

Code of Ethics for Ministers and Parliamentary Secretaries

This code of ethics appears as the second schedule of the Standards in Public Life Act (chapter 570 of the laws of Malta). It is reproduced here as a stand-alone document for ease of reference.

In this Code, reference to a Minister includes a reference to a Parliamentary Secretary. The word Minister shall be construed to apply to both males and females.

1. PREAMBLE

The Ministers are chosen by the Prime Minister and shall remain in office as long as they enjoy the confidence of the Prime Minister and are responsible and accountable for their actions to the Prime Minister, to Parliament and to the public in general and, eventually to the electorate at a general election.

They enjoy a position of trust given to them by the people and that emanates from the office given by the Prime Minister, and they enjoy the power of exercising discretion in the taking of a wide range of decisions that can affect individuals, groups of individuals, or the community in general.

Hence Ministers shall act and behave according to standards of the highest level both on a personal basis and in the performance of their constitutional duties.

2. PURPOSE OF THIS CODE

Whilst Ministers are personally liable for the decisions regarding their actions and behaviour and personally liable to be accountable for their behaviour and to justify their actions and behaviour to the Prime Minister, to Parliament as well as to the people in general, the purpose of this Code of Ethics is to provide a guide of the highest levels expected from the Ministers in their behaviour in order to respect the best standards of integrity, honesty, transparency, accountability and a sense of justice, and so as to provide a guide with the aim of avoiding conflicts of interest.

3. ENFORCEMENT OF THIS CODE

If it results that a Minister has behaved or acted in such a way that prima facie constitutes a breach of this Code, the Prime Minister shall use his discretion in order to decide what actions shall be taken.

The Prime Minister shall have a right to refer to or consult on the matter with a body already established by law or that still has to be established, but ultimately the final decision on whether a breach exists and on the applicable consequence, always remains within the exclusive competence of the Prime Minister.

4. GENERAL PRINCIPLES

Apart from the general principles of observance of the law, respect of the following principles is expected of Ministers:

4.1 The principle of collective responsibility, in the sense that a Government is collectively responsible to and shall have the duty to answer for its management, to Parliament.

4.2 Ministers are individually responsible to Parliament for their decisions, policies and actions and for those of the departments and agencies that fall within their ministries.

4.3 Consequently the Ministers shall provide correct information to Parliament and shall correct at the first possible opportunity any mistakes or inaccuracies made unintentionally.

4.4 Ministers shall be, to the widest extent possible, open to providing information to Parliament and to the public in general.

4.5 Ministers shall ensure that government departments and entities that fall within their ministries are managed well and prudently.

4.6 Ministers shall require public officials that fall within their ministries, to provide the most complete and accurate information when requested by the Parliamentary Committees.

4.7 Ministers shall ensure that there is no conflict of interest between their public duties and personal interests.

4.8 Ministers shall not accept any gifts or benefits, except as provided in this Code, that may or may reasonably create an impression that they are compromising their judgement or place them under an inappropriate obligation.

4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.

4.10 Ministers shall respect the principle of political impartiality of the public service.

5. STANDARDS FOR MINISTERS AS PERSONS WHO OCCUPY PUBLIC OFFICE

For this purpose, Ministers as public officers, shall be inspired by, and in their behaviour, actions and decisions shall be guided by the following values:

5.1 A sense of service – the supreme good is the common good and a Minister should not be motivated by a spirit of gain for himself, his family, his friends or persons close to him but only by a sense of service towards the community in general and the common good, because above all he is managing public property on behalf of the general public.

5.2 Integrity – Ministers shall not put themselves in a position of being influenced by a financial obligation or otherwise of persons or organizations that try to do so, or make improper use of information that comes to their knowledge because of their office in order to give undue advantage to someone whilst disadvantaging others.

5.3 Diligence – once Ministers administer public property, on behalf of the public in general, they shall exercise the highest level of diligence including in the expenditure of public funds, and they shall also work diligently and hard in the performance of their duties.

5.4 Objectivity – in the performance of public duties, including in the appointments to offices, public procurement, or in the context of any award of benefits.

5.5 Accountability – Ministers administer public property and shall be transparent in their operations and open to necessary scrutiny.

5.6 Transparency – Ministers shall as much as possible perform their duties in an open and transparent manner, and therefore give reasons for their decisions and actions.

5.7 Honesty – Ministers shall avoid entering into conflicts of interest between the public interest and their private interest and shall provide complete and correct information to Parliament, to the Cabinet and the public in general.

5.8 Justice and respect – in their behaviour and in decisions which they take, Ministers shall show respect to the institutions and shall respect the laws of the country. They shall show a sense of balance and consideration by being sensitive in general to all sectors of society, and in particular to the rights and aspirations of the persons concerned, in order to act with a sense of justice.

5.9 Leadership – Ministers shall embrace and be inspired by these values in order to lead by example.

6. COLLECTIVE RESPONSIBILITY – THE MINISTERS AND THE GOVERNMENT

6.1 Ministers shall be familiar with the powers and obligations entrusted to them, with the Standing Orders and the rules on which Parliament functions and with the rules and procedures governing their work.

6.2 Since the principle of collective ministerial responsibility is central to the Constitution, whilst discussions in the Cabinet should be as much as possible free and open and the opinions of every member of the Cabinet should be heard, at the same time the same discussions and deliberations are classified as confidential. Ministers therefore should not communicate or comment on what has been discussed in Cabinet outside of Cabinet.

6.3 The decisions of the Cabinet shall be communicated to the Ministers concerned by the Cabinet Secretary who must ensure that the decisions are carried out.

6.4 The meetings of the Cabinet shall take precedence over any other ministerial activity apart from official duties abroad, and Ministers are party to the decisions taken by the Cabinet, whether they were present or not, when the Cabinet has come to a particular decision.

7. MINISTERIAL DUTIES

7.1 Ministerial office is one that occupies the whole working day of the Minister concerned. No Minister can accept any other payment for something in connection with his work as Minister.

7.2 Upon appointment, a Minister is expected not to continue with his private work and shall dedicate all his time to Government work. This applies in so far as the Cabinet does not decide otherwise in exceptional cases where the national interest so requires.

7.3 When a Minister is appointed to office, he shall immediately provide a statement of his assets and interests to the Cabinet Secretary on the relative form. Any interest that may otherwise give rise to a perception of conflict of interest and any actual conflict of interest shall also be indicated to the Cabinet Secretary. This statement shall be provided every year in the manner indicated from time to time.

7.4 Ministers shall respect the impartiality of the public service and shall ensure that their influence on the public service is not abused. Prior to coming to a decision, Ministers have the duty to give appropriate consideration to the widest range possible of advice, including by giving weight to the informed and impartial advice of public officials or employees.

7.5 Decisions taken shall, as much as possible, be kept recorded in government files, even if the practicality and reality of current electronic communication also has to be taken into consideration.

7.6 Ministers shall ensure that as employers they treat staff in a just and equitable manner.

7.7 Ministers shall be inspired by merit and capabilities in appointments and offices conferred and shall consult the Prime Minister with regard to appointments of chairpersons and board members.

7.8 Ministers shall ensure that even with regard to travel, they shall make the most efficient arrangements and they are responsible for the size of the delegations.

7.9 When a Minister terminates his appointment, he shall return to the Cabinet Secretary all the documents, material and resources that were given and entrusted to him in order to perform his duties. As customary, it is within the Prime Minister's discretion to permit to ex-Ministers reasonable access to documents and material concerning the period during which they held ministerial office.

7.10 Ministers shall not disclose information or confidential information even after the end of the ministerial office.

8. PRIVATE INTERESTS OF MINISTERS AND CONFLICTS OF INTEREST

8.1 Ministers shall ensure that there is no conflict between their public duties and private interests, financial or otherwise, and it is the personal responsibility of every individual Minister to decide whether steps have to be taken and what needs to be done in order for

there not to be such conflict of interest. Provided that if direction is needed from the Prime Minister with regard to the existence of a conflict of interest, that decision shall be final. The general principle is that a Minister may either dispose of this interest or take alternative measures to prevent it.

8.2 Any person who is approached in order to be offered ministerial office, shall, if a doubt exists as to whether there is a possibility of conflict of interest, before accepting such office, inform the Prime Minister of this fact and of other relevant circumstances. Provided that if during the legislature there is a change in the personal circumstances of the Minister which may give rise to conflict of interest, the Minister shall be obliged to immediately inform the Prime Minister.

8.3 In the same manner, any person who is approached by a Minister in order to be offered a post in the secretariat, shall, if a doubt exists as to whether there is a possibility of a conflict of interest, before accepting such post, inform the Minister concerned of this fact and of other relevant circumstances.

8.4 No Minister shall accept gifts, donations, hospitality or services from anyone, that may place him under an obligation towards such person or persons and this shall also apply to immediate family members of the Minister. In case of doubt, the Prime Minister shall be consulted.

8.5 Ministers shall not normally accept decorations from foreign countries, except with the permission of the Prime Minister.

8.6 No Minister shall take part in the taking of decisions that affect his family members, or other persons close to him and no Minister shall be improperly conditioned in his decisions by a conflict of interest of a financial nature or otherwise, whether involving him or persons close to him, or make improper use of information received because of his office and during the carrying out of his duties, particularly if this is done in order to unfairly favour any person or persons to the detriment of others.

8.7 When a Minister is involved in legal proceedings in his private capacity, these may have implications on the ministerial role. The Cabinet Secretary shall be informed of these proceedings and, in the case when proceedings are instituted by the Minister, the Cabinet Secretary shall be informed before such proceedings are instituted.

9. MINISTERS AND PARLIAMENT

9.1 When Parliament is in session, it is the duty of Ministers to attend parliamentary sittings and to actively participate in the discussions that are in progress in the various stages of Parliament and in selected Committees of Parliament. The Speaker of the House shall be informed when a Minister is abroad or is unable to attend parliamentary sittings due to illness.

9.2 When Parliament is in session, Ministers shall ensure that the most important declarations and statements regarding policies or decisions are announced in Parliament as the highest institution of the country.

9.3 Ministers shall do their utmost so as to provide the most accurate and correct information possible and any correction that may be required shall be made at the first opportunity.

9.4 The Speaker of the House of Representatives shall in any case be informed beforehand with regard to any ministerial statements in Parliament and in general the Opposition shall also be informed of the content some time before the statement is made.

9.5 Ministers shall show respect to the Chair and to all members of Parliament.

10. MINISTERS, PUBLIC RELATIONS AND THE PRESS

10.1 Ministers shall inform the public and the media of ministerial activities on a regular basis and in an organized manner.

10.2 For this purpose and for efficient co-ordination, statements, interviews and ministerial activities shall first obtain the approval of the Office of the Prime Minister prior to being issued or carried out.

10.3 In the case where incorrect information is given, it shall be corrected immediately.

10.4 In the public interest, Ministers shall ensure that they have open communication with the social partners, non-governmental organizations, professional associations, the broadcasting media and the public in general.