

## Commissioner for Standards in Public Life

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### CASE REPORT

**Case no:** 001

**Complaint:** Alleged failure by Minister Konrad Mizzi to inform the Times of Malta and possibly other media organisations of a public media activity

**Complainant:** Editor, *Times of Malta*

**Complaint Date:** 14 November 2018

**Report date:** 4<sup>th</sup> February 2019

#### The Complaint

1. By email of 14 November 2018, Mr Ray Bugeja, Editor of the *Times of Malta* (TOM), alleged that:

*On Tuesday November 13, Minister Konrad Mizzi and his private secretariat failed to inform the Times of Malta and possibly, other newsrooms too ... of a public Media activity at the Film Commission when he gave interviews to selected members of the press, namely One News and PBS.*

2. A copy of the Complainant's email is attached and marked Document A.
3. The Complainant also referred to the statement issued by the *Istitut tal-Gurnalisti Maltin* dated 13 November 2018 (copy attached, marked Document B) which also referred to this alleged failure on the Minister's part.
4. The Complainant referred me to article 10 of the Code of Ethics for Ministers and Parliamentary Secretaries (the Code) now forming part of the *Standards in Public Life Act* (Chapter 570 of the Laws of Malta) as the basis of the alleged breach.

#### Decision to Investigate

5. I decided that the Complaint merited further investigation under the Act.



### Investigation Procedure

6. I wrote to Minister Mizzi on 19 November 2018 (copy of letter attached and marked Document C) and invited him to address, by means of a written reply, the allegation made by the Editor of the TOM.
7. In the meantime, I met the Editor of the TOM on Wednesday 21 November to obtain a better understanding of the circumstances of the alleged incident.
8. I also noted the statement by the Office of the Prime Minister as reported in the TOM on 15 November 2018, stating *inter alia* that it did not interfere in Ministers' decisions as to which media houses are invited to their events and that Ministers may decide which events merit full media coverage and which do not (copy of article attached and marked Document D), as well as allegations made in another article in the TOM dated 19 November 2018 (copy of article attached and marked Document E).
9. Minister Mizzi, through his lawyer Aron Mifsud Bonnici, replied by letter dated 22 November 2018 (copy attached and marked Document F) whereby he rebutted the allegations on a number of grounds:
10. On 9 January 2019 I met with Minister Mizzi in the presence of his lawyer Aron Mifsud Bonnici, at which he was given a copy of the complaint and invited to explain his position further.

### Written Submissions

11. In reply to the said complaint, the Minister submitted that:
  - i. *He has not received a copy of the Complaint. We highlight that in term of Art 18(3) of the Standards in Public Life Act (the "Act") our Client has a right to "access to all evidence." Such evidence cannot but include the Complaint itself, as well as the statement issued by the Istitut talGurnalisti Maltin, on which the complainant is purportedly relying.*
  - ii. *We understand from your letter that the complainant is "the Editor, The Times of Malta", but this person is not identified to our Client by name and, hence, by definition, the complainant is anonymous. We note that in terms of Art 16 of the Act, anonymous allegations are not to be entertained by your office, and hence we submit that the Complaint is null and void.*
  - iii. *The complainant refers to an alleged act or omission by an unidentified member of our Client's private secretariat. We submit that your Office must decline taking cognisance of allegations made in relation to*



*unidentified persons, and the very fact that such allegations against unidentified persons were made renders the Complaint null and void.*

- iv. Without prejudice to the above, we submit for your learned consideration that the facts as presented by the complainant, and as known to our Client, do not constitute a breach of Art 10 of the Code. In this respect, we note that Art 10.1, being the relevant subsection, states that “Ministers shall inform the public and the media of ministerial activities on a regular basis and in an organized manner.” Our Client does, indeed, inform the public and the media of ministerial activities and in an organized manner. It is clear that the complainant is seeking to grossly widen the interpretation of Art 10.1 to suits his or her personal or political agenda. The Article does not impose any specific obligation onto Ministers other than to inform. It is up to Ministers to establish what is, in their discretion, the most appropriate way to inform the public and the media. It certainly does not prohibit any Minister from giving an interview to any specific media organization, and it does not restrict a Minister from declining to give interviews to other media outlets when such outlets have, perhaps, consistently perverted his message in the past. We submit that a law, or an interpretation thereof, that would restrict anyone from choosing how to convey his message, or even forces anyone to make a statement against his wish, would be in breach of the fundamental human right of freedom of expression as protected by the Constitution and the European Convention of Human Rights. Nonetheless, Art 10 imposes no such obligation on Ministers. It does not require them to invite the Times of Malta, or any other specific organization, to all events attended or hosted by Ministers.*
- v. The complainant’s interpretation of Art 10 would also be utterly impractical from a press rights and free speech standpoint; it would render even the notion of exclusive interviews by politicians illegal, and it would hence mean that the Times of Malta has been, and remains, complicit in such practice. If there was such thing as an obligation to inform all media equally at all times, then answering media questions (other than by official press statements) would also be prohibited. Yet, the Times of Malta regularly solicits direct replies from government officials via email. The complainant cannot on the one hand expect politicians to give open, equal access to all media at all times, and then expect private direct access (to the exclusion of other media) when it suits them.*
- vi. Without prejudice to the above submissions of a legal nature, our Client submits that the event the complainant laments of was a minor public appearance at an event organised by the Film Commission at the Malta*



*Film Studios. No national press call was issued either by the Commission or the Ministry, but a media feature was organized with PBS and ONE. On other occasions of national importance, when a press conference was held, the communications advisors at the Ministry had issued a full press call, and the Times of Malta did attend and report the event. Relying on the exercise of such discretion by communications advisors to convey his message is a manifestation of our Client's freedom of expression, protected as above stated.*

- vii. *Our Client contends that The Times of Malta has been openly and persistently hostile in his regard. On many occasions, it has misrepresented his actions, and made false and defamatory statements that are the subject of pending libel proceedings. Its journalists have, at times, acted with utmost lack of professionalism during public media events and on occasions have sought to disrupt the event itself. The Complaint, therefore, has to be considered in the context of the open and persistent hostility of the Times of Malta in relation to our Client, and is nothing more than a vexatious complaint made by it in bad faith. Consequently, the Complaint should be dismissed in terms of Art 17(2)(b) of the Act.*

### **Considerations**

12. In my view the issue revolves entirely around the interpretation of the language of article 10 of the Code that is referred to in paragraph 4 of the Minister's submissions. This states among other things that:

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

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

13. A careful examination of the said provisions leads me to the conclusion that whereas a specific obligation on Ministers *to inform the public and the media of ministerial activities on a regular basis and in an organised manner* does exist, the manner by which this obligation is exercised remains within the Minister's discretion. Logistic considerations as well as importance of the event, or relative lack of it, may be considered sufficient reason for restricting the number of invitees. Moreover, what constitutes information "on a regular basis" and "in an organized manner" certainly gives rise to ambiguity and uncertainty.



14. In the case under review it is however particularly relevant to note that the alleged failure is one of a number of similar incidents<sup>1</sup> and that the only two media houses that were invited to the ministerial event *de quo*, were the state broadcasting media (PBS) and One News that is affiliated to the political party in Government. This, apart from other considerations, raises the question of unfair advantage that was given to PBS and more relevantly, to One News, over other media houses in terms of real-time reporting. In today's media context the importance of the element of speed in which news and information is relayed to the public, cannot be over-emphasised or under-estimated.

15. I also noted the circumstances that led to the "practice" adopted by Minister Mizzi of inviting media houses to his public events on a selective basis. This appears to be a reaction to what he may, legitimately or otherwise, consider a form of harassment by sectors of the media following certain allegations in his regard. His submission numbered "vii" above confirms this impression.

16. In my view the fact that journalists may persist in a line of questioning that may be awkward or even distressing to a Minister, or that goes beyond the scope of that media event, is an accepted practice in modern journalism. It can easily be considered a fundamental part of a journalist's duties which persons in public life are in duty bound to accept, and which does not justify the discriminatory practice under consideration.

17. In my view, therefore, the practice of selectively inviting members of the media to ministerial public events is not in line with good practice and ought to be discouraged. Whether this can be considered a breach of ethical duty is another matter, since in my view the rather ambiguous wording of Art 10 does not specifically impose an obligation on Ministers to invite all media houses to all their public events.

18. This case bears some similarity to that brought before the US District Court in November 2018, following the revocation of the accreditation of CNN's Chief White House Correspondent. This gave rise to litigation and an order by the judge to temporarily restore the pass. The issue was settled when the White House restored the relative accreditation whilst establishing guidelines for reporters at press conferences. This affirmed the principle in the US that access to press conferences is considered a matter of right.

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<sup>1</sup> The article of 19 November 2018 (Doc E) alleges that Minister Mizzi issued just 4 calls to the press via the Department of Information in 2018 despite attending 38 events.



## Conclusions

19. In default of a less equivocal wording of article 10 of the Code, I do not find that Minister Mizzi has acted in breach of the Code.

20. In the course of the meeting with Minister Mizzi I nevertheless openly expressed my concerns on the practice adopted, following which Minister Mizzi formally declared and put on record that:

*Whilst reiterating that the complaint has no basis in fact or at law, and that any restriction on freedom of communication would be unwarranted, and in breach of fundamental freedoms. Nonetheless, in a spirit of collaboration and thankful for the mediation by the Commissioner for Standards in Public Life in this matter, Minister Mizzi shall seek that the Ministry's communication team maintains an open line of dialogue with a wide representation of the local media and shall, as far as practical, invite such representation to all official major events organised by the Ministry.*

21. In my opinion, by means of the declaration reproduced above he has sufficiently addressed my concern and the merits of the Complaint by the Editor of the Times of Malta.

22. Moreover, it is my view that as a matter of good practice, Ministers and Parliamentary Secretaries should adopt a non-discriminatory approach in dealing with the press, and that a more transparent system of invitations should be put in place on a formal basis in order to avoid any further equivocality.

23. I regard the declaration by Minister Mizzi as acknowledgement and acceptance of this good practice. In keeping with the mission of my office to promote the raising of standards by persons in public life, I propose to issue in due course guidelines on the application of article 10 that reflect this evolving good practice and I shall in future interpret article 10 of the Code in this light.

24. A copy of this report is being given to the Complainant, to Minister Konrad Mizzi and to the Standing Committee for Standards in Public Life for information purposes.

**Dr George-Marius Hyzler**  
Commissioner for Standards in Public Life



Documents Attached:

- Document A Complaint by Mr Ray Bugeja, Editor Times of Malta
- Document B Statement issued by the *Istitut tal-Ġurnalisti Maltin* dated 13 November 2018, as reported in the TOM
- Document C Commissioner's Letter dated 19 November 2018 to Minister Mizzi
- Document D Statement by the Office of the Prime Minister as reported in the TOM on 15 November 2018
- Document E Allegations made in another article in the TOM dated 19 November 2018
- Document F Written reply by Minister Mizzi, through his lawyer Aron Mifsud Bonnici, by letter dated 22 November 2018.

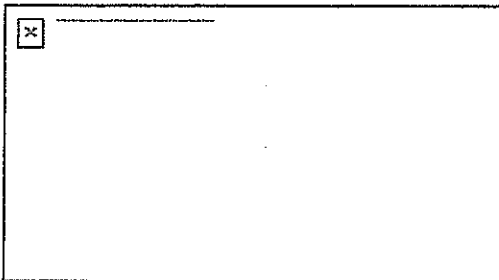
Dear Commissioner,

In terms of article 13 of the Standards in Public Life Act, we would like you to look into the conduct of Tourism Minister Konrad Mizzi who, we feel, is in breach of the Code of Ethics for Ministers and members of the Cabinet.

On Tuesday, November 13, Minister Mizzi and his private secretariat failed to inform this newspaper, and, possibly, other newsrooms too (see statement issued by *Istitut tal-Gurnalisti Maltin* on November 13), of a public media activity at the Film Commission when he gave interviews to selected members of the press, namely One News and PBS.

We deem such conduct to be in breach of paragraph 10 of the Ministerial Code of Ethics.

For ease of reference, an account of this incident and a report on the statement issued by the institute of Maltese journalists on the matter can be found at <https://www.timesofmalta.com/articles/view/20181113/local/konrad-mizzi-again-fails-to-issue-press-calls-to-independent-media.694215>



[Konrad Mizzi again fails to issue press calls to independent media - timesofmalta.com](https://www.timesofmalta.com/articles/view/20181113/local/konrad-mizzi-again-fails-to-issue-press-calls-to-independent-media.694215)

[www.timesofmalta.com](http://www.timesofmalta.com)

Updated at 8pm with IGM statement. Tourism Minister Konrad Mizzi has again failed to issue a press call to the independent media houses for conferences, instead inviting only the Labour Party ...

We would appreciate if you can keep us informed about the developments of your investigation in line with the provisions of the Standards in Public Life Act.



We also take this opportunity to congratulate you personally on your appointment.

Please feel free to contact us should you require further information about our request for an investigation.

Best regards,

**Ray Bugeja**

Editor, Times of Malta

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**Website:** [www.timesofmalta.com](http://www.timesofmalta.com) | [www.progresspress.com.mt](http://www.progresspress.com.mt)

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**TIMES  MALTA**

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Tuesday, November 13, 2018, 16:15 by Claire Caruana

## Konrad Mizzi again fails to issue press calls to independent media

Minister's 'hide-and-seeK tactics' slammed by IGM



Updated at 8pm with IGM statement

Tourism Minister Konrad Mizzi has again failed to issue a press call to the independent media houses for conferences, instead inviting only the Labour Party television channel and the national broadcaster.

According to the minister's Instagram page, on which he uploads regular updates about his engagements, Dr Mizzi visited the Malta Film Commission on Tuesday morning, yet no press call was issued.

Dr Mizzi's decision to not inform the press drew condemnation from the Institute of Maltese Journalists, which said the minister's "hide-and-seeK tactics" were unacceptable (see below).

The matter, which the *Times of Malta* has been monitoring for months, had already made headlines when the Panama Papers first broke. At the time, the Institute of Maltese Journalists had urged Dr Mizzi to give equal access to all media houses.

Dr Mizzi was back in the headlines last week after a joint investigation between *Times of Malta* and Reuters revealed that one of the Electrogas power station shareholders, Yorgen Fenech, owned secret company 17 Black, which the minister's own financial advisers named as a 'target client' of Dr Mizzi's offshore company.

The minister has called the news part of a "coordinated attack" against him.

While not issuing a press call through the government's Department of Information, as is the standard practice for all Cabinet members, Dr Mizzi has lately taken to social media to showcase interviews he gives to One TV and TVM.

In July, the *Times of Malta* sent questions to Dr Mizzi's office asking why he had not issued a press call for the unveiling of a car park. No reply was forthcoming.

*Times of Malta* also asked the Tourism Minister's office why he had been, for months, repeatedly not inviting the independent media to his events, pointing out that he was the only minister doing so. These too remained unanswered.

Last month, a group of media freedom NGOs had urged Prime Minister Joseph Muscat to guarantee independent media "full, regular access and interviews".

### 'Unacceptable hide-and-seeK tactics'

The Institute of Maltese Journalists was strongly critical of Dr Mizzi, accusing him of "deliberate discriminatory tactics" aimed at shielding him from difficult questions about his alleged misconduct.

"The minister is duty-bound to give Maltese journalists reasonable access... instead of employing hide-and-seeK tactics to spurn the free press," the IGM said.

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Dec 6th 2018, 18:48  
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"By bypassing the free press and speaking only to the national broadcaster and party media, the government short-circuits a public bond of trust with the free press, readers and society. Government ministers are democratically elected... and they are expected to account for their decisions and actions by also interacting with the press".

# Ministers 'must give equal access' to all of the media

Keith Micallef

Cabinet members should be available for comment to all sections of the media, the Minister said, because otherwise they would be avoiding public scrutiny, the chairman of the Institute of Maltese Journalists said yesterday.

Karl Wright was interviewed in the wake of a number of incidents which led to the Minister Within the Office of the Prime Minister, Konrad Mizzi, did not take steps to ensure that the independent media only to give a cut to one comment on the State Broadcaster.

"The minister believes that all Cabinet members must be available for comment to the media. If not, then can the independent media label its role to put politicians under a public scrutiny?" he asked.

"Politicians have every right to decline to comment, but journalists cannot be denied the right to make questions," Mr Wright added.

Mr Mizzi's charge of retaliation with the independent media goes back to his time in power, when he once told the public:

Paranoid Epfers scandal. Though he was subsequently stopped of his energy and he did get his job, he returned his place to cabinet and still handle the government's energy projects.

Two days ago, Dr Mizzi was conspicuously absent from a special briefing on what is arguably one of the most controversial projects undertaken by the administration. The contracts of the new gas-fired power station, GEM, generally independent media journalists who were the only ones present for the briefing were unable to ask their questions on site. However, it later transpired that the State Broadcaster had been granted direct access to the minister who gave comments for the public news bulletin.

This privileged treatment was on rare occurrence, and only last month, Dr Mizzi denied journalists during a visit to the Doha media centre about their press conference access to a F&B journalist.

After days later, the minister did not take any questions from the newspaper during a press conference on which he gave his reaction to the European Commission's decision to approve the power station deal.



A screen grab showing Konrad Mizzi giving his comments to TVM news on the new gas-fired power station contracts.

Yet, again, the State Broadcaster was granted the opportunity to take a one-to-one comment.

The newspaper yesterday asked the minister's spokesman why the independent media was not being granted the same level of access to Dr Mizzi. The spokesman insisted that the

**"Politicians have every right to decline to comment, but journalists cannot be denied the right to make questions"**

assertion made by some of Malta was "unacceptable".

He said this newspaper had been invited to every press conference, including the ones at Parliament and another held in the wake of the European Commission's decision. However, questions on why this newspaper was not given the opportunity to interview the minister at each of these events, unlike F&B, remained unanswered.

As for the briefing on Tuesday, the spokesman insisted that certain technical matters like the power station contract, were better explained by "technicians and advisers". Yet, the comments Dr Mizzi gave to F&B were on the same topic. He also shared these comments on his Facebook page.

Dr Mizzi had already made headlines for similar reasons in the past.

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Now why on earth would he do that? Surely he has nothing to hide or be ashamed of?

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## OFFICE OF THE COMMISSIONER FOR STANDARDS IN PUBLIC LIFE

19 November 2018

The Hon. Dr Konrad Mizzi  
Minister of Tourism  
Ministry for Tourism  
233, Republic Street  
Valletta VLT 1116

By hand and by Email to: [konrad.mizzi@gov.mt](mailto:konrad.mizzi@gov.mt)

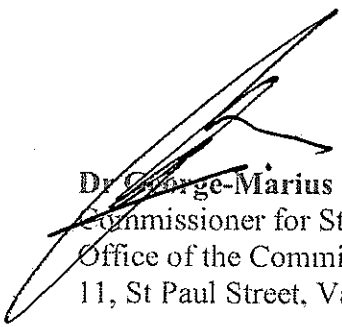
Minister,

I have received a complaint from the Editor, *The Times of Malta*, regarding an alleged breach of Art 10 of the *Code of Ethics for Ministers and Parliamentary Secretaries* (Second Schedule – Chap 570 of the Laws of Malta) consisting in the following:

*On Tuesday, November 13, Minister Mizzi and his private secretariat failed to inform this newspaper, and, possibly, other newsrooms too (see statement issued by Istitut tal-Gurnalisti Maltin on November 13), of a public media activity at the Film Commission when he gave interviews to selected members of the press, namely One News and PBS.*

Pursuant to Art 18 (3) of the Standards in Public Life Act (Chap 570 of the Laws of Malta) you are hereby invited to address the said allegation by means of a reply to me, in writing, by not later than Friday 23 November at 12 noon.

Sincerely,



Dr George-Marius Hyzler  
Commissioner for Standards in Public Life  
Office of the Commissioner for Standards in Public Life  
11, St Paul Street, Valletta VLT 1211, Malta

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Thursday, November 15, 2018, 09:45 by Claire Carvana

# OPM backs Konrad Mizzi decision to only invite selected media

## Government events a 'right, not a privilege' - IGM



Tourism Minister Konrad Mizzi

The Office of the Prime Minister said it did not interfere in ministers' decisions on which media houses are invited to their events, backing Tourism Minister Konrad Mizzi's habit of not issuing official press calls.

Replying to questions by Times of Malta, a spokesman for the Office of the Prime Minister said ministries felt certain events would decide "merited full media coverage and others which are not deemed as important announcements".

It is not unusual for Dr Mizzi not to issue press calls via the Department of Information when attending events where he speaks and even gives comments to the media present. On more than one occasion, he invited only the Labour Party television channel (ONE) and the national broadcaster (TVM) to cover his events, with the independent media only finding out about them through his social media platforms.

Read: Konrad Mizzi again fails to issue press calls to independent media

This was the case on Tuesday, when the minister visited the Malta Film Studios and only ONE and TVM were informed. Other media houses only found about the event after Dr Mizzi uploaded videos on his Instagram page.

According to the code of ethics, ministers have to inform the public and the media of their activities "on a regular basis and in an organised manner".

### *Hide and seek tactics and unacceptable behaviour*

Prior to any activity, interview or statement, they must also seek approval from the Office of the Prime Minister.

Asked whether the Office of the Prime Minister was aware that Dr Mizzi was in breach of the code of ethics, the spokesman replied that "all ministers followed the code with regard to issues related to communications".

"The Office of the Prime Minister does not interfere in such decisions [issuing press calls]. We are informed that the case you refer to was related to a small feature about an infrastructural project by the Malta Film Studios," the spokesman added.

In a statement, the Institute of Maltese Journalists criticised Dr Mizzi's "hide and seek tactics" and "unacceptable behaviour", insisting that access to government events was a "right not privilege".

"The IGM contends that this is a deliberately discriminatory tactic to exclude sections of the Maltese press from putting questions to the minister that could force him to explain serious allegations of ministerial misconduct," it commented.

Questions sent to Dr Mizzi only got a brief reply.

"The event you are referring to was not a press conference but a minor feature related to the infrastructural works at the Malta Film Studios," a spokesman said.

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Monday, November 19, 2018, 11:20 by Claire Caruana

### Konrad Mizzi: How to avoid the press Tourism Minister attended 38 events this year - and issued four press calls



Konrad Mizzi being interviewed by TVM.

Tourism Minister Konrad Mizzi has issued just four calls to the press via the government's Department of Information this year, despite attending 38 events, an exercise by The Sunday Times of Malta has found.

Of these four, one of the calls did not state whether Dr Mizzi would be attending, saying simply that the Tourism Ministry would be holding a press conference.

Another included a note to the media houses informing them that journalists would only be allowed to sit in for the first part of the event. No reason for this was given.

While Dr Mizzi has repeatedly failed to issue such calls using the standard procedures, both the Labour Party's TV channel (ONE) and the national broadcaster (TVM) always secured an invite. On several occasions, the minister has also invited TVM to his office to make announcements or give comments.

It is standard practice for all Cabinet members to issue such calls to the press whenever they attend an event, with a list of all their activities for the next day being sent to all media houses daily.

According to the Ministerial Code of Ethics, ministers have to inform the public and the media of their activities "on a regular basis and in an organised manner". Prior to any activity, interview or statement, they must also seek approval from the Office of the Prime Minister.

Contacted about the matter earlier this week, a spokesman for the Office of the Prime Minister backed Dr Mizzi's habit, saying that the ministries sometimes deemed certain events to be of less importance and so did not invite all the media houses.

Through its exercise, however, The Sunday Times of Malta found that the minister failed to invite the independent media to the vast majority of events, including some where announcements of public interest were made. This included the launch of new routes by Air Malta, collaborations between the airline and Ryanair, the unveiling of new measures as well as launches for festivals and other public events.

### *Only TVM and ONE invited to the events*

In all these instances, only TVM and ONE were invited to cover the events.

Throughout the entire year there were also cases when other government entities, such as the Malta Tourism Authority, issued calls for a press conference or event but made no mention of Dr Mizzi attending.

This was also the case with all Air Malta events, with the airline inviting the press to an event but failing to mention that the minister would be in attendance.

On the other hand, the rest of the ministers have religiously issued press calls, inviting all the media to cover their events, even when these were organised by third parties.

Earlier this week, the minister's practice came under fire after it emerged that he had once again invited ONE and TVM to an event and then proceeded to upload short clips of himself being interviewed by reporters from the two stations on his social media platforms. This drew condemnation from the Institute of Maltese Journalists, which said the minister's "hide-and-seek tactics" were unacceptable and accused him of "deliberate discriminatory tactics" aimed at shielding him from difficult questions about his alleged misconduct.

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### Spotlight

Nov 2nd, 19:44

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Perseverance runs in the family

Media houses can say they have a right to be invited to these events, given that Article 1 of the Constitution says Malta is founded on respect for fundamental rights and freedom of the individual and that the European Court of Human Rights has repeatedly held the public has a right to be informed by the press of matters of public interest.

Questions sent to Dr Mizzi's office in July and again this week remained unanswered. When questioned about the institute's criticism, a spokesman for Dr Mizzi simply said that the event in question "was not a press conference but a minor feature".

Dr Mizzi made headlines again recently after a joint investigation between the Times of Malta and Reuters revealed that one of the Electrogas power station shareholders, Yorgen Fenech, owned a company called 17 Black, which the minister's own financial advisers named as a 'target client' of Dr Mizzi's offshore company.

The minister has called the news part of a "coordinated attack" against him.

## PRESS COVERAGE -- TODAY

**Thursday, 11th October 2018**

**15.30hrs Ministry for Tourism - Opening of the new Institute of Tourism Studies Luqa Campus.**

***ITS Campus, Aviation Park, Aviation Avenue, Hal Luqa (maps attached)***

A press coverage invitation to the Ministry of Tourism without specifying whether Kim Mizzi would be attending.

### The four calls

So far this year, there were only four DOI press calls for an event that was attended by the Tourism Minister. The first was for the signing of an agreement between Air Malta and the General Workers Union on January 9.

This was the only call issued by the DOI for an event that involved Air Malta as all other events by the airline since have been issued by its own communications office and not by the government.

A call for the signing of a similar agreement between Air Malta and pilots some weeks later, on January 26, was in fact not issued by the DOI but by the airline.

The second call was for an event on March 15, where an invite for a press conference on the English Language teaching industry was issued that same day by the DOI. A third call was issued on September 27 for an event where plans for the regeneration of Paceville were unveiled. The media were only invited to the first part of the event.

The fourth press call from the DOI was sent on October 11, when the new ITS campus was unveiled. Despite being issued by the government, the call did not follow the standard pattern of highlighting which minister would be attending but simply stated the name of the ministry.

### Calls issued by other entities

It has also emerged that Dr Mizzi attended several events for which the press were invited by other entities, including Air Malta, Malta Tourism Authority, Malta International Airport and Ryanair.

In these cases, while the press was invited to cover the event, no mention of Dr Mizzi was made, with journalists only finding out about his presence once the press conference or event had started.



One of Dr Mizzi's press conferences.

This was the case, for instance, with the announcement on tourism results on February 1 as well as another on the introduction of new routes by Air Malta on February 19. Similarly, a call to the press was issued by Ryanair on September 11 when it unveiled new routes but no mention of Dr Mizzi was made in this.

In another instance, Dr Mizzi was one of the speakers at the Mediterranean Tourism Forum, together with the President, the Transport Minister, the Finance Minister and the Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes. However, while these were all listed in the DOI press call for the event, Dr Mizzi was not, despite his name also being on the official programme.

### TVM and ONE

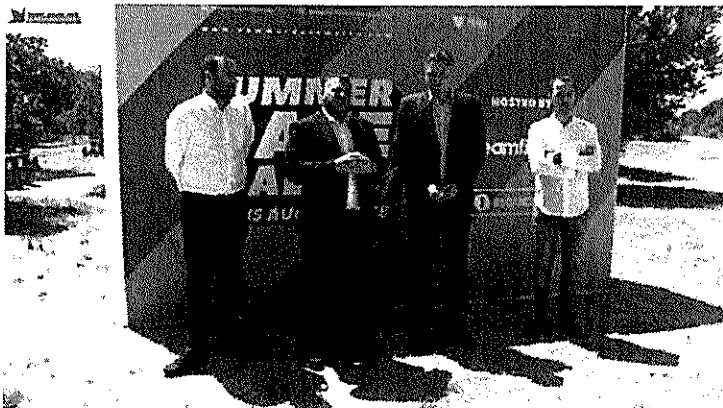
While press calls from the DOI for Dr Mizzi's events were scarce, both TVM and ONE were found to have covered these extensively, often being the only two stations invited.

This was the case for the launch of various events, including the annual festival Lost and Found, the Summer Daze festival as well as a number of press conferences, including that on the purchasing of new aircraft by Air Malta, the inauguration of a parking area in Marsaxlokk and the unveiling of the Balluta sandy beach.

Dr Mizzi also gave exclusive comments to the channels on a number of issues, including the launch of a new in-flight menu for Air Malta and the setting up of Malta Air Travel.



Dr Mizzi featured on TVM at an event the independent media was not invited to.



Another of Dr Mizzi's events which independent media was not informed of.



#### PREVIOUS

Boutique hotel planned to replace Rabat townhouses

#### NEXT

Bar-room attack earns man five-year prison sentence





22 November 2018

Dr George Hyzler  
Commissioner for Standards in Public Life  
11 St Paul Street  
Valletta VLT1211

Dear Sir,

We write on behalf of Dr Konrad Mizzi ("our Client").

We refer to your letter of the 19 November 2018 addressed to our Client, wherein you notified him of a complaint (the "Complaint") you received, which alleged a breach of Art 10 of the Code of Ethics for Ministers and Parliamentary Secretaries (the "Code").

From your communication, we understand that the complainant lamented that our Client, or an unidentified member of his private secretariat, "failed to inform" The Times of Malta "and, possibly, other newsrooms ... of a public media activity at the Film Commission when he gave interviews to selected members of the press, namely One News and PBS."

In reply to the said complaint, our Client submits the following for your consideration:

1. Our Client has not received a copy of the Complaint. We highlight that in term of Art 18(3) of the Standards in Public Life Act (the "Act") our Client has a right to "access to all evidence." Such evidence cannot but include the Complaint itself, as well as the statement issued by the *Istitut tal-Gurnalisti Maltin*, on which the complainant is purportedly relying.
2. We understand from your letter that the complainant is "the Editor, *The Times of Malta*", but this person is not identified to our Client by name and, hence, by definition, the complainant is anonymous. We note that in terms of Art 16 of the Act, anonymous allegations are not to be entertained by your office, and hence we submit that the Complaint is null and void.
3. The complainant refers to an alleged act or omission by an unidentified member of our Client's private secretariat. We submit that your Office must decline taking cognisance of allegations made in relation to unidentified persons, and the very fact that such allegations against unidentified persons were made renders the Complaint null and void.
4. Without prejudice to the above, we submit for your learned consideration that the facts as presented by the complainant, and as known to our Client, do not constitute a breach of Art 10 of the Code. In this respect, we note that Art 10.1, being the relevant subsection, states that "Ministers shall inform the public and the media of ministerial activities on a regular basis and in an organized manner." Our Client does, indeed, inform the public and the media of ministerial activities and in an organized manner. It is clear that the complainant is seeking to grossly widen the interpretation of Art 10.1 to suits his or her personal or political agenda. The Article does not impose any specific obligation onto Ministers other than to *inform*. It is up to Ministers to establish what is, in their discretion, the most appropriate way to *inform* the public and the media. It certainly does not prohibit any Minister from giving an interview to any specific media organization, and it does not restrict a Minister from declining to give interviews to other media outlets when such outlets have, perhaps, consistently perverted his message in the past. We submit that a law, or an interpretation thereof, that would restrict anyone from choosing how to convey his message, or even forces anyone to make a statement against his wish, would be in breach of the fundamental

human right of freedom of expression as protected by the Constitution and the European Convention of Human Rights. Nonetheless, Art 10 imposes no such obligation on Ministers. It does not require them to invite the Times of Malta, or any other specific organization, to *all* events attended or hosted by Ministers.

5. The complainant's interpretation of Art 10 would also be utterly impractical from a press rights and free speech standpoint; it would render even the notion of exclusive interviews by politicians illegal, and it would hence mean that the Times of Malta has been, and remains, complicit in such practice. If there was such thing as an obligation to inform *all* media equally at all times, then answering media questions (other than by official press statements) would also be prohibited. Yet, the Times of Malta regularly solicits direct replies from government officials via email. The complainant cannot on the one hand expect politicians to give open, equal access to *all* media at all times, and then expect private direct access (to the exclusion of other media) when it suits them.

6. Without prejudice to the above submissions of a legal nature, our Client submits that the event the complainant laments of was a minor public appearance at an event organised by the Film Commission at the Malta Film Studios. No national press call was issued either by the Commission or the Ministry, but a media feature was organized with PBS and ONE. On other occasions of national importance, when a press conference was held, the communications advisors at the Ministry had issued a full press call, and the Times of Malta did attend and report the event. Relying on the exercise of such discretion by communications advisors to convey his message is a manifestation of our Client's freedom of expression, protected as above stated.

7. Our Client contends that The Times of Malta has been openly and persistently hostile in his regard. On many occasions, it has misrepresented his actions, and made false and defamatory statements that are the subject of pending libel proceedings. Its journalists have, at times, acted with utmost lack of professionalism during public media events and on occasions have sought to disrupt the event itself. The Complaint, therefore has to be considered in the context of the open and persistent hostility of the Times of Malta in relation to our Client, and is nothing more than a vexatious complaint made by it in bad faith. Consequently, the Complaint should be dismissed in terms of Art 17(2)(b) of the Act.

Our Client therefore submits that the Complaint is to be rejected.

Sincerely,



**Aron Mifsud Bonnici**  
**MIFSUD BONNICI ADVOCATES**