

A Review of the Pension due to a former Member of Parliament

Report by the
Auditor General
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Member of Parliament

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List of Abbreviations

AD	Alternattiva Demokratika
AG	Auditor General
MLP	Malta Labour Party
MP	Member of Parliament
NAO	National Audit Office

Executive Summary

1. On 20 March 2018, the Chairperson of Alternattiva Demokratika (AD) requested the Auditor General (AG) to examine the parliamentary pension paid to the former Member of Parliament (MP) Judge Emeritus Dr Philip Sciberras (hereinafter referred to as 'the former MP'). The request was made following allegations in the press in March 2018, wherein it was contended that the former MP was receiving a parliamentary pension that he was not entitled to, paid against the advice of the Treasury Department. The AD was preoccupied about the alleged interference on the Treasury Department in the processing of the relative application and deemed the matter as warranting further clarification. It was in this context that the Chairperson AD affirmed that the AG, after due scrutiny of the matter in question, was to assert whether the former MP was receiving payment over and above that entitled to. The National Audit Office (NAO) undertook to investigate the matter brought to its attention by the AD, seeking to establish whether any political interference conditioned the outcome of the parliamentary pension paid to the former MP and to ascertain that public funds disbursed were due.
2. Based on the review undertaken, the NAO is of the opinion that the granting of a parliamentary pension to the former MP was regular and justified. The former MP had served in Parliament for two legislatures, from 20 July 1979 to 9 November 1981 and from 18 December 1981 to 13 February 1987. Although the former MP was elected to Parliament in 1979 through a by-election, he was subsequently elected in the following election, that of 1981. The Members of Parliament Pensions Act stipulates that the period in between legislatures ought to be reckoned for pension purposes once an MP is elected to Parliament in the following general election. There is no condition at law that precludes, for pension purposes, the time served by an MP elected through a by-election. The period between legislatures would not have been considered had the former MP been re-elected through a by-election; however, this was not the case.
3. In determining eligibility for the parliamentary pension, the advice of the Attorney General was sought. Having reviewed all documentation made available, the NAO is in agreement with the advice provided by the Attorney General, that the whole period served by the former MP was to be reckoned for pension purposes in this case.
4. Moreover, the Office verified payments made to the former MP in respect of the parliamentary pension and confirmed that all payments made were in fact due. The pension received in arrears was due, accruing from 2006, when the former MP reached the age of 61.

5. Furthermore, with regard to the alleged political interference, the NAO reviewed all documentation made available and did not identify any inconsistency in the treatment of this case or external pressure that could be construed as political interference for the former MP to obtain his pension. The Secretary of the Association of Former Members of Parliament addressed all correspondence to the relevant authorities in efforts to assist the former MP in resolving the matter.

Chapter 1

Terms of Reference

1.1 Request for Investigation

1.1.1 On 20 March 2018, the Chairperson of Alternattiva Demokratika (AD), Mr Carmel Cacopardo (hereinafter referred to as 'Chairperson AD'), requested the Auditor General (AG) to examine the parliamentary pension paid to the former Member of Parliament (MP) Judge Emeritus Dr Philip Sciberras (hereinafter referred to as 'the former MP'). The request was made following allegations in the Sunday Times of Malta of 18 March 2018, wherein it was contended that the former MP was receiving a parliamentary pension that he was not entitled to, paid against the advice of the Treasury Department. The AD was preoccupied about the alleged interference on the Treasury Department in the processing of the relative application; however, acknowledged that if the allegations were untrue and based on hearsay, then the matter merited clarification regardless.

1.1.2 It was in this context that the Chairperson AD affirmed that the AG, after due scrutiny of the matter in question, was to assert whether the former MP was receiving payment over and above that entitled to. The Chairperson AD maintained that it was necessary that the investigation be expeditious since a situation where second-class pensioners received very limited pensions while it was implied that others were entitled to much more was untenable. Maintaining that privileged pensions were problematic by their very existence, the Chairperson AD contended that it should at least be ascertained that such pensions were only given to those entitled.

1.1.3 The National Audit Office (NAO) undertook to investigate the matter brought to its attention by the AD. The Office's decision to review the case was based on its intention to establish whether any political interference conditioned the outcome of the parliamentary pension paid to the former MP and ascertain that public funds disbursed were due.

1.2 Methodology

1.2.1 The relevant documentation, as retained by the Treasury Department, was made available to the NAO and was reviewed in detail. Findings reported herein and conclusions arrived at are based on this source of information. Reference to pertinent legislation, in particular the Constitution of Malta (Chapter 1), the Pensions Ordinance (Chapter 93), the Members of Parliament Pensions Act (Chapter 280) and the Public Administration Act (Chapter 497), was also made.

- 1.2.2 Public officers cited throughout the report are referred to by their designation at the time reported on.

1.3 Background to the Case

- 1.3.1 In this analysis, the NAO examined the documentation retained by the Treasury Department in relation to the pension due to the former MP. Particularly, the analysis focused on whether the documentation provided a clear understanding of the decision-making process employed in the granting of a parliamentary pension to the former MP, and whether such pension was in fact due.
- 1.3.2 The matter first surfaced in the media, wherein it was alleged that a former MP was paid a pension, reserved for MPs, despite the Treasury Department's objections. On 18 March 2018, the Sunday Times of Malta reported that the former MP was a judge who retired from the bench in 2010. He had become an MP for the Malta Labour Party (MLP) half way through the 1976 legislature in a casual election held to fill the seat vacated by a former minister. He was then re-elected in 1981, but missed a seat in the following general election of 1987. In 2013, soon after the Labour Party was returned to government, the former MP applied for a pension under the Members of Parliament Pensions Act. According to this media report, after reviewing his application, the Treasury Department informed the former MP that he was not eligible since he did not satisfy the requirements at law. According to the Act, passed in 1979, MPs needed to sit in Parliament for at least two legislatures, or a minimum of 65 months, to qualify for a parliamentary pension. Reported in this press coverage was that the Treasury Department had rejected the argument put forward that the former MP qualified for a parliamentary pension because of the period for which he served as an MP from 1979 to 1981. Moreover, the time between the dissolution of Parliament and the start of the subsequent legislature was not to be considered in his favour. According to that stated, the Treasury Department persisted in its objection to the pension at a meeting held at the office of the Speaker of the House in 2014. However, Government overruled the Treasury Department and ordered that the former MP receive the requested pension.
- 1.3.3 Citing sources close to the Treasury Department, concerns were raised as to why the former MP had waited until the Labour Party was in Government to make his claim when, if he were entitled to an MP's pension, it would have come into effect in 2010 when he had reached the age of 65 and retired from the bench. It was further alleged that, in 2014, Government had issued instructions that the former MP was to receive thousands of euro in arrears to cover the period he was entitled to the pension. The article also made reference to another special pension that the former MP was entitled to, that reserved for the judiciary, other than the regular national insurance pension. According to the article, it could not be confirmed whether the former MP was in fact receiving three pensions.

- 1.3.4 On 18 March 2018, Malta News Today reported that the Treasury Department did not approve the pension since the former MP did not serve the required time in Parliament in order to qualify for such a pension. Reference was also made to the Sunday Times of Malta, wherein it was reported that in 2013, when the Labour Party was elected to government, the former MP had applied for the pension that was granted without any objections. According to the coverage by Malta News Today, Government had disregarded the Treasury Department's objections and proceeded with the approval of the pension, including the payment of arrears.
- 1.3.5 On 19 March 2018, Malta Today reported that the former MP denied that there was any political interference in the matter. He explained that he had been granted the MPs' pension as a result of his enquiry with the Association of Former Members of Parliament (hereinafter referred to as the 'Association'). The former MP declared that he had not contacted anyone from the Treasury Department or Government. When asked why he had waited until 2013 to make his claim, the former MP indicated that he had met with a past Nationalist Party MP in 2013 who had informed him that he might be entitled to a parliamentary pension. The former MP made enquiries with the Association and it was the Association that delved into the matter, and referred it to the Speaker and the Treasury Department. The former MP emphasised that he had been an MP for half the 1976 legislature, and for the entire legislature of 1981. He also noted that, according to the law, the period in between the dissolution of Parliament and the start of the following legislature was to be reckoned in the period during which he was an MP. The newspaper quoted the Members of Parliament Pensions Act, which stated that, "*a member who ceases to be a member upon a dissolution of Parliament and is re-elected a member at the first general election after that dissolution, shall also include the period between the said dissolution and the day on which the House first sits after that dissolution.*" The law also stated that for MPs to be eligible, they must have, "*had a term of service in at least two legislatures, not being in aggregate less than 65 months*"; however, it was unclear whether other provisions of the law applied to this case. According to the article, the former MP declared that he had been an MP for a total of 2,826 days, equivalent to approximately 94 months.
- 1.3.6 Malta Today further indicated that according to the Secretary of the Association, the former MP's case had been brought to his attention by a third party. He had subsequently referred the matter to the Association's committee. The Secretary confirmed that there had been no political interference, but acknowledged that there was a difference in the interpretation of the law given by the Association and the Treasury Department. Further indicated in the article was that, according to the Secretary, the accusations made were baseless and additional details were to be provided during a press conference scheduled to take place the following day. Meanwhile, the AD had indicated that it would be making a formal request to the AG to investigate potential political interference in the matter. The AD stated that despite objections by the Treasury Department, Government had put pressure and acted in a "*preferential and discriminatory manner*". The Government had created second-class pensioners while favouring

its close allies and supporters. The AD Deputy Chairperson argued that, *“Once again we are witnessing another instance where party allegiance opens the way for preferential treatment and favouritism at the expense of the state. It is a shame that the same enthusiasm used with those living very comfortably with three sizeable pensions is not shown towards pensioners in a serious risk of poverty.”*

- 1.3.7 On 19 March 2018, the Times of Malta also reported that the AD was to request the AG to investigate the parliamentary pension granted to the former MP despite the Treasury Department’s position that he was ineligible to receive the pension. According to the article, the AD had indicated that its Chairperson was to make a formal request for an investigation to the AG, labelling the matter a serious case of political interference, illegality and blatant discrimination.
- 1.3.8 Reference was again made to this case in the Times of Malta on 20 March 2018, wherein it was stated that the Association had indicated its disagreement with that stated by the Treasury Department and that the Attorney General’s opinion, at the time sought by the Treasury Department, was consistent with that of the Association.

Chapter 2

The Facts of the Case

2.1 The Initial Inquiries

- 2.1.1 On 29 October 2013, the Accounts Section, House of Representatives submitted correspondence to the Secretary of the Association providing details of service with respect to the former MP. According to this correspondence, the former MP was a member of the V Legislature, serving from 18 December 1981 to 13 February 1987, amounting to a total of 1,883 days. On 31 October 2013, an amended version of the schedule of service was submitted by the Accounts Section, House of Representatives to include the period that the former MP had served in the IV Parliament, that is, from 20 July 1979 to 9 November 1981, which comprised an additional 843 days. Therefore, in total, the period as a serving MP amounted to 2,826 days. On the same date, the Secretary submitted correspondence to the Directorate General (Operations – Salaries) Ministry for Gozo (hereinafter referred to as the Salaries Unit), stating that confirmation was obtained from Parliament that the former MP had over five years and five months' service and was therefore entitled to a parliamentary pension. The Secretary requested the Directorate to ascertain the pension due, for information purposes, so that the matter could be referred to the former MP who was then to decide on the way forward.
- 2.1.2 On 11 November 2013, the Secretary submitted correspondence to the Accountant General wherein reference was made to that stated by the Treasury Department, that according to law, if elected through a by-election, then the period in Parliament was not to be considered as pensionable when calculating the parliamentary pension. He added that, to his knowledge, the parliamentary pension was based on the period of days one served as an MP. The Secretary therefore requested the Treasury Department to cite the legislation on which its understanding was based. On 4 December 2013, the Secretary submitted a reminder to the Accountant General, stating that the information requested had still not been provided and that an early reply was being sought since the former MP was being denied that due to him and that justice delayed was justice denied.

2.1.3 The Salaries Unit replied on 16 December 2013 with regard to the former MP's eligibility for the pension, stating that:

- a. with regard to the IV Legislature (20/07/1979 – 09/11/1981), note was taken of the Memorandum issued by the Speaker of the House dated 14 March 1990; and
- b. with regard to the V Legislature (18/12/1981 – 13/02/1987) the former MP was 122 days short of eligibility.

The Memorandum referred to was attached for ease of reference. Moreover, the Directorate was seeking the advice of the Office of the Attorney General on the matter.

2.2 The Memorandum by the Speaker of the House

2.2.1 The Memorandum issued by the Hon. Dr Lawrence Gonzi, Speaker of the House on 14 March 1990, addressed several questions regarding honoraria and salaries payable to MPs. Issues addressed included the actual starting date of service as an MP, the actual date of termination as an MP and the period in between legislatures.

2.2.2 According to the Memorandum, the first point that was to be clarified concerned the actual date when a person became an MP; that is, whether the service of the MP started on the day the person was elected, or on the day that the Oath of Office was taken in accordance with the Constitution. The Members of Parliament Pensions Act did not provide a clear reply; however, Section 68 of the Constitution, read in conjunction with the Act, stated that, "*No member of the House shall be allowed to take part in the proceedings of the House ... until he has taken and subscribed before the House, the Oath of Allegiance*". The Memorandum concluded that the Oath of Allegiance did not establish the starting date of service but rather the date when Members were allowed to take part in the proceedings of the House.

2.2.3 With regard to the ending date of service, again, the Members of Parliament Pensions Act did not give a clear picture unless reference was also made to the Constitution. Section 55(I) of the Constitution stated that, "*the seat of a member of Parliament shall become vacant (a) upon the next dissolution of Parliament after his election*". Nonetheless, this provision was made subject to certain exceptions, cited in Section 59 of the Constitution (in respect of the Speaker, the Deputy Speaker), Section 81 (in respect of the Prime Minister) and Section 90 (in respect of the Leader of the Opposition). According to the Constitution, in these cases, the offices would only be considered vacant when the new appointments were made after a general election or during the first sitting of the House after a general election, as the case may be. These exceptions were also cited in Section 2 of the Members of Parliament Pensions Act, in the definition of the word "service", but with two differences, namely (a) the Act included Parliamentary Secretaries, and (b) the Act did not include the Leader of the Opposition.

2.2.4 In terms of the Constitution, a person ceased to be an MP during the intervening period between the dissolution of Parliament and re-election as a Member after a general election. However, for pension purposes, in terms of the Members of Parliament Pensions Act, this intervening period was considered an integral part of a Member's service if the Member was re-elected at the following general election, subject to certain provisos. The wording of the relevant section (Section 2 – definition of the word “service”) clearly implied that this intervening period was only to be considered as an integral part of the period of service if:

- a. a Member ceased to be a Member on the dissolution of Parliament; this implied that a Member who ceased to be an MP for any other reason (for example, resignation or loss of seat) would not qualify under this Clause even if re-elected at the following general election; and
- b. a Member was to be re-elected as Member at the first general election after dissolution; this implied that if a Member was re-elected by virtue of a by-election held after a general election, then he would not qualify under this Clause. This also implied that a Member who was co-opted to Parliament after a general election would also be ineligible to a pension. On the other hand, Members elected to Parliament by virtue of Clause 52(1) of the Constitution qualified under this Clause. According to this Clause, *“at a general election which is contested by more than two political parties and in which only candidates of two of such parties are elected, a political party obtains a percentage of all the valid votes cast at such election, as credited to its candidates by the Electoral Commission at the first count of all the votes ... which is greater than that obtained by any one other party ...”*. Therefore, in these instances, additional Members were elected when a party obtained more than 50 per cent of the valid votes cast at an election, but less than 50 per cent of the seats in the House. The intermediary period between elections would be reckoned for parliamentary pension purposes.

2.2.5 The Memorandum further outlined that a Member who was not re-elected at a general election but was elected by virtue of a by-election was not entitled to the pension as indicated above.

2.3 The Granting of the Parliamentary Pension

2.3.1 On 19 December 2013, the Secretary of the Association submitted correspondence to the Speaker of the House, the Hon. Dr Angelo Farrugia, regarding the pension due to the former MP. Appended therewith was the correspondence submitted to the Association by the Treasury Department. The Secretary explained that the former MP had served in Parliament for five years five months, and was therefore eligible to a parliamentary pension. According to the submission, the former MP was elected to Parliament in 1979 by means of a by-election. He was again elected in the following general election of 1981 and served until the dissolution of Parliament in mid-1987. The Secretary explained that when a person served in the House for more than five years five months, he was entitled to a parliamentary pension. In his correspondence to the Speaker, the Secretary indicated that, according to the regulations sent

to him by the Salaries Unit, the period between elections was relevant for pension purposes if a Member was elected in the following election. The Secretary requested the intervention of the Speaker since no reply from the Office of the Attorney General had been received to the request for advice made by the Salaries Unit.

- 2.3.2 In the interim, in correspondence exchanged between employees of the House of Representatives, it transpired that from records held in Parliament, the former MP had served from 1981 to 1986. However, through subsequent reference to the publication '*L-Elezzjonijiet f' Malta 1849-1981*' by Michael J. Schiavone (1987), it was ascertained that the former MP was elected following the resignation of another MP on 20 July 1979. Further research in the parliamentary archives indicated that on 23 July 1979, during Sitting 303 of the IV Legislature, the former MP took his Oath of Allegiance.
- 2.3.3 On 22 January 2014, the Secretary sent further correspondence to the Salaries Unit, copying in the Speaker and the Accountant General, requesting a clear indication as to why the time served in Parliament from 1979 to 1981 was not considered as pensionable, since no relevant regulation substantiating this had been indicated.
- 2.3.4 Additional correspondence, dated 4 February 2014, was submitted by the Secretary to the Accounts, Human Relations and Registry at the House of Representatives providing the explanation given by the Treasury Department regarding the pension due to the former MP. The Secretary explained that the former MP had been elected for a second term and therefore, the time in between elections was to be reckoned for pension purposes. Moreover, the Secretary referred to Clause 4(1) of the Members of Parliament Pensions Act stating that, either way, the former MP had served in Parliament for more than 65 months. He further contended that the Treasury Department was to quote the regulation it was basing its decision on.
- 2.3.5 On 26 June 2014, the Director (Corporate Services) at the House of Representatives wrote to the Attorney General requesting assistance with regard to the matter. He provided background to the case and details regarding the different interpretations of the Salaries Unit and the Association. While the former were asserting that the former MP was not entitled to a parliamentary pension, which opinion was based on the Memorandum by the Speaker of the House dated 14 March 1990, the latter maintained that, according to the Members of Parliament Pension Act, he was entitled to a pension. A reminder was sent on 25 July 2014.
- 2.3.6 Advice was provided by the Office of the Attorney General on 28 July 2014. According to the advice, in terms of the definition of "service" in Article 2 of the Members of Parliament Pensions Act, the essential requisite was that an outgoing MP was elected in the first general election held following the dissolution of a previous legislature. This implied that the period between the said dissolution and the first sitting of the new legislature was to be taken into account. The following day the Director (Corporate Services) at the House of Representatives replied, stating that the main problem was the period that the former MP had served in the IV Legislature. The Attorney General reverted on 14 August 2014, indicating that if the law was taking into

consideration the period occurring between the dissolution of the preceding legislature and the incoming one, then more so was the period served in the preceding legislature to be taken into account. The Attorney General maintained that it would not make sense to take account of an interim period without taking into consideration the term immediately preceding such period. Moreover, the definition of the word “service” clearly referred to “any service performed”, with the essential requisite being that an MP was subsequently re-elected in the following election. In this case, the former MP was elected through a by-election in the IV Legislature and therefore had performed service as required by the said definition. Subsequently he was re-elected in the first general election after that dissolution. The pivotal concern was how he was re-elected in the V Legislature, not the prior one, since the law as indicated simply stated “any service as a Member of the Legislative Assembly...”. The condition that one was not elected by a by-election could only refer to the incoming legislature following dissolution and this emanated from a reading of paragraph (a) in the definition of “service”. The Attorney General construed the interpretation afforded by the Speaker in 1990 as conforming entirely to the advice provided. In conclusion, the Attorney General stated that in terms of the definition of “service”, the term served by the former MP in the course of the IV Legislature was to be taken into account given that he was re-elected in the general election of the V Legislature. On 14 August 2014, the Director (Corporate Services) House of Representatives forwarded the advice of the Attorney General to the Secretary.

- 2.3.7 On 9 September 2014, the approval of the Minister for Finance for the pension to be paid to the former MP was sought. Approval was granted on 2 October 2014. On 17 September 2014, the Treasury Department informed the former MP that the pension was approved under the Members of Parliament Pensions Act and was payable, including arrears, as from 7 October 2006.

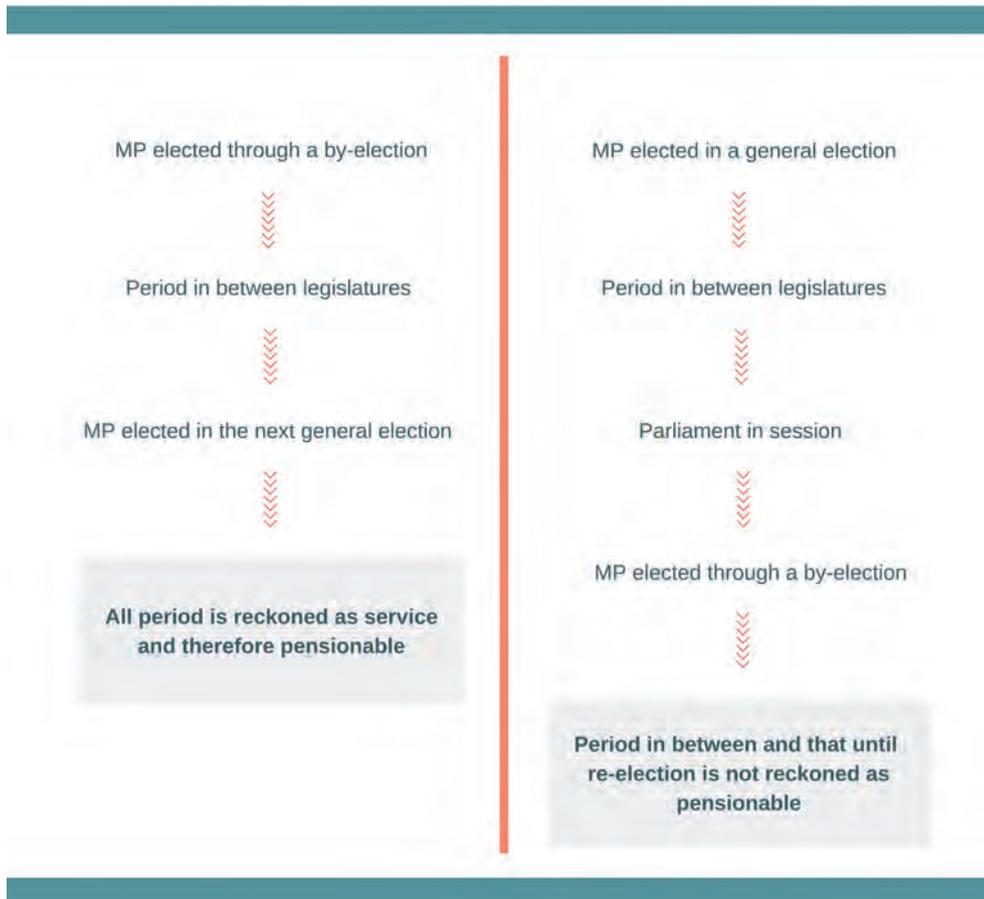
Chapter 3

Consideration and Conclusions

3.1 NAO Considerations

3.1.1 Having reviewed the process leading to the granting of the parliamentary pension, the NAO is of the opinion that the former MP was entitled to such pension. The Office agrees with the advice provided by the Attorney General, which indicated that the period in between legislatures was to be taken into account for the purposes of a parliamentary pension given that the former MP was elected for a second term in the following general election. Furthermore, the NAO is of the understanding that the advice provided by the Attorney General and the Memorandum by the Speaker of the House were consistent. These justifiably addressed instances of MPs elected through a by-election and the implications on parliamentary pension (Figure 1 refers).

Figure 1: Periods of pensionable service



3.1.2 Given that the granting of the parliamentary pension was deemed valid by the NAO, the Office sought to determine whether the effective date for the granting of this pension was correctly established. The former MP received the parliamentary pension as from 7 October 2006, that is, from age 61. Nonetheless, the NAO established that the former MP, who was also a judge, retired from the bench at 65. Therefore, as part of its review, the Office sought to ascertain whether the former MP was entitled to the parliamentary pension from age 61 or 65.

3.1.3 Article 4(1) of the Members of Parliament Pensions Act states that, *“Subject to the provisions of this Act, a member who has had a term of service in at least two legislatures not being in the aggregate less than sixty five months, shall, on his retirement, receive a pension at the rate of one hundred and seventieth of his pensionable emoluments for each completed month of service up to the limit established by subarticle (4)”*. The Act defines “retirement” as:

- “a. in respect of a member over the age of sixty-one years who is still a member, means -*
- i. the implementation of the decision by such member to cease to be a member or not to seek re-election as a member, and includes the failure to be re-elected if he has sought re-election, or*
 - ii. the attainment of the age of sixty-five years, whichever is the earlier;*
- b. in respect of a member who ceases to be a member before attaining the age of sixty-one years, the attainment of that age;”*

In the NAO’s understanding, subarticle 4(1)(b) applied in the case under review, since the former MP ceased to be an MP before reaching the age of 61.

3.1.4 The Office also reviewed the Pensions Ordinance where, according to Article 7(1), no pension, gratuity or other allowance shall be granted to any officer except on his retirement from the public service, that is, *“in the case of transfer to other public service, on or after attaining the age at which an officer is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity ... provided that such officer shall not be entitled to any pension or gratuity in respect of his office in the service of Malta except as from the date on which he attains the age on which he is permitted by the law...”*. Notwithstanding this, the Ordinance has specific provisions for members of the judiciary, among others, in Article 12(2) which stipulates that, *“Notwithstanding the other provisions of this Ordinance or of any other law or other regulations, when a person is the holder of one of the offices, posts or positions mentioned in paragraphs (a), (b) or (c), excluding the proviso, of subarticle (2) of article 2 of the Public Administration Act, such person may, on being re-employed in the service of Malta after his retirement from the service of Malta or on being retained in employment in the service of Malta beyond the age of sixty-one years, during such period in employment after the age of sixty-one years receive and continue to receive any pension, including any gratuity or commuted pension, without any reduction except as specified under this Ordinance, provided that the said period of re-employment or of retention in employment shall not be taken into consideration for any other purposes of this Ordinance.”*

3.1.5 The office of judge, held by the former MP, is one such position cited in the Public Administration Act. The former MP was retained in employment until the age of 65, and in light of Article 12(2) of the Pensions Ordinance, he was entitled to receive any pension, including the parliamentary pension, from the age of 61. The NAO reviewed the workings of the Salaries Unit and confirmed that amounts paid, including arrears, were in line with the applicable provisions of the Members of Parliament Pensions Act and accurately calculated.

3.2 Conclusion

3.2.1 Based on the review undertaken, the NAO is of the opinion that the granting of a parliamentary pension to the former MP was regular and justified. The former MP had served in Parliament for two legislatures, from 20 July 1979 to 9 November 1981 and from 18 December 1981 to 13 February 1987. Although the former MP was elected to Parliament in 1979 through a by-election, he was subsequently elected in the following election, that of 1981. The Members of Parliament Pensions Act stipulates that the period in between legislatures ought to be reckoned for pension purposes once an MP is elected to Parliament in the following general election. There is no condition at law that precludes, for pension purposes, the time served by an MP elected through a by-election. The period between legislatures would not have been considered had the former MP been re-elected through a by-election; however, this was not the case. Having reviewed all documentation made available, the NAO is in agreement with the advice provided by the Attorney General, that the whole period served by the former MP was to be reckoned for pension purposes in this case.

3.2.2 Moreover, the Office verified payments made to the former MP in respect of the parliamentary pension and confirmed that all payments made were in fact due. The pension received in arrears was due, accruing from 2006, when the former MP reached the age of 61.

3.2.3 Furthermore, with regard to the alleged political interference, the NAO reviewed all documentation made available and did not identify any inconsistency in the treatment of this case or external pressure that could be construed as political interference for the former MP to obtain his pension. The Secretary of the Association addressed all correspondence to the relevant authorities in efforts to assist the former MP in resolving the matter.

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