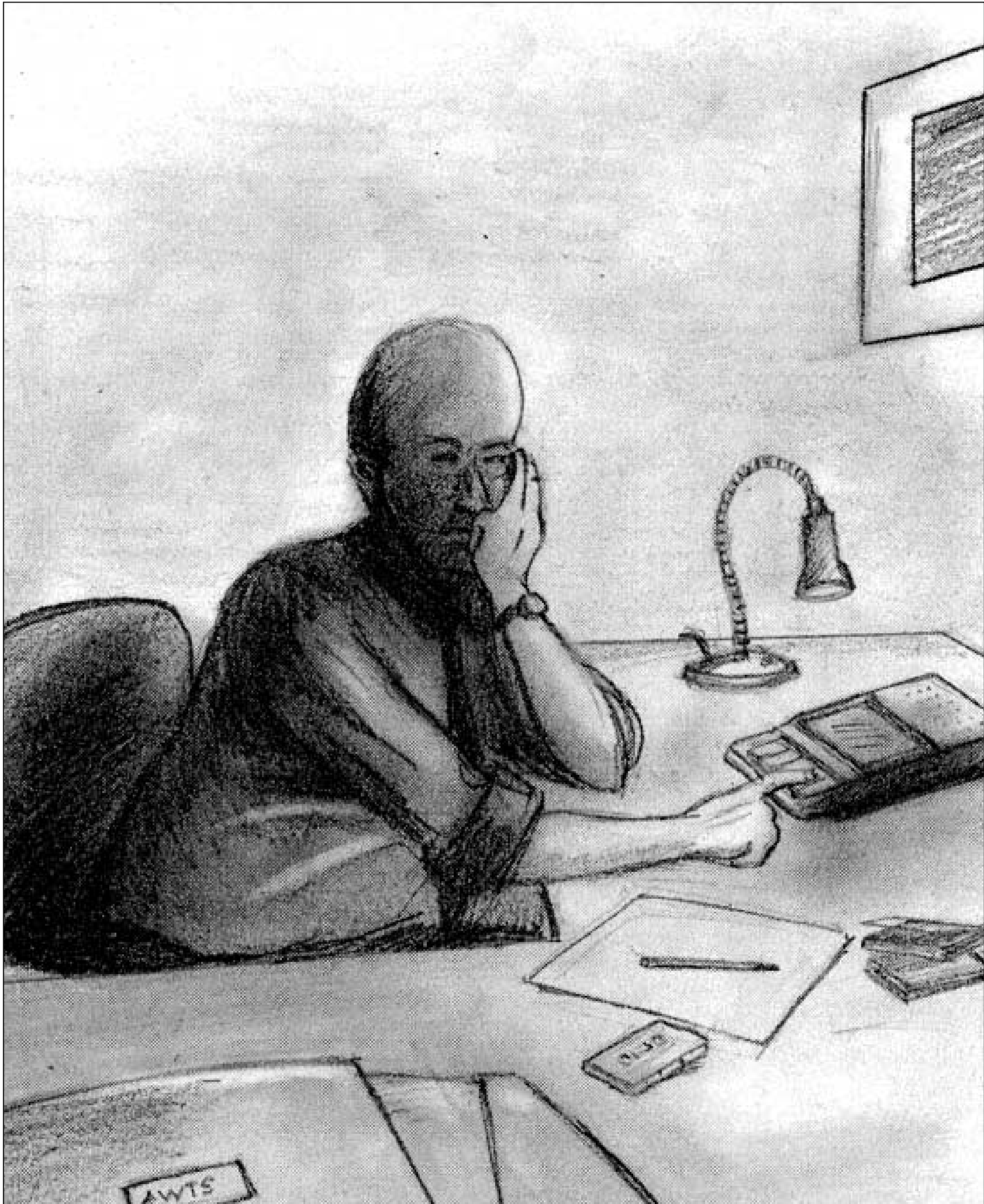


Economising on the truth



THIS WEEK'S report focuses on the suspicious circumstances surrounding two people; Kola Mallia, who was investigated because he seemed to own more equipment than he could afford and because the Commission suspected that he was making more money than he was declaring. His statements that he maintained an estranged wife

but not a companion and their two children, because the companion supposedly had her own income did not ring true with Dr. Azzopardi. On the other hand, Charles Agius received payment for cars hired out to the Auxiliaries by Ray Abdilla of St Mary Garage without power of attorney, which revealed a disturbing laxity in the accounting proce-

dures of the Auxiliaries. Furthermore, he first denied owning or renting out any cars or machinery, but when pressed to explain how come he received payment, he as good as admitted that he had evaded telling the truth because the Commission had not asked the right questions, implying that it was their fault. →

WHEN I HEARD the sworn statements of some of the persons called to give witness before the Commission, I felt that there were those among them who were trying to hide the truth from it. I not only closely examined the transcription of their statements, but I also listened again to the recording of some of them, and I came to the conclusion that some of them had not told the whole truth. There were those who, when they were cornered by the questions of the Commission or of Dr. Wenzu Mintoff, actually began to reveal more than they originally intended. However, there were also those who, I felt, were telling half truths. Apart from this, there are certain factors or circumstances that speak for themselves and therefore I feel duty bound to reach certain logical conclusions that are the result of these facts which as I have said previously, speak for themselves.

Among these I shall mention the case of Nikola Mallia the driver of the Honourable Minister Louis Galea. This man used to collect refuse with a Scammel truck for 21 years as he himself stated before the Commission. Then he found himself in a sound enough financial situation to be able to buy machinery like that needed by the Auxiliary Workers and Training Scheme, which move as we know today, rendered a very good profit, even after accounting for expenses like diesel etc. This Kola Mallia managed to do this in spite of the fact that he had certain financial disadvantages, as I shall show. Certain points that emerge from his statements are highly unlikely and arouse my suspicions. For example, at first Kola Mallia did not reveal to the Commission that a person related to him had more machinery rented in her name, and later admitted this when he was pressed. This person is his companion with whom he lives. He said that although they live under the same roof, and have done so for the last 17 years, they live financially separate lives. He also said that he does not know whether she has any bank deposits. In my opinion this is highly unlikely and cannot be accepted as the truth. It follows therefore that anyone who stands in judgement is in duty bound to ask what is Nikola Mallia hiding.

Nikola Mallia had a dumper rented out to the Auxiliaries, while the woman who lives with him also had a dumper. She also had registered in her name a large bulldozer and another small bulldozer, all rented out at one time or another to the Auxiliaries. This woman also had a Scammel, which was rented out to the government, more specifically to the Refuse Disposal Centre.

From statements given by Kola

Mallia himself, it turns out that this woman often was "in service", an expression that the Commission understood to mean that she worked as a maid, and she also worked in the fields with her father.

However Kola Mallia had more expenses than normal because he had to maintain his wife since they are separated. Although he lives with another woman with whom he does not support her financially, a statement which I find difficult to believe. In the same way, I find it difficult to believe his statement that the other machinery belonged to his companion and not to him. It could be that Nikola Mallia had made this arrangement because he is separated from his wife and therefore the less property there appears in his name, the better for him. However, I feel that the only truth I can accept, is that all the machinery belongs to him, even though some of it is registered and rented out in his companion's name. In fact it is worth observing that Minister Louis Galea, when he was being cross-examined by Dr Wenzu Mintoff (pg 950 of the transcription of statement by witnesses), replied thus in regard to the Scammel which Nikola Mallia's companion is renting out to the Refuse Disposal Centre:

"No, wait. I will answer that question later. Firstly, it is not fair to mention a Scammel which Nikola Mallia rented out to the RDC after tendering procedures. There was a public call for tenders and Nikola Mallia handed in a tender for that Scammel. And it was the cheapest bid, Mr Chairman. . .

In 1990 I worked out what Nikola Mallia earned from his salary, from his driver's allowance and from the dumper Mr. Chairman and this is all he had because even the bulldozer to which he is referring is one tendered for by Maria Cassar who is answerable for it. If you add all these together they do not add up to Lm90 a day as you said. If you had to consider the gross, I repeat the gross, if you had to consider the gross income of Nikola Mallia and Maria Cassar and you do not make allowance for the fact that they needed an employee for that bulldozer, that

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they needed another employee for the Scammel, that they needed another two employees for the two bulldozers, that they needed another employee for the dumper, that they had to pay for their maintenance; without subtracting anything for these their income works out at between Lm50 or Lm55 a day." (page 951 of the transcription)

Then Minister Louis Galea continued thus:

"You implied that Nikola Mallia is earning money because he is a friend of the minister, and I am telling you that part of that money was earned because these two submitted to a tendering procedure."

One can conclude from the evidence collected that Nikola Mallia, a person who always worked as a refuse collector, with an estranged wife to maintain and also a companion and two children to take care of, bought the abovementioned machinery and hired it out - the Scammel to the RDC after a competitive tendering procedure, and the other machinery to the Auxiliaries through a scheme in which whoever applied was accepted.

Charles Agius and St Mary Garage

This is another witness who did not tell the truth in his statement. It is clear that there are certain things which he hid and there are other things which are still hidden in connection with the affair of St Mary Garage. This witness, Charles Agius, stated inter alia thus (page 235):

Chairman: Did any of your brothers have machinery rented out to the government when there was the Auxiliaries scheme?

Witness: As far as I know none of my brothers had any.

Dr Azzopardi: Or any hire cars rented out to the government?

Witness: None of my brothers had any.

Dr Azzopardi: Impressed or not

impressed?

Witness: No-one had any, no . . .

Chairman: Did you have any?

Witness: I personally did not.

Dr Azzopardi: Or a company or your partners or something?

Witness: No, I did not have any.

Dr Azzopardi: With the Auxiliaries or with the Government?

Witness: I personally did not have any.

Dr Azzopardi: Look, Mr Agius, Mr Charles Agius of 'Carina', Guzeppi D'Arena Street, Qrendi?

Witness: That is correct.

Dr Azzopardi: On the seventeenth of April 1990, did you receive the sum of Lm217 in payment of car rentals?

Dr Testa: Yes or no?

Witness: Carry on.

Dr Azzopardi: No, not 'carry on'. Yes or no?

Witness: I did on one or more occasions receive money for car services but the way you put your questions, I answered the questions you asked me."

And in this way Mr Charles Agius tried to put the blame for his not telling the truth on the Commission. What is Charles Agius hiding? When asked how it happened that he was paid for the hired cars when the person who rented them to the Auxiliaries was Ray Abdilla of St Mary Garage, in other words the owner of the two Skoda cars, Charles Agius first replied "Because he trusts me; I don't know" then he said that some work had been done and the payment was the compensation. However the witness could not tell the Commission the place where this work had been done. He said that payment by vouchers for hired cars had been done more than once.

In my opinion, this is a statement that should preoccupy one. The fact, for instance that there was not even a power of attorney permitting payment to be made to Charles Agius rather than to Ray Abdilla, who had rented the cars out to the Auxiliaries, shows that it was not difficult to obtain payment from the AWTS without a lot of verifications and without much vetting. This laxity certainly would give rise to abuse.

Next week's Minority Report focuses on Manwel Grech