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I assent.

(L.S.) **MYRIAM SPITERI DEBONO**
President

12th July, 2024

ACT No. XXIV of 2024

AN ACT to amend the Council for Maltese Living Abroad Act, Cap. 515, and to provide for matters ancillary or consequential 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:-

Short title and commencement.

Cap. 515.

1. (1) The short title of this Act is the Council for Maltese Living Abroad (Amendment) Act, 2024, and this Act shall be read and construed as one with the Council for Maltese Living Abroad Act, hereinafter referred to as the "principal Act".

(2) This Act shall come into force on such date or dates 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, or purposes of this Act.

Amendment of article 2 of the principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "the Council" there shall be added the following new definitions:

Cap. 249.

" "House" shall have the same meaning as assigned to it by article 3 of the Interpretation Act;

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"Maltese citizen" means any person considered to be a citizen under the Maltese Citizenship Act;"; Cap. 188.

(b) the definition "Maltese living abroad" shall be substituted by the following new definition:

" "Maltese living abroad" means any Maltese citizen or person of Maltese descent who is not resident in Malta;";

(c) immediately after the definition "Maltese living abroad" there shall be added the following new definition:

" "Members of the Council" means the members appointed to the Council in accordance with article 5(1);";

(d) immediately after the definition "the Minister" there shall be added the following new definitions:

" "overseas Maltese communities" means any group of Maltese citizens or persons of Maltese descent living outside Malta;

"persons of Maltese descent" means any person who may become a Maltese citizen under the Maltese Citizenship Act;"; and Cap. 188.

(e) the definitions "overseas member" and "Register" shall be deleted.

Substitution of article 3 of the principal Act.

3. Article 3 of the principal Act shall be substituted by the following new article:

"Establishment of Council.

3. (1) There shall be a Council that shall be known as the Council for Maltese Living Abroad.

(2) The Council shall be the body representing overseas Maltese communities abroad before all entities of the government of Malta, 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 consist of the following:

(a) to monitor the quality of life of overseas Maltese communities;

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

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(c) to ensure effective protection of the rights of overseas Maltese communities;

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

(e) to promote the history of Maltese migration in cooperation with the government of Malta;

(f) to maintain ties with all those organisations established by Maltese living abroad and keep a register of organisations established by Maltese living abroad;

(g) to analyse and verify the problems encountered by overseas Maltese communities, 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 legal acts affecting the rights and interests of Maltese living abroad;

(i) to promote and encourage studies and research work relating to subjects concerning Maltese living abroad;

(j) to be consulted on and contribute to the drafting of Maltese legislation, administrative measures or policies affecting Maltese living abroad;

(k) to assist cultural centres, libraries, archives, museums, theatres, musical ensembles and creative edifices of overseas Maltese communities by facilitating contacts with the pertinent national entities;

(l) to ensure the development of the business dimension of Malta with overseas Maltese communities;

(m) to provide correct information when requested to overseas Maltese communities living abroad about policies of the government of Malta, as well as about the economic, social, and cultural life in the country;

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(n) to enhance connectivity with Malta through contacts with established overseas institutions of excellence in areas such as, but not limited to, education (including university and vocational academics), culture (including film-makers, dance, art, literature, music and intangible heritage), medicine, business, artificial intelligence, professional sportsmen and, or organisations active in major sports disciplines; and

(o) to identify Maltese living abroad who have shown excellence in their professional activity, and to create networks of such persons in order to promote innovation and the sustainable development of Malta.".

Amendment of article 4 of the principal Act.

4. Article 4 of the principal Act shall be amended as follows:

(a) paragraph (a) thereof shall be substituted by the following new paragraph:

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

(b) paragraph (b) thereof shall be substituted by the following new paragraph:

"(b) any budgetary matter or administrative measure relating to the interests of overseas Maltese communities, including the promotion of Maltese culture and language abroad, on the initiative of Government or any public institution entrusted with the promotion of Maltese culture abroad;".

Substitution of article 5 of the principal Act.

5. Article 5 of the principal Act shall be substituted by the following new article:

"Council set-up.

5. (1) The Council shall be composed as follows:

(a) the Minister responsible for foreign affairs, or any other Minister or Parliamentary Secretary as the Prime Minister may determine, who shall be *ex officio* its Chairman;

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(b) five (5) members, who shall be Maltese citizens, shall be appointed by the Prime Minister for a term of (3) three years, after consulting the Leader of the Opposition. The members shall have distinctive knowledge and experience of the needs and interests of Maltese living abroad; and

(c) sixteen (16) members appointed by the Prime Minister for a term of three (3) years who shall be Maltese citizens ordinarily resident abroad, active in overseas Maltese communities, and the said shall be appointed in accordance with the Schedule.

(2) Persons who serve as members of the Council may be re-appointed for another term of three (3) years only, upon 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 candidate for election or a member of the House or the European Parliament, or any national, state, regional or local legislature, or a member of any local government authority, of any country including Malta. 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) Without prejudice to the provisions of this article, the office of a member of the Council shall become vacant:

(a) at the expiration of three (3) years from the date of appointment or re-appointment;

(b) upon resignation by means of a letter addressed to the Minister;

(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;

(d) when members of the Council may have their appointment terminated at any time, if the Prime Minister, upon the recommendation of the Minister, deems this to be an appropriate action to be taken; or

(e) when the members of the Council appointed under article 5(1)(c) no longer reside in the geographic area for which they were appointed to represent.

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

Amendment of article 6 of the principal Act.

6. Article 6 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(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 participants through such medium.";

(b) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The Council shall not act unless a quorum consisting of the Chairman or his delegate and not less than ten (10) members of the Council."; and

(c) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) At least once (1) every year the Chairman shall convene a meeting of the Council in Malta or virtually as deemed fit.".

Amendment of article 8 of the principal Act.

7. Sub-article (2) of article 8 of the principal Act shall be substituted by the following new sub-article:

"(2) The Directorate shall serve as a focal point for information, advice and co-ordination to Maltese living abroad and any association representing Maltese living abroad or organisations included in the register referred to in article 10.".

Amendment of article 9 of the principal Act.

8. Immediately after sub-article (2) of article 9 of the principal Act there shall be added the following new sub-article:

"(3) The Secretary of the Council in conjunction with the Directorate shall provide the Council with all the administrative services and shall keep the members of the Council regularly informed with relevant issues.".

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Substitution of article 10 of the principal Act.

9. Article 10 of the principal Act shall be substituted by the following new article:

"Register of non-governmental organisations.

10. (1) There shall be kept a register of non-governmental organisations established abroad which are involved in the promotion and protection of the interests of Maltese living abroad.

(2) The responsibility, including the inclusion, exclusion and removal of an organisation, from the register referred to under sub-article (1) shall lie with the Secretary of the Council on behalf of the Council.".

Amendment of article 11 of the principal Act.

10. Article 11 of the principal Act shall be amended as follows:

(a) paragraph (a) thereof shall be substituted by the following new paragraph:

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

(b) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) to provide for assistance to members who live abroad and attend meetings of the Council in Malta."; and

(c) sub-article (e) thereof shall be deleted.

Substitution of the Schedule to the principal Act.

11. The Schedule to the principal Act shall be substituted by the following new Schedule:

"**SCHEDULE**

(article 5(1)(c))

1. There shall be appointed two (2) overseas members, as defined under article 5(1)(c), from each of the following countries and, or geographic areas:

(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;

(d) Canada; and

(e) Europe, but not resident in Malta.

2. There shall be appointed one (1) overseas member, as defined under article 5(1)(c), from each of the following countries and, or geographic areas:

(a) United Kingdom;

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(b) any geographic area in the Commonwealth of Australia not referred to in item 1 of this Schedule, New Zealand or Oceania;

(c) United Arab Emirates;

(d) North Africa or the Republic of South Africa;

(e) Asia;

(f) South or Central America.

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

Passed by the House of Representatives at Sitting No. 256 of the 9th July, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

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Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.90