CHAPTER 521

SUSTAINABLE DEVELOPMENT ACT

To mainstream sustainable development across the workings of government, to raise awareness of sustainable development issues and practices across society and to promote the adoption thereof.

10th July, 2012

ACT X of 2012, as amended by Acts I of 2019 and XXXV of 2023.

PART I

Preliminary

Short title.

1. The short title of this Act is the Sustainable Development Act.

Objectives. Amended: *I.2019.2.*

2. (1) The purpose of this Act is to create a framework through which sustainable development is to be mainstreamed across Government.

(2) Within the context of the private sector and civil society, the purpose of this Act is to raise awareness of the principles of sustainable development and to foster increased participation of civil society as well as that of all social actors in main-streaming sustainable development.

Extension of applicability to exclusive economic zone area or environment protection area. *Added by: XXXV.2023.75.* Cap. 362. Cap. 625.

2A. The provisions of this Act and of any subsidiary legislation made thereunder shall also apply, in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea as ratified by the Law of the Sea (Ratification) Act, to an exclusive economic zone area or an environment protection area as defined in the Exclusive Economic Zone Act. Any artificial island, installation, structure, equipment or device therein shall, solely for the purposes of this Act and any subsidiary legislation made thereunder, be treated as if they were situated in Malta itself.

Interpretation.

3. (1) In this Act, unless the context otherwise requires -

"department of government" or "department" shall have the same meaning as that assigned to it in the Public Administration Act; Cap. 595.

"government agency" or "agency" shall have the same meaning as that assigned to it by the Public Administration Act; Cap. 595.

"government entity" or "entity" shall have the same meaning as that assigned to it by the Public Administration Act; Cap. 595.

"Minister" means the Minister responsible for sustainable development;

"Ministry" shall have the same meaning as that assigned to it by the Public Administration Act; Cap. 595.

"public administration" shall have the same meaning as that assigned to it by the Public Administration Act; Cap. 595.

"strategy" means Malta's National Sustainable Development Strategy, as this may be amended and, or updated from time to time;

"sustainable development" means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

PART II
Competent Authority

Establishment of a competent authority.

4. The Office of the Prime Minister shall be designated as the competent authority for the purposes of this Act:

Provided that the Prime Minister may by notice in the Gazette designate another entity as the competent authority for the purposes of this Act.

Functions of the competent authority.

5. The competent authority shall have the following functions:

(*a*) to ensure the development and implementation of Malta's sustainable development strategy;

(*b*) to revise the said strategy in line with national, European Union and international developments and to establish the direction the revised strategy is to adopt;

(*c*) to ensure that the provisions of the strategy are implemented in a timely manner by the responsible actors;

(*d*) to develop a set of indicators for measuring the progress achieved in the area of sustainable development, and their progressive revision;

(*e*) to advocate sustainable development across the public administration, the private sector and society in general;

(*f*) to review Government and specific Ministry policies, plans, programmes and projects to ensure that they are in line with the strategy and to ensure that all Ministries and line entities within the public administration factor sustainable development in their workings;

(*g*) to identify any relevant process or policy which may be undermining sustainable development and propose alternative processes or policies to the Government for adoption;

(*h*) to perform audits to evaluate how the public administration has integrated the principles of sustainable development in its policies, plans, programmes and projects;

(*i*) to identify trends which may significantly give rise to unsustainable development outcomes and which will not be reversed on the basis of current or planned action, and recommend action to reverse such trends;

(*j*) to encourage and stimulate good practices in the use and sustainable management of natural resources, in particular their minimal use and maximum re-use in an environmentally sustainable manner;

(*k*) to commit itself to work closely with Local Councils and other stakeholders for the promotion of sustainable development at a local level;

(*l*) to engage in active consultation with all stakeholders; and

(*m*) to carry out any other task that may, from time to time, be requested by the Minister in respect of sustainable development.

Powers of the competent authority.

6. (1) In carrying out its functions under article 5, the competent authority shall, in respect of sustainable development, be empowered to:

(*a*) set recommendations to be achieved at a national, local, sectoral, entity or any other level deemed appropriate;

(*b*) initiate, promote, sponsor and encourage projects, studies, research, training, awareness initiatives and any other activities which exemplify sustainable development practices;

(*c*) make recommendations to the Minister on matters related to sustainable development for adoption by Government;

(*d*) request information from the public administration;

(*e*) establish and direct subcommittees to undertake various tasks;

(*f*) make its own rules of procedure, including procedures of subcommittees; and

(*g*) propose directives to the Principal Permanent Secretary in terms of the Public Administration Act and, or measures related, amongst others, but not solely, to public procurement and sustainable production and consumption patterns to the Permanent Secretary in the Ministry responsible for Finance in terms of the Public Finance Management Act.

Cap. 595.

Cap. 601.

(2) Without prejudice to any of its responsibilities, the competent authority shall have the power to delegate to any department, agency or entity any one or more functions listed in article 5 or any of the powers listed in sub-article (1). Any delegation made in pursuance of this sub-article shall be in writing and shall be published in the Gazette.

PART III
Duties of the Public Administration

Duties.

7. (1) The public administration shall respond to any request from the competent authority for:

(*a*) information, both of a qualitative and quantitative nature;

(*b*) inputs into the formulation, revision or monitoring of any strategy or strategies, policy or policies or any

other initiative related to sustainable development;

(*c*) any other form of input that may, from time to time, be required in respect of sustainable development.

(2) (*a*) Every Ministry shall have a Sustainable Development Coordinator.

(*b*) The Sustainable Development Coordinator shall provide the competent authority with any input it may require in fulfilment of its functions listed in article 5, the powers listed in article 6 and duties listed in sub-article (1) respectively. Such input shall be in a consolidated format reflecting the approved position of the Ministry.

(*c*) The Permanent Secretary within each Ministry shall be the Sustainable Development Coordinator in respect of such Ministry.

(3) (*a*) Every department of government, agency or entity shall have a Sustainable Development Focal Point.

(*b*) The Sustainable Development Focal Point shall assist the Sustainable Development Coordinator in developing the Ministry's position in respect of any request by the competent authority

(*c*) The Director responsible for policy development within each Ministry and the Head of each government agency and entity shall be the Sustainable Development Focal Point.

(4) The competent authority shall be entitled to request any information directly from the Sustainable Development Focal Point.

(5) Each department of government, agency or entity shall state in a special section of its annual report:

(*a*) the manner in which it has responded to directives received from the competent authority;

(*b*) the specific objectives it has set to achieve alignment with the strategy in order to contribute to the goal of sustainable development and its contributions towards the implementation of the strategy;

(*c*) the specific activities or interventions it has undertaken to achieve the objectives referred to in article 5(*b*) and to quantify the benefits accrued thereof.

(6) Within the context of sub-article (5), the Principal Permanent Secretary shall be entitled to request the competent authority to review, from time to time, any such reports in so far as related to the provisions of this Act.

PART IV
Guardian of Future Generations

Guardian of Future Generations. *Amended by: I.2019.3.*

8. (1) There shall be a Guardian of Future Generations, hereinafter referred to as "the Guardian" with the aim of safeguarding inter-generational and intra-generational sustainable development in Malta.

(2) The Guardian shall be a Commission composed of the following persons:

(*a*) a chairperson appointed by the Prime Minister;

(*b*) a person having knowledge of, and experience in the Voluntary Organisations sector, appointed by the Minister;

(*c*) a person with knowledge of, and experience in, commerce, economy and industry appointed by the Minister following consultations with the Malta Council for Economic and Social Development;

(*d*) a person with knowledge of, and experience in, social and community affairs appointed by the Minister following consultations with the Malta Council for Economic and Social Development.

(*e*) a person with knowledge of, and experience in environmental matters appointed by the Minister.

(3) (*a*) The Guardian shall convene at least every quarter.

(*b*) The Permanent Secretary responsible for Sustainable Development and the Head of the Strategic Policy Secretariat may attend meetings of the Guardian, on an observer status, without a vote.

(4) The Guardian shall have the mandate to:

(*a*) promote sustainable development advocacy across national policy making, legislation and practices;

(*b*) develop a scientific research network that could positively contribute towards the sustainability of society;

(*c*) develop audits of various areas or sectors which are deemed to contribute towards sustainable development;

(*d*) propose goals and actions to government entities for them to take up in order to contribute towards the goal of sustainable development;

(*e*) permeate concepts of sustainable development within the private sector;

(*f*) encourage the participation of non-governmental organizations in sustainable development advocacy;

(*g*) consider requests from the public as to policy matters which can positively contribute to sustainable development;

(*h*) to request any government entity to provide data or information or to collect data or information about any topic that could have a bearing on sustainable development;

(*i*) foster sustainable development principles and actions across Maltese society; and

(*j*) direct the focus of the competent authority to safeguard future generations.

PART V
Mainstreaming Sustainable Development

Sustainable Development Network. *Amended by: I.2019.4.*

9. (1) There shall be a Sustainable Development Network, hereinafter referred to as "the Network" with the aim of promoting sustainable development in Malta.

(2) The Network shall be made up of the following persons:

(*a*) a chairperson appointed by the Prime Minister;

(*b*) a deputy chairperson appointed by the Minister;

(*c*) the Sustainable Development Coordinators responsible for economic, social and environmental issues;

(*d*) a person from the Non-Governmental Organisations sector having knowledge of and experience in environmental matters appointed by the Minister;

(*e*) a person with knowledge of, and experience in, commerce, economy and industry appointed by the Minister following consultations with the Malta Council for Economic and Social Development;

(*f*) a person with knowledge of, and experience in, social and community affairs appointed by the Minister following consultations with the Malta Council for Economic and Social Development.

(3) The Network shall convene as required by the competent authority at least every quarter.

(4) The Network shall endeavour to set up a number of sub-committees that can promote the economic, social and environmental dimensions of sustainable development and that shall consist of representatives of the social partners, actors and those with a specific interest in the area.

Education, training and other initiatives.

10. (1) The competent authority shall endeavour to foster a higher level of knowledge and education in sustainable development across all strata of society.

(2) The Malta Council for Economic and Social Development and the Malta Council for Science and Technology shall propose to the Guardian a series of sectoral initiatives which the competent authority should give priority to.

(3) The University of Malta and the Malta College of Arts, Sciences and Technology shall promote sustainable development across all courses.

(4) The Principal Permanent Secretary shall promote sustainable development through training courses for public administration employees as well as through other initiatives.

(5) The competent authority shall also engage in other

initiatives aimed at fostering sustainable development across the whole spectrum of society.

Relationship with stakeholders.

11. (1) The competent authority shall endeavour to develop a working relationship with the Malta Council for Economic and Social Development with a view to mainstream the principles of sustainable development within its deliberations and within the sectors represented on this Council.

(2) The Malta Council for Economic and Social Development shall propose to the Network a series of sectoral initiatives which the competent authority should give priority to.

(3) The competent authority shall endeavour to develop a working relationship with any other stakeholders with a view to mainstream the principles of sustainable development within their captive audience.

PART VI
General Provisions

Policy direction.

12. The competent authority shall act on the policy direction that may, from time to time, be provided by the Prime Minister.

Power to make regulations.

13. The Minister may make regulations for the purpose of implementing the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, to further promote the entrenchment of sustainable development practices across the public administration, the private sector and civil society in general, which regulations may also make provision in respect of matters that are consequential or incidental to the provisions of this Act.

Power to make regulations with respect to exclusive economic zone area or environment protection area. *Added by: XXXV.2023.76.* Cap. 625.

13A. Without prejudice to any provision of this Act granting the Minister the power to make regulations, the Minister may, subject to the provisions of the Exclusive Economic Zone Act, from time to time, make, amend, substitute or repeal regulations for the purpose of regulating, prescribing or otherwise providing for any matters regulated by or under this Act or by or under any subsidiary legislation made thereunder, in respect of an exclusive economic zone area or an environment protection area as defined in the Exclusive Economic Zone Act or any activities therein including, but not limited, to the applicability or otherwise of this Act and, or of any subsidiary legislation made thereunder.

Annual report.

14. The competent authority shall, not later than three months after the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of the competent authority during that financial year and containing such information relating to the proceedings and policy of the competent authority as the Minister may from time to time require. The Minister shall cause a copy of any such report to be laid on the Table of the House and a debate held thereon as soon as practicable.