VERŻJONI ELETTRONIKA

L.N. 149 of 2017

PUBLIC ADMINISTRATION ACT (CAP. 497)

Governance of Agricultural Bioresources Agency (Establishment) Order, 2017

IN exercise of the powers conferred by article 36(1) of the Public Administration Act, the Prime Minister has made the following Order:-

Citation.

1. The title of this Order is the Governance of Agricultural Bioresources Agency (Establishment) Order, 2017.

Interpretation.

2. In this Order, unless the context otherwise requires -

Cap. 497.

"the Act" means the Public Administration Act;

"the Agency" means the Governance of Agricultural Bioresources Agency;

"agricultural bioresources" refers to manure and slurries and other by-products that may from time to time be established by the Agency in accordance with the Schedule, from the agricultural, poultry, livestock, and the transformation industry;

"Minister" means the Minister responsible for Agriculture and includes any person authorized by such Minister on that behalf;

"Permanent Secretary" means the Permanent Secretary responsible for Agriculture.

Establishment of the Agricultural Bioresources Agency

3. There shall be an Agency, to be known as the Governance of Agricultural Bioresources Agency, with a separate and distinct legal personality, which shall update, co-ordinate and implement the Agricultural Waste Management Plan prevalent at the time. The Agency shall have an overall mission to sustainably manage agricultural bioresources in a manner that supports the Maltese agricultural sector.

Mandate of the Agency

4. (1) In the execution of its functions, the Agency shall have the following responsibilities:

(a) the registration of agricultural bioresources in the Maltese Islands;

(b) to declare, at any point in time, any agricultural bioresource as having to be registered with the Agency for the

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purpose of its better management including its collection, treatment or disposal;

(c) to ensure that the Maltese Islands are covered by a system of treatment approaches leading to the production of fertilisers, energy and other resource outputs as well as the disposal of residual waste including export of untreated waste;

(d) to encourage the minimization of organic waste generation by the sector and optimize management options;

(e) to contribute towards ensuring that local legislation governing the disposal or discharge of agricultural bioresources are complied with by all stakeholders;

(f) to coordinate its activities with relevant authorities involved in order to ensure compliance with legislative and regulatory requirements;

(g) to maintain dialogue with stakeholders; and undertake educational activities aimed at better informing the rural sector;

(h) to regulate its own procedures as long as it does not violate the provisions of any other relevant law.

(2) The Agency shall have the power to:

(a) enter into long term agreements with producers and users of manure and providers of treatment and, or, disposal facilities to safeguard the sustainability of disposal and treatment operations;

(b) enter into public-private partnerships to fulfil its responsibilities;

(c) establish fees for the services it provides;

(d) create revenue streams from the sale of any bioresources;

(e) conduct applied research activities that will focus at identifying potential technological mixes for the production of marketable goods at the local and export level;

(f) enter into contracts, of acquiring, holding and disposing of any kind of property or rights for the purposes of its functions, of suing and being sued, and of doing all such

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things and entering into all such transactions as are conducive or incidental to the exercise or performance of its functions under this Order;

(g) with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow, secure or raise money by debentures, debenture stock, or other security, for the carrying out of the functions of the Agency under this Order;

(h) undertake any other initiative or activity that is complementary and conducive to the fulfilment of the responsibilities of the Agency, which may also include the direct involvement in the transport, treatment and exporting activities.

Minister responsible for Agency.

5. (1) The Minister responsible for the Agency shall be the Minister responsible for agriculture.

(2) The Permanent Secretary in the Ministry responsible for agriculture shall supervise the Agency in terms of article 39 of the Act:

Provided that the Permanent Secretary may be assisted in such supervision by another Permanent Secretary in accordance with the proviso to article 13(5) of the Act:

Provided further that the Prime Minister may assign the responsibility of the Agency to another Minister and its supervision to the Permanent Secretary of that ministry.

Operational set-up of the Agency

6. (1) The Agency shall, in consultation with the Minister, establish and re-organise units, divisions and sections as appropriate in order to exercise its primary functions in, *inter alia*, agricultural bioresources management and in other supporting functions.

(2) The operations of the Agency shall follow an Agreement which is to be reached between the Permanent Secretary and the Agency and which is to reflect the objects to be attained by the Agency as set out by the Permanent Secretary.

Role of the Chief Executive Officer.

7. (1) Subject to the other provisions of this Order, the executive conduct of the Agency, its administration and organisation and the administrative control of its officers and employees, shall be the responsibility of a Chief Executive Officer, who shall be appointed by the Minister.

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(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Agency in the exercise of its functions and, without prejudice to the generality of the foregoing, he shall -

(a) assume full responsibility for the overall supervision and control of the units, divisions and sections;

(b) assign to each unit, division and section such duties which he considers necessary or expedient;

(c) co-ordinate the workings of the units, divisions and sections; develop the necessary strategies for the implementation of the objectives of the Agency; and

(d) perform such other duties as the responsible Minister may assign to him from time to time.

Deployment of public officers and recruitment with the Agency.

8. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 43 of the Act.

(2) Subject to the provisions of the Act and of any other legislation, the Agency shall have authority to engage its own employees.

Establishment of Management Board.

9. The Minister may establish a Management Board to assist the Chief Executive Officer in the discharge of his duties. The role of the Management Board shall be exclusively advisory.

Financial arrangements. Cap. 174.

10. The Agency shall be governed by the provisions of the Financial Administration and Audit Act unless otherwise stated in the Agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agreement shall prevail.

Amends the Fourth Schedule to the Act.

11. In the Fourth Schedule to the Public Administration Act, immediately after the item "Aġenzija Żgħażagħ" there shall be added the following:

Agency	Agency Function
"Governance of Agricultural Bioresources Agency	The registration of agricultural bioresources and to promote governance, management, and utilisation practices that are technically and economically feasible and environmentally sound.".

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SCHEDULE

(Regulation 2)

Swine and bovine slurries from registered farm holdings

Swine and bovine manure from registered farm holdings

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