



**ALTERNATTIVA
DEMOKRATIKA**
- THE GREEN PARTY -
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Abbozz ta' Ligi li tirregola l-hatra ta' bordijiet ta' entitajiet pubblici u kumpaniji tal-gvern – Proposta ta' Alternattiva Demokratika – The Green Party (Awwissu 2007)

Alternattiva Demokratika – The Green Party tixtieq tiringrazzja lill-Membru Parlamentari Dan Boyle tal-Green Party of Ireland ta' l-ghajnuna tieghu. L-Abbozz huwa bbazat fuq abbozz ta' ligi li pprezenta hu fil-parlament Irlandiz.

A Bill to regulate appointments to boards of public bodies and government owned companies – Proposed by Alternattiva Demokratika – The Green Party (August 2007)

Alternattiva Demokratika – The Green Party thanks Irish MP Dan Boyle from the Irish Green Party for his help. This Bill is based on a bill presented by Dan Boyle MP in the Irish Dail.

INTRODUCTION – INTRODUZZJONI

Purpose of Bill

Public bodies and government companies are an essential feature of governance in Malta and important decisions affecting the lives of people are taken by individuals appointed to the boards of these bodies. The present procedures for appointing board chairpersons and members are diverse and badly defined. This has given elite groups a monopoly of such positions and therefore an inordinate degree of influence on decision making. Renewed public confidence is required in the integrity of procedures and there is a need to eradicate any element of patronage and clientalism.

This Bill seeks to establish an independent merit based appointment system, through a new institutional framework which will allow for a systematic and transparent process of selection and appointments. This will ultimately enhance accountability and rigor in these bodies. Alternattiva Demokratika – The Green Party in parliament will push for this bill to become law.

Skop ta' l-abbozz

Entitajiet pubblici u kumpaniji tal-gvern huma essenzjali ghall-amministrazzjoni pubblika ta' Malta. F'dawn l-entitajiet jittiehdu decizjonijiet li jaffettwaw lic-cittadini kollha minn nies aapuntati bhala chairpersons u membri fuq il-bordijiet taghhom mill-Gvern. Il-proceduri biex jinhatru c-chairpersons u l-membri fuq il-bordijiet mhux cari u uniformi. Dan wassal biex dawn il-pozizzjonijiet jinghataw lill-istess klikka nies; nies li ghandhom influwenza kbira fuq decizjonijiet li jaffettwaw 'il-pajjiz kollu. Hemm bzonn li ngeddu l-fiducja tan-nies f'dawn l-entitajiet b'proceduri cari u trasparenti ta' kif isiru l-hatriet ta' chairpersons u membri tal-bordijiet. Hemm bzonn li jinqered il-patronagg u l-klijentelizmu.

Dan l-abbozz ta' ligi ghandu l-ghan li s-sistema ta' hatriet ta' chairpersons u membri tal-bordijiet ta' entitajiet pubblici u kumpaniji tal-gvern tkun trasparenti, gusta u bbazata fuq il-meritokrazzja. Alternattiva Demokratika fil-parlament tahdem bis-shih biex dan l-abbozz isir ligi.

APPOINTMENTS TO PUBLIC BODIES BILL 2007

BILL

AN ACT TO REFORM THE APPOINTMENT PROCESS OF CHAIRPERSONS AND BOARD MEMBERS OF PUBLIC BODIES, COMPANIES WITH BOARD MEMBERS APPOINTED BY GOVERNMENT AND CERTAIN OTHER SPECIAL POSITIONS.

PART 1

Preliminary and General

1.—If the House of Representatives by resolution so declares, this Act shall come into operation on such day as may be specified in the resolution of the house.

2.—In this Act—

“public bodies” means all executive bodies, companies in which the government appoints board members or chairpersons, advisory bodies and taskforces set up under the remit of a Government Department;

“the relevant minister” means the minister responsible for the establishment of a particular public body;

“special appointments” means public appointments made to international organisations currently at the discretion of the Government;

“independent member” means a person who is not working for the Public Bodies Unit or is not a member of the Parliamentary Committee on Appointments to Public Bodies.

3.—This Act applies to—

(a) all Chairs and board members of existing public bodies and companies in which the Chair or board members are appointed by the government as decided by a Parliamentary Committee on Public Appointments and enforced by ministerial order,

(b) all special appointments as defined by a Parliamentary Committee on Public Appointments.

4.—This Act will be extended to newly created public bodies and companies with government shareholding as established by the relevant minister.

PART 2

Institutional Framework

5.—The Minister shall remain ultimately responsible and accountable for appointments to public bodies.

6.—An Appointments to Public Bodies Unit shall be established within the remit of the Office of the Prime Minister to perform the functions assigned to it under this Act.

7.—(1) The House shall as soon as may be after the commencement of this section and, thereafter, as soon as may be after the first meeting of the House subsequent to a general election for members of the House,

appoint a select committee which shall be known as the Parliamentary Committee on Appointments to Public Bodies, to perform the functions conferred on it by this Act.

(2) The House shall decide the orders of reference, membership and powers of the Committee on Public Appointments in accordance with the functions assigned to such committee under this Act.

PART 3

Functions of New Institutional Framework

8.—The Appointments to Public Bodies Unit shall establish, monitor, approve and carry out appointment procedures as set out in this Act.

9.—(1) The Parliamentary Committee on Appointments to Public Bodies shall carry out a review of all the procedures in place for the appointment of chairpersons and board members of existing public bodies and establish a listing of those appointments which should henceforth come under the new procedures set out under this Act within one year.

(2) The Parliamentary Committee on Appointments to Public Bodies shall ratify the actions of the Appointments to Public Bodies Unit as set out in this Act.

PART 4

Appointment Procedures

10.—(1) A code of practice to govern the appointment process shall be drawn up by the Appointments to Public Bodies Unit.

(2) In respect of the code of practice the following principles shall apply:

- (a) selection shall be based on merit;
- (b) regard should be had to the need to achieve an appropriate balance of skills and background;
- (c) the basis on which board members are selected and appointed shall be specified;
- (d) the range of skills and background required shall be clearly set out;
- (e) the role of the board members shall be clearly defined;
- (f) all public appointment positions shall be advertised.

(3) The code of practice shall be made publicly available.

(4) The Appointments to Public Bodies Unit can amend or revoke elements of the code of practice as it sees fit.

11.—(1) Government Departments together with the Appointments to Public Bodies Unit shall draw up an annual appointment to public bodies plan setting out envisaged vacancies, required skills and attributes for those vacant positions and full descriptions of activities to be undertaken within positions held as chairpersons or board members of a particular public body.

(2) The Parliamentary Committee on Appointments to Public Bodies shall endorse each appointment to public bodies plan.

12.—(1) The Appointments to Public Bodies Unit shall be responsible for advertising positions and for recruitment through open competition in accordance with the code of practice.

(2) The Minister shall sanction competition arrangements.

- (3) In the selection of candidates there shall be an independent member on the recruitment panel.
- (4) Candidates must disclose political activity or interests, membership of a political party and the holding of elected office past or present.
- (5) The appointment of the Chair and board composition of each Public Body shall be subject to ratification by the Parliamentary Committee on Appointments to Public Bodies.
- (6) The selection criteria and position descriptions shall be made publicly available.
- (7) The names of appointees and reasons for decisions shall be made publicly available.

13.—The Appointments to Public Bodies Unit shall draw up procedures for dealing with non-compliance of the procedures set out in this Act which shall be enforced by the Parliamentary Committee on Appointments to Public Bodies.

14.—(1) The Appointments to Public Bodies Unit shall publish an annual report on the public appointments system established under this Act which is to be submitted to the Parliamentary Committee on Appointments to Public Bodies for approval.

(2) These appointment processes shall be subject to audit by the Parliamentary Committee on Appointments to Public Bodies, details of which shall be made publicly available.

PART 5 Terms of Positions

15.—Chairpersonship and board membership of public bodies shall be restricted to two continuous or adjoining terms of office.

16.—Chairpersons shall come before the Parliamentary Committee on Appointments to Public Bodies at the end of each term of office for accountability questioning.

17.—The Parliamentary Committee on Appointments to Public Bodies shall have the ultimate power to dismiss a chairperson or board upon the recommendation of the relevant minister.

PART 6 Special Appointments

18.—All special appointments which are currently made by the Government to all international organisations shall be subject to a vote of approval by the House.