

## LEGAL OFFICE

As on the 1<sup>st</sup> October, 2005, the Legal Office caseload amounted to 30 pending court cases before the Court of Appeal, 41 court cases pending before the Superior Courts, and 16 court cases pending before the Inferior Courts.

During the period under review, the Legal Office received and dealt with 61 judicial letters/judicial protests. 16 warrants of prohibitory injunctions were received by MEPA and handled by the Legal Office, 15 of which have been decided by the Superior Courts. The Legal Office received and handled a total of 29 new Court of Appeal cases on behalf of MEPA and, during the same period, 39 court cases were decided by the Court of Appeal. Furthermore, a total of 21 new Superior Court cases were received by MEPA and handled by the Legal Office, during which period a total of 11 court cases were decided by the Superior Courts. 5 court cases were decided by the Inferior Courts. The Legal Office also represented MEPA judicially in all court cases to which MEPA is a party.

Being responsible for nearly all litigation involving MEPA in the Courts of Law, members of the law firm Abela Stafrace & Associates have attended an average of twenty five (25) court sittings per week. It is worth noting that whereas the majority of the cases relate to appeals filed by applicants or MEPA from decisions of the Planning Appeals Board (similar to last year), we have noted a decrease in the number of warrants for prohibitory injunctions filed against the Authority. On the other hand, the number of proceedings instituted by MEPA to recover costs incurred for direct action has increased slightly. The number of civil litigation remained stable, whereas there are no pending proceedings before the tribunal for the investigation of injustices. The majority of proceedings are conducted in Malta, but we do have a small number of cases being heard by the Court of Magistrates in Gozo. Representations are spread on four lawyers within the law firm Abela Stafrace & Associates – namely appeals, prohibitory injunctions and civil litigation being handled by Dr. George Abela, Dr. Ian J. Stafrace and Dr. Claire

Stafrace Zammit; whereas proceedings before the Tribunal for the investigations of Injustices and those instituted by MEPA for the recovery of costs incurred for direct action (most of which are before the Small Claims Tribunal) being handled by Dr. Claire Stafrace Zammit and Dr. Lydia Zerafa.

During the period under review the Legal Office tendered advice to other Units within the Planning Directorate, the Environment Directorate, the Development Control Commission, the Director General's Office, the Chairman's Office and to the MEPA Board.

Legal office is assisted by three members of law firm Abela Stafrace & Associates, - namely Dr. George Abela, Dr. Ian J. Stafrace and Dr. Claire Stafrace Zammit attending MEPA offices on a daily basis (average of 35 hours per week) to advise on Development Planning matters. On the other hand the needs emanating from the Environment Protection Directorate, which have now stabilised to the same levels of last year, are handled by Dr. Ian J. Stafrace. Our work in this regard involves replies to legal queries referred to legal office by MEPA Board, officials and the DCC, replies to legal letters and protests filed against MEPA, as well as attendance to meetings as and when requested.

Legal Office has also assisted MEPA in the drafting, vetting and/or translation of legislative instruments. During the period in question, most of the time allocated to matters involving Environment Protection is in fact directly connected to the legislative process.

## AUDIT OFFICE REPORT

I am submitting this report in terms of the requirements of Section 17C of the Development Planning Act.

### Introduction

- 1 During the current year, the Audit Office handled 720 complaints and requests for information. Requests for information were handled immediately whilst a substantial number of complaints were resolved. Eighty-one of the said complaints were investigated in detail and a report in respect of each case was released.
- 2 In respect of one of the investigations leading to a report (Audit Office Report 2006/020), I declared a conflict of interest and was substituted by Mr Louis Cilia, appointed for the purpose in October 2005 by MEPA in terms of Section 17C (1) of the Development Planning Act.
- 3 Nine of the investigations were carried out at the request of the Ombudsman, another one at the request of the Chairman of the DCC Division 'A', whilst another one was carried out at the request of the Housing Authority.
- 4 Seven investigations were carried out on my own initiative in terms of Section 17C (2) of the Development Planning Act. These investigations were as a result of:
  - i An article published in The Times on the 7 October 2005 entitled: "Residents complain about permits for garages" (Audit Report 2006/005) relative to permits at Triq It-Tramm, Hamrun,
  - ii An article published in The Malta Independent on Sunday entitled: "The Rape of Ramla" on 6 November 2005 and another article published in The Edge in November 2005, entitled "Different Weights Different Measures" (Audit Report 2006/023), relative to the proposed development in the vicinity

of Ir-Ramla il-Hamra at Gozo,

- iii A press report in The Times dated 3 January 2006, entitled: "Demolition of existing premises and reconstruction of training hotel", which published the concern of the Chamber of Architects and Civil Engineers on the demolition of a large part of the Qala Primary school (Audit Report 2006/026),
  - iv An article published in The Times dated 27 January 2006 entitled: "Tensioned Structure raises winemaker ire" (Audit Report 2006/031), relative to the proposed setting up of a tented structure at Ta' Qali,
  - v An article published in It-Torca, dated 12 March 2006, entitled: "Minn Lm8,000 g]all Lm4,000 bl-Indhili tal-Ministru. Il-MEPA trid li ninvestigaw ahna. Il-PM jinheba wara l-kunfidenzjalita" (Audit Report 2006/041).
  - vi A letter published in The Malta Independent on Sunday, dated 14 May 2006, signed by Mr Joseph Mercieca, on behalf of resident of Triq Wied Blandun, Paola, entitled: Residents deplore MEPA decisions, (Audit Report 2006/059).
  - vii An article published in The Sunday Times on 11 December 2005 under the signature of Mr Alan Deidun and entitled: "Of Sanctioning and Deferments" (Audit Report 2006/075).
- 5 All reports were submitted to the MEPA Chairman for transmission to the MEPA Board in terms of Section 17C (3) of the Development Planning Act. A copy of the said reports was also forwarded to the complainants where applicable.

### Investigations Report

- 6 The Investigation Reports totalled 81 during the reporting period and dealt with the subject areas



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listed in Table 1 below. They contained a total of 122 recommendations: 56 being specific to the cases investigated and 66 being of a general nature. Of the 81 complaints reported upon, 42 were sustained in full, whilst 7 were partially sustained.

Area of Consideration	Number
Compliance certificates	3
DCC Workings	3
Delays	4
Development Notification Order	3
Discrimination	3
Enforcement / Illegal development	14
Processing of Applications	38
Miscellaneous	13
<b>Total</b>	<b>81</b>

TABLE 1: Subject Areas Investigated

7 In reviewing the cases examined in the past twelve months, I arrived at the conclusion that the number of cases involving minor and petty complaints have reduced substantially, as have those which can be traced to human error. The number of investigations concluded this year (81) when compared to those concluded last year (108) indicates a 25% reduction. However, at the same time the number of investigations highlighting serious institutional issues and focusing on the involvement of management and senior officials at MEPA, is on the increase. What follows is a discussion on a number of important considerations as detailed in the 81 reports submitted during the reporting period.

### Meetings with developers / objectors

8 The Audit Office drew the attention of the MEPA on the need for a proper shouldering of responsibilities within MEPA structures.

9 In the investigation (Audit Report 2006/031) carried out after the publication of an article in The Times on 27 January 2006 entitled "Tensioned structures raises winemaker's ire", the Audit Office queried the practice of the MEPA Chairman in meeting developers or objectors, which meetings are emitting conflicting signals to both the developers objectors themselves as well as MEPA staff. The Chairman has no executive role in the MEPA. It would be considered reasonable if the Chairman participates in meetings involving developers/objectors and senior management of MEPA targeted at identifying problems. However meetings are being held with the participation of those carrying out assessments of applications and developers or objectors. The discussions which develop in such meetings easily lead to conclusions which would eventually be deemed as decisions to be followed. It would be preferable if meetings with developers or objectors, when necessary, should be carried out by the Director of Planning and that detailed minutes, signed by both parties, should be kept of such meetings.

10 The duties of the Chairman of MEPA are primarily limited to the chairing of the meetings of the MEPA Board (vide Section 3 and First Schedule to the Development Planning Act) and the judicial and legal representation of MEPA (vide Section 4(2) of the Development Planning Act) and activities ancillary to these duties. The assumption by the MEPA Chairman of executive duties is resulting in overlaps with the duties of the MEPA Director General. Occasionally this is inevitable as the Chairman's Office is also the channel through which Government policies are communicated to the MEPA. However, as a result, the line of demarcation between the functions of the Chairman and the senior management in the different Directorates of the Authority may thus become blurred and issues of accountability are rendered difficult to determine if there is excessive involvement in

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the day-to-day running of the Authority. He should limit his activities to the monitoring of the workings of the different Directorates.

### Staff Management Relations

11 Likewise in the investigation carried out after the publication in The Sunday Times of an article penned by Mr Alan Deidun on the 11 December 2005, entitled: "Of Sanctioning and Deferments", this Office (Audit Report 2006/075) identified a problem in communication between senior management and staff. A query from the Director of Planning (now Director General of MEPA) was interpreted by the officer assessing an application, as being an instruction to be followed, confirming what has been stated in the preceding paragraph.

12 An application to sanction an illegal villa on a prominent ridge had been consistently refused by the DCC following negative recommendations by the Planning Directorate. After several attempts, finally the Planning Directorate recommended the approval of the application. The case officer defended her actions by referring to a note written by the Director of Planning (now Director General of MEPA) on his own initiative wherein he queried the negative recommendation of the Directorate. The Director General explained that it was a simple request for information which was interpreted by the case officer as a rhetorical question indicating that the particular application should be accepted.

13 The MEPA should ensure that all professional officers shoulder their responsibilities when assessing planning applications. While it is perfectly reasonable, and indeed to be recommended, that junior officers seek the advice of more experienced staff, this in itself does not exonerate them from their professional responsibilities. Senior management should be conscious of the

dilemma which a Junior Officer finds himself in when ambiguous comments are received from his superiors.

14 At this stage no remedial action is possible as none of the conditions established in Section 39A of the Development Planning Act exist to withdraw or modify permit. Consequently it is inevitable that applicants for similar development would claim that the MEPA is using two weights and two measures, if their applications are not considered favourably.

### The MEPA Board

15 The Audit Office is preoccupied with the practice, adopted by the MEPA since its inception in 1992, of requesting informal briefings by the Planning Directorate staff on development applications to be decided upon at some future meeting. The Planning Directorate also requests guidance on the manner of dealing with specific applications.

16. Such informal briefings and requests for guidance are not held during a MEPA Board meeting which is open to the public, thereby circumventing the provisions of the Development Planning Act [Article 13 (5) and Schedule 1, paragraph 8].

17 The attention of the MEPA was drawn to this in a memorandum dated 7 August 2006. In reply to my memo, the MEPA Chairman maintained that this procedure is within MEPA's right to regularize its own procedures and is not in conflict with the Development Planning Act, as no decisions are ever taken during such presentations or requests for guidance.

18 Whilst MEPA, certainly has the right to regulate its own procedures, it is submitted that such regulation has to be carried out in full respect of both the letter and spirit of the Development Planning Act as when the MEPA Board considers

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any planning application, it assumes the duties of the Development Control Commission which in terms of Section 13 (5) of the Development Planning Act "shall be open to the public". The fact that no "formal" decision is taken at such meetings is irrelevant. The mere consideration of an application is sufficient to oblige the MEPA Board to hold the meeting open to the public.

- 19 The Audit Office understands that the MEPA Board carries out informal presentations in order to ascertain that all the relevant issues have been dealt with by the Planning Directorate and that all procedures have been followed, thus ensuring that the Board is not faced with surprises and also allowing for a period of reflection. However, this is not the function of the MEPA Board but of the Director of Planning who should ascertain that the Board has at its disposal all the necessary information in order that it may proceed with the determination of an application. This practice by the MEPA Board infringes the provisions of the Development Planning Act as well as the rights of applicants and objectors who are thereby not in a position to control what information is being fed to the MEPA Board.
- 20 The same can be said as to the requests for guidance by the Planning Directorate to the MEPA Board. The MEPA Board cannot in terms of the Development Planning Act issue guidance to the Directorate relative to a specific application. It is prejudging the case in a manner which could be prejudicial to both the applicant and the community at large, including objectors where applicable. Guidance should be at the discretion of the Director of Planning in terms of existing policy. In the absence of applicable policies, the Director of Planning should take the initiative in submitting recommendations to the MEPA Board in order to fill the lacuna, thus avoiding a situation where policy is decided upon on the basis of specific

planning applications.

## Local Plans

- 21 The Audit Office has had the opportunity to examine complaints on the consultation process applicable to the Local Plans recently approved. (Audit Report 2006/080)
- 22 Various complainants highlighted the fact that additions to or deletions from the Draft Local Plans carried out as a result of the public consultation process, internal discussions within MEPA and the discussions carried out with the MEPA Board, were not part of the public consultation exercise. The public did not have the opportunity to submit its comments to these additions/deletions, except on part of those included in the Rationalisation of Development boundaries exercise.
- 23 The Audit Office is conscious that the MEPA acted on legal advice on this crucial matter. The problem hinges on the interpretation of Section 27 of the Development Planning Act. While it is not reasonable for the Audit Office to criticise the MEPA for acting on legal advice, I have to express my serious concern on the matter. The whole Development Planning Act is based on the concept of the democratisation of the planning process by providing a mechanism for public consultation. The manner in which the legislation has been interpreted can very easily lead to abuse as a result of which crucial matters are hidden from public scrutiny at the early stages of the local plan process to be included later on when no further consultation is possible. If the manner in which the Development Planning Act has been interpreted in relation to local plan consultation is sustained if challenged, then I would have no hesitation in recommending amendments to ensure that there is no difficulty in ensuring that public participation is necessary at all stages.

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## The Development Control Commissions

- 24 The Audit Office censored the Development Control Commission, Division 'A' three times and Division 'B' once, for overturning decisions without justifying such overturning, on the basis of adequate planning grounds. In all four cases, the DCC Divisions 'A' and 'B' had ignored the reasons brought forward by the Planning Directorate and contrary to the provisions of Section 13 (5) of the Development Planning Act, did not address the reasons brought forward by the Directorate in recommending the refusal of the applications under consideration. (Vide Audit Reports 2006/001, 2006/015, 2006/018 and 2006/044).

## Processing

- 25 During the reporting period, I have not observed an improvement in the quality of the processing of applications and the reporting submitted by the Planning Directorate.
- 26 A number of reports are of a poor quality and case officers are reluctant to use their professional judgment in adjudicating applications. In particular Development Permit Application Reports generally fail to distinguish between cases where an application is objectionable in principle, and where it is just the details which are objectionable.
- 27 It was noted, for example, that applications concerning Urban Conservation Areas are being issued with a blanket refusal relative to the use of aluminium. This clearly runs contrary to the Approved Design Guidance for Development Control within Urban Conservation Areas which establish "existing buildings and the surrounding environment" as the benchmark against which to gauge applications in Urban Conservation Areas (UCAs). This necessitates that UCA applications are first analysed

within their setting rather than applying the automatic barring of the use of aluminium therein. Understandably such an exercise can be time consuming and ill fits into a management system which is statistics driven. Unfortunately Case Officers at MEPA are at times more worried in meeting the management targets for files processed per week, than in the quality of their work.

- 28 Attention should also be drawn to the application for the proposed demolition of a substantial part of the Qala Primary School in Gozo (Audit Report 2006/026) and the construction of a training hotel run by the Institute for Tourism Studies in its stead. In this case, the Development Permit Application Report ignored the internal advice given by the Integrated Heritage Management Team (IHM) and the Heritage Advisory Committee (HAC) of Malta. Both these bodies considered the existing building to be of great architectural merit, and even recommended its scheduling and protection as a fine example of modern architecture in Malta. This advice was completely ignored and without any justification whatsoever, the application was recommended for approval.
- 29 This is the first case encountered by the Audit Office wherein the Planning Directorate issued a positive recommendation for the approval of an application in respect of which, both the IHM Team and the HAC, had seriously advised against. The arguments brought forward by MEPA through the Development Permit Application Report signed by the Case Officer and countersigned by the Team Manager to accept the demolition of this building are at best derisory. At worst they lead to the suspicion of undue pressure (both internal and external) exerted on the MEPA officials concerned.

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## Enforcement

- 30 The Audit Office has once again to express its concern on the lack of effective enforcement action against illegal development.
- 31 There are two types of infringements which need to be carefully considered by the MEPA:
- a. those cases where a developer carries out a development without any form of permit; and
  - b. those cases where a developer has a valid permit but chooses not to comply with some of the permit conditions.
- 32 It is to be stressed that whenever the MEPA ignores or fails to take effective action against an illegal development, it is indirectly responsible for its effects on society in general and on specific third parties. The Audit Office had occasion to consider complaints from the public on various cases of illegal development which though of a minor nature from a planning point of view, are causing serious inconvenience to third parties, generally neighbours. The fact remains, therefore, that even a minor illegal development can have serious consequences and MEPA cannot keep ignoring this fact. The effects of development on third parties should thus be given more weight by MEPA during the adjudication of applications.
- 33 The issue of enforcement is ridiculed when it is Government Departments/Agencies which flout the law. The cases which came to the attention of the Audit Office during the reporting period are listed below:
- a. The Works Division in the Ministry for Resources and Infrastructure carried out an illegal development at Bormla when the application for this development was still being processed by the MEPA,
  - b. The Birkirkara Local Council demolished a building without MEPA's authorization. The Integrated Heritage Management Team was considering this building as worthy of scheduling,
  - c. The Housing Authority failed to abide by and ignored a condition in a permit, consequently forfeiting a Bank Guarantee,
  - d. The Lands Department allowed an illegal development to be carried out on public land for the construction of a Hotel in Bugibba without its authorization.
  - e. The Works Division failed to follow an approved permit for the upgrading of an existing walkway at Wied Babu, Zurrieq, which permit should not in the first place have been issued by MEPA in its present format, as it is in breach of the Habitats Directive.
- 34 The responsibilities of the MEPA and of other institutions responsible for law enforcement are to be clearly defined. At present the MEPA is faced with a situation, where a number of conditions appended to development permits are in reality the responsibility of other bodies such as the Police, the Health Department, the Maritime Authority, the Transport Authority, etc. The Audit Office recommends that a committee of all parties concerned should be set up to co-ordinate enforcement. In this way the public would be better served, as it is frequently unable to get redress for justifiable complaints as the different authorities disclaim responsibility once a permit is issued by MEPA. The concept of a one stop shop as applied to development planning has to be revisited as in practice it has rendered enforcement cumbersome and at times downright impossible.
- 35 In the course of its investigations, the Audit Office discovered that a seven-storey hotel could

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- be built, rendered operational, and remain so for over ten years without any form of building permit (Audit Report 2006/048).
- 36 I was appointed to chair a Commission of Inquiry covering such an illegal development at Xemxija, limits of St Paul's Bay. The conclusions of this Commission have been made public and give a clear picture of the situation. The Audit Office regrets that it has not been informed in any way on how the MEPA intends to react to the recommendations of this Commission.
- 37 The Audit Office also notes, with regret, that although substantial illegal development was pointed out to the MEPA, (and also referred to in last year's report), no action whatsoever was taken. Two specific cases should be mentioned. A large tract of agricultural land was levelled and developed as an illegal car park at Ghadira, Mellieha. This development was fully operational in Summer 2005 and was again in use in Summer 2006. Additionally, a beach development on a scheduled site at Ir-Ramla tal-Bir, Marfa, was again operational this summer, complete with an illegal gate limiting access to the public. These are only two of the cases which came to the attention of the Audit Office. The continuous press reports disclosing similar cases of illegal developments, causing irreparable damage to our environment, unfortunately stimulate at best, sporadic action from the MEPA which is generally ineffective. The Audit Office regrets that the limited resources at its disposal prevent it from investigating more of these reports.
- 38 The common practice of the MEPA to try to simultaneously satisfy both developers and objectors by inserting conditions in permits limiting the use of landed property is a cause of problems. In many cases, the MEPA is unable to ensure compliance with these conditions. Conditions which are not easily quantifiable or practical to enforce, should not be inserted in permits. Conditions which are impossible for the operator to comply with are therefore to be avoided. The Audit Office had the opportunity to view a permit for a cow farm close to a residential area wherein it was required not to cause inconvenience to residents! As if this is possible, in view of the proximity of the farm to the residential area.
- 39 The Audit Office does not believe that direct action is the solution to the problem of illegal development. Unfortunately, we live in a culture which considers it perfectly legitimate for a person to try to avoid complying with laws and regulations. When authorities, with a duty of law enforcement, turn a blind eye to illegalities or else are completely ineffective when dealing with infringements, the inevitable happens. This is a manifest signal that anything can be permitted, or can be sanctioned or would be ignored by the authorities. Unless the MEPA is able to transmit an unequivocal message to all that no illegal developments would be ignored whatever the consequences, then the situation is likely to deteriorate further. Government Departments/Agencies should, in particular, lead by example.
- 40 In view of the limited resources available, MEPA cannot handle this problem on its own. The MEPA needs the unequivocal support of society in general and of the political forces in particular, to come up with a detailed and practical plan of action in this respect. Once such a plan of action is approved, then it should be made clear to the MEPA that implementation of such a plan is mandatory and no excuses should be acceptable.
- Other matters**
- i Code of Ethics**
- 41 Around two years ago I was requested to submit a Draft Code of Ethics for the MEPA. In last year's Annual Report, I had stated that I had



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been informed that this was under consideration by the Government. To date, I have not been informed of any developments.

## ii Preliminary Reports - MEPA's Reactions

42 It is the practice of the Audit Office to transmit a preliminary copy of investigation reports to the MEPA prior to publishing, for any comments on its part. I noted that whenever a report is critical of any action on the operation of the MEPA, it takes a defensive attitude and tries to defend its actions as being beyond reproach.

43 The MEPA took exception on a comment in one report where I stated that it is unable or unwilling to take effective enforcement action! Facts however, speak for themselves.

44. The MEPA also objected to an investigation (Audit Report 2006/008) into an alleged discrimination between its employees on the determination of their point of entry into their respective salary scale. The MEPA claimed that this was of no concern to the Audit Office. The Audit Office had to seek legal advice which confirmed my duty to investigate as I am authorized "to review all the functions and workings of the Authority" in terms of Section 17C (1) of the Development Planning Act. In the meantime, the MEPA settled the issue with the employee concerned to the satisfaction of both.

## iii Availability of Audit Reports

45 Unfortunately MEPA has, since the inception of the Audit Office, objected to the practice of informing the complainants on the conclusions on the investigations relative to their complaint. This office has been copying audit reports to the complainants in order that they are informed in detail as to the reasons for the conclusions reached in the Audit Office Investigation.

46 MEPA is stating that this course of action is precluded by the provisions of Section 17C of the Development Planning Act which provides in subsection 3 that a copy of all reports drawn up by the Audit officer shall be transmitted to the Board of the Authority. I disagree completely with this interpretation as the said provision of the Development Planning Act only lays down the minimum reporting requirements and does not in any way exclude the communication of Audit Reports through other avenues.

47 The matter is also dictated by common sense. It is inconceivable that in this day and age, any attempt is made by a public body to block the communication to a complainant of the facts and reasons as a result of which an investigation in which he/she has an interest, was concluded.

## Conclusion

48 In last year's Annual Report, I had commented on the bold step which the Government of Malta took when it created the post of Audit Officer. I cannot, however, ignore the negative attitude of the MEPA towards the Audit Office as stated in the preceding paragraphs.

49 The Audit Office has to be seen as a vital resource in the operation of the MEPA. Increasingly, the public is demanding that the national institutions deliver promptly and effectively. The sustainable use of land is fast becoming a major issue with environmental groups becoming more vociferous. The MEPA has been in existence for fourteen years. The question to be asked is: has MEPA fulfilled its mission statement to provide a better quality of life? Or is it being seen by the public as merely a bureaucratic and expensive institution, where you apply at considerable cost to obtain a development permit? Inevitably applicants are likely to take the latter stand; this effect has to be offset by the positive effects which the

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interventions of the MEPA have on the overall quality of the environment to the benefit of society in general.

50 It had been my concern that the channel of communication between the Audit Office and the MEPA Board was limited to the submission of Audit Reports and this Annual Report. However, I note with satisfaction that following a request on my part, I had the opportunity of a fruitful meeting with the MEPA Board during which the contents of this report were discussed at length. I recommend that such meetings would be held at regular intervals to discuss issues which result from the concluded investigations.

51 My term of office shall come to an end in March 2007. The legacy which I would like to leave to my successor is that of an independent office which looks critically and yet objectively, at the operations of the MEPA. An office which believes in the relevance of the institution, understands its limitations, and tries with the few resources available at its disposal to point out where things may be improved.

52 Finally, I would like to express my gratitude to those involved in the MEPA (both employees and appointed members of the different bodies) who in most cases, were prompt in their assistance to the Audit Office, whenever this was required. A particular word of thanks goes to the staff of the Audit Office. My thanks also go to the members of the press and other contributors to the local papers on environmental or land use issues. Their criticism – even when manifestly unfair – should be a continuous stimulus for the MEPA to continuously re-examine its operations and thus be able to perform its mission effectively.



Joseph Falzon  
Audit Office

2 November 2006

## MEPA RESPONSE TO AUDITOR'S REPORT

The MEPA Board has reviewed and discussed the report by the Audit Officer (AO). The following are the Board's comments; .

## Investigations Paragraph 7:

- i The report refers to "serious institutional issues." This statement is subjective and based on conclusions which in MEPA's view, are incorrect. This assertion is not borne out in the report.
- ii The paragraph also refers to "the involvement of management and senior officials". suggesting that senior Directorate officials should not be involved in the process. This suggestion effectively negates the raison d'être of senior management who should be actively involved in checking progress of files and give technical advice and input as necessary.