

MALTA: THE STATE, THE GOVERNMENT, PARLIAMENT, THE COURTS, AND THE PUBLIC ADMINISTRATION

A BRIEF OVERVIEW OF THE ADMINISTRATIVE SYSTEM IN MALTA

The President, the Prime Minister, and the Cabinet

Malta is a republic, that embraces the foundations of a democratic system with a separation of powers. In other words, as with other democracies, there is a legislative branch (Parliament); an executive one (the cabinet of ministers); and a judicial branch (the courts).

The three branches work separately, but are interdependent.

The legislative makes the laws; the executive implements them; and the judiciary oversees them. As with all other democracies, in Malta there are checks and balances between these three pillars. This separation of powers is in effect so that no part of government becomes limitless and totalitarian in such a way as to harm democracy. This separation of powers, along with a system of checks and balances and the rule of law, ensures that, before the law, everyone is treated equally. It also ensures that everyone is bestowed the protection ordained by law.

Parliament is the legislative branch of government. Each and every law that gets enacted by Parliament obtains legitimate power once it is approved and signed into force by the President of Malta. Up till now, this approval has always been considered a formality. It is the judicial branch, which is often considered to be the most efficient tool over Parliament and/or the executive branch.

The executive is composed of the government machinery itself, starting from the Prime Minister, down to local councils. The executive branch is responsible for the implementation of the laws approved by Parliament. The executive's work is mostly limited by the judicial branch (the courts).

The judicial branch is another pillar of power, and is composed of a system of law courts, with the Constitutional Court being the highest one. Up until recently, judges and magistrates used to be appointed by government, in consultation with the Opposition. Nowadays, however, every nomination for a judge or magistrate must be evaluated by a committee composed of representatives from the judiciary itself, among others. In all, the judicial branch has 24 judges, along with the Chief Justice.

The President is the head of state, whilst the Prime Minister is the head of government. The latter is responsible for the running of the country. The Prime Minister fulfils his duties with the support of a majority of members of parliament.

The President of Malta is appointed through a Parliamentary resolution. The President's mandate is five years.

The Prime Minister is appointed by the President, and is a member of parliament who, in the President's judgement, is best-placed to enjoy the support of the majority of members of parliament.

Ministers are appointed and given their responsibilities by the President, but in this case, the President follows the advice of the Prime Minister. The President can also—always on the Prime Minister's advice—appoint parliamentary secretaries to help ministers carry out their duties. All ministers and parliamentary secretaries must be elected deputies in Parliament. The same applies for the Prime Minister.

Together, the Prime Minister and the ministers constitute the Cabinet. The Cabinet usually meets every week, and during these meetings the most important government decisions are taken. Parliamentary secretaries also attend Cabinet. Among other matters, each law that is prepared by the administration must be approved by the Cabinet prior to being presented before Parliament.

Every minister, including the Prime Minister, has an individual and collective responsibility. Individual responsibility means that every minister must answer before Parliament for the actions of his ministry and all government departments and entities that fall within his remit. Collective responsibility means that every minister is obliged to defend Cabinet decisions once these are made public, even if they do not personally agree with them.

Further information is available at:

- [The President of Malta](#)
- [Prime Ministers of Malta](#), from 1921 to the present
- [Ministries](#)

Public administration

Every country has its own public administration. Depending on the way it works and its efficiency, every public administration has a direct impact on the development of a country, and on the well-being of its citizens. The more efficient a public administration is, the more a country's goals and needs are met, and the stronger citizens' trust in institutions becomes.

Public administration is composed of ministries, departments, agencies, and other government entities. These public organisations give advice to ministers in the fields falling within their competence, and implement government decisions. Some of these organisations have an independent role, in the form of regulatory authorities overseeing particular sectors.

Government ministries and departments make up the Public Service, which is considered to be the administrative arm of government. Within the Public Service's remit there are also the authorities, agencies, foundations, and commercial companies which were set up or are controlled by government. The highest tier of the Public Service is occupied by the Principal Permanent Secretary or the Head of the Civil Service, after which come the permanent secretaries, director generals, and directors.

In all ministries one finds the minister's secretariat and, if there is a permanent secretary, his/her secretariat as well. The ministry also includes the office of the permanent secretary, who is a career official within the Public Service, and functions as the principal executive official of the ministry under the direction of the minister. A ministry may also include a number of permanent officials who provide services to the public, or who serve other established functions.

Besides ministries, there are also government departments. These are permanent organisations which form part of government's administrative mechanism. The head of each department takes directions from the permanent secretary of the ministry of which he/she forms part.

The employees of each ministry and department (apart from those employees who are engaged by the ministry on a trust basis) are part of the Public Service, and are called public officers. As part of the Public Service, these officials do not lose their jobs if there is a change in government, but at the same time they are obliged to serve loyally under whichever government is elected.

The Public Service has, within its ranks, approximately two thirds of all public administration employees. The remainder of the public administration consists of the following entities:

- regulatory authorities and other authorities established by law,
- agencies established under the Public Administration Act,
- government foundations,
- government companies.

Further information is available at:

- [Malta Public Service](#)

Parliament and elections

In contrast to many large countries which have multicameral parliaments, Parliament in Malta consists of one chamber (the House of Representatives). Parliament may meet for a maximum of five years before it dissolves so that a general election may take place.

Members of parliament are elected from thirteen districts, with every district electing five deputies. Along with the 65 members directly elected in this manner, more members may be added according to the provisions of the Constitution of Malta; this in order to safeguard a policy of proportional representation in accordance with the votes obtained by every political party.

Elections take place on the basis of proportional representation via a single transferable vote system. In this system, each voter may indicate his/her preference among the candidates of his/her district, and the vote may be inherited by candidates in accordance with the voter's preference. This system leads to an electoral result which is more representative than a system where every voter votes for a single candidate. In a system such as this, if there are more than two candidates on a district, a candidate may be elected by a minority of votes, with the rest of the votes being lost.

Further information is available at:

- [Parliament of Malta](#)
- [Electoral Commission](#)

The judiciary and other independent state institutions

Maltese democracy does not only rest on Parliament and general elections, but also on a number of independent institutions which safeguard the people's rights. The Constitution of Malta has a number of provisions which set out the fundamental rights of the individual. An individual who feels his/her rights have been infringed or threatened may seek recourse in the courts. The same Constitution safeguards the independence of the courts by stipulating that a judge or magistrate may only be removed from his position with a vote which is not less than two-thirds of the members of parliament, and this in the case of provable incapacity or improper behaviour on the part of the judge or magistrate.

Besides the courts, there are also other independent institutions which safeguard the individual's rights, or which oversee government's conduct. These include:

- the [Public Service Commission](#), which safeguards the principle of merit within the Public Service;
- the [National Audit Office](#), which inquires about the use of public resources and

- the [Ombudsman](#), who listens to, and investigates, complaints about mis-administration.

The Ombudsman, Auditor General, and Deputy Auditor General are considered parliamentary officials. They are appointed by a Parliament resolution which must be supported by two thirds or more of members of parliament.

Local government

Malta has a system of local government which was introduced via the Local Councils Act. This law established 67 local councils, although these have now increased by an additional one, so that today there are 68 local councils – 54 in Malta, and 14 in Gozo.

Local councils vary from five to thirteen elected members, depending on the size of the locality. This number includes the mayor and deputy mayor. Every council also has an executive secretary, and a number of other employees, which varies according to size.

Initially, every local council was elected for a period of three years, but thanks to reforms which took place in 2015, this period has now been extended to five years.

The council's role includes, among others, the general upkeep of the locality, as well as public gardens and other local facilities, while also being responsible for the collection of domestic waste. Councils also organise a number of activities for local residents. They also have a consultative role with regard to development permits, planning schemes, and traffic arrangements in the locality. In the service of their functions, councils have the power to enact bye-laws or regulations.

The local government system in Malta also includes five regional committees. Each regional committee is composed of local council representatives from that region and serves as a collaborative mechanism between councils. The regional committees also have a role in the enforcement of laws and bye-laws.