



Supervisory Council Governance Framework

'To ensure that gaming is conducted in a fair and transparent manner, is kept free from crime and to protect vulnerable and underage persons'

1. CONSTITUTION

- 1.1. Delegation of supervisory powers pursuant to Article 13 and 14 of the Lotteries and Other Games Act (Chapter 438 Laws of Malta) duly endorsed by the Malta Gaming Authority's Board on 21 July 2015.

2. PURPOSE

- 2.1. To supervise and review the regulatory objectives of the Malta Gaming Authority underpinning the regulatory framework under the Lotteries and Other Games Act (Chapter 438, Laws of Malta) and the Gaming Act (Chapter 400, Laws of Malta) (the 'Acts') in the exercise of the functions of the Malta Gaming Authority.

3. COMPOSITION

- 3.1. The Malta Gaming Authority hereby establishes a Committee to be known as the (Regulatory) Supervisory Council.
- 3.2. The Supervisory Council shall be composed of six members and a secretary.
- 3.3. One of the members shall be the designated Chairperson of the Supervisory Council.
- 3.4. The Chief Officers in charge of Authorisations, Compliance and Enforcement shall be members of the Supervisory Council.
- 3.5. A representative of the Legal Directorate shall always be a member of the Supervisory Council.
- 3.6. The power to change, add, or remove members of the Supervisory Council shall be vested in the Chief Executive of the Authority.
- 3.7. The composition of the first Supervisory Council shall be as follows:
 - Chairperson - Dr Edwina Licari (Chief Officer - Legal & International Affairs);
 - Member – Mr Heathcliff Farrugia (Chief Officer – Authorisations);
 - Member – Dr Rachel Desira (Chief Officer – Compliance);
 - Member – Dr Dominic Micallef (Chief Officer – Enforcement);
 - Member – Dr Antiopi Vogiatzi (Manager – Compliance);
 - Member – Col. Claudio Spiteri (Manager – Enforcement);
 - Member – Mr Karl Brincat Peplow (Manager – Licensing);
 - Council Secretary – Dr Michele Magro (Legal Advisor)

4. VALUES AND PRINCIPLES

- 4.1. The Supervisory Council shall:
 - a) be consistent, proportionate and non-discriminatory;
 - b) act in good faith and in the best interests of the Authority;
 - c) ensure that the needs and views of the Authority's licensees are taken into account in the decision making processes;
 - d) adopt a risk based approach in the execution of its function;
 - e) adopt an evidence based approach in the light of best regulatory practices;
 - f) ensure high standards in the Authority's authorisation, compliance and enforcement functions; and
 - g) recommend changes to the Authority's policies and procedures.

5. RESPONSIBILITIES

- 5.1. The Supervisory Council shall be responsible for ensuring the integrity, consistency and development of the regulatory functions of the Malta Gaming Authority.
- 5.2. The Supervisory Council is tasked with providing oversight and guidance in relation to ongoing regulatory issues, strategic regulation and acts as an advisory committee to the Authority's Board.
- 5.3. The Council shall also oversee the licensing, regulatory and enforcement decisions in respect of all regulated activities falling under the Acts and in doing so the Council must seek to:
 - a) make recommendations to the Executive Committee of chief officers and/or the Malta Gaming Authority Board for the development of new policies, and improvements to the licensing, regulatory and operational framework;
 - b) ensure that the Regulatory and Enforcement Directorates adopt and deliver best practice licensing and enforcement;
 - c) ensure that the Regulatory and Enforcement Directorates are using their resources effectively;
 - d) share information where appropriate and take coordinated regulatory action;
 - e) act professionally, be proactive, accountable and ensure the delivery of fair advice and recommendations;
 - f) engage with the relevant stakeholders to ensure a balanced and informed approach in the decision making or when making recommendations to the Council;
 - g) in the absence of evidence adopt a cautious approach to minimise the Authority's exposure to risk;
 - h) adopt policies and procedures where the regulatory burden being imposed by the Authority is at a minimum but consistent with carrying out its functions;
 - i) determine applications and requests which are referred to the Supervisory Council for consideration in view of their peculiar or doubtful nature;
 - j) decide on whether to suspend, cancel or impose conditions on a licence, further to the closure of the administrative procedure regulating the latter instances, unless otherwise required in the light of extraordinary circumstances of a public interest nature or as Chairman may direct;
 - k) request an investigation or review of an operating licence and/or operator check of a licensee as required;
 - l) oversee the imposition of administrative fines on licensees;
 - m) decide on whether to file a police report against a person for an offence under the Acts, together with any other legal remedies that may be availed of by the Authority; and
 - n) any other functions or tasks as may be assigned by the Chairman and/or the Board.

6. VOTING

- 6.1. The members of the Supervisory Council shall strive to reach consensus in all decisions after taking into consideration all risk mitigating measures.
- 6.2. Where consensus cannot be reached the matter shall be put to a vote.

- 6.3. Only members of the Council shall be entitled to vote – the secretary and any external visitors shall not be entitled to vote.
- 6.4. In case of a deadlock, the Chairperson of the Council shall have a casting vote.

7. AUTHORITY AND POWERS

- 7.1. When exercising its functions the Council must aim to authorise gaming in so far as it is reasonably consistent with the pursuit of its licensing objectives.
- 7.2. The quorum for the conduct of affairs by the Supervisory Council shall be four including the Chairperson but excluding the secretary.
- 7.3. Meetings of the Supervisory Council may be conducted as required and may include telephone or video conference participation.
- 7.4. The Chairperson of the Supervisory Council shall, if present, preside at all meetings of this Council. If the Chairperson is not present, he/she may designate a Chief Officer to chair the meeting. If there has been no such prior designation, the Chief Officers present at the meeting shall elect a Chairperson for the duration of the meeting.
- 7.5. The Chairperson may invite internal or external persons as he/she considers appropriate to attend meetings of the Supervisory Council to assist or advise the Council, but such persons may not take part in the decision making process of the Supervisory Council.
- 7.6. Where it is considered appropriate by the Chairperson of the Supervisory Council, a case may be referred to the Supervisory Council who may determine that case instead of the persons otherwise delegated to carry out that function.
- 7.7. Minutes of each meeting need to be kept and filed accordingly by the Secretary, or by any other member of the Council, or any other delegated person in the secretary's absence.
- 7.8. The minutes of each meeting would need to be approved by the Chairperson and the Council members.

8. REPORTING

- 8.1. The Supervisory Council shall report to the Chairman of the Authority and/or the Executive Committee of Chief Officers, any matters of an extraordinary nature and may make recommendations as required.
- 8.2. The Chairperson of the Supervisory Council may be asked to provide an overview of its activities to the Malta Gaming Authority's Board.
- 8.3. An account of the work performed by the Supervisory Council will be provided in each annual report of the MGA.