

I assent.

(L.S.)

GEORGE ABELA  
President

2nd December, 2011

**ACT No. XX of 2011**

*AN ACT to establish a Council for Maltese Living Abroad which shall have the function of protecting and promoting the rights and interests of Maltese living outside Malta, and to provide for matters connected therewith or incidental thereto.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

**1.** (1) The short title of this Act is the Council for Maltese Living Abroad Act, 2011. Short title and commencement.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for foreign affairs may, by notice in the Gazette, establish and different dates may be so established for different provisions and different purposes thereof.

**2.** In this Act, unless the context otherwise requires: Interpretation.

"the Constitution" means the Constitution of Malta;

"the Council" means the Council established by article 3;

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"Maltese living abroad" means any person of Maltese nationality who is living outside Malta and has so lived for a period of at least twelve months;

"the Minister" means the Minister responsible for foreign affairs;

"overseas member" means a member of the Council who is living outside Malta;

"the public service" shall have the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"Register" shall mean the Registers referred to in article 10.

Establishment  
of Council.

**3.** (1) There is hereby established a Council for Maltese Living Abroad, hereinafter referred to as "the Council".

(2) The Council shall be the body representing Maltese communities abroad before all Malta government entities including the public service and any public authority, institution or organisation responsible for implementing policies affecting these communities.

(3) The functions of the Council shall be the following:

(a) to monitor the quality of life of Maltese communities and of their individual members residing abroad;

(b) to strengthen, facilitate and cultivate the ties between Maltese communities abroad and Malta's political, cultural, economic and social life;

(c) to ensure effective protection of the rights of Maltese communities and of their individual members residing abroad;

(d) to facilitate the maintenance of the cultural and linguistic identity of Maltese communities abroad and promote Maltese culture abroad, in particular the teaching of the Maltese language;

(e) to promote the history of migration in Malta in co-operation with government authorities;

(f) to maintain ties with such all organizations established by Maltese living abroad and keep a register of non-government organizations established abroad;

(g) to analyse and verify the problems encountered by Maltese communities abroad, including professional and educational training and development, and recognition of qualifications and skills gained in Malta;

(h) to prepare any proposal, or make any suggestion or recommendation relating to legislation or administrative measures as well as international agreements and European Union regulations affecting the rights and interests of Maltese living abroad;

(i) to ensure that Maltese living abroad are not excluded from any benefits to which they would otherwise be entitled originating from the institutions of the European Union;

(j) to promote and encourage studies and research work relating to subjects concerning Maltese communities and persons of Maltese descent around the world; and

(k) to be consulted on, and contribute to, the drafting of Maltese legislation or administrative measures affecting Maltese communities abroad.

**4.** The Council shall be responsible to provide the Minister with advice on: Duties.

(a) any Bill presented to the House which directly or indirectly affects the rights entitlements or interests of Maltese living abroad;

(b) any budgetary matter or administrative measure relating to the interests of Maltese communities abroad, including the promotion of Maltese culture and language abroad whether on the initiative of Government or any public institution, by whatever name called, entrusted with the promotion of Maltese culture abroad;

(c) any transmission on and production of public broadcasting services relating to programmes intended for Maltese living abroad; and

(d) any other relevant matter referred to the Council by the Minister.

**5.** (1) The Council shall be composed as follows: Council set-up.

(a) the Minister responsible for foreign affairs who shall be *ex officio* its Chairman;

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(b) five members who shall be appointed by the Prime Minister for a term of three years, after consulting the Leader of the Opposition, from amongst Maltese nationals living in Malta or abroad, who have special knowledge and experience of the needs and interests of Maltese living abroad, and who have lived abroad or have worked or are working in non-governmental organisations whose principal aim is the promotion of the welfare of Maltese living abroad; and

(c) ten members appointed by the Prime Minister for a term of three years from amongst Maltese nationals who are members of Maltese communities living abroad (hereinafter referred to as "overseas members"), to be appointed in accordance with the Schedule, which may be amended or substituted by regulations made under this Act.

(2) Members of the Council may be re-appointed for one more term on the expiration of their initial term of office.

(3) Except for the Chairman, a person shall not be qualified to hold office as a member of the Council if he is a Minister, Parliamentary Secretary, a member of or a candidate for election to the House of Representatives or the European Parliament or national, state, regional or local legislature, or a member of a local government authority. A member of the Council shall not hold any position which is incompatible with the correct performance of his official duties or with public confidence therein.

(4) Subject to the provisions of this article, the office of a member of the Council shall become vacant:

(a) at the expiration of three years from the date of appointment or re-appointment; or

(b) upon resignation by letter addressed to the Minister;  
or

(c) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such.

(5) The Council may set up Regional Councils for any one of the countries listed in the Schedule. Such Regional Councils shall be exclusively responsible and accountable to the Council. Their composition shall be the within the exclusive remit of the Council.

Meetings.

**6.** (1) Meetings of the Council may take place through the medium of video and, or audio teleconferencing and the records of

such meetings shall register the presence of any overseas members participating through such medium.

(2) The meetings of the Council shall be called by the Chairman on his own initiative or at the request of any four members of the Council.

(3) The Council shall not act unless a quorum consisting of the Chairman or his delegate and not less than eight members including at least one overseas member is present, provided that where video and, or audio teleconferencing takes place, any overseas member participating in such meeting shall be deemed to be present at such meeting for all purposes of this Act.

(4) At least once every year the Chairman shall convene a meeting of the Council in Malta inviting all overseas members to attend and participate in such meeting.

(5) The decisions of the Council shall be adopted by a simple majority of the votes of the members present. The Chairman shall not have an original vote or a casting vote.

(6) Any vacancy among the members of the Council shall not invalidate the proceedings of the Council.

(7) Subject to the provisions of this Act, the Council may regulate its own procedure.

**7.** (1) By the end of March of the year immediately following the year of its constitution, the Council shall publish a report of all its activities and annually thereafter, and send a copy of the report to the Clerk of the House of Representatives who shall immediately lay such report on the Table of the House, provided that if the House is not in session, then such report shall be laid within four weeks after the House resumes its session. Reports.

(2) The report mentioned in sub-article (1) shall, within a period of eight weeks from the date on which a copy thereof is laid on the Table of the House, be noted and discussed by the Foreign and European Affairs Standing Committee of the House or by any other committee replacing it and such Committee shall make appropriate recommendations to the House on any matters arising from the report.

(3) A copy of such report shall also be sent to the Standing Committee on Social Affairs of the House.

**8.** (1) There shall be established within the Ministry responsible for Foreign Affairs or any other Ministry as the Prime Directorate.

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Minister may determine, a Directorate responsible for Maltese living abroad, whose aim shall be the promotion and protection of the rights and interests of Maltese living abroad.

(2) The Directorate shall serve as a focal point for information, advice and co-ordination to Maltese living abroad and any association representing Maltese abroad or non-governmental organization included in the Register.

(3) The Directorate shall be responsible to ensure the implementation of this Act.

Secretary and staff.

**9.** (1) There shall be a Secretary to the Council who shall be a person appointed by the Minister or a public officer designated by the Minister to perform the functions of Secretary.

(2) The Council shall also have such other staff as the Minister may deem necessary and appoint or designate as aforesaid.

Register of Non-Governmental Organizations.

**10.** (1) There shall be kept a Register of non-governmental organizations set up outside Malta which are involved in the promotion and protection of the interests of Maltese living abroad as well as a Register of prominent Maltese nationals living abroad who have distinguished themselves in their respective profession, vocation or work outside Malta.

(2) Such registers shall be kept at the Office of the Council and shall be the responsibility of the Secretary.

(3) The inclusion, exclusion and removal of an organization or individual from the Registers shall be the sole responsibility of the Council.

Power to make regulations.

**11.** The Minister may make regulations to implement and give better effect to the provisions of this Act and may also, without prejudice to the generality hereof, make regulations:

(a) to regulate any appointment or election of any member of the Council who lives abroad;

(b) to amend or substitute in whole or in part the provisions of the Schedule;

(c) to prescribe anything that may or is to be prescribed under this Act;

(d) to provide for assistance to overseas members who attend meetings of the Council in Malta and for the

establishment of relevant schemes;

(e) with the concurrence of the Minister responsible for culture, to establish a Maltese Cultural Institute for the promotion of Maltese culture outside Malta, and for such purpose to regulate the composition, functions, operation and appointment of officers and staff attached to such Institute:

Provided that no regulation made under this paragraph shall have effect unless it has received the prior approval of the House signified by resolution.

**12.** Immediately after article 20 of the Constitution of Malta, there shall be added the following new article:

Consequential amendment to the Constitution of Malta.

"Participation of Maltese citizens living abroad.

20A. The State shall facilitate the participation of Maltese citizens who live abroad in the political, social, economic and cultural life of Malta."

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## SCHEDULE

[Article 5(1)(c)]

1. The members of the Council residing abroad appointed by the Prime Minister shall be ordinary residents living in the following states or countries and two members shall be selected from amongst persons living in each of the following countries or states:

- (a) the State of Victoria in the Commonwealth of Australia;
- (b) the State of New South Wales in the Commonwealth of Australia;
- (c) The United States of America.

And one member shall be selected from amongst persons living in each of the following countries:

- (a) United Kingdom; and
- (b) any state of the Commonwealth of Australia (other than Victoria and New South Wales );
- (c) Canada; and

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(d) Members states of the European Union other than Malta and the United Kingdom.

2. In choosing overseas members to the Council due consideration shall be given to the opinions, suggestions, recommendations and advice of, where applicable, federations of Maltese associations, Maltese community councils and the associations most representative of communities of Maltese living abroad.

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Passed by the House of Representatives at Sitting No. 412 of the 23rd November, 2011.

MICHAEL FRENDU

*Speaker*

PAULINE ABELA

*Clerk to the House of Representatives*