(vii) prohibition of monopolies in favour of any radio and/or television station or any group thereof."

(4) Immediately after sub-section (6) thereof there shall be added a new subsection as follows:-

Saving the provisions of sections 65(3) of this Constitution no law shall make any provision which exempts the Government of Malta, any authority established by the Constitution, any public authority established by or under any law, any partnership or other body in which the Government of Malta or any such body as aforesaid have a controlling interest or over which they have effective control, or any officer, member, employee or dependent of any of the aforesaid, from the provisions of any law relating to libel and slander and in general, of any law protecting the reputation of others

KUMMENTI MILL-MEMBRI TAL-OPPOZIZZJONI

L-ewwel haga li l-Membri tal-Oppozizzjoni jixtiequ li jpoggu 'on record' huwa l-fatt li fi 'draft' iehor li gie moghti lilhom ftit granet qabel l-ahhar wiehed, kien hemm proviso iehor li jaghti s-sahha lill-Parlament halli jaghmel ligi "regulating the allocation of frequencies, which allocation shall be deemed to take into account the possibility of broadcating by cable or through such other means as may be technically feasible." Fl-ahhar draft din il-proviso sparixxa u l-proposta li baqgha tfisser li kull persuna li hija cittadina ta' Malta u residenti f'Malta ghandha d-dritt li topera stazzjon tat-television jew/u tar-radju, imbasta joqghod ghal certu kondizzjonijiet maghmula mill-Broadcating Authority, li fosthom m'hemm xejn dwar il-'frequencies' tat-television u il-'frequencies' tar-radju.

In-numru ta' dawn jinghaddu fuq is-swaba ta' id wahda. Ghaldaqstant ma jistax ikun li kull persuna u/jew kull organizazzjoni jista jkollha l-istazzjon taghha. Donnu din il-proposta saret kif gie gie u bl-ghaggla; forsi ghalhekk ma tressqitx ghad-diskussjoni quddiem il-Kumitat Maghzul kieku tressqet ahna konna nuru bic-car kemm huwa impossibbli li l-Broadcasting Authority tassigura bilanc fil-programmi politici minghajr ma hija stess topera bl-impjegati taghha l-istazzjonijiet li tixtieq tikkontrolla; fit-teorija forsi jista jasal biex jinghataw licenzji tar-

radju u tal-television ta' potenza zghira hafna (halli ma jitilfux lil haddiehor) u bil-kundizzjoni li fil-programmi ma jkun hemm l'ebda kontenut politiku. Imma ma tridx tkun xi gharef biex tinduna kemm huwa onest il-qasam tal-politika u kemm hu difficli li fil-prattika jitwettqu onestament kundizzjonijiet ta' din il-kwalita. Fuq kollox il-Membri tal-Gvern ma taw l-ebda raguni ghaliex f'daqqa wahda daru kontra l-proposti li unanimament is-Select Committe ressaq ghall-konsiderazzjoni tal-pajjiz fir-Rapport Preliminari.

Il-Membri Socjalisti ghadhom isostnu r-rakkommandazzjonijiet originali, u jahsbu li huma l-ahjar fic-cirkostanzi ta' pajjizna f'dawn iz-zminijiet.

10.1) KUMMISSJONI DWAR L-IMPJIEGI U KUMMISSJONI DWAR IS-SERVIZZ PUBBLIKU.

Sal-lum dawn iz-zewg kummissjonijiet, tant importanti ghat-tmexxija ta' l-amministrazzjoni f'pajjizna, ghadhom mhumiex jahdmu b'mod sodisfacenti. Il-Kumitat ihoss li ghandu jsir sforz biex jintlahaq ftehim li jissodisfa, kemm hu umanament possibli, il-partiti politici. Ghaldaqstant il-Kumitat jirrikmanda li fil-Kunsill ta' l-Istat il-Prim Ministru - ghan-naha tal-gvern, u l-Kap ta' l-Oppozizzjoni - ghan-naha ta' l-Oppozizzjoni, jinnominaw numru ndaqs ta' membri u jaghmlu hilithom biex jaqblu dwar l-ghazla ta' Chairman ghal kull kummissjoni. Fil-kaz li ma jkunx hemm qbil fuq l-ghazla, din tkun trid issir mill-President tar-Repubbblika.

KUMMENTI TAL-MEMBRI TAL-OPPOZIZZJONI

Inharsu lejn il-kummenti tal-Membri tal-Gvern: 97 Appointment of Commissions (1,2,3,4,5,6,7(a,b,c)) 98, 99 Continuity of Service of Commission etc.

Dwar dan jidher li r-rakkommandazzjonijiet originali tal-Kumitat Maghzul ma gewx mibdula minn naha tal-Membri tal-Gvern u jidhru issa forma ta' emendi ghall-Kostituzzjoni (reprodotti aktar il-fuq).

Il-Membri tal-Gvern ipproponew ukoll emenda ghall-Kummissjoni dwar is-Servizz Pubbliku li tghid:

Amendment of section 109 of the principal law.

(1) Subsection (2) of section 109 of the principle law shall be substituted by the following new subsection: "(2) The members of

(1.4) Il-membri li jirraprezentaw l-Oppozizzjoni, wara ezami bir-reqqa ta' dak kollu li tressaq quddiemhom, ihossu li jekk jigi adottat il-principju ta' kwotanazzjonali, awtomatikament tqum il-kwistjoni tat-"treshold" ghall-partiti z-zghar u jibdew il-kumplikazzjonijiet u d-diffikultajiet kif il-principji tal-governabilita' jizzewwgu mal-principju tal-proporzjonalita'. Ghal din ir-raguni hassew li fuq din il-kwistjoni kellhom bzonn jisimghu aktar l-opinjonijiet ta' shabhom fl-esekuttiv nazzjonali tal-partit Socjalista u tal-General Workers' Union.

PROPOSTI MILL-MEMBRI TAL-GVERN

Amendment to section 60 of the principal law.

(1) In subsection (2) of section 60 the words "and who shall be appointed to that Office from the public service" shall be deleted.

(2) Subsection (3) thereof shall be deleted and substituted by the following new subsection.

(3) The members of the Electoral Commission shall be appointed in accordance with section 97 of this Constitution."

Addition of new section to the principal law (section 60 A & B).

Immediately after Section 60 of the principle law there shall be added the following new section to be numbered 60A and 60B.

60A - Rights of political parties.

(1) The Electoral Commission set up in accordance wth the provisions of this Constitution shall be responsible for the conduct of general election and national referendum, for the compilation of the electoral register and for the administration of the Electoral Office.

(2) Political parties shall be granted reasonable means of access to all records, documents and materials of the Commission for the purpose of verifying the work of the Commission and the Commission shall give to the political parties all such information as they may require regarding the execution of the responsibilities entrusted to it by this Constitution or by any other law.

(3) Political parties contesting general elections and national referenda shall be granted reasonable means of access to oversee and verify for themselves all the various phases leading up to a general election or referendum and the actual voting and counting process thereof provided that nothing in this provision shall prejudice the right of a voter to vote secretly. In particular, and without prejudice, to the generality of the above provision, political parties shall have the right;

(a) to be given all information in connection with the printing and distribution of voting documents and ballot papers, the distribution of polling booths and instructions issued to all commission personnel, the lists of persons entitled to vote and all other information that the political parties may require in order to better be able to ensure that nothing irregular is undertaken during the poll;

(b) to nominate at lest one person to supervise the poll in each polling booth;

(c) to nominate a sufficient number of party agents to oversee the sealing, transportation, opening, closing and storage of ballot boxes;

(d) to be granted adequate facilities to be able to oversee the counting of votes, and to nominate a sufficient number of counters and supervisors to effect such counting;

(e) to check and verify all papers and documents used by the Commission or its personnel prior or during the voting or prior or during the counting of votes and to be given copies thereof.

60B - Electoral Office

The Electoral Commission shall be responsible for the Electoral Office and all expenses in connection thereto, including the payment of wages and salaries, shall be a burden on the Consolidated Fund and may be paid following a warrant signed by the Chief Electoral Commissioner addressed to the Treasurer and without any further appropriation other than this Constitution.

Provided that in appointing member of staff to the Electoral Office the Electoral Commission shall inform the political parties represented in Parliament who it intends to appoint and shall give consideration to any serious objections raised by such parties regarding the competence and/or impartiality of the person to be so appointed.

KUMMENTI MILL-MEMBRI TAL-OPPOZIZZJONI

Dwar l-emenda ghal section 60 tal-Kostituzzjoni, dan hu konformi mal-ftehim originali (Rapport Preliminari) u l-Membri tal-Oppozizzjoni jaqblu.

L-emendi ghal section 60A(1) isemmu elezzjonijiet generali, isemmu referenda nazzjonali, ma jsemmux elezzjonijiet ghall-parastatali u fuq kollox lanqas isemmu elezzjoni nazzjonali ghall-President kif jidhru fir-Rapport Preliminari.

F'section 60A (2) u (3) hemm referenza biss ghall-partiti politici u l-kandidati indipendenti gew kompletament injorati.

F'section 60B (Electoral Office) jidher li qed jinghata d-dritt lill Electoral Commission li tohrog ""warrant" dirett lit-tezorier ghall-ispejjeż kollha li jkun hemm bzonn biex titmexxa, haga li naqblu maghha. Imma ma jidher imkien lil min se tkun 'accountable' din il-kummissjoni f'kaz ta' tberbiq jew uzu hazin ta' flus il-poplu. Ghal dan il- Membri Socjalisti jidrilhom li ghandu jkun hemm rimedju. Dnub li dawn il-proposti ma gewx mistharrga fil-Kumitat Maghzul.

Dwar il-kompozizzjoni u l-funzjonijiet tal-Kummissjoni Elettorali ghad iridu jigu drafted emendi ohra fil-kostituzzjoni biex tigi konformi mal-proposta mressqa unanimament fir-Rapport Preliminari.

Kumment generali mill-Membri ta' l-Oppozizzjoni dwar il-Kummissjonijiet.

Fis-section gdida (99), sottomessa minn naha tal-Membri tal-Gvern, hemm il-provediment (li ahna naqblu mieghu) li jassigura li fiz-zminijiet kollha n-Nazzjon tinqeda bis-servizz tal-Kummissjonijiet. Izda ma jidher l-ebda provediment imkien kif u meta l-Membri jew Chairmen ta dawn il-Kummissjonijiet jistghu jigu imnehhija jekk jonqsu fid-dmirijiet taghhom lejn in-Nazzjon. Lil min se tinghata din is-sahha? - Lill-President wahdu, lill-Kunsill tal-Istat, lill-Parlament, lill-Qrati?

Dwar dan ghadha ma saret l-ebda diskussjoni u ghaldaqstant ma seta jkun hemm ebda ftiehem.

12.1) IL-PARLAMENT

Il-Kumitat ikkonsidra wkoll il-funzjoni tal-Parlament fil-pajjiz u qabel li din ghandha tissahhah. Fil-prezent, fil-waqt li l-Parlament ghandu poteri kbar, poteri li jikkritika permezz tal-membri tieghu specjalment ta' l-Oppozizzjoni u japprova l-mizuri proposti mill-Gvern, il- poter effettiv jispicca ghaliex ghal dik li hi esekuzzjoni m'hemm l-ebda kontroll dirett ta' l-istess Parlament. Dan id-difett jidher l-aktar fil-kaz ta' l-Appropriation Bill . Infatti filwaqt li l-Parlament japprova l-ispiza pubblika, m'ghandu l-ebda kontroll dirett fuq kif dik l-ispiza tintnefaq.

Dan id-difett jidher hafna wkoll f'kazi ta' licenzji jew permessi li ghalihom ic-cittadin ikollu dritt imma jehodhom biss bid-dewmien, jew bhala favur, jew aghar u aghar jekk ikun hallas zejjed mill-but.

Ghal dawn ir-ragunijiet il-Kumitat qabel li ghandhom jinholqu Kumitati permanenti komposti minn membri taz-zewg nahat tal-Kamra sabiex waqt li dawn il-Kumitati Permanenti jaghtu l-pariri taghhom fuq dik il-materja jew materji li jaqghu taht ir-responsabbilita' tieghu ikun jista wkoll jezercita dak il-kontroll mehtieg dwar l-esekuzzjoni tad-decizjonijiet ta' l-istess Parlament.

Dan il-bzonn jinhass mhux biss fil-qasam tal-finanzi imma anke f'oqsma ohra bhas-"subsidiary legislation" (regolamenti) u legizlazzjoni ohra meta tigi fl-istadju tal-Kumitat; edukazzjoni u politika socjali; politika ta' zvilupp ekonomiku; u sigurta nazzjonali.

12.2) Ir-rakommandazzjoni tal-Kumitat Maghzul, hija li prezentament il-pajjiz ma jiflahx aktar minn erba' kumitati permanenti, b'chairman kull wiehed, zewg membri maghzula minn naha tal-gvern u zewg membri maghzula minn naha ta' l-oppozizjoni, f'laqgha ma l-Ispeaker.

12.3) Il-Kumitat Permanenti ghas-Sigurta Nazzjonali ikollu x'jaqsam mad-decizjonijiet dwar il-Forzi Armati u l-Pulizija u Politika

Barranija, u jkollu d-dmir li jzomm liason dirett mal-Kunsill Nazzjonali tad-Difiza.

12.4) l-Kumitat Permanenti ghall-Infieq ta' Flus il-Poplu (Public Accounts) ikun jiddependi biss mid-dipartiment ta' l-Ispeaker u jkollu f'idejh id-dipartiment kollu ta' l-awditur bil-forzi kollha li tista taghtih il-ligi. Il-kuntatti li dan il-Kumitat ikollu mal Parlament ikunu permezz tal-forza kollha ta' Speaker verament indipendenti b'forza li gejja direttament mill-Kostituzzjoni. B'hekk biss jista jkun ezercitat ahjar il-kontroll fuq l-infieq pubbliku, skond id-decizjonijiet tal-Parlament.

Taht it-tutela ta' l-Ispeaker ikun hemm ukoll il-Kumitat Permanenti ghall-Affarijiet Legislattivi u Parlamentari. Dan il-Kumitat jara li l-Parlament ikun infurmat sewwa fuq it-tmexxija ta' 'policies', il-piz u l-effett ta' regolamenti jew 'subsidiary legislation'.

12.5) Fl-ahharnett ikun hemm ukoll Kummissjoni Permanenti ghall-Affarijiet Socjo-Ekonomici (l-affarijiet l-ohrajn kollha barra dawk li semmejna fuq).

PROPOSTI TAL-MEMBRI TAL-GVERN

Section 67A - Introduction of a new section in the principal law.

67A Permanent Committee of the House of Representatives

(1) The House of Representatives shall have the following Permanent Committes:-

The committee on Foreign Affairs

The committee on Public Expenditure

The committee on Economic and Industrial Affairs

The committee on Broadcasting and Telecommunications

The committee on Parliament and Legislative Affairs.

(2) The House of Representatives shall regulate the procedures and operations of the Permanent Committees of the House of Representatives subject to the provisions of this Constitution.

(3) Each Permanent Committee shall be composed of an odd number of members not exceeding nine members and chosen in such manner as to secure that, so far as practicable, such Committee is so composed as to fairly represent the House.

(4) Each Committee shall be appointed by the Speaker of the House of Representatives at a meeting called by him with the Leaders of the political parties represented in the House of Representatives and following a call for nominations of members to the Committees.

(5) Each Committee shall be presided by a Chairman who shall be appointed from amongst the members appointed by Government and such member shall have a casting vote besides and original vote.

(6) It shall be the function of the Permanent Committees of the House of Representatives to:

(a) discuss, amend and approve at committee stage such bills as are referred to it by the House of Representatives;

(b) recommend legislation to the House of Representatives and to make recommendations on matters referred to it by Government or Parliament;

(c) monitor the declared policies of the Government and to make recommendations thereon;

(d) in the exercise of its functions to invite any person it deems fit to give it information or advice.

KUMMENTI TAL-MEMBRI TA' L-OPPOZIZZJONI

Malli wiehed jipparaguna dak li kien irrikmanda unanimament il-Kumitat Maghzul mal-emendi tal-Kostituzzjoni, section 67(a), kif proposti issa mill-Membri tal-Gvern, wiehed isib li l-ghan ghalfejn se jitwaqqfu dawn il-Kumitati spicca. Mhux ta' xejn issa qed jigi propost li n-numru tal-Kumitati Permanenti jikber u kwazi jirdoppja. Kif proposti, dawn il-Kumitati m'ghandhom sahha ta' xejn hlief dik li jkunu 'rubber stamp' ghall-Gvern. Per ezempju il-Kumitat tal-Broadcasting u Telephone Communications ghalfejn isir jekk imbaghad m'ghandu l-ebda sahha u l-ebda qsim ta' poteri mal Broadcasting Authority? Ghalfejn isir dan il-Kumitat meta bl-ebda mod ma jista jrazzan xi abbuzi tad-dipartimenti tal-Ministri.

Niehdu Kumitat iehor - dak dwar l-Infieq Pubbliku. X'sahha se jkollu dan biex irazzan abbuzi mid-dipartimenti tal-Gvern dwar infieq pubbliku bhal ma ghandu Kumitat analogu fil-Parlament Ingliz?

Niehdu l-Kumitat fuq l-Affarijiet Barranin. Jekk dan il-Kumitat jew il-Membri tieghu ma jkollhomx is-sahha li jappellaw direttament lill-Parlament minghajr ma jigu mfixkla li jaghmlu dan mill-Ministru tal-Affarijiet

Barranin jew mid-Dipartiment tal-Affarijiet Barranin, x'jiswew dawn il-hafna Kumitati b'numru kbir ta' membri jekk imbaghad ma jkunu jservu ghalxejn hlief ta' forcina ghall-Gvern? Min huwa dak l-iblah li jista jaccetta li ligi ma tibqax ligi miflija bhal ma qed isir il-lum, klawsola, klawsola, mill-Membri kollha tal-Parlament li jirrapprezentaw lil poplu kollu (il-Committee Stage tal-lum) biex dan ix-xoghol jibda jsir biss minn numru ta' ftit nies, membri maghluqin f'kamra ma jismaghhom hadd? Diga bil-metodu tieghu, Gvern Nazzjonalista qered l-attendenza tal-pubbliku Malti fil-Parlament u bl-iskuza li indejqu l-pubbliku Malti qata' barra kwazi ghal kollox it-television bhala mezz kif il-Parlament Malti u r-Rapprezentanti tal-poplu jaslu fi djar il-Maltin.

Fejn hi r-respobsabbilita' tal-Ispeaker dwar dawn il-Kumitati? Fejn huwa d-dmir tal-kapijiet tad-dipartiment li, bhala qaddejja tal-poplu, jersqu quddiem dawn il-Kumitati ta' l-ghola istituzzjoni fil-pajjiz biex jirrispondu direttament u jiddefendu ruhhom meta ssir l-akkuza ta' l-abbuzi?

Ghaliex f'daqqa wahda gie abbandunat l-ghan nobbli li jkun hemm Kumitat Permanenti tal-Kamra biex flimkien mal-Kunsill Nazzjonali tad-Difiza jerfa r-responsabbilita' nazzjonali tad-difiza, jerfa r-responsabbilta' biex jiddefendi din ir-Repubblika zghira taghna, li ghadha kemm titwieled, mill-attakki li jistghu jigu tal-barrani. Possibbli li hemm xi Kumitat iehor f'dawk proposti li ghandu ghan ghola u aqwa minn dan?

It-tibdil tal-Membri tal-Gvern igib fix-xejn ir-rakkomandazzjonijiet unanimi tar-Rapport Preliminari.

13.1) L-ISPEAKER

Minhabba n-necessita' ta' dawn l-erba' Kumitati Permanenti, minhabba l-htiega li l-Ispeaker u d-deputy Speaker f'sistema demokratika parlamentari li jkollhom il-fiducja tal-membri kollha tal-kamra, il-Kumitat ihoss li l-Kostituzzjoni ghandha tiddetermina kif jintghazlu u s-sahha li jinghataw.

Il-Kumitat qabel li ghandha tibqa s-sistema attwali li l-President tal-Kamra jista jintghazel minn fost dawk li ma jkunux gew eletti fil-Parlament, pero hass li biex persuna tkun eligibli ghal din il-kariga ghandu jkollha mill-inqas hames snin esperjenza fil-Parlament.

13.2) Il-Kumitat hass ukoll li huwa essezjali li din il-kariga kemm jista jkun ikollha l-appogg shih tal-kamra li jmur 'l hemm minn dik ta' sempliċi maggoranza u ghalhekk kandidat biex ikun elett President tal-Kamra irid ikollu warajh almenu maggoranza ta' zewg terzi tal-Parlament. Fil-kaz li dan ma jsehhx, ghandu jkun hemm Speaker ad interim skond is-'seniority', approvat mill-Kunsill ta' l-Istat. L-istess japplika ghal deputy Speaker, izda dejjem tigi rispettata r-regola ta' wiehed minn naha tal-Gvern u l-iehor minn naha ta' l-Oppozizzjoni.

13.3) Il-Kumitat hass li forsi jkun ahjar ukoll li kemm jista jkun il-persuna li tkun giet eletta biex tokkupa din il-kariga ma titbiddilx ma kull legislatura. Barra mill-Ispeaker ghandu jigi maghzul ukoll deputy Speaker li jkun ex-ufficjo ic-Chairman tal-Kumitati, liema kariga m'ghandiex tibqa tkun separata minn dik ta' deputy Speaker.

Meta kemm l-Ispeaker u kemm id-deputy Speaker ikunu assenti ghandha tinhatar persuna biex tassumi l-funzjonijiet ta' Speaker jew ta' deputy Speaker temporanjament matul l-assenza taghhom.

Sabiex jintlahaq aktar l-iskop tal-unanimita' dwar l-elezzjoni ta' l-Ispeaker u/jew deputy Speaker in-nomina taghhom ghandha tigi diskussa fil-Kunsill ta' l-Istat.

13.4) Ikun l-obbligu ta' l-Ispeaker li jrraporta lill- Parlament jekk il-Permanent Committees ma jurux il-hrara u d-diligenza mehtiega fix-xoghol taghhom.

13.5) Id-dipartiment ta' l-Ispeaker ikun dipartiment ghalih (ma jaqa taht l-ebda ministeru) bi staff adekwat u jkun hu responsabbli li jinghataw dawk il-facilitajiet mehtiega lil membri tal-Parlament kemm tan-naha tal-Gvern u kemm tan-naha ta' l-Oppozizzjoni. Ghandu ukoll l-obbligu li jipprovdi lil Kumitati Permanenti bil-facilitajiet u l-mezzi kollha mehtiega biex jaqdu dmirhom kif jixraq lejn il-pajjiz. Il-Kumitati Permanenti ikollhom l-obbligu, li meta l-Parlament ikun 'in session', jiltaqghu darbtejn fil-gimgha, izda mhux fil-hin tal-Parlament.

13.6) Meta l-Ispeaker ikun intghazel minn naha ta' partit li jkun fil-Gvern, ikun hemm l-obbligu li d-deputy Speaker jintghazel minn naha ta' partit ta' l-Oppozizzjoni u vici-versa. B'hekk kull

legislatura ikun hemm, kemm jista jkun possibli, il-bilanc bejn tendenzi ta' Speaker u dawk ta' deputy Speaker.

Jekk dawn il-karigi jinghatawlhom il-permanenza mixtieqa, il-persuni kkoncernati jkollhom l-obbligu li ma jiehdux parti politika attiva. L-Ispeaker ikun il-persuna li ex-ufficjo tkun l-Acting President kull meta il-President ghal xi raguni jew ohra ma jkunx jista temporanjament jaqdi d-dmirijiet tieghu. Il-President tar-Repubblika jinawgura l-ftuh tal-Parlament u kull legislatura, f'din l-okkazzjoni jkun hemm messagg tal-President lin-Nazzjon minflok id-diskors programmatiku tal-Gvern. Id-diskors programmatiku jsir mill-Prim Ministru f'okkazzjoni ohra.

PROPOSTI MILL-MEMBRI TAL-GVERN

Amendment to section 59 of the principal law.

(1) In subsection (1) of section 59 of the principal law the following proviso shall be added: "Provided that before the election of a Speaker is proceeded with the nomination shall be discussed in the Council of State with the aim of reaching agreement on the person to be proposed."

KUMMENTI MILL-MEMBRI TAL-OPPOZIZZJONI

Ta min jinnota li qabel ma waslet din l-emenda tal-Kostituzzjoni kienet diga giet iccirkolata emenda ohra minn naha tal-Membri tal-Gvern ghal section 59 tal-Kostituzzjoni li tghid hekk:

(2) After subsection 5 of section 59 of the principal law the following new sub-section shall be added: "The Speaker's office shall not form part of the Public Service and the expenses of the office shall be paid out of the Consolidated Fund following a warrant signed by the Speaker and addressed to the Treasurer without the need of any other appropriation other than this Constitution"

Din l-emenda giet imnehhija minghajr l-ebda spjegazzjoni - ir-ruh tifhem. Malli l-Membri tal-Gvern nehhew il-parti l-aktar serja fir-rakkommandazzjonijiet dwar l-Ispeaker, jigifieri li jkun hemm Speaker li jgawdi l-fiducja taz-zewg nahat tal-Kamra, spiccat il-bazi, tnehha l-pedament ghal kull riforma li wiehed jista jwettaq fis-sistema parlamentari taghna. Mhux ta xejn, allura, l-istess Membri tal-Gvern li maghna kienu

jipproponew li l-Ispeaker ikollu tant sahha li jmexxi l-Parlament minghajr indhil tal-Gvern, li sahansitra biex ikollu l-flus halli jmexxi l-Parlament, langas ikollu bzonn isaqqaf wiccu mal-Ministru tal-Finanzi, u jordna f'isem il-poplu lit-tezorier biex jipprovdilu dak kollu li jkun hemm bzonn ghax-xoghol tal-Parlament, issa huma stess minghajr ma qalulna xejn nehhewlu dan il-poter!

Li Speaker ikun maghzul bl-appogg taz-zewg nahat tal-Kamra hija kondizzjoni indispensabbli ghall-istabbilita' tad-demokrazija Parlamentari fir-Repubbblika Maltija. L-indipendenza ta' l-Ispeaker hija wahda miz-zewgt irjus tal-fus li tghina biex nimxu 'l quddiem, shah u bbilancjati; ir-ras l-ohra ta' dan il-fus hija l-ghazla tal-President u l-indipendenza tieghu mill-Gvern.

Kulhadd jaf li minghajr irjus ma jistax ikollok fus, minghajr fus ma jistax ikollok roti, u minghajr roti kif se timxi? M'hemmx ghalfejn wiehed jinghata ragunijiet aktar ghaliex il-Membri Socjalisti mhumiex lesti li jirrikmandaw hafna tibdil finta fil-Kostituzzjoni jekk se nergghu lura minghajr l-ebda raguni valida minn rakkommandazzjonijiet ghal tibdiliet fundamentali li b'hafna tahbil il-mohh u wara hafna tgharbil ressaqna quddiem il-poplu taghna flimkien.

Ghalhekk issa wkoll ma taghmilx sens l-emenda li ressqu l-Membri tal-Gvern ghal section 49 tal-Kostituzzjoni li, dwar min ghandu jaghmilha ta' Agent President, tghid hekk:

"In section 49 of the principal law the words from "such person as" to the words "the Chief Justice" shall be deleted and substituted by the following:

"the Speaker of the House of Representatives."

14.1) UGWALJANZA BEJN IRGIEL U NISA

Il-Kumitat Maghzul qabel li biex verament f'pajjizna titlahaq l-ugwaljanza mehtiega bejn irgiel u nisa, l-artikolu 45 (3) tal-Kostituzzjoni jkollu specifikat fih li m'ghandux ikun hemm diskriminazzjoni fit-trattament bejn irgiel u nisa. Din l-emenda tibda sseħħ fi zmien sena sabiex jinghata zmien biz-zejjed halli l-ligijiet kollha tal-pajjiz, fejn hemm bzonn, jinbidlu f'dan is-sens.

PROPOSTI TAL-MEMBRI TAL-GVERN

Amendment to section 23 of the principal act:

In section 23 of the principal act the word "woman" whenever it occurs shall be substituted with the word "person". Amendment to section 26 of the principal law: In section 26 of the principal law the word "woman" shall be deleted and substituted by the word "person". Amendment to section 45 of the principal law:

(1) In subsection (3) of the principal law after the words "political opinion, colour" there shall be inserted the word "sex".

KUMMENTI TAL-MEMBRI TAL-OPPOZIZZJONI

L-ewwel emenda tolqot ic-cittadinanza tan-nisa, u tista tigi mressqa mill-Gvern kwalunkwe hin, ghaliex fil-Kostituzzjoni mhiex 'entrenched' jigifieri m'hemmx bzonn tghaddi b'maggoranza ta' tnejn minn tlieta.

It-tieni emenda hija bhall-ewwel wahda fuq ic-cittadinanza u din ukoll m'ghandhiex bzonn l-appogg tal-Oppozizzjoni biex issehh.

Dwar it-tielet emenda - din hija ezatt kif giet irrikkmandata originarjament mill-Kumitat Maghzul kollu, bid-differenza li inutli tirranga l-Kostituzzjoni jekk ma temendax ukoll il-ligijiet kollha li hemm fil-pajjiz li m'humiex konformi mat-tibdil mixtieq. Donnu il-Membri tal-Gvern iridu jaharbu mill-obbligu li fi zmien sena dan ghandu jsehh halli kulhadd, specjalment l-Imhallfin u l-Magistrati tal-Qrati taghna jkunu jafu fejn qeghdin. Jekk ma jsirx dan, jinqala tahwid u xoghol zejjed ghall-Qrati u l-avukati. Dan mhuwiex xoghol li ghandu jithalla ghall-Qrati, dan hu xoghol tal-Parlament.

15.1) DIKJARAZZJONI GDIDA (dwar personal data migbura mill-Istat)

It-tharis ghall-'privacy' tac-cittadini fl-eta' moderna ta' 'data' ghall-kompjuters, taghrif ghal statistika, etc. - dejjem, naturalment, fil-limiti imposti mill-htigijiet ta' sigurta' nazzjonali.

PROPOSTI MILL-MEMBRI TAL-GVERN

Introduction of new section:

Immediately after section 45 of the principal law a new subsection to be numbered 45A is to be introduced as follows:-

45A (1) Every person shall have the right to establish on his request whether a public authority has data relating to him, and to have those data communicated to him within a reasonable time, at a reasonable charge and in an intelligible manner.

(2) The collection of personal data by any public authority shall be accurate, fair and up-to-date. Personal data shall be safeguarded from loss and from unauthorised access, use, modification or dis- closure.

(3) Every person shall have the right to ensure that incorrect or insufficient data relating to him are corrected, modified or updated.

(4) The rights referred to in subsections (1), (2) and (3) of this section shall be regulated by law.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contrvention of subsections (1), (2) (3) of this section to the extent that the law in question makes provision that is reasonably required in the interest of defence, public safety and public order or for the protection of the rights and freedoms of others and except so far as that provision or, as the case may be the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society.

KUMMENTI MILL-MEMBRI TAL-OPPOZIZZJONI

Il-Membri Socjalisti jidhrilhom li din l-emenda fil-Kostituzzjoni se tkun difficli hafna biex tinhadem jekk ma jkunx hemm definizzjoni ta' x'inhu l-interess tad-difiza, tal-bon ordni u sigurta fil-pajjiz.

Jekk dawn il-principji ma jkunux accarati jew gustifikati f'socjeta demokratika sejjin iqumu hafna kwistjonijiet fil-Qrati u il-piz jintefa fuq l-Imhallfin u l-Magistrati. Hadd s'issa minn dawn ma jippretendi li l-professjoni taghhom tintitolahom li jghidu li huma professuri f'dak li jeu jkun gustifikat li isir minn naha tal-gvern f'socjeta demokratika anke a skapitu tad-drittijiet tal-individwu. Dan huwa dmir tal-Parlament.

Meta wiehed jittakar li hafna mic-cittadini Maltin m'ghandhomx il-mezzi finanzjarji biex iqabbdu l-ahjar avukati kemm f'Malta u kif ukoll fl-Ewropa

(quddiem il-Qorti Ewropeja tad-drittijiet tal-bniedem), wiehed jintebah li proposti bhal dawn jaqdu biss il-bzonnijiet ta' min hu sinjur.

16.1) FESTA NAZZJONALI

Il-membri li jirraprezentaw il-Gvern, ghalkemm m'humiex f'pozizzjoni ghalissa jaghtu il-fehma taghhom dwar il-kwistjoni tal-Jum Nazzjonali ta' Malta, jemmnu pero li ghandu jsir sforz biex jintlahaq ftehim sabiex il-Maltin kollha jhossu ruhhom identifikati ma xi data li tintghazel.

Fi spirtu ta' rikonciljazzjoni, il-membri ta' l-Oppozizzjoni jifhmu kemm huwa mportanti li jkun hemm qbil dwar Jum Nazzjonali tal-Festa Nazzjonali u jaraw li dan ikun Jum ir-Repubblika, li l-Jum huwa meqjum sagru minn kulhadd. Jaraw ukoll li m'hemm xejn hazin li l-Maltin u l-partiti politici ma jippikawx bejniethom min l-aktar hadem biex pajjizna jsir nazzjon, u ghalhekk jirrikmanda li kemm Jum il-Helsien, kif ukoll Jum l-Indipendenza, jibqghu festi nazzjonali.

Il-membri rapprezentanti tal-Gvern, fil-waqt li jahsbu li Jum l-Indipendenza ghandu jghaqqadna, jemmnu li ghandu jsir sforz biex jintlahaaq ftehim biex il-Maltin kollha jidentifikaw ruhhom mad-data li tintghazel.

In-konnessjoni ma dan is-suggett, iz-zewg nahat urew qbil li l-poplu Malti kollu l-Jum iqim is-seba' ta' Gunju. Din id-data saret tant ghaziza ghall-Maltin illi ghall-inqas ghandha hi wkoll tkun festa nazzjonali.

KUMMENTI MILL-MEMBRI TA' L-OPPOZIZZJONI

Ma saret l-ebda dikjarazzjoni fi hdan il-Kumitat Maghzul dwar il-Festa Nazzjonali minn mindu gie mxandar ir-Rapport Preliminari sas-7 ta' Marzu 1989, meta gie mxandar minn naha tal-Prim Ministru li se jressaq ligi li fiha l-Gvern se jinsa dak li xtaqu l-Membri tieghu stess dwar is-7 ta' Gunju 1919, se jnehhi l-31 ta' Marzu 1979 (meta Malta fizikament nehhiet il-forzi armati Inglizi) biex minflok idahhal il-21 ta' Settembru 1964 bhala Jum Nazzjonali. Data li fiha Malta giet moghtija fuq il-karti biss (ghalhekk fittizja) d-dritt tas-sovranita'.

wiehed ma jridx jinsa li din is-sovranita' fittizja inghatat bil-kundizzjoni li dan id-dritt tiehdu jekk taccetta li l-forzi tal-barrani jibqghu juzaw artna ghall-interessi taghhom (Id-Defence Agreement). B'dan l-agir tieghu, il-Prim Ministru qata' hesrem kull tentattiv ta' rikonciljazzjoni fuq dan is-suggett. Il-Membri Socjalisti jhossu li bhall-affarijiet l-ohra serji li hemm fir-Rapport Preliminari, il-fehma unanima tal-Kumitat Maghzul giet imwarraba minghajr ma inghatat l-ebda raguni valida.

KAPITLU GDID NRU 17

PROPOSTI GODDA MILL-MEMBRI SOCJALISTI

17.1) L-ewwel proposta: Imressqa fis-seduta tas-17 ta' Jannar 1989, u li maghha qablu l-Membri tal-Gvern, titkellem dwar drittijiet u libertajiet fundamentali u tghabbi bir-responsabbilita' lill-Law Revision Commission biex taghmel l-emendi kollha f'dagqa li hemm bzonn fil-ligijiet ta' Malta u tissottomettihom lill-Kumitat fi zmien ragonevoli sabiex ikunu jistghu jigu diskussi fil-Parlament. Fis-seduta tal-24 ta' Jannar 1989 gie deciz li fil-Kostituzzjoni jkun hemm miktub li ss sentejn iridu jsiru dawn l-emendi u tispicca is-"Saved Legislation", halli tibda tahdem biss il-Kostituzzjoni.

17.2) It-tieni proposta: Li l-Istituzzjonijiet Gudizzjarji u kwazi Gudizzjarji jkunu 'accountable' bhalma rrakkommanda diga il-Kumitat Maghzul ghall-Qrati Gudizzjarji.

17.3) It-tielet proposta: Li fir-Rapport kull fejn tissemma "Kamra tal-Avukati", minflokhom jidher il-kliem "rappresentanti eletti mill-avukati".

17.4) Ir-raba' proposta: Li l-Avukat Generali tar-Repubblika jkun 'accountable' lill-Kunsill ghall-Amministrazzjoni tal-Gustizzja ezatt bhal ma kien suggerit mill-Kumitat Maghzul ghall-Imhallfin fir-Rapport Preliminari.

17.5) Il-hames proposta: Min jiehu d-decizjoni (Public Prosecutor) jekk imexxi jew le kontra xi hadd kriminalment (att ta' akkuza) ma jkunx l-istess persuna jew impjegat fl-istess ufficcju tal-persuna li taghti parir lill-pulizija x'ghandha taghmel - tiehu passi jew le.

17.6) Is-sitt proposta: Dwar il-Kunsill Nazzjonali tad-Difiza li l-poteri rrakkommandati mill-Kumitat Maghzul unanimament ghal zmien ta' gwerra jkunu ighoddu wkoll ghal zmien ta' emergenza nazzjonali.

17.7) Is-seba' proposta: Fuq diskriminazzjoni bejn irgiel u nisa gie propost li jkun hemm emenda fil-kostituzzjoni li taghti zmien lill-Gvern mhux aktar minn sena sabiex jigu emendati l-ligijiet kollha ta' Malta halli jikkonformaw ma dan il-principju.

Il-Membri tal-Gvern tal-Kumitat Maghzul, skond kif jidher mill-minuti tal-laqghat, qablu ma dawn il-proposti godda tal-Membri Socjalisti. Izda meta wiehed jifli l-proposti ta' emendi mressqa minn naha tal-Gvern, bl-ghajnuna td-Dipartiment Legali, bicca minn dawn il-proposti gew imdahhla u ohrajn baqghu barra. Il-Membri Socjalisti ma jafux jekk dan sarx ghax rega bdielhom jew bi svista minhabba l-hafna ghaggla ta' l-ahhar jiem.

KAPITLU GDID NRU.18

18.1) PROPOSTA GDIDA MILL-MEMBRI TAL-GVERN

Section 114A - Addition of new section to the principal law.

Immediately after section 114 of the principal law the following new section to be numbered 114A shall be added:-

114A Actio Popularis.

(1) Any citizen of Malta and any legal person in Malta who alleges that any person, officer, commission or any other authority on whom this Constitution imposes duties and obligations (not being the duties and obligations referred to in Chapters ii,iii,iv,v,vi and viii) has failed to perform or fulfil such duties and obligations, may apply to the Civil Court, First Hall, to ensure that such duties and obligations are expeditiously performed or fulfilled and any plaintiff bringing such an action shall not be required to show any personal interest in support of his action.

(2) The defendant or defendants in such action may not plead any privilege or immunity from the jurisdiction of the Court, nor

any protection from legal proceedings established by this Constitution or by any other law.

(3) Any party to proceedings brought in the Civil Court, First Hall, in pursuance of this Section shall have a right to appeal to the Constitutional Court. Such appeal shall be made by application within six working days from the decision appealed from.

(4) The hearing of the action and appeal introduced in accordance with the provisions of this section shall take precedence over all other proceedings, and shall be determined with the utmost dispatch.

(5) The Civil Court, First Hall, or the Constitutional Court, as the case may be, shall make such orders issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the fulfilment of any duty or obligation imposed by the Constitution.

KUMMENTI MILL-MEMBRI TA' L-OPPOZIZZJONI

Kif wiehed jista jara mill-proposti godda imressqa fl-1989 minn naha tal-Membri tal-Gvern u minn naha tal-Membri ta' l-Oppozizzjoni, wara l-kummenti kollha li saru mill-Partiti politici u bnadi ohra meta xxandar ir-Rapport Preliminari, il-lista tal-materji ghal konsiderazzjoni mill-Kumitat giet estiza.

Il-hwejjeg godda jolqtu:-

(a) il-'human rights';

(b) kawzi fil-qrati maghmula minn persuni mhux milquta direttament (actio popularis);

(c) drittijiet tal-genituri li jibghatu lit-tfal taghhom fl-iskejjel ta' l-ghazla taghhom;

(d) thehhija tal-immunita' ta' ufficjali ta' l-Istat kontra libelli etc.

18.2) PROPOSTA GDIDA MILL-MEMBRI TAL-GVERN

(dwar libelli kontra awtoritajiet)

Sec 41 (4) Immediately after sub-section (6) thereof there shall be aded a new subsection as follows:-

Saving the provisions of sections 65(3) of this Constitution no law shall make any provision which exempts the Government of Malta, any authority established by the Constitution, any public authority established by or under any law, any partnership or other body in which the Government of Malta or any such body as aforesaid have a controlling interest or over which they have effective control, or any officer, member, employee or dependent or any of the aforesaid, from the provisions or any law relating to libel and slander and in general, of any law protecting the reputation of others.

KUMMENTI MILL-MEMBRI TA' L-OPPOZIZZJONI

Din il-proposta wiehed ma jifhimx sewwa sa fejn twassal, ghax giet mitluqa fid-'draft' li ghandu x'jaqsam max-Xandir u qatt ma giet diskussa fil-Kumitat Maghzul. Ma nifhmux jekk tapplikax ukoll ghad-Dipartiment tal-Pulizija li bil-fors biex jahdmu u jinvestigaw iridu jissuspettaw anke f'nies li wara jinstabu innocenti. Kif inhi donnha tista' wkoll tapplika ghall-Qrati, meta jkunu ghaddejjin akkuzi fuq bniedem li wara jinstab mhux hati. Ma nahsbux li din hija l-intenzjoni.

18(3) PROPOSTA GDIDA MILL-MEMBRI TAL-GVERN

(dwar danni mhux finanzjarji)

Amendment to section 46 of the principal law.

(1) In subsection (2) of section 46 of the principal act the following shall be inserted after the words "the person concerned is entitled":

"The Court may, for the purposes of this subsection, order the payment of compensation for non-pecuniary damages in favour of the person in relation to whom the contravention referred to in sub-section (1) of this section was committed."

KUMMENTI MILL-MEMBRI TA' L-OPPOZIZZJONI

B'din il-proposta donnu li l-Membri tal-Gvern iridu jdahhlu principju gdid fil-Qrati ta' Malta - il-principju tal-'moral damages'. Huwa diffiċli ghalina li nesprimu opinjoni fuq dan il-qasam meta ghad ma hemm l-ebda

'draft legislation' kif dan il-principju se jahdem fil-prattika. Ahna certi li hu zball li jiddahhal il-principju fil-Kostituzzjoni qabel ma taghmel il-legislazzjoni - qisu tordna l-karettun qabel ma tixtri l-hmar. Din ukoll proposta li ma gietx diskussa fil-Kumitat Maghzul.

(8.4) PROPOSTA GDIDA MILL-MEMBRI TAL-GVERN

(dritt biex il-Maltin jappellaw lil Qorti Ewropeja)

(2) Immediately after subsection (7) of section 46 of the principal law add the following new subsection:

"(8) No person shall be deprived of, or hindered in his right to petition the European Commission of Human Rights established by the European Convention on Human Rights (1950) in accordance with Article 25 of that Convention. For the purposes of Article 46 of that Convention, the compulsory jurisdiction of the European Court of Human Rights, is hereby recognised.

KUMMENTI MILL-MEMBRI TA' L-OPPOZIZZJONI

Din il-proposta qeghda hemm biex il-Qrati taghna jew l-Istat ma jaghmlu l-ebda impediment halli persuna Maltija tkun tista tressaq il-kaz taghha quddiem il-Qorti ta' l-Ewropa ghad-Drittijiet tal-Bniedem. Din il-proposta iggieghal lir-Repubblika Maltija taccetta kull decizjoni tal-Qorti Ewropeja ghad-Drittijiet tal-Bniedem.

Ghalkemm din ma gietx diskussa fil-Kumitat Maghzul, ma jidhirx li hemm raguni ghaliex ghandna mmorru kontra taghha. B'dan kollu, hongsu mid-dmir taghna lejn il-poplu Malti jekk ma nsemmux li min hu ghani u ghandu l-mezzi finanzjarji se jkun f'posizzjoni hafna ahjar biex jiddefendi d-drittijiet tieghu, minn cittadin iehor integru u onest imma nieqes mill-mezzi finanzjarji. Sakemm wiehed isib ir-rimedju ghal dan, il-qorti ohra Ewropeja, b'Alla jaf kemm spejjez u dewmien, aktar inkunu qeghdin inzidu d-diskriminazzjoni bejn fqir u sinjur.

(8.5) PROPOSTA GDIDA MILL-MEMBRI TAL-GVERN

(drittijiet tal-genituri u dritt ghar-rispett lejn il-hajja privata)

Immediately after section 46 of the principal law the following new section to be numbered 46A & 46B shall be introduced:-