



OFFICE OF THE PRINCIPAL PERMANENT
SECRETARY

AUBERGE DE CASTILLE, VALLETTA, MALTA

Amending Directive no. 6-1

CONSULTATION EXERCISES WITH STAKEHOLDERS

Issued on 06th April 2017 by the Principal Permanent Secretary in terms of the Public Administration Act.

1. APPLICABILITY

1.1 This Directive amends and adds to the provisions of Directive 6 issued by the Principal Permanent Secretary on 24 February 2011 in accordance with article 15 of the Public Administration Act.

2. AMENDMENT TO THE GUIDELINES ORIGINALLY ATTACHED TO DIRECTIVE 6

2.1 In order to provide ministries, departments, agencies and entities governed by the provisions of the Public Administration Act with additional guidance on the proper interpretation of the provisions of Directive 6, Guidelines entitled “Parameters for Consultation Exercises with Stakeholders” are attached to the Directive.

2.2 In various Sections of the said Guidelines, reference is made to the “Parliamentary Secretariat for Public Dialogue and Information”; which Parliamentary Secretariat is no longer in existence as a result of a change in Government and the organisation of portfolio and responsibilities assigned to the various appointed Cabinet Ministers. The responsibility is in fact currently assigned to the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC).

2.3 Hence and in order to ensure that any reference to a specific Ministry by the Directive or attached guidelines remains valid irrespective of decisions concerning the organisation of Cabinet Ministerial portfolio and / or responsibilities; all and any reference to the “Parliamentary Secretariat for Public Dialogue and Information” shall be replaced with a reference to the “Ministry responsible for public consultation”.

3. SPECIFIC PROVISIONS FOR ONLINE PUBLIC CONSULTATIONS

3.1 The global community is becoming more and more digital-savvy. It is thus inevitable that the interaction between Government, the public administration and its local and global stakeholders, clients, beneficiaries, citizens and the community is becoming more and more reliant on web-based, on-line and mobile digital platforms.

3.2 As a jurisdiction, Malta has always strived to be at the forefront of exploiting the opportunities offered by the digital technology. Malta has consistently featured at the top of the EU-wide Government (and related) performance comparative tables.

3.3 In congruence with this national policy; in 2014 the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) launched a corporate logo and a dedicated website (www.socialdialogue.gov.mt). These were designed to streamline the public image for public consultation efforts. The website promoted the concept that there should be a single on line interface between Government and its stakeholders and which would cater for all online public consultations held. This was also in line with the mandate attributed to the Ministry (MSDC).

3.4 In order to maximise the effectiveness of this initiative, in May 2014 and through a Letter-Circular entitled "Online Public Consultation on Laws", MSDC communicated the introduction of a uniform, standardised approach to online consultation that was to be adopted across Government.

3.5 Ministries were also required to appoint a contact point. The contact point was provided with a set of more detailed Guidelines issued by MSDC in November 2014 and entitled "Online Public Consultation on Laws", as hereby attached. These and any updates thereto were to be followed closely by the Contact Point.

3.6 In view of the success attained, the scope and applicability of the Guidelines and procedures defined therein were consequently extended to encapsulate all types of public consultation efforts and not only those relating to laws.

3.7 In view of the positive experience since then, it has been determined that Directive 6 should be strengthened to encapsulate the procedure for online consultation efforts as outlined in the Guidelines referred to in section 3.5 above.

3.8 Directive 6 is hereby amended through the inclusion of the provisions of Section 2a below that is to be introduced following Article 2.4 and preceding Article 3 as follows:

"2a. SPECIFIC PROVISIONS FOR ONLINE PUBLIC CONSULTATIONS

2a.1 For the purposes of Section 2a only; the terms: "Lead Entity" shall be interpreted to refer to the ministry, department, agency and / or entity governed by the provisions of the Public Administration Act which is directing the effort to amend, update, revise or introduce a law, policy and / or initiative that is also being made open to online public consultation.

"Ministry" shall be interpreted to refer to the Ministry responsible for Public Consultation.

"Standard Procedure for Online Consultation" is the procedure outlined in the attachment to this Directive entitled: "The Process for Centralised Online Public Consultations: Before, During, After".

2a.2 Where; and in line with the provisions of Article 1.4; it is decided to carry out an online public consultation on any matter; the lead entity shall co-ordinate its online consultation effort through the Ministry.

2a.3 In undertaking an online public consultation, the lead entity and the Ministry shall comply to the procedure outlined in Standard Procedure for Online Consultation, hereby [attached](#) to this Directive entitled “The Process for Centralised Online Public Consultations: Before, During, After”.

2a.4 The document outlining the Standard procedure may be amended by the Ministry responsible for public consultation through this Directive. 2a.5 It should be noted that Section 2 of the Impact Assessment Framework for Subsidiary Legislation issued by the Cabinet Office shall also apply to online public consultations.”

4. AMENDMENTS TO PART 3 of DIRECTIVE 6 -IMPLEMENTATION

4.1 Since the coming into force of the Directive; successive Cabinet changes have resulted in the appointment of a Ministry that is responsible to co-ordinate Government’s interface with the general public and stakeholders.

4.2 The intentions and provisions of this Directive are manifestly complimentary to the execution of this role by the appointed Cabinet Minister and his / her Ministry.

4.3 In order to facilitate consistency; avoid duplication of effort and ensure streamlined, coordinated approach across the public administration, it is considered that the appointed Ministry is better positioned than the Management Efficiency Unit to monitor compliance and issue direction and guidance it may deem suitable to better ensure that the objectives of this Directive are effectively and efficiently met.

4.4 Hence, Article 3.1 of the Directive shall be replaced with the following text:

“3.1 Compliance to this Directive will be monitored by the Ministry responsible for Public Consultation under delegated authority by the Principal Permanent Secretary. In executing this function, the Ministry is being authorised and empowered to:

Undertake random checks it deems necessary for this purpose.

Request any information (including statistical) it may deem necessary for the purposes of monitoring compliance to the Directive. All entities regulated by this Directive shall make any such requested information available to the Ministry in a timely fashion.

Issue direction and guidance it may deem necessary to facilitate corporate-wide consistency in the application of the provisions of the Directive and / or ensure compliance. All entities regulated by this Directive shall be required to comply with such published Direction or Guideline.

Provide support and other assistance to entities governed by the provisions of this Directive with a view of ensuring the appropriate understanding of the Directive, its objectives and related administrative policies and procedures.”

Mario Cutajar

Principal Permanent Secretary