustanzi normali m'għandux isir safar mhux konness max-xogħol tal-Gvern meta jkun qed jiłtaqa' l-Parlament. Meta l-Parlament ikun wieqaf jew fi btajjal, għandu jkun hemm biżżejjed Ministri preżenti f'Malta biex ix-xogħol tal-Gvern jibqa' għaddej.

5.9 Il-preżenza tar-raġel jew mart il-Ministru fi żjara uffiċċali

F'każijiet fejn ikun kunsidrat li l-preżenza tar-raġel jew mart il-Ministru tkun neċċessarja, l-ispejjeż tas-safar tar-raġel jew mart il-Ministru jistgħu jitħallsu mill-fondi pubbliċi, sakemm ikun aċċertat li din il-parteċipazzjoni tkun fl-interess pubbliku. F'dawn il-każijiet għandha tintalab l-approvazzjoni tal-Prim Ministru.

5.10 Sostituzzjoni ta' Ministri

Meta Ministru jkun imsiefer, kemm fuq xogħol tal-Gvern kif ukoll fuq żjarat privati, Ministru ieħor (skont il-lista tas-Sostituzzjoni ta' Ministri approvata mill-Kabinett) ikun inkarigat sabiex jagħmilha ta' sostitut. Dan bil-ġhan li jieħu ħsieb affarijiet urġenti li jistgħu jinqalghu fl-assenza tal-Ministru responsabbli, bħal per eżempju, iwieġeb mistoqsijiet parlamentari u tqegħid ta' dokumenti fil-Parlament.

Dan l-arrangament għandu jiġura li x-xogħol tal-Gvern jibqa' għaddej b'mod normali.

5.11 Politika Ewropea u Barranija ta' Malta

Il-Ministri għandhom jagħtu kas l-implikazzjonijiet għall-politika Ewropea u barranija ta' Malta f'affarijiet ta' kuljum. Għaldaqstant, huma għandhom jiġuraw koordinament mill-qrib mal-Ministeri responsabbli għall-Affarijiet Ewropej u dak għall-Affarijiet Barranin.

Il-Ministri għandhom jinfurmaw bil-miktub jew jikkonsultaw lill-Ministri responsabbli għall-Affarijiet Ewropej u dak għall-Affarijiet Barranin f'dawn iċ-ċirkustanzi:

- (a) dwar iż-żjarat li jkunu ser jagħmlu barra minn Malta u bit-taħdidiet li ser ikollhom ma' rappreżentanti ta' gvernijiet barranin. Dan kollu jaapplika kemm għal taħdidiet formal iċ-ċirkustanzi;
- (b) qabel ma' Ministri ta' gvernijiet barranin jiġu mistiedna biex iżżuru Malta;
- (c) meta jsiru jafu b'xi żjara uffiċċali jew privata f'Malta ta' Ministru ta' gvern barrani jew ta' xi persuna oħra ta' l-istess *status*; u

- (d) meta jkunu qed jikkunsidraw li joffru ospitalità lil persuni barranin biex iżuru Malta; jilqgħu stedina simili; jagħtu appoġġ pubbliku lil xi petizzjoni, ittra miftuħha u affarijiet simili; jew jkunu qed jippreparaw li jagħmlu stqarrija pubblika li b'xi mod jolqtu lill-politika Ewropea u barranija ta' Malta.

6. IMġIEBA U OBBLIGI

Il-Kodiċi ta' Etika għall-Ministri jipprovd i-għida dwar prinċipji mistennija mill-Ministri firrigward ta' interess privati u kunflitti ta' interess.

6.1 Dikjarazzjoni tal-Assi

Fi żmien xahrejn mill-ħatra, u mhux aktar tard mix-xahar ta' Marzu ta' kull sena, kull Ministru u Segretarju Parlamentari għandu jibgħat lis-Segretarju tal-Kabinet dikjarazzjoni tal-assi li kopja tagħha hija meħmuża bħala ANNESS V u li telenka dan li gej:

- (a) il-proprietà immobбли li hi proprietà tal-Ministru jew li fuqha I-Ministru għandu xi forma ta' titlu;
- (b) ishma, bonds jew azzjonijiet f'investimenti oħra, li jista' jkollu f'kumpaniji kummerċjali jew *partnerships* pubblici jew privati;
- (c) is-somma totali ta' flus li għandu depożitati f'banek u kull xorta ta' interess finanzjarju;
- (d) karigi ta' direttur u dawk oħra f'kumpaniji kummerċjali, assoċjazzjonijiet, bordijiet, soċjetajiet koperattivi pubblici jew privati;
- (e) id-dħul tiegħu fis-sena ta' qabel; u
- (f) is-somma totali ta' self li jista' jkun rċieva u li tkun għadha ma tkallix l-kemm.

Din id-dikjarazzjoni għandha tirrifletti l-pożizzjoni fil-31 ta' Diċembru tas-sena ta' qabel u fil-lista (a), (b) u (c) msemmija hawn fuq, għandha tinkludi l-proprietà tar-raġel jew mart il-Ministru jekk din tkun parti mill-komunjoni tal-akkwisti, kif ukoll tat-tfal minuri tal-Ministru kemm-il darba għandu l-kustodja tagħhom.

Jekk Ministru jew Segretarju Parlamentari jkun ġie elett għall-ewwel darba fil-Parlament meta jingħata l-ħatra ta' Ministru jew Segretarju Parlamentari, ma jkunx meħtieg li jagħti rendikont tal-perjodu ta' qabel ġie elett fil-Parlament iżda biss l-assi li jipposse di fil-ħin li ngħata l-ħatra.

Is-Segretarju tal-Kabinet, taħt id-direzzjoni tal-Prim Ministru, għandu d-dover jipprepara l-formola neċċessarja għal din id-dikjarazzjoni. Is-Segretarju tal-Kabinet jagħti aċċess għal kopji ta' kull dikjarazzjoni kif ikun awtorizzat mil-Prim Ministru.

6.2 Ażjendi pubblici u privati u assoċjazzjonijiet voluntarji u filantropi

Malli jinhatar, il-Ministru għandu jirriżenja minn kull kariga pubblika oħra kif ukoll minn kull kariga ta' direttur jew kariga simili kemm jekk f'ażjenda pubblika kif ukoll jekk f'ażjenda privata jew assoċjazzjoni volontarja.

L-uniċi eċċezzjonijiet huma fil-każ ta' ħatriet onorarji jew ħatriet f'għaqdien filantropiċi sakemm ma jkunx hemm konflitt ta' interessa u f'dawn il-każijiet iżda għandha tinkiseb l-approvazzjoni tal-Prim Ministro billi ssir talba bil-miktub jew bil-posta elettronika permezz tas-Segretarju tal-Kabinett.

6.3 Kuntratt mal-Gvern ta' Malta

Il-Ministru għandu jirrinunza milli jkun parti f'xi kuntratt mal-Gvern ta' Malta li jkun kuntratt ta' appalt (*public tender* jew b'riżultat ta' offerta pubblika) għal xi xogħol jew kuntratt għall-provvista ta' merkanzija biex tiġi wżata fil-qadi tal-pubbliku, jew jekk xi soċjetà li fiha jkun soċju b'responsabbiltà llimitata jew kumpanija li tagħha huwa direttur jew manager issir parti f'xi kuntratt bħal dak, jew isir soċju b'responsabbiltà llimitata f'soċjetà jew direttur jew manager ta' kumpanija li tkun f'xi kuntratt bħal dak [Artikolu 55(1)(c) Kostituzzjoni ta' Malta].

6.4 Impieg għal rasu (*self-employment*)

Ministru li qabel il-ħatra tiegħu jkun jaħdem għal rasu, jeżerċita professjoni jew ikun fin-negożju, kemm jekk personalment, kemm jekk permezz ta' forma legali oħra, kemm jekk waħdu, u kemm jekk le, m'huiw obbligat jiddisponi mill-interess jew sehem tiegħu iżda jrid jagħmel immedjatament l-arranġamenti neċċessarji sabiex jassigura li:

- jinqata' mit-tmexxija u *management* tal-uffiċċju, sengħa jew negożju;
- jagħmel arranġamenti biex ikun jista' jitħallas ta' xogħol li jkun għamel jew profitti dovuti lili;
- ma jibqax jieħu sehem mill-ħlas jew profitti ta' xogħol li jsir wara li jkun ġie maħtur Ministru, għajnej għal somma fissa kull sena kunsidrata bħala dħul fuq l-investiment li jkun għamel fl-arranġament.

F'dawn il-każijiet kollha, il-Ministru għandu jinforma bil-miktub lill-Prim Ministro, permezz tas-Segretarju tal-Kabinett, bl-arranġamenti li jkun għamel.

Jibqgħu każijiet fejn, minkejja li jittieħdu dawn il-prekawzjonijiet kollha, l-interess – żgħir kemm hu żgħir – ta' Ministru f'xi uffiċċju, negożju jew sengħa jew xi investiment li jista' jkollu ma jkunux jistgħu jiġi rikonciljati mal-ħtieġa ta' fiducja pubblika fil-Ministru. Dan jista' jiġi kemm-il darba jista' jinqla' suspect li d-deċiżjonijiet tal-Ministru jistgħu jgħollu l-valur tal-investment jew meta Ministru jista' jkollu xi informazzjoni kunfidenzjali li taffettwa l-valur tal-investment.

F'dawn il-każijiet, il-Ministru għandu jiddisponi minn dak l-investiment jew interessa jew jirranġa biex il-*management* tiegħu ma jibqax f'idejh. Id-deċiżjoni tal-Prim Ministro f'dawn il-każijiet hija finali.

6.5 Investimenti li jistgħu jesponu lil-Ministru għall-konflitt ta' interessa

Meta jinhatar, Ministru għandu jagħmel analiżi tal-investimenti tiegħu u jekk jidher li jista' jkun hemm konflitt ta' interessa, reali jew potenzjali, ikun għaqli li l-Ministru jiddisponi minn

dawn l-investimenti. Il-Ministri għandhom jaraw ukoll li waqt li jkunu jokkupaw il-kariga ministerjali, huma għandhom jevitaw li jagħmlu investimenti li jistgħu jesponuhom għall-konflitt ta' interress.

Il-Ministri għandhom jittrattaw bl-istess mod l-investimenti tal-konjuġi kif ukoll dawk tat-tfal tagħ-hom taħt l-età.

6.6 Proċeduri legali

Meta Ministro jkun involut fi proċeduri legali fil-vesti privati, is-Segretarju tal-Kabinett għandu jkun infurmat b'dawn il-proċeduri. Fil-każ li dawn il-proċeduri jkunu istitwiti mill-Ministru, is-Segretarju tal-Kabinett għandu jkun infurmat qabel jiġu istitwiti.

F'każijiet fejn Ministro jkun involut fi proċeduri legali li jinvolvu kemm l-obbligi tiegħu bħala Ministro, kif ukoll lilu nnifsu bħala persuna privata, hu għandu, qabel ma jieħu pariri legali oħra, jikkonsulta mal-Ufficċju tal-Avukat Ĝenerali dwar kif għandu jiġi trattat il-każ. Normalment, f'każijiet simili l-Ministru, speċjalment fejn il-Ministru jkun qed jitlob il-ħlas ta' danni personali, bħal per eżempju każ ta' libell, għandu juža s-servizz tal-konsulent legali personali sakemm l-Avukat Ĝenerali ma jindikalux mod ieħor.

20 ta' Awwissu 2014

MEMORANDUM TO CABINET

TO: Cabinet

FROM:

SUBJECT:

DATE:

Background

Options

Recommendations

(Signature)

ANNESS II

UFFIĆĊU TAL-PRIM MINISTRU

Hlasijiet lil Konsulenti f'Ministeri

Mejju 2013

HLASIJIET LIL KONSULENTI F'MINISTERI

Linji Gwida Mejju 2013

Il-Ministeri jistgħu minn żmien għal żmien iqabbd konsulenti fuq oqsma differenti li jkunu jaqgħu fid-dekasteru tagħhom. Dawn il-konsulenti jkunu parti mill-Unit magħruf bħala STRATEGIC AND PRIORITIES UNIT (SPU)

Dan il-Unit huwa responsabbiltà taċ-Chief of Staff fil-Ministeru partikulari. L-SPU jista' u għandu jiltaqa' taħt il-presidenza tal-Ministru jew tas-Segretarju Parlamentari, kemm-il darba l-Ministeru jkollu Segretarjat Parlamentari, jew taċ-Chief of Staff, fl-assenza tat-tnejn biex jiġu mfassla strategi u prioritajiet li fuqhom jibbaż-a l-ħidma tiegħi l-Ministeru konċernat. Fil-laqgħat tal-SPU għandu jattendi wkoll is-Segretarju Permanenti tal-Ministeru konċernat, u l-Head of Secretariat kemm-il darba l-Ministeru jkollu wkoll miegħu Segretarju Parlamentari.

F'każ li l-Ministeru jkollu wkoll Segretarjat Parlamentari, dan jista' jkollu wkoll ‘attached’ miegħu konsulent/i li jkunu parti minn numru ta’ konsulenti li l-Ministeru partikulari jkun daħħal miegħu.

- L-Uffiċċju tal-Prim Ministro huwa ntitolat għal tmin konsulenti.
- Ministeru li jkollu fih ukoll Segretarjat Parlamentari huwa ntitolat għal sitt konsulenti.
- Filwaqt li Ministeru li ma jkollux Segretarjat Parlamentari huwa ntitolat għal erba’ konsulenti.
- Kull konsulent għandu jiġi kkontrattat jew għal sena b’kuntratt jiġġedded sena, sena, jew għal perjodu ta’ tlett snin li wkoll jista’ jiġġedded, f’kull każ bla pretensjoni ta’ impjieg fuq kuntratt indefinit.
- L-ogħla ħlas li jista’ jieħu konsulent ikun dak abbinat ma’ skala 3 tal-iskali tas-salarji fis-Servizz Pubbliku (2013 skala 3 : €33,853 pa). Uffiċċjal Pubbliku rtirat li jiddahħal bħala konsulent m’għandux jithallas iktar mill-ħlas tal-grad li jkun irtira minnu.

F’kull każ is-salarju għandu jiġi negozjat u għal dan il-ġhan qed jingħataw hawnhekk l-iskali tas-salarji relatati u kurrenti fis-Servizz Pubbliku.

Il-ħlas jinhad dem dejjem fuq in-numru ta’ siegħat maħduma.

- Konsulent ikun intitolat wkoll għal mobile u ADSL connection id-dar sa massimu ta’ €815 p.a.

ANNESS II

- F'kaži partikulari konsulent jista' jingħata allowance għall-karozza li tkun hekk:
 - a) Konsulent li jaħdem sa 20 siegħa fil-ġimgħa: €2,320 p.a.
 - b) Konsulent li jaħdem bejn 21-40 siegħa fil-ġimgħa: €4,659 p.a.

Din l-allowance, biex tingħata, irid ikun hemm ġustifikazzjoni li timmeritha.

- F'kaži eċċezzjonali, u wara l-approvazzjoni mill-Prim Ministro, konsulent jista' jingħata Expertise Allowance li l-massimu tagħha ikun €20,000 p.a. u/jew Expense Allowance ta' mhux iktar minn €2,000 p.a.
- Qabel ma konsulent jiġi kkonfermat, iċ-Chief of Staff fil-Ministeru partikulari għandu jikteb liċ-Chief of Staff fl-Uffiċċju tal-Prim Ministro biex tinkiseb approvazzjoni meħtieġa. Għandu jiġi indikat il-ħlas li Ministeru jkun se jħallas lill-konsulent li dwaru tkun qed tintalab approvazzjoni. L-approvazzjoni tingħata kemm fuq l-ingaġġ u kemm fuq il-ħlas.

Anness A

SKALI 2013 (IBBAŽATI FUQ INGAĠĢ FULL-TIME TA' 40 SIEGĦA FIL-ĠIMGħA)

Skala Nru	€
3	33,853
4	30,668
5	27,043
6	25,227
7	23,422
8	21,860
9	20,437
10	19,113
11	17,907
12	16,818

AGREEMENT FOR THE ENGAGEMENT OF AN ADVISER
WITH THE [insert Ministry or Parliamentary Secretariat]

1. Agreement made on the [insert date] between the Government of Malta, represented by [insert Permanent Secretary name] within the [insert Ministry] and Prof/Dr/Mr/Ms [delete as appropriate] [insert name] of [insert address], hereinafter called the Adviser for services to be rendered to the [insert Ministry] for any duties which may be assigned to him by the Minister.
2. The Adviser undertakes to perform his duties faithfully and diligently for a period of one year and will act in all respects according to the instructions or directives given to him by the Minister/Parliamentary Secretary [delete as appropriate].
3. The agreement is effective for a period of one year/three years [delete as appropriate] as from the [insert date].
4. Since, for the purpose of LN 51/2007 entitled Contracts of Services for a Fixed Term Regulations 2007, as amended by LN 239/08, there is an objective reason why an incumbent in this position should not attain indefinite status if employed in excess of the legal limit stipulated in these Regulations, this being the fact that he is engaged on a person of trust basis.
5. The Adviser shall, unless otherwise requested by the Minister/Parliamentary Secretary [delete as appropriate], perform the following duties:
[list duties]
6. The Adviser shall be expected to work an average of [insert hours] hours per week and any additional periods according to the exigencies of the Ministry; however, he will not be entitled to any extra remuneration.
7. The salary of the Adviser shall be [insert salary scale], paid pro-rata according to the number of hours stipulated in Clause 6 of this agreement [insert any other benefits if applicable].
8. The Adviser takes on a position of trust and shall conform to general Government rules and regulations in force from time to time.
9. The Adviser is expressly prohibited from participating in any way in all forms of tenders for supply and other forms of service and / or supply purchase requests issued by the Ministry.
10. If the Adviser shall be compelled by reason of ill-health (not caused by his own misconduct) to resign office or if at any time it shall be certified by a duly qualified medical officer employed by the Government that he is incapable by reason of any infirmity of mind and body (not caused by his own misconduct) of rendering further effective service, the salary shall be paid up to date of such resignation or certificate.
11. The Adviser shall be entitled full-pay sick leave for thirty working days and half-pay sick leave for a similar period [or pro rata periods in the case of Advisers working on a part-time basis]. A certificate signed by a duly qualified medical officer employed by the Government shall be the conclusive evidence on the question as to whether the Adviser was compelled to resign his office by reason of ill-health within the meaning of Clause 11 of this Agreement.
12. The Adviser shall be entitled to 192 hours vacation leave on full pay [or pro rata periods in the case of Advisers working on a part-time basis] to be availed of on such days as the Minister/Parliamentary Secretary [delete as appropriate] shall approve.

ANNESS II

13. The Adviser will not be entitled to any other benefits apart from those stipulated in the preceding paragraphs. The Adviser will not be entitled to such concessions applicable to permanent public officers as parental leave, responsibility leave and reduced hours.
14. The Adviser shall conform to general Government rules and regulations in force from time to time.
15. If the Adviser shall at any time after signing hereof, neglect or refuse for any cause (other than ill-health not caused by his own misconduct) or become unable to perform any of his duties or to comply with any order, or shall disclose any information respecting the affairs of the Government to any unauthorised person/s or shall in any manner misconduct himself, his employment may be terminated forthwith and thereby all rights and advantages reserved to him by this Agreement shall cease.
16. This Agreement may be terminated by the Government at any time on one month's notice in writing or a payment of two weeks' salary.
17. The Adviser may at any time after expiration of one month from the commencement of the Agreement date, terminate his engagement by giving one month's notice in writing or paying the Government two weeks' salary.
18. In the event of a change of Government or Minister, when the Adviser would be expected to offer his resignation, the agreement may be terminated by either party forthwith. The Adviser shall continue to receive the salary stipulated to the end of the month of such termination.
19. If the Adviser determines his engagement otherwise than in accordance with this Agreement, he shall be liable to pay as liquidated damages one month's salary.
20. In the event of pecuniary damage arising from disregarding or failing to comply with any order, standing order, or instruction given by the Minister/Parliamentary Secretary [delete as appropriate] or from any neglect of duty whatsoever on his part, the Adviser may be liable to a deduction from his salary to make good the damage or any part thereof, the amount of which shall be fixed by the Government.
21. One month prior to the completion of service under this Agreement the Adviser shall give notice in writing to the Government whether he desires to remain in employment and the Government shall thereupon determine whether it will extend his engagement for a further period.
22. If the Government offers him an extension for his engagement, this shall be on such terms and for such periods as may be mutually agreed upon.

ANNESS II

The parties intending to be legally bound are therefore signing this Agreement on the date set hereunder.

Signed by, on behalf of
the Government of Malta

Permanent Secretary
[insert Ministry]

Signed by:

[insert name]
ID No: [insert number]

Witnessed by:

Signature of Witness:

Address of Witness:

Date:



Directive no. 5

**POLITICAL PARTICIPATION AND COMMUNICATIONS
WITH THE MEDIA**

Issued on 24 February 2011 Principal Permanent Secretary in terms of the Public Administration Act.

1. APPLICATION OF THIS DIRECTIVE

- 1.1. This directive:
 - (a) regulates political participation by public officers with a view to reconciling the political impartiality of the Public Service with the personal rights of public officers;
 - (b) regulates communications with and through the media by public officers in the light of the above; and
 - (c) establishes similar provisions for the employees of government entities and agencies.
- 1.2. Sections 2 to 6 of this directive apply to ministries and departments and to public officers. Section 7 applies to government agencies and entities as defined by the Public Administration Act, and to their management and employees.
- 1.3. This directive supersedes the provisions of paragraphs 4.7.2, 4.9.4, 7.2 and 7.4 of the Public Service Management Code, which are hereby revoked.

2. GENERAL PRINCIPLES

- 2.1. It is of the utmost importance that Ministerial and public confidence in the impartiality of the Public Service shall not be impaired in any way. For this reason, activity in the political field, legitimately open to the ordinary citizen, is not considered compatible with the holding of certain posts in the Public Service.
- 2.2. All public officers need to ensure that they act with propriety at all times. Therefore any participation in political activities as is allowed in terms of this Directive must 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 confidence in the impartiality of the advice given, and actions taken, by public officers.¹

- 2.3. On the other hand active participation in the political well-being of the country is to be encouraged. For this reason most posts² in the Public Service are classified as “politically free”. However a number of posts are regarded as “politically restricted”. The posts listed in Schedule A hereto are regarded as “politically restricted” so however that the said Schedule can be updated by the Principal Permanent Secretary. In the eventuality that a post is re-classified as “politically restricted” the re-classification of the post has to be announced at least three months in advance.³
- 2.4. Determining what is appropriate in any particular case does not just depend on whether the post is classified one way or the other. Much 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. Thus, in the case of an officer who is also a Member of Parliament (MP), although the provisions of paragraph 2.6 apply, one cannot ignore the fact that the officer is also an MP representing a constituency.
- 2.5. Generally speaking posts in Scale 5 (inclusive) and upwards, are regarded as “politically restricted” since such posts are regarded as managerial posts.⁴ However there may be instances where, having regard to the duties attached to the post, a specific post may be re-classified as “politically free”. A post at this level is only regarded as “politically free” if it is not included in the Schedule referred to in paragraph 2.3 hereof. the decision of the Principal Permanent Secretary in this respect is final, so however that the Principal Permanent Secretary shall publicise this decision on the intranet.
- 2.6. In addition to what is stated in the preceding paragraphs, public officers occupying posts that are classified as “politically restricted”, are precluded from indulging in any political activity. These officers are required to maintain a reserve in political matters and abstain from any public manifestation of their views which might associate them prominently with any political party. They are thus also debarred from being adopted as candidates in any election whilst occupying such posts.

¹ For further reading see the “Principles” section in the Code of Ethics attached to the Public Administration Act, Cap. 497.

² Unless otherwise indicated, the words “post” and “Scale” are used as an all-encompassing terms and therefore reference to posts/grades also includes, amongst others, grades, scales, positions, contractees, irrespective of whether the individual is engaged on a full- or part-time basis. On the other hand, reference to scale includes reference to positions in the same level unless otherwise expressly stated.

³ If the post is politically restricted it is immaterial whether the individual takes up a part-time lectureship at University. This is being pointed out by way of clarification in view of what was stated in article 7.2.2.5 of the previous edition of the Public Service Management Code.

⁴ If an employee is in a lower scale or at a lower pay point, on reaching Scale 5 or equivalent, this provision applies.

- 2.7. If for political considerations, a conflict of interest arises, public officers may, at their own instance or at the instance of the Permanent Secretary, have to withdraw or be withdrawn from those areas of their duties giving rise to the conflict of interest. Where this is not possible, those concerned will have to refrain from participating in political activities. This applies also to those cases where, albeit after working hours,⁵ an officer who holds a “politically free” post is engaged in active canvassing on behalf of another candidate during an electioneering period.
- 2.8. Notwithstanding any other provision of this Directive, it stands to reason that no officer can indulge in political discussions or any other political activity during working hours or on official premises. Nor should any political activity be carried out on Government-owned property and/or premises occupied by a department, a Government entity or some such similar organisation. Nor may Government-owned or leased assets be used for such a purpose.
- 2.9. In general, no public officer shall be put in a position where s/he will have to resign unless s/he specifically prefers to. Therefore where a public officer is debarred from political participation and yet wishes to be involved in politics and political debate, s/he may:
 - (a) renounce to his/her performance agreement if s/he is on a performance contract. In such a case s/he will be deemed to have abandoned the post; and/or
 - (b) seek to be transferred to a post that is politically free. Management should facilitate such a request so long as a vacancy is available or an employee-exchange can be arranged; or
 - (c) apply for unpaid leave so however that s/he may seek re-instatement once s/he definitely renounces to political participation.⁶ Moreover for the purposes of this Directive, unpaid leave may be availed of even though the individual is still under probation in which case the period of probation shall be extended accordingly, notwithstanding any other provision of the Public Service Management Code.
- 2.10. The general principles set out in this section apply also to public comments and contributions to the media by public officers. This subject is however treated in more detail under section 5 of this Directive. In case of conflict limitedly with respect to the matters specified in section 5, that section overrides..

3. HOLDERS OF POSTS IN A PARTY STRUCTURE

- 3.1. For the purposes of this section:

⁵ In this Directive “working hours” or “working day/s” mean both the official time-table of the place of work as well as the individual’s own working schedule as the case may be.

⁶ In this Directive “unpaid leave”, unless otherwise indicated, means leave on grounds of public policy such that the officer does not lose any inherent rights.

- (a) “party” means a political party, movement, organisation or other group or formation which has, as its main thrust, the formulation of political agendas;
 - (b) “post in a party structure” or “party post or posts” refers to a post in the party’s core administration irrespective of whether the party has a statute or not; and
 - (c) it is irrelevant whether the post is salaried or not.
- 3.2. Without prejudice to the overriding principle that “public officers occupying posts that are classified as ‘politically restricted’ are precluded from indulging in any political activity”,⁷ officers in salary Scale 6 (or equivalent) and lower may hold posts in a party structure. Such officers may apply for unpaid leave for the duration of their political appointment. However, if they are only required to attend to party matters outside working hours and only occasionally are they required to attend to such duties during working hours, then these officers may opt to avail themselves of their vacation leave entitlement or request temporary leave of absence on unpaid leave but in this case, not on grounds of public policy to cover the political activity during working hours. The granting of temporary leave of absence is always subject to the exigencies of the service.
- 3.3. Once the officer ceases to hold such party post or posts s/he will be automatically resume his/her duties as per the relative substantive grade on notifying the Principal Permanent Secretary of the change in circumstance. However the officer is also entitled to avail himself/herself of three working days unpaid leave after leaving the party post as s/he may need to settle any outstanding business.

4. ELECTIONEERING

- 4.1. Public Officers occupying posts that are “politically free” can apply for unpaid leave for political activity. In the case of electioneering for:
- (a) The National Parliament, as from the first working day⁵ next following the proclamation of the relative writ;
 - (b) the Local Councils⁸ as from the first working day⁵ next following the date the election is officially announced; and
 - (c) the European Parliament as from the first working day⁵ of the calendar year during which the election is to be held;

so however that in each of the three cases, the prospective candidate has no option but to avail himself/herself of unpaid electoral leave for an uninterrupted period of at least 15 working days, of which at least two working days shall be the days prior to polling day and two other working days following the announcement of the election results;

⁷ Vide “General Principles” in particular paragraph 2.6 of this Directive.

⁸ In this document the word “Local Council” includes also Administrative Committees set up in terms of article 47 of the Local Councils Act, Cap. 363

Provided further that should the counting of the Local Councils vote be postponed because the election is held along with the National or European Parliament election, then the “uninterrupted period” rule will not apply and the public officers may resume duties. Should the officer opt to resume duty the two outstanding working days leave referred to above shall however be availed of when the counting of votes of the Local Councils election actually takes place.

- 4.2. Prospective candidates are to inform the line Permanent Secretary, through their Head of Department, as to their plans in terms of the preceding paragraph, not later than 48 hours after they declare their intention to contest an election. The Permanent Secretary will, in turn, inform the Public Administration HR Office for record purposes only.

National elections

- 4.3. Officers who are elected to Parliament shall have an option to:
 - (a) return to their duties from electoral leave as public officers in terms of the Members of Parliament (Public Employment) Act; or
 - (b) remain on unpaid leave.
- 4.4. The option referred to in paragraph 4.3 may be exercised only once in respect of each period of election to Parliament and shall be exercised by letter to the Principal Permanent Secretary, within seven days from the date of the official publication of the relative official electoral result, whereby the public officers exercising the option are declared elected to Parliament.
- 4.5. Officers taking up option (a) indicated in paragraph 4.3 shall be treated like any other public officers returning from unpaid leave. They shall however be subject to any special rules which the Prime Minister by order in the Government Gazette may make in the public interest, prohibiting them from serving in particular departments or offices or from performing particular duties. Such public officers shall be reassigned or excused from those duties as specified by that order.
- 4.6. Officers taking up option (b) indicated in paragraph 4.3 shall:
 - (a) be entitled to resume duties if they cease to be Members of Parliament irrespective of the duration of their absence provided that they resume duties within six months of their ceasing to be Members of Parliament. Should the officers seek re-election to Parliament at the end of their term of office, the interim periods between one legislature and another will also be considered as unpaid leave unless the officers concerned do not resume duties in such interim periods; and
 - (b) have their period of unpaid leave reckonable for Treasury pension purposes, provided that the same period is not taken into consideration for the purposes of the computation of a Members of Parliament pension. If pensionable public officers become also eligible to a Members of Parliament pension then this period of service which may be reckonable

for both pensions shall only be taken into account in reckoning the higher of the two pensions.

- 4.7. If in the course of the tenure of their parliamentary appointment, public officers are appointed or promoted to a grade which is classified as politically restricted, they shall retain what is due to them through automatic progression but, unless the new post is one they specifically applied for, will have the option to ask for a postponement of their appointment or promotion. This applies both to elected public officers who opt to return to their duties and also to those who remain on unpaid leave.
- 4.8. Officers who have not been elected to Parliament shall be obliged to return to their duties from electoral leave not later than seven days from the date of the official publication of the relative electoral result.
- 4.9. Officers who are elected to Parliament and prefer to resign their Public Service appointment instead of taking up either of the options listed in paragraph 4.3 shall continue to enjoy their eligibility to a Treasury pension under the Pensions Ordinance (Cap. 93). Likewise public officers who resign while Members of Parliament, and in the meantime become entitled to any benefits under the Pensions Ordinance (Cap. 93) on account of their death, age or otherwise, shall be paid all such benefits under the same terms and conditions as if they had just been re-instated in Government service prior to the date of such entitlement. Government undertakes to pay these benefits under the Pensions Ordinance (Cap. 93) on the date on which such benefits are normally paid to other serving officers.
- 4.10. Officers who resign on being elected as Members of Parliament are also entitled to be re-instated in the public service in accordance with the re-employment and re-instatement policy that is applicable at the time of the request for reinstatement.

Local Council elections

- 4.11. Officers elected to serve on Local Councils may opt to take unpaid leave, so however that if they choose to return to their duties as public officers, they are to be guided by the General Principles enunciated in section 2, in particular, but not limitedly, paragraphs 2.2 to 2.7 inclusive.

European elections

- 4.12. Officers who are elected to the European Parliament shall not be required to resign their public office, unless they opt to do so, and shall enjoy such rights and be subject to such obligations and conditions as any other officer in the same grade and position.
- 4.13. Officers elected to the European Parliament shall utilise their vacation leave or unpaid leave to attend to their duties abroad. The unpaid leave shall be concomitant with the period that they are Members of the European Parliament.

5. CONTRIBUTIONS TO THE MEDIA AND PUBLIC COMMENTS BY PUBLIC OFFICERS**Definition of "public comment"**

- 5.1. "Public comment" means public comment on matters relating to public policy and political issues. It includes public speaking engagements, comments on radio, TV, and the electronic media (inclusive of internet forums and social networking websites), and expressing views in letters to 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.

Public comment in a personal capacity

- 5.2. Public officers in scales 6 and lower are allowed to engage in public comment in a personal capacity. Moreover they are allowed to do so only as long as they ensure that their comments are being put forward solely as a matter of personal opinion⁹. It is up to the officers concerned to ensure that their comments are not in any way to be interpreted as being an official comment of the Government or the department where the public officer is employed at the time. But public officers are to refrain from commenting on matters that pertain to their ministry and in particular their area of work, even if in a personal capacity.
- 5.3. While public officers, as members of the community, have the right in a personal capacity to make public comment and to enter into public debate on political, administrative and social issues, there are some circumstances in which public comment is inappropriate. These include:
- the possibility that the public comment, although made in a private capacity, could be in some way linked or interpreted to be an official comment of Government or of the public officer's department; and
 - where public comment, regardless of the connection or lack of connection with public officers' normal duties, amounts to criticism sufficiently strong or persistent to give rise to the public perception that the officers are not prepared to implement or administer the policies of the Government of the day as they relate to their duties; and
 - where the public officer is in scale 5 and above.
- 5.4. Public officers are not to disclose official information or documents acquired in the course of their employment when engaging in public comment in a personal capacity.

Interviews

- 5.5. A public officer, whether on duty or on leave of absence, is not to comment publicly or allow himself/herself to be interviewed on matters concerning Government policy and programmes without prior authority to do so. Requests

⁹ Public officers may need to identify themselves and their position in order to clarify that their input is a matter of personal opinion

for such authority are to be submitted to the Permanent Secretary of the relative ministry.

6. ISSUE OF OFFICIAL INFORMATION

Definition of "media" and "communication"

- 6.1. "Media" is taken to include all mass media, such as newspapers, journals, radio, TV, internet, etc., whether local or foreign, while "communication" means any sort of contact.

Departmental media relations

- 6.2. The sole channel for communication with the media on matters relating to the Public Service is the Director of Information. This includes cases where heads of department need to answer letters, articles etc., which appear in the local and foreign press. It applies *a fortiori* to any such press replies required to be given by heads of section in departments. Anything for the media, originating from such sections, is invariably to be sent to the Director of Information by the Head of Department and Minister concerned. Anything published in the media on behalf of a Government department or official is to appear over the signature of the Director of Information.
- 6.3. Public officers may be required to engage in public comment through the disclosure of official information or documents, as part of their duties, when required by law or when proper authority has been given. In such cases, the Permanent Secretary is to be informed immediately that this is being requested, and any comments made by public officers in these instances should be confined to factual information and should not express opinion on official policy or practice.

Publication of media releases

- 6.4. Media releases should be initialled by the appropriate Minister, Permanent Secretary, or whichever official has been delegated accordingly. The guidelines issued by the Department of Information are to be duly adhered to.
- 6.5. Public officers should refrain from answering questions put to them by representatives of the media, irrespective of whether the information to be imparted is considered significant, trivial or already public knowledge. All inquiries should invariably be directed to the Department of Information. Similarly, requests for press coverage of any Government activity should be channelled through the Director of Information. Tip-offs to the press by public officers regarding any item of news which directly or indirectly concerns Government or which concerns third parties but takes place within Government precincts are similarly strictly prohibited.

7. PROVISIONS APPLYING TO GOVERNMENT AGENCIES AND ENTITIES

- 7.1. The provisions of sections 2 to 4 of this Directive shall be taken as applying to Government agencies and entities and to their managers and employees, subject to the following qualifications:
- (a) The reference to posts in Scale 5 and upwards in paragraph 2.5 shall be understood as a reference to senior posts in the agency or entity concerned, and analogous references elsewhere shall be understood in a corresponding manner.
 - (b) It shall be up to each agency and entity, subject to the approval of the responsible Permanent Secretary, to establish the cut-off point above which positions are to be considered senior posts for the purposes of this Directive, and to draw up a list of politically restricted posts for the purpose of paragraph 2.3. Amendments to the list may likewise be made by the agency or entity with the approval of the responsible Permanent Secretary.
 - (c) Public officers deployed with a Government agency or entity may participate in political activities only if both their post with the government agency or entity and their Public Service substantive grade is classified as ‘politically free’, so long as they retain their “public officer” status.
 - (d) Where action is needed to resolve conflicts as contemplated by paragraph 2.7, this shall be taken by the respective agency or entity.
 - (e) Prospective election candidates who are agency or entity management or employees are to inform their chief executive officer of their plans. The CEO is to advise the responsible Permanent Secretary but the requirement to inform the Public Administration, HR Office as per paragraph 4.2 does not apply unless the officer has retained his/her “public officer” status..
 - (f) It is at the discretion of agencies and entities, subject to the approval of the responsible Permanent Secretary, as to whether to offer employees who are elected to Parliament the option set out at paragraph 4.3(a) since the Members of Parliament (Public Employment) Act applies only to public officers. Needless to say, each agency and entity should adopt a consistent policy in this regard.
 - (g) Similarly, it is up to each agency and entity, subject to the approval of the responsible Permanent Secretary, to adopt a policy on re-employment or re-instatement for the purposes of paragraph 4.10.
- 7.2. The provisions of section 5 of this Directive shall likewise apply to the employees of Government agencies and entities.
- 7.3. It shall be up to each Minister to regulate media relations by the agencies and entities for which he or she is responsible. Each agency and entity should liaise with the responsible Permanent Secretary with a view to establishing appropriate rules unless they are already in place.

8. IMPLEMENTATION AND TRANSITORY PROVISIONS

- 8.1. The Public Administration HR Office shall be responsible for the administration of this directive across the whole Public Administration.
- 8.2. Failure to abide by the provisions of this directive, particularly those concerning non-permissible activities in official premises or on the part of politically restricted posts, will be regarded as a serious disciplinary offence.
- 8.3. With respect to Government agencies and entities, it is the responsibility of the respective Permanent Secretary to ensure that the lists at sections 7.1.b and other structures listed in paragraph 7 are in place by the 29 April 2011.
- 8.4. This Directive is effective as from 1 June 2011. However, any person who is currently an elected Member of Parliament, Member of the European Parliament or Local Councillor and/or occupying a post in a party structure, s/he may retain such position until the end of their current term of appointment.
- 8.5. This directive shall apply indefinitely unless revoked.

Dr G Grima
Principal Permanent Secretary

LIST OF POLITICALLY RESTRICTED POSTS

Accountant - Tax Compliance Unit – MFEI	6
Assessor (Welfare Services Assessment) - MEEF	8
Assistant Correctional Manager	7
Assistant Manager - MRRA	9
Assistant Statistician	12
Audit Technicians - OPM	14
Benefit Fraud and Investigation Inspector – MEEF	10
Budget Officer - MFEI	10
Clerk Assistant	6
Committee Clerk	10
Communications Executive - MRRA	10
Communications Manager - MEEF	7
Communications Policy Coordinator - MFEI	10
Constable	14
Consul	12
Control Inspector Rural Affairs - MRRA	12
Coordinator E-Strategy - MEEF	7
Coordinator Financial Control - OPM	11
Coordinator Monitoring and Coherence with Community Policies – OPM	7
Correctional Officer	14
Correctional Supervisor	9

ANNESS III

Counsel	6
Counsellor	7
Customer Care Official - MHEC	10
Customer Relationship Officer - MEEF	14
Economics Analyst- MFEI	7
Economics Officer	10
Employment Relations Officer - OPM	14
Enforcement Manager (Direct Taxation) - MFEI	7
EU Fund Manager - Malta Public Service	7
EU Fund Officer - Malta Public Service	9
EU Fund Support Officer - Malta Public Service	11
EU Payments Manager - MFEI	7
EU Security Communicator - MFA	10
Executive Secretary Local Councils	5,6,7
Family Mediators' Co-ordinator - MJHA	9
First Secretary	9
Funding Support Coordinator - MEUSAC	7
Funding Support Officer - MEUSAC	8
Head Media Desk - MITC	7
Information Executive for the Italy-Malta Cross Boarder Coop Programme - OPM	8
Information Officer	10
Inspector of Police	8

Internal Audit Manager	6
Internal Auditor I	10
Internal Auditor II	8
Judicial Assistant (Full-Time) - MJHA	8
Judicial Assistant (Part-Time) - MJHA	8
Junior Legal/Legal Officer - MRRA	9
Junior/Trainee Accountants - Tax Compliance Unit - MFEI	10
Legal Officer	8
Management Accountant - FMMU	6
Manager (Internal Audit) - MRRA	6
Manager (Internal Services and Media) - OPM	7
Manager (Public Service Image Building) - OPM	7
Manager (Video Production and Archiving) - OPM	7
Manager Culture - OPM	7
Manager Economic and Financial Intelligence - MFEI	7
Manager Public Relations Unit - OPM	7
Manager Research Unit - OPM	7
Manager Security Services	9
Media Officers	7
Monitoring Officer (Local Councils) - OPM	10
Notary	9
Office Manager - Tax Compliance Unit - MFEI	7

Officers in posts in Scales 1 to 5 except the following:

*Chief Architect & Civil Engineer
 Chief Curator
 Chief Engineer
 Chief Operations Officer
 Chief Psychologist
 Chief Quality Surveyor
 Chief Scientific Officer
 Consultant
 Deputy Director, Department of Tourism Studies
 Director (Clinical)
 Head, Clinical Services Rehab Hospital - MHEC
 Librarian
 Manager Agent Management - CIMU
 Manager Health Inspectorate
 Officer in Grade/Scale 5
 Operations Manager, St James Cavalier Centre for Creativity
 Principal General Practitioner
 Principal Medical Officer
 Principal Veterinary Officer
 Project Manager (IT)
 Projects Leader Public Private Partnership Unit, MFEI
 Resident Specialist
 Resource Manager Aquaculture - MRRA
 Resource Manager Capture Fisheries - MRRA
 Responsible Person National Blood Bank - MHEC
 Senior General Practitioner
 Senior Manager Abattoir Operator - MRRA
 Senior Manager Health Information Systems - MHEC
 Senior Manager Pharmaceutical Surveillance - OPM
 Senior Manager Schengen Unit - MJHA
 Senior Manager Works Information Systems - MRRA
 Senior Registrar (Dentistry)
 Sports Officer II*

Payment Coordination Officer - MFEI	10
Payroll Officer - OPM	11
Policy Development Officer - MJHA	10
Principal Economics Officer	6
Principal Statistician	6

Professional Economist - TCU - MFEI	7
Programme Manager	7
Project Leader National Identity Management Systems - MITC	7
Projects Manager ERDF Grant Scheme for Childcare Facilities - MEEF	7
Projects Manager Managing Authority - OPM	7
Protocol Officers - MFA	11
Public Internal Financial Control Auditor - OPM	7
Public Relations Officer	10
Quality Control Manager -MRRA	7
Recorder of Debates - House of Representatives	11
Registry Officer - Cabinet Office	14
Research Analyst – House of Representatives	7
Research Analyst - MFEI	8
Research and Support Officer - House of Representatives	7
Research Officer - OPM	10
Research Officer - Permanent Representation of Malta to the EU	9
Risk Analysis Coordinator - MRRA	7
Second Secretary	10
Senior Accountant - Tax Compliance Unit - MFEI	5
Senior Consul	9
Senior Correctional Officer	11
Senior Economics Officer	8

ANNESS III

Senior Economist	6
Senior Information Officer	7
Senior Internal Auditor	7
Senior Legal Officer	6
Senior Legal Procurator	9
Senior Manager Industrial Relations - OPM	6
Senior Notary	6
Senior Policy Officer - MFA	7
Senior Statistician	8
Senior Statistics & Research Officer	8
Sergeant	11
Sergeant Major	10
Social Security Inspector - MEEF	11
Statistician	10
Structural Funds Database Technical Support Officer - OPM	11
Support Coordinator - OPM	11
Systems Facilitator - Electoral Office	6
Systems Manager HR Information Systems - OPM	6
Technical Attaché - Permanent Representation of Malta to the EU	7
VAT Inspector - MFEI	10
Task Officer - MEEF	7
Trainee Internal Auditor	12

OFFICE OF THE PRIME MINISTER

Engagement of Staff for Ministers' Secretariats

March 2013

1. Introduction

The purpose of this document is to define a standard organizational set-up for Ministers' Secretariats.

Key roles considered essential for the effective operations of a Secretariat are also highlighted in this document.

Ministers and Parliamentary Secretaries are expected to observe this manual when establishing their secretariats. All reference to "OPM's approval" is invariably to be understood to mean the approval of the Prime Minister to be obtained through a request submitted to the Chief of Staff of the Prime Minister's Secretariat.

The Minister and his or her Parliamentary Secretaries are to be housed in one building to form a co-ordinated team.

2. Ministers' Secretariat Staff

The Prime Minister, Ministers and Parliamentary Secretaries are entitled to engage a number of officers in their Secretariats, preferably but not necessarily, from amongst Government employees. These include a Chief of Staff, or a Head of Secretariat in the case of Parliamentary Secretaries, with overall responsibility for the Secretariat, a Private Secretary in charge of the administrative functions of the Secretariat, and other middle management, administrative, clerical staff and messengerial staff.

A standard organizational set-up has been defined to ensure that the Prime Minister, Ministers and Parliamentary Secretaries have the necessary staff to meet anticipated requirements in terms of both political and administrative functions.

These key positions are central to the following four functional areas of responsibility:

1. Prioritization, co-ordination and evaluation of policies;
2. Co-ordination of diary and correspondence including constituency matters;
3. Communication and public relations; and,
4. Office management and logistics.

The persons selected to fill these key positions are to have the necessary background and qualifications to carry out the duties as defined in the position description provided.

2.1 Staffing Levels

The position titles of Secretariat staff, as well as the different complements for each position applicable to the Prime Minister, Ministers and Parliamentary Secretaries, are captured in the Tables 1, 2 and 3 below.

2.2 Maximum Staff complement for the Prime Minister's Secretariat

Table 1

Position	Secretariat Scale	Complement
Chief of Staff	Scale 2	1
Head Government Customer Care	Scale 2	1
Head Government Communication	Scale 3	1
Deputy Chief of Staff	Scale 4	1
Private Secretary	Scale 4	1
Personal Secretary	Scale 4	1
Co-ordinating officer	Scale 6	4
Secretariat Officer	Scale 9	10
Secretariat Pool	Scale 13	6
Senior Secretariat Messenger	Scale 11	1
Secretariat Messenger/Charwoman	Scale 14	8
Personal Driver/Security Officer	Scale 14	2
Total		37

2.3 Maximum Staff Complement for Ministers' Secretariats

Table 2

Position	Secretariat Scale	Complement
Chief of Staff	Scale 3	1
Private Secretary	Scale 5	1
Customer Care Officer	Scale 6	1
Communications Secretary	Scale 6	1
Assistant Private Secretary	Scale 7	1
Co-ordinating Officer	Scale 7	2
Secretariat Officer	Scale 10	4
Secretariat Pool	Scale 13	3
Secretariat Messenger/ Charwoman	Scale 14	3
Personal Driver/Security Officer	Scale 14	2
Total		19

2.4 Maximum Staff Complement for Parliamentary Secretaries' Secretariats

Table 3

Position	Secretariat Scale	Complement
Head of Secretariat	Scale 4	1
Private Secretary	Scale 5	1
Co-ordinating Officer	Scale 7	1
Secretariat Officer	Scale 10	2
Secretariat Pool	Scale 13	2
Secretariat Messenger/Charwoman	Scale 14	2
Personal Driver/Security Officer	Scale 14	2
Total		11

2.5

In addition when the post has to be filled by a Public Officer who is in a salary scale higher than the post identified to be filled, the Prime Minister may approve the appointment of the person at a salary scale higher than the established secretariat scale, as may be the case.

2.6 Special Staff Complement Arrangements

In view of the exigencies and work practices of different Ministries, a Minister or Parliamentary Secretary may request the Prime Minister's approval to modify the set up of the complement in the tables shown above. These changes should be such as not to unduly upset the salary allocation of the Ministry's Private Secretariat.

2.7 Policy Consultants

A number of consultants may be contracted to prioritise, co-ordinate and evaluate policies and form part of the Strategic and Priorities Unit within each Ministry falling under the responsibility of the Chief of Staff but separate from the Private Secretariat. Prior approval of the Chief of Staff at the OPM has to be obtained, after which the usual arrangements with the PAHRO may be proceeded with, through the Ministry's Permanent Secretary.

3. Recruitment of Staff

Ministers and Parliamentary Secretaries are to comply with the following manual when recruiting secretarial staff.

3.1 Recruitment Guidelines

3.1.1 Introduction

All requests for the engagement of staff within Private Secretariats and Strategic and Priorities Unit (SPU) are to be made by the Ministry's Secretariat and copied to the Cabinet Secretary using the appropriate formats.

Copies of the documentation concerning the engagement of all personnel are to be forwarded by the Ministry's Permanent Secretary's office to the Public Administration HR Office (PAHRO) after having secured the necessary authorization from the Prime Minister's Chief of Staff.

Persons from within the Public Service or Public Sector on part time, whole time, definite or indefinite contracts may all be considered for engagement, and there is to be no distinction in the contract a person is given on the basis of their original employment.

It is to be noted that staff in Private Secretariats are contracted on a definite contract, and that the provisions of LN51/07 (Contract of Service for a Fixed Term Regulations) do not apply in their case.

3.1.2 Public Service Officers

Requests for the transfer of staff from government departments should be submitted by the respective Ministry's Permanent Secretary to the PAHRO.

It should be noted that all Secretariat positions are pegged to the maximum of the salary scales indicated in the Tables above. Serving public officers recruited into these positions should be paid the salary attached to that position. When progression in the substantive post is due, and persons in the Secretariat should be receiving a salary higher than what they are entitled to receive according to the Secretariat post they occupy, their Secretariat salary scale is to be equivalent to that of their substantive post, subject to the approval being granted as per 2.5.

3.1.3 Public Sector Employees

Individuals cannot be recruited from public sector organizations on a secondment basis. Officers selected from such organizations must avail themselves of unpaid leave in order to take on a Secretariat position. However, these officers will retain all seniority and promotion rights as defined in the collective agreements of their current employer organization. For the duration of their employment in a Secretariat, these officers will be paid the salary attached to the secretariat position they are being appointed to, subject also to the provisions of paragraph 2.5.

3.1.4 Recruitment from outside the Public Service and Public Sector

Ministers and Parliamentary Secretaries are permitted to engage individuals from outside the public sector in their Secretariat. Such persons have to make their own arrangements with their previous employer and shall receive only the emoluments pertaining to their post in the Private Secretariat. See 4.2.

3.1.5 Other Provisions

- a. Chiefs of Staff may consider extending specific working arrangements, particularly family friendly measures, to those members of their staff who request them. Such arrangements, which are to be developed in consultation with, and approved by, the Chief of Staff of the Prime Minister's Secretariat, are to ensure that the highest quality service is maintained, and that remuneration reflects the arrangement entered into.
- b. When a Public Officer is successful in a Call for Application or a Promotion Exercise within the Public Service for which confirmation of appointment is subject to a period of probation, the time worked in a Private Secretariat following the appointment shall be considered valid towards the completion of the probation period. The same holds for officers from the Public Sector.
- c. In cases where employees engaged with Private Secretariats have outstanding contracts entered into in respect of sponsored studies, the time worked in the Private Secretariat is to be considered valid towards the honouring of the same contract. This arrangement holds for employees from both the Public Service and the Public Sector.
- d. Officers from the Public Service or Public Sector who were originally employed on a definite contract are to have their definite contract suspended upon engagement within a Private Secretariat. The contract is to be resumed upon the person's return to the original employing entity once the contract with the respective Private Secretariat ceases to have effect.
- e. Public officers who prior to taking up engagement with a Private Secretariat were eligible to a longer period of sick leave are to retain such eligibility. However, public officers who were entitled to allowances attached to shift work are to cease receiving such allowances.
- f. The contract entered into with persons engaged from outside the Public Service and Public Sector includes a termination benefit of four weeks' pay (based on the last salary received) for every year worked within a secretariat starting from a minimum of twenty-six weeks pay. The benefit is calculated on the total number of consecutive years or part thereof during which the person would have served within a secretariat, even when there is straddling of different legislatures and / or appointment in different secretariats. The sum, which is payable in full as a lump sum, is due when a person's contract with the Private Secretariat is terminated due to a change in Government or change in Minister / Parliamentary Secretary. Such benefit is to be granted in full irrespective of any alternative employment arrangements which the person may enter into immediately after their contract with the Private Secretariat has ceased. This arrangement does not apply to persons recruited from within the Public Service or from a Public Sector organization, nor to any person who takes up any new position within government immediately on leaving a Secretariat. This provision

supersedes any other document which provides a different direction about the matter.

- g. Public Officers who are serving in Secretariats in positions in a salary scale which is higher than their substantive grade shall be granted tenure in the grade at the level of the highest grade at which he has served for six years.
- h. The preceding provision also applies to employees engaged from the Public Sector who, upon their return to their mother entity, are to be assimilated into the next closer salary scale higher than that enjoyed during their full six years satisfactory service in a Private Secretariat.

3.2 Staff Approval

All appointments to Secretariat positions are to be effected following consultation with the Office of the Prime Minister and subsequent approval by the Prime Minister. Ministers and Parliamentary Secretaries are to submit the applicant's curriculum vitae when seeking approval for persons proposed for the position of Chief of Staff, Private Secretary, Assistant Private Secretary, Communication Secretary, Customer Care Officer and all Co-ordinators. All recruitment of persons from outside the Public Service should also be cleared with the Office of the Prime Minister and a curriculum vitae submitted.

The Office of the Prime Minister will request security clearance of all Secretariat personnel by the Security Service prior to finalizing any appointment. An update of each person's security clearance will be requested every two years.

3.3 Contracts

All Secretariat staff must be engaged on the basis of a Secretariat Agreement even when engaged from the Public Service.

3.4 Conditions of Work

In the case of public officers, these guidelines are to be read in parallel with the Public Service Management Code (PSMC). In case of discrepancy, provisions made in these guidelines supersede provisions made in the PSMC.

3.5 Allowances

3.5.1 Allowances in lieu of Overtime

Given that the staff in Secretariats is invariably working under pressure, all staff are entitled to a secretariat allowance in lieu of overtime (see appendices B to D).

The allowance will be automatically adjusted in line with any increases to the relevant salary scale.

The following positions are also entitled to a bonus of up to €116.50 for overtime worked in excess of 23 and 46 hours per four-week pay period.

- Secretariat Officer
- OPM Senior Secretariat Messenger
- Secretariat Messenger
- Charwoman
- Secretariat Pool

The bonus shall be payable as follows:

- Overtime in excess of twenty- three hours but which does not exceed forty- six hours - €58.25
- Excess overtime beyond forty-six hours - €58.25

The number of overtime hours worked in excess of the twenty-three and forty-six hours in any four weekly pay period should be carried forward (for up to one year) and added to the hours of overtime worked in subsequent pay-periods.

Since Drivers/Security Officers will not be receiving this overtime bonus and given that their work necessarily extends well beyond normal working hours/days, it is understood that they will usually be working on a one day on and one day off basis.

Overtime Remuneration for Messengers/Charwomen performing duties in the Prime Minister's Secretariat.

3.5.2

The Prime Minister's Secretariat requires more messengerial support outside normal working hours than other Secretariats. This results in Messengers in this secretariat routinely performing overtime in excess of forty-six hours every four-weekly pay period. Given this situation, in addition to the allowance in lieu of overtime and the bonus of €116.50 if they work up to forty-six hours in any one pay-period, Messengers in the Prime Minister's

Secretariat will be reimbursed for any overtime worked in excess if forty-six hours in any one pay-period at their standard rate calculated as per their substantive grade.

As a result, unlike Messengers in other Secretariats, Messengers in the Prime Minister's Secretariat are not entitled to carry forward overtime worked in excess of forty-six hours from one pay-period to the next.

3.6 Other Employment or Business Interests for Secretariat Staff

All Secretariat employees (including those recruited from outside the public sector) are required to conform to the Code of Ethics for Public Officers. In line with this Code, all officers must first obtain the written recommendation of the Chief of Staff of the Ministry, and then obtain the written approval of the Permanent Secretary of the Ministry concerned if they wish to take on any form of outside employment or business interest in addition to their Secretariat duties. This requirement also applies to any part-time employment or business interest that an individual may have held prior to taking up a Secretariat post and which he/she may wish to retain. Employees are to seek renewal of such approval on an annual basis.

The procedure to be followed in these cases is for the individual to declare any outside employment or business interest in writing to the Permanent Secretary of the Ministry concerned. With particular reference to the conflict of interest issue highlighted in the above-mentioned Code, the Permanent Secretary is then to issue a written decision as to whether the Officer's request is approved or denied.

The officer's declaration, together with the Permanent Secretary's response, is to be copied to the Cabinet Secretary and the Office of the Prime Minister. In cases that concern new recruits to a Secretariat, this procedure must be completed before OPM approval for recruitment is obtained and the Secretariat Agreement signed.

3.7 Uniforms for Staff in Prime Minister's and Ministers' Secretariats

Messengers in Secretariats should wear the standard uniforms issued to messengerial grades. However, given that the Office of the Prime Minister frequently hosts State, Official and other functions, support staff in the Prime Minister's Secretariat – namely members of the Secretariat Pool, Secretariat Messengers and Charwoman – are to be supplied with appropriate uniforms, which are to be worn on a daily basis. Messengers within Prime Minister's Secretariat are to have an additional uniform to be worn on special functions.

3.8 Use of mobile telephones

The following positions may be issued with a fully-expensed mobile telephone:

Within the Prime Minister's Secretariat

- Chief of Staff
- Deputy Chief of Staff
- Personal Secretary
- Private Secretary
- Head, Government Communication
- Head, Government Customer Care

Within Ministries and Parliamentary Secretariats

- All Chiefs of Staff
- All Private Secretaries
- All Assistant Private Secretaries
- All Communication Secretaries
- All Customer Care Officers

On no account may public sector organizations within the portfolio of the Ministry concerned be used to cover mobile telephones in addition to the above.

Should a Minister or Parliamentary Secretary consider that additional mobile telephones are required, a request should be made to the office of the Prime Minister stating the reason for this requirement.

In very extreme circumstances, especially where individuals are required to make exceptional use of their personal home telephones, an appropriate allowance may be granted to such individuals following OPM approval.

3.9 Secretariat vehicles

Apart from the entitlement of top posts to the full use of a fully-expensed official car, each secretariat may have a car pool for general use by Secretariat Messengers. The maximum number of cars permitted is:

Secretariat	Maximum number of cars
OPM	4
Ministries	2
Parliamentary Secretaries	1

On no account may any vehicle from the Secretariat car pool be used by Secretariat officers for personal use during or outside office hours. Only Secretariat staff entitled to the use of an official car in terms of their Secretariat Agreement are permitted to take their official vehicle home at the end of each day.

On no account may public sector organizations within the portfolio of the Ministry concerned be used to provide vehicles in addition to the above.

Should a Minister or Parliamentary Secretary consider that additional vehicles are required, a request should be made to the Office of the Prime Minister stating the reason for this requirement.

In very extreme circumstances, especially where individuals are required to make exceptional use of their personal cars, an appropriate allowance may be granted to such individuals following OPM approval.

4. Procedure for the Engagement of Secretariat Staff

4.1 Purpose

The engagement of any member of staff in a Secretariat is to be regulated by a Secretariat Contract, the provisions of which will vary according to whether the individual is recruited from:

- Public Service
- a parastatal or other public sector organizations; or
- outside the public sector.

This section details procedures for engaging members of staff from all of the above categories. The section concludes with procedures for the termination or extension of Secretariat Agreements.

4.2 Engagement of individuals from outside the public sector

The following documentation is required in the case of individuals recruited externally for a Minister` Secretariat position:

Secretariat Contract – the appropriate template depending on the position to be taken up by the person being recruited

To be signed by the Permanent Secretary of the Ministry concerned on behalf of the Government.

Position Description

Secretariat posts from Chief of Staff down to Co-ordinator level are covered by a position description that must be incorporated with the Secretariat Agreement.

4.3 Engagement of individuals from parastatal or other public sector organizations

Individuals from parastatal or other public sector organizations are required to take unpaid leave from their employer before taking up a Secretariat post. While they are performing duties in a Secretariat, these individuals will be paid the salary attached to the Secretariat position they have been appointed to, unless an exception has been approved a priori by the Prime Minister in view of their higher substantive grade, when they would receive a salary which reflects their higher substantive grade.

In the case of individuals who are currently on a definite contract with a parastatal organization, this contract will be suspended for the duration of their attachment to a Ministers` Secretariat, to be resumed if and when their attachment is terminated.

The following documentation is required in the case of an individual engaged from a parastatal organization or public sector organizations:

Covering letter.

To be issued by DG, PAHRO to the employer organization. This letter suspends any indefinite contract if the person on such a contract and stipulates that all seniority and promotion rights as defined in the collective agreement of their employer organization will be retained by the employee for the duration of the attachment to a Secretariat.

Secretariat Contract – The appropriate template depending on the position to be taken up by the person being recruited.

To be signed by the individual and the Permanent Secretary of the Ministry concerned on behalf of the Government.

Position Description

Secretariat posts from Chief of Staff down to Co-ordinator are covered by a position description that must be incorporated with the Secretariat Agreement.

4.4 Appointment of Public Service Officers to a Secretariat position

Given that Secretariat positions are pegged to analogous General Service grades and are regulated by specific conditions, public officers are required to sign a Secretariat Contract stipulating, for their duration of their attachment to a Secretariat, that they are to receive the salary scale and other benefits specified for the position they are appointed to, and that they will be regulated by the pertinent clauses in this document. Public Officers will then revert to their substantive salary scale and grade on the termination of this agreement.

The following documentation is required in the case of public officers appointed to a Ministers` Secretariat position.

Covering letter from Permanent Secretary of Ministry concerned

This covering letter is issued by the Permanent Secretary of the Ministry concerned to public officers. The primary intention is to stipulate the salary scale that the officer is eligible to receive for the duration of his/her attachment to the Secretariat, while also stating that this is a temporary measure and that the officer will revert to his/her substantive grade on termination of the agreement, without loss of increment or progression benefits.

Secretariat Contract

To be signed by the individual and the Permanent Secretary of the Ministry concerned on behalf of Government.

Position Description

Secretariat posts from Chief of Staff down to Co-ordinator are covered by a position description that must be incorporated with the Secretariat Agreement.

4.5 Procedures for OPM approval and Security Clearance

4.5.1 OPM Approval

Appointments to all Secretariat positions require the approval of the Prime Minister. Requests for such approval are to be addressed to the Prime Minister`s Chief of Staff and copied to the Cabinet Secretary.

In the case of all posts from Chief of Staff down to Co-ordinator level, as well as in the case of any individuals recruited from outside the public sector to any Secretariat post, a *curriculum vitae* of the individuals concerned is to be provided when seeking OPM approval.

4.5.2 Security Issues

Any Secretariat appointment is dependent on security clearance from the Head of Security Service. Individuals appointed to **any** Secretariat position (including minor staff) must be subjected to security clearance. This condition applies to both public officers and individuals recruited externally. Requests for such clearance will be submitted to the Security Services by OPM. Regular updates to the same clearance may also be requested. Requests are to be made on the appropriate forms.

4.6 Procedures for the Termination or Extension of Secretariat Agreements

4.6.1 Extension of Agreements

All secretariat Agreements are effective for one year commencing on the date on which the officer first assumed his or her Secretariat duties.

At least six weeks prior to the expiry of an officer's Agreement, the Chief of Staff is to consult with the Minister or Parliamentary Secretary as to whether this individual's Agreement should be extended for a further period of one year.

If the Agreement is to be extended, the Chief of Staff is to forward the name of this individual to the Permanent Secretary of the Ministry concerned on the appropriate form.

Once that is done a pro-forma letter is to be issued to the officer by the Permanent Secretary of the Ministry concerned to formalize this extension. Once countersigned by the officer, it should be attached to the original Secretariat Contract as an integral part of the original agreement.

4.6.2 Termination of Contracts

In cases where the Minister or Parliamentary Secretary decides that a Contract should be terminated, due attention should be paid to the requirements (in terms of notice period, termination benefits etc.) specified in the relevant clauses of the Contract – this applies particularly to individuals recruited from outside the public sector or from a parastatal or other public sector organization.

On termination of a public officer's Secretariat Contract, the Permanent Secretary of the Ministry concerned is to inform the PAHRO that the officer is available for re-deployment. Without any exception, the re-deployment of the officer is then to be handled solely by the PAHRO in line with standing procedures.

4.7 Impact of a Re-shuffle on Secretariat Contracts

When a Minister or Parliamentary Secretary changes his/her ministerial portfolio as a result of a ministerial reshuffle, the following procedures will apply:

- 4.7.1** Officers who are to remain with the Minister/Parliamentary Secretary's Staff will retain their current Secretariat Contract. This will be amended to reflect the fact that the Minister's / Parliamentary Secretary's designation has changed. These contracts will remain in force until their original expiry date. The clause of terminal benefits, therefore, does not apply.
- 4.7.2** Officers who take up positions in another Minister's / Parliamentary Secretary's Secretariat should sign a new Secretariat Contract. In this case, the clause of terminal benefits does not apply.
- 4.7.3** Officers recruited from outside the public sector or from a public sector organization who take up any new position within government immediately on leaving a Secretariat, are not entitled to any terminal benefits.
- 4.7.4** With the change of a Minister, the new Minister may or may not choose to retain the same staff in his/her Secretariat. In such cases, termination benefits specified in 3.1.5f, where applicable, are paid.

Appendix A

Salary Scales 2013	Euro
1	40,221
2	37,036
3	33,853
4	30,668
5	27,043
6	25,227
7	23,422
8	21,860
9	20,437
10	19,113
11	17,907
12	16,818
13	15,797
14	14,820
15	13,904
16	13,036
17	12,229
18	11,444
19	10,753
20	10,101

PRIME MINISTER'S SECRETARIAT					
Position	Complement	Maximum Secretariat Scale	Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Chief of Staff	1	Scale 2	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone, and an additional allowance of €2,096.44
Head Government Customer Care	1	Scale 2	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone, and an additional allowance of €1,630.56.
Head Government Communication	1	Scale 3	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone, and an additional allowance of €1,630.56
Deputy Chief of Staff	1	Scale 4	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone, and an additional allowance of €1,630.56
Private Secretary	1	Scale 4	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone, and an additional allowance of €1,630.56
Personal Secretary	1	Scale 4	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone, and an additional allowance of €1,630.56

OPM Co-ordinator	4	Scale 6	20% of salary scale 7	Car allowance of €1,864 (LM800) and a telephone allowance of €1,165 (LM500)
OPM Secretariat Officer	10	Scale 9	20% of salary scale 10	Max of €1,514.50 (LM650)
Secretariat Pool	6	Scale 13	20% of salary scale 14	Max of €1,514.50 (LM650)
OPM Senior Secretariat Messenger	1	Scale 11	20% of salary scale 14	Max of €1,514.50 (LM650)
Secretariat Messenger/Charwoman	8	Scale 14	20% of salary scale 14	€1,514.50 (LM650)*
Personal Driver/Security Officer	2	Scale 14	35% of salary scale 14	

*Additional pay according to para 3.5.2

MINISTER'S SECRETARIAT					
Position	Complement	Maximum Secretariat Scale	Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Chief of Staff	1	Scale 3	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2,000), free telephone and an additional allowance of €1,630.56.
Private Secretary	1	Scale 5	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2,000), free telephone
Customer Care Officer	1	Scale 6	20% of salary scale 7		Car allowance or €4,658.75 (LM2,000), free telephone
Communication Secretary	1	Scale 6	20% of salary scale 7		Car allowance of €4,658.75 (LM2,000), free telephone
Assistant Private Secretary	1	Scale 7	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2,000), free telephone
Ministry Co-ordinator	2	Scale 7	20% of salary scale 7		Car allowance of €1,864 (LM800) and a telephone allowance of €524.23 (LM225)
Secretariat Officer	4	Scale 10	20% of salary scale 10	Max. of €1,514.50 (LM650)	
Secretariat Pool	3	Scale 13	20% of salary scale 14	Max. of €1,514.50 (LM650)	
Secretariat Messenger/Charwoman	3	Scale 14	20% of salary scale 14	Max. of €1,514.50 (LM650)	
Personal Driver/Security Officer	2	Scale 14	35% of salary scale 14		

PARLIAMENTARY SECRETARY'S SECRETARIAT					
Position	Complement	Maximum Secretariat Scale	Allowance in lieu of overtime	Bonus for overtime in excess of 46 hours	Other Benefits
Head of Secretariat	1	Scale 4	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone and an additional allowance of €1,630.56.
Private Secretary	1	Scale 5	25% of salary scale 7		Full use of office car or transport allowance of €4,658.75 (LM2000), free telephone.
Co-ordinator	1	Scale 7	20% of salary scale 7		Car allowance of €1864 (Lm800) and a telephone allowance of €524.23 (LM225)
Secretariat Officer	2	Scale 10	20 % of salary scale 10	Max. of €1,514.50 (LM650)	
Secretariat Pool	2	Scale 13	20 % of salary scale 14	Max. of €1,514.50 (LM650)	
Secretariat Messenger/Charwoman	2	Scale 14	20 % of salary scale 14	Max. of €1,514.50 (LM650)	
Personal Driver/Security Officer	2	Scale 14	35% of salary scale 14		

Dikjarazzjoni tal-Assi - Ministru/Segretarju Parlamentari

(Fil-kaž li ma jkunx hemm biżżejjed spazju, paġna oħra għandha tiġi meħmuża u mmarkata b'riferenzi fuq din il-formola)

Silta mill-Manwal ta' Proċeduri meħmuż mal-Kodiċi ta' Etika għall-Ministru u Segretarji Parlamentari
(Fil-Kodiċi ta' Etika u l-Manwal, il-kelma "Ministru" meħuda li tinkludi wkoll Segretarju Parlamentari)

Interessi Privati - Dikjarazzjoni tal-Assi

Fi żmien xahrejn mill-ħatra u mhux aktar tard mix-xahar ta' Marzu ta' kull sena, kull Ministru għandu jibgħat lis-Segretarju tal-Kabinet dikjarazzjoni tal-assi li telenka: (a) il-proprietà immobblī li hi proprietà tal-Ministru jew li fuqha l-Ministru għandu xi forma ta' titlu; (b) ishma, bonds jew azzjonijiet f'investimenti oħra, li jista' jkollu f'kumpanniji kummerċjali jew partnerships, pubbliċi jew privati; (c) is-somma totali ta' flus li għandu depożitati f'banek u kull xorta ta' interessa finanzjarju; (d) karigi ta' direttur u dawk oħra f'kumpanniji kummerċjali, assoċċazzjonijiet, bordijiet, soċjetajiet koperattivi pubbliċi u privati; (e) id-dħul tiegħi fis-sena ta' qabel; (f) is-somma totali ta' self li jista' jkun irċieva u li tkun għadha ma thall-sitx lura.

Din id-dikjarazzjoni għandha tirrifletti l-pożizzjoni tal-31 ta' Diċembru tas-sena ta' qabel u fil-lista (a), (b) u (c) imsemmija hawn fuq, għandha tinkludi l-proprietà tar-raġel jew mart-il Ministru jekk din tkun parti mill-komunjoni tal-akkwisti, kif ukoll tat-tfal minuri tal-Ministru kemm-il darba għandu l-kustodja tagħhom.

(a) Proprietà Immobili

(b) Ishma, Bonds, jew azzjonijiet f'investimenti oħra f'kumpanniji kummerċjali jew partnerships, pubbliċi jew privati

(c) Is-Somma totali ta' flus depożitati f'banek u kull xorta ta' interessa finanzjarju ieħor

(d) Karigi ta' Direttur u oħra

(e) Dħul fil-2013

(f) Is-Somma totali ta' self li tkun għadha ma thall-sitx lura fil-31 ta' Diċembru 2013

Niddikjara li d-dettalji tal-interessi privati tiegħi msemmija hawn fuq huma korretti kif kien fil-31 ta' Diċembru 2013.

Isem b'ittri kbar _____

Firma _____

Titolu Ufficjali _____

Data ta' Dikjarazzjoni _____

WERREJ

Daħla	3
1. Preambolu	4
2. Skop ta' dan il-Kodiċi	4
3. Infurzar tal-Kodiċi	5
4. Prinċipi Generali	5
5. Standards għal Ministri bħala Persuni li Jokkupaw Kariga Pubblika	6
6. Responsabbiltà Kollettiva - il-Ministri u I-Gvern	7
7. Dmirijiet Ministerjali	8
8. Interessi Privati tal-Ministri u Kunflitti ta' Interess	9
9. Il-Ministri u I-Parlament	10
10. Il-Ministri, Relazzjonijiet Pubbliċi u I-Istampa	11

DAHLA

Id-dokument ta' Kodiċi ta' Etika għall-Ministri u s-Segretarji Parlamentari kien ippubblikat għall-ewwel darba 20 sena ilu. B'hekk inħass il-bżonn li jiġi aġġornat, bieħx b'hekk dan il-Kodiċi ta' Etika jirrifletti r-realtajiet tad-dinja moderna li qed ngħixu fiha.

Il-prinċipju jibqa' wieħed ċar ta' trasparenza u l-ogħla livelli ta' governanza.

Fuq kollox, l-applikazzjoni tal-ogħla livell ta' etika fl-imġieba pubblika li tgħodd, u mhux il-karta li fuqha jkun miktub dan il-kodiċi. Fl-applikazzjoni ta' dan il-Kodiċi ta' Etika għandu hemm livell ta' sens komun iggwidat mill-ġid komuni u r-rettezza f'kull deċiżjoni li tittieħed.

Il-Gvern permezz tal-Ministri u s-Segretarji Parlamentari tiegħi jibqa' viċin in-nies, li jisma' u jħares dejjem il-ħtiġiġiet tal-poplu, qabel l-interessi individwali ta' kull membru tiegħi.

L-obbligu u r-responsabbiltà ta' mgieba korretta u serja f'kull livell tal-ħajja jibqa' fuq il-persuni li jokkupaw kariga eżekuttiva fi ħdan il-Gvern.

B'hekk inžidu l-livell ta' fiduċja tal-pubbliku fil-politici u b'mod partikolari fil-Gvern li jkun ingħata mandat mill-poplu Malti u Għawdexi.

KODIĆI TA' ETIKA GHALL-MINISTRI

F'dan il-kodiċi, riferenza għal Ministro tħinkludi fiha riferenza għal Segretarju Parlamentari. Il-kelma Ministro għandha tittieħed li tapplika kemm għall-maskil u kemm għall-femminil.

1. PREAMBOLU

Il-Ministri jingħażlu mill-Prim Ministro, jibqgħu fil-kariga sakemm idumu jgawdu l-fiduċja tal-Prim Ministro u huma responsabbi-lejn u jagħtu kont ta' għemmilhom lill-Prim Ministro, lill-Parlament u lill-pubbliku inġenerali, eventwalment lill-elettorat fl-elezzjoni ġenerali.

Huma jgawdu minn pozizzjoni ta' fiduċja mogħtija lilhom mill-poplu u li toħroġ mill-kariga mogħtija mill-Prim Ministro, u jgawdu l-poter li jezerċitaw diskrezzjoni fit-teħid ta' deċiżjonijiet wiesgħa li jistgħu jaffettwaw individwi, gruppji ta' individwi, jew il-komunità inġenerali.

Għaldaqstant il-Ministri għandhom jaġixxu u jgħibu ruħhom skont standards tal-oġħla livell kemm fuq bażi personali kemm fil-qadi tad-doveri kostituzzjonali tagħihom.

2. SKOP TA' DAN IL-KODIĆI

Filwaqt illi l-Ministri huma personalment responsabbi għad-deċiżjonijiet dwar kif jaġixxu u jgħibu ruħhom u personalment responsabbi sabiex jagħtu kont ta' għemmilhom u jiġiustifikaw l-azzjonijiet u l-imġieba tagħihom lill-Prim Ministro, lill-Parlament kif ukoll lill-poplu inġenerali, l-iskop ta' dan il-Kodiċi ta' Etika huwa sabiex jipprovd i gwida tal-livelli għolja mistennija mill-Ministri fl-imġieba tagħihom sabiex jiġu rispettati l-aqwa standards ta' integrità, onestà, trasparenza , kontabilità u sens ta' ġustizzja, u sabiex jipprovd i gwida bil-ġhan li jiġu evitati konflicti ta' interessa.

3. INFURZAR TA' DAN IL-KODIĆI

Jekk jirriżulta li Ministro jkun ġab ruħu jew aġixxa b'mod li prima facie jikkostitwixxi ksur ta' dan il-Kodiċi, il-Prim Ministro juža d-diskrezzjoni tiegħu sabiex jiddeċiedi x'passi għandhom jittieħdu.

Il-Prim Ministro għandu dritt jirreferi lil jew jikkonsulta dwar il-materja ma' xi organu digħi stabbilit b'ligi jew li għad ikun stabbilit, pero' fl-aħħar mill-aħħar id-deċiżjoni finali dwar jekk jeżistix ksur u l-konsegwenza applikabbli, tibqa' dejjem kompetenza esklussiva tal-Prim Ministro.

4. PRINCIPIJI GENERALI

Barra mill-prinċipju ġeneralji tal-osservanza tal-liġi, huwa mistenni mill-Ministri r-rispett lejn il-prinċipji li ġejjin:

- 4.1 Il-prinċipju ta' responsabbiltà kollettiva, fis-sens illi bħala Gvern huwa responsabbi kollettivament lejn u għandu d-dover li jwieġeb għat-tmexxija tiegħu lill-Parlament;
- 4.2 Individwalment il-Ministri huma responsabbi lejn il-Parlament għad-deċiżjonijiet, policies u azzjonijiet tagħhom u tad-dipartimenti u l-aġenzijsi li jaqgħu fid-dekasteri tagħhom;
- 4.3 Konsegwentement il-Ministri għandhom jagħtu informazzjoni korretta lill-Parlament u għandhom jikkoreġu mal-ewwel opportunità possibbli xi żbalji jew ineżatteżżezzi li jkunu saru b'nuqqas ta' ħsieb;
- 4.4 Il-Ministri għandhom bl-aktar mod possibbli jkunu miftuħa fl-għotxi ta' informazzjoni lill-Parlament u lill-pubbliku inġenerali;
- 4.5 Il-Ministri għandhom jaraw li d-dipartimenti governattivi u l-entitajiet li jaqgħu fid-dekasteru tagħhom jitmexxew tajjeb u b'għaqal;
- 4.6 Il-Ministri għandhom ježiġu mill-uffiċjali pubbliċi li jaqgħu fid-dekasteri tagħhom, illi jagħtu l-aktar informazzjoni sħiħa u korretta meta mitluba mill-Kumitati Parlamentari;
- 4.7 Il-Ministri għandhom jassiguraw illi ma jkun hemm l-ebda konfliett ta' interess bejn d-doveri pubbliċi tagħhom u l-interessi personali;
- 4.8 Il-Ministri m'għandhom jaċċettaw ebda rigali jew beneficiċċi, salv kif provdut f'dan il-Kodiċi, li jistgħu jew jistgħu rägħonevolment joħolqu impressjoni li qed jikkompromettu l-ġudizzju tagħhom jew li jpoġġuhom tañt xi obbligazzjoni mhux xierqa;
- 4.9 Il-Ministri għandhom iżommu separati l-irwoli tagħhom bħala ministri u bħala deputati, kif ukoll ir-rwl tagħhom bħala membru ta' partit politiku;
- 4.10 Il-Ministri għandhom jirrispettar il-prinċipju tal-imparzjalità politika tas-servizz pubbliku.

5. STANDARDS GHAL MINISTRI BHĀLA PERSUNI

LI JOKKUPAW KARIGA PUBBLIKA

Għal dan il-ġhan il-Ministri bħala uffiċjali pubbliċi għandhom ikunu ispirati u fl-imġieba, azzjonijiet u deċiżjonijiet tagħħom iggwidati minn dawn il-valuri:

- 5.1 Sens ta' servizz - il-ġid suprem huwa l-ġid komuni u Ministru m'għandux ikun motivat minn sens ta' gwadann personali, familjari, ta' ībiebu jew persuni qrib tiegħu, iżda biss minn sens ta' servizz lejn il-komunità inġenerali u l-ġid komuni, għax fuq kolloks hu qed jamministra beni pubbliċi fissem il-pubbliku inġenerali;
- 5.2 Integrità - il-Ministri m'għandhomx ipoġġu lilhom infushom f'pożizzjoni li jinfluwenzaw ruñhom minn xi obbligazzjoni finanzjarja jew mod ieħor ta' persuni jew għaqdiet li jippruvaw jagħmlu dan, jew li jagħmlu użu mhux xieraq ta' informazzjoni li tiġi għandhom minħabba fil-kariga tagħhom sabiex jagħtu xi vantaggħi mhux xieraq lil xi ħadd filwaqt li jiżvanta għejja oħrajn;
- 5.3 Diligenza – ladarba l-Ministri jamministrax beni pubbliċi, fissem il-pubbliku inġenerali, għandhom jeżerċitaw l-

- ogħla livell ta' diliġenza inkluż fl-infıq ta' fondi pubblici, kif ukoll għandhom jaħdmu b'għaqal u bżżejha fit-twettiq t-ad-doveri tagħhom;
- 5.4 Oġġettivitā – fil-qadi tad-doveri pubblici, inkluż fil-ħatriet għall-karigi, l-għoti ta' kuntratti, jew fil-kuntest ta' kull għoti ta' beneficiċċi;
- 5.5 Kontabilità – il-Ministri jamministrax beni pubblici u għandhom ikunu trasparenti fl-operat tagħhom u miftuħa għall-iskrutinu neċċessarju;
- 5.6 Trasparenza - il-Ministri għandhom kemm jista' jkun jaqdu d-doveri tagħhom b'mod miftuħ u trasparenti, u għalhekk jagħtu raġunijiet għad-deċiżjonijiet u l-azzjonijiet tagħhom;
- 5.7 Onestà - il-Ministri għandhom jevitaw li jidħlu f'konflitti ta' interess bejn l-interess pubbliku u dak privat tagħhom u għandhom jagħtu informazzjoni sħiħa u korretta lill-Parlament, lill-Kabinett u lill-pubbliku ingħali;
- 5.8 Ĝustizzja u rispett - fl-imġieba tagħhom u deċiżjonijiet li jieħdu, il-Ministri għandhom juru rispett lejn l-istituzzjonijiet u għandhom jirrispettaw il-ligijiet tal-pajjiż. Għandhom juru sens ta' bilanċ u qies billi jkunu sensittivi ingħali lejn is-setturi kollha tas-soċjetà, kif ukoll b'mod partikolari lejn id-drittijiet u l-aspirazzjonijiet tal-persuni kkonċernati, sabiex b'hekk jimxu b'sens ta' ġustizzja;
- 5.9 Tmxixja - il-Ministri għandhom iħaddnu u jkunu ispirati minn dawn il-valuri biex b'hekk imexxu bl-eżempju.

6. RESPONSABBILTÀ KOLLETTIVA – IL-MINISTRI U L-GVERN

- 6.1 Il-Ministri għandhom ikunu familjari sew mas-setgħat u l-obbligi fdati lilhom, mal-iStanding Orders u r-regoli li fuqhom jimxi l-Parlament kif ukoll mar-regoli u l-proċeduri li jirregolaw il-ħidma tagħhom.
- 6.2 Peress illi l-principju ta' responsabbiltà ministerjali kollettiva huwa centrali fil-Kostituzzjoni, filwaqt illi d-diskussjonijiet fi ħdan il-Kabinett għandhom ikunu kemm jista' jkun ħielsa u miftuħa u għandhom jinstemgħu l-fekhmiet ta' kull membru fi ħdan il-Kabinett, fl-istess waqt l-istess diskussjonijiet u deliberazzjonijiet huma klassifikati bħala kufidenzjali. Il-Ministri għaldaqstant m'għandomx jikkomunikaw jew jikkummentaw dwar dak li jkun ġie diskuss fil-Kabinett 'l barra minnu.
- 6.3 Id-deċiżjonijiet tal-Kabinett jiġu komunikati lill-Ministri konċernati mis-Segretarju tal-Kabinett u dan għandu jara li d-deċiżjonijiet jiġu mwettqa.
- 6.4 Il-laqqħat tal-Kabinett għandhom jieħdu preċedenza fuq kull attivitā oħra ministerjali barra f'każ ta' safar fuq xogħol uffiċċiali, u l-Ministri huma parti mid-deċiżjonijiet meħħuda mill-Kabinett, sew jekk kienu preżenti sew jekk ma kienux, meta l-Kabinett ikun wasal għad-deċiżjoni partikolari.

7. DMIRIJIET MINISTERJALI

- 7.1 Il-kariga ministerjali hija waħda li tokkupa l-ġurnata tax-xogħol kollha tal-istess Ministro. Ebda Ministro ma jista' jaċċetta l-ebda ħlas barrani talli ssir xi ħaġa in konnessjoni max-xogħol tiegħu ta' Ministro.
- 7.2 Malli jinħatar, Ministro hu mistenni li ma jkomplix bix-xogħol privat tiegħu u għandu jiddedika l-ħin kollu tiegħu għal-xogħol tal-Gvern. Dan sakemm il-Kabinett ma jiddeċidiekk mod ieħor f'kaži eċċeżzjonali fejn l-interess nazzjonali jkun jinħtieg hekk.
- 7.3 Hekk kif Ministro jingħata l-kariga, għandu minnufih jagħti rendikont tal-assi u l-interessi tiegħu lis-Segretarju tal-Kabinett fuq il-formola relattiva. Għandu jiġi indikat ukoll lis-Segretarju tal-Kabinett kull interess illi jista' b'xi mod jagħti lok għal-perċezzjoni ta' konfliett ta' interess jew konfliett ta' interess reali. Dan ir-rendikont għandu

jingħata kull sena bil-mod indikat minn żmien għal żmien.

- 7.4 Il-Ministri għandhom jirrispettaw l-imparzjalitā tas-servizz pubbliku u jaraw illi l-influwenza tagħhom fuq is-servizz pubbliku ma tkunx abbużata. Il-Ministri għandhom id-dover li qabel jaslu għal xi deċiżjoni huma jagħtu kunsiderazzjoni xierqa lill-firxa kemm jista' jkun wiesgħha ta' pariri, inkluż billi jagħtu piżi lil parir infurmat u imparzjali tal-uffiċċali jew impjegati pubblici.
- 7.5 Id-deċiżjonijiet meħħuda għandhom, kemm jista' jkun, jinżammu rrekordjati f'files governattivi, anke jekk għandha tittieħed inkonsiderazzjoni wkoll il-prattiċità u r-realtà tal-komunikazzjoni elettronika fiz-żminijiet tal-lum.
- 7.6 Il-Ministri għandhom jassiguraw li bħala employers jitrattaw mal-istaff tagħħom b'mod ġust u ekwu.
- 7.7 Il-Ministri għandhom ikunu ispirati mill-mertu u kapacitajiet fil-ħatriet u karigi li jagħmlu u għandhom jikkonsultaw mal-Prim Ministro dwar ħatriet ta' chairpersons u membri ta' bordijiet.
- 7.8 Il-Ministri għandhom jaraw illi anki dwar safar, huma jagħmlu l-iktar arranġamenti effiċċenti u huma responsabbli għad-daqqs tad-delegazzjonijiet.
- 7.9 Meta Ministro jtemm il-ħatra tiegħi, dan għandu jirritorna lura lis-Segretarju tal-Kabinett id-dokumenti, materjal u rizorsi kollha illi kienu ġew mogħtija u fdati lil sabiex iwettaq id-dmirijiet tiegħi. Bħala konswetudni, hu fid-diskrezzjoni tal-Prim Ministro li jippermetti lil eks-Ministri aċċess raġonevoli għal dokumenti u materjal li jikkonċernaw il-perjodu meta huma kienu fil-kariga ministerjali.
- 7.10 Il-Ministri m'għandhomx jiżvelaw tagħrif jew informazzjoni kunfidenzjali lanqas wara li tintemm il-kariga ministerjali.

8. INTERESSI PRIVATI TAL-MINISTRI U KUNFLITTI TA' INTERESS

- 8.1 Il-Ministri għandhom jassiguraw li ma jkun hemm l-ebda konfliett bejn id-doveri pubblici u l-interessi privati tagħhom, finanzjarji jew ta' xorta oħra, u hija r-responsabbiltà personali ta' kull Ministro individwalment li jiddeċiedi jekk u x'għandu jsir biex ma jkun hemm dan it-tip ta' konfliett ta' interessa. B'dan illi f'każ li tkun meħtieġa direzzjoni mill-Prim Ministro dwar l-eżistenza ta' konfliett ta' interessa, dik id-deċiżjoni tkun finali. Il-principju generali huwa illi jew Ministro jiddisponi minn dan l-interess jew jieħu miżuri alternativi biex jippreveni.
- 8.2 Kull persuna li tiġi avviċinata sabiex tiġi offruta l-kariga ministerjali, għandha, kemm-il darba jkun ježisti dubju dwar xi possibbiltà ta' konfliett ta' interessa, qabel taċċetta l-istess kariga, tinforma b'dan il-fatt u ċirkostanzi oħra rilevanti lill-Prim Ministro. B'dan illi jekk fil-kors tal-legislatura jkun hemm tibdil fiċ-ċirkostanzi personali tal-Ministro li jistgħu jagħtu lok għall-konfliett ta' interessa, il-Ministru għandu l-obbligu jgħarrraf b'dan lil Prim Ministro immedjatamente.
- 8.3 Bi-istess mod, kull persuna li tiġi avviċinata minn Ministro sabiex tiġi offruta kariga fis-segretarjat, għandha, kemm-il darba jkun ježisti dubju dwar xi possibbiltà ta' konfliett ta' interessa, qabel taċċetta l-istess kariga, tinforma b'dan il-fatt u ċirkostanzi oħra rilevanti lill-Prim Ministro konċernat.
- 8.4 Ebda Ministro m'għandu jaċċetta rigali, donazzjonijiet, ospitalità jew servizzi mingħand xi ħadd, li jistgħu jpoġġuh taħt obbligazzjoni lejn dik il-persuna jew persuni u dan għandu wkoll japplika għall-membri tal-familja immedjata tal-Ministro. F'każ ta' dubju għandu jiġi kkonsultat il-Prim Ministro.
- 8.5 Il-Ministri m'għandhomx normalment jaċċettaw dekorazzjonijiet minn pajjiżi barranin, ħlief bil-permess tal-Prim Ministro.

- 8.6 Ebda Ministru m'għandu jieħu sehem fit-teħid ta' deċiżjonijiet li jolqtu membri tal-familja tiegħu, persuni oħra qrib tiegħu, u ebda Ministru m'għandu jiġi kkundizzjonat b'mod mhux xieraq fid-deċiżjonijiet tiegħu minn konflikt ta' interess finanzjarju jew mod ieħor, tiegħu jew ta' persuni qrib tiegħu, jew jagħmel užu mhux xieraq minn informazzjoni li tiġi għandu minħabba l-kariga tiegħu u waqt il-qadi ta' dmirijietu, b'mod partikolari jekk dan isir sabiex jivvantaġġa inġustament lil xi persuna jew persuni għad-detriment ta' oħrajn.
- 8.7 Meta Ministru jkun involut fi proċeduri legali fil-vesti privati, dawn jistgħu jkollhom implikazzjonijiet fuq ir-rwol ministerjali. Is-Segretarju tal-Kabinet għandu jkun infurmat b'dawn il-proċeduri u, f'każ li l-proċeduri jkunu istitwiti mill-Ministru, is-Segretarju tal-Kabinet għandu jkun infurmat qabel jiġu istitwiti.

9. IL-MINISTRI U L-PARLAMENT

- 9.1 Meta jkun qed jiltaqa' l-Parlament, huwa d-dmir tal-Ministri li jattendu s-seduti parlamentari u jippartecipaw attivament fid-diskussjonijiet li jkunu għaddejjin fl-istadji varji li fih jirrisvoli ruħu l-Parlament kif ukoll fil-Kumitat magħżula tal-Parlament. Meta Ministru jkun imsiefer jew ma jkunx jista' jattendi seduti parlamentari minħabba mard, l-iSpeaker tal-Kamra għandu jigi mgħarraf.
- 9.2 Meta jkun jiltaqa' l-Parlament, il-Ministri għandhom jaraw li l-aktar dikjarazzjonijiet u stqarrijiet importanti dwar policies jew deċiżjonijiet jiġu mħabbra fil-Parlament bħala l-ogħla istituzzjoni tal-pajjiż.
- 9.3 Il-Ministri għandhom jagħmlu ħilithom sabiex jagħtu l-iktar informazzjoni preciżha u korretta possibbi u kull korrezzjoni illi tista' tkun meħtieġa għandha ssir mal-ewwel opportunità.
- 9.4 L-iSpeaker tal-Kamra tar-Rappreżentanti għandu f'kull każ iż-żebbu minn qabel minn qabel dwar stqarrijiet ministerjali fil-Parlament u b'mod ġenerali anki l-Oppożizzjoni tiġi mgħarrfa bil-kontenut ftit tal-ħin qabel ma ssir l-istqarrija.
- 9.5 Il-Ministri għandhom juru rispett lejn is-Sedja kif ukoll lejn id-deputati parlamentari kollha.

10. IL-MINISTRI, RELAZZJONIJIET PUBBLICI U L-ISTAMPA

- 10.1 Il-Ministri għandhom jgħarrfu lill-pubbliku u lill-media bl-attivitajiet ministerjali fuq bażi regolari u b'mod organizzat.
- 10.2 Għal dan il-għan u għall-kordinament effettiv, stqarrijiet, intervisti u attivitajiet ministerjali għandhom l-ewwel jiksbu l-approvazzjoni mill-Ufficċċu tal-Prim Ministru qabel jinħarġu jew iseħħu.
- 10.3 Kemm-il darba tiġi mgħoddija informazzjoni mhux korretta, din għandha tiġi korretta minnufih.
- 10.4 Fl-interess pubbliku, il-Ministri għandhom jaraw li jkollhom komunikazzjoni miftuħha mal-imsieħba soċjali, għaqdiet mhux governattivi, għaqdiet professjonal, mezzi tax-xandir u pubbliku inġenerali.