



REPORT
of the Proceedings
of the
FIRST
House of Assembly
of
GIBRALTAR

First Session

Vol. 1 — No. 7.

SEVENTH MEETING, THURSDAY, 9th APRIL, 1970.

REPORT OF THE PROCEEDINGS OF THE HOUSE OF
ASSEMBLY.

THE SEVENTH MEETING OF THE FIRST SESSION OF THE FIRST
HOUSE OF ASSEMBLY HELD IN THE ASSEMBLY CHAMBER ON
THURSDAY, THE 9th DAY OF APRIL, 1970, AT 6.00 P.M.

Present:

Mr. Speaker (In the Chair).
The Hon. A. J. VASQUEZ, M.A.

GOVERNMENT:

The Hon. MAJOR R. J. PELIZA, Chief Minister.
The Hon. M. XIBERRAS, Minister for Labour and Social Security.
The Hon. MAJOR A. J. GACHE, Minister for Information, Port,
Trade and Industries.
The Hon. J. CARUANA, Minister for Medical and Health Services.
The Hon. W. M. ISOLA, Minister for Tourism and Municipal
Services.
The Hon. MISS C. ANES, Minister for Public Works and Housing.
The Hon. L. DEVINCENZI, Minister for Education and Recreation.
The Hon. C. B. O'BEIRNE, C.B.E., Q.C., Attorney-General.
The Hon. E. H. DAVIS, C.M.G., O.B.E., Financial and Development
Secretary.
The Hon. P. J. ISOLA, O.B.E.

OPPOSITION:

The Hon. SIR JOSHUA HASSAN, C.B.E., M.V.O., Q.C., J.P., Leader
of the Opposition.
The Hon. A. W. SERFATY, O.B.E., J.P.
The Hon. A. P. MONTEGRIFFO, O.B.E.
The Hon. E. J. ALVAREZ, O.B.E., J.P.
The Hon. M. K. FEATHERSTONE.
The Hon. I. ABECASIS.
The Hon. LT.-COL. J. L. HOARE.

In attendance:

J. T. SUMMERFIELD, Esq., Clerk to the House of Assembly.

Prayer:

Mr. Speaker recited the prayer.

Minutes:

The Minutes of the Meeting of the House of Assembly held
on the 26th February, 1970, having been previously circulated,
were taken as read and confirmed.

Documents laid:

The Honourable the Minister for Information, Post, Trade and Industries laid on the table the following document:

The Wireless Telegraphy (Amendment) Regulations, 1970.
Ordered to lie.

The Honourable the Minister for Medical and Health Services laid on the table the following document:

The Artificial Sweeteners in food Regulations, 1970.
Ordered to lie.

The Honourable the Financial and Development Secretary laid on the table the following documents:

- (1) The Exchange Control (Import and Export) (Amendment) Order, 1970.
- (2) Supplementary Estimates No. 3 of 1970.

Ordered to lie.

*Answers to Questions.***Question No. 57 of 1970***Oral*

HON. M. K. FEATHERSTONE:

Sir, when does the Chief Minister next intend to visit the United Kingdom on Government business?

Answer:

THE CHIEF MINISTER

(HON. MAJOR R. J. PELIZA):

Sir, I can give no date at present.

Supplementary:

HON. M. K. FEATHERSTONE:

Sir, I notice that this has been answered by the Chief Minister himself. Will the Chief Minister therefore answer the question when he does next intend to go will the local press and public be informed of this visit in good time, in Gibraltar? And will he also state, Sir, why, with the recent visit to the U.K. of the Honourable Financial Secretary, one only found out about this visit from the U.K.? The Public Relations Officer and the Minister for Information here gave no details whatsoever to the press. This is not the first instance . . . (Cries of order).

MR. SPEAKER:

Order. I would like to remind, at the very outset of this sitting, as I have done on other occasions, that it is my prerogative to call order. I am afraid I must rule this supplementary out of order as bringing extraneous matters into it.

HON. M. K. FEATHERSTONE:

Sir, then may I rephrase it. Will the information be given to the local press and the public here in Gibraltar prior to this visit, which is not the case as has happened recently with the visit of the Honourable Financial Secretary to the U.K. where the local press and public only found out from U.K. sources?

HON. CHIEF MINISTER:

Sir, I think that the Honourable Gentleman on the other side should know better. Even now, in my view, this is out of order under Section 16 (5)(ii); but notwithstanding that . . .

HON. M. K. FEATHERSTONE:

Surely, it is for the Speaker to say whether it is in order or not. Not for the Honourable Chief Minister.

HON. CHIEF MINISTER:

I am prepared to answer the question, but I was just trying to say that he has definitely introduced another subject at the moment which is, I think, regarding something to do with the press, and I think the Honourable Member should even declare an interest, being the Editor-in-Chief of one of the Newspapers. But notwithstanding that, I think that this is the prerogative—my prerogative—to decide where, when and how I disclose information from the Government.

HON. M. K. FEATHERSTONE:

Sir, is the Chief Minister, therefore satisfied with the Minister of Information's services towards the public of Gibraltar in giving information of great public interest?

MR. SPEAKER:

Again I have to rule order. This is a supplementary which has to be directed exclusively to the matter at issue. Which is when does the Chief Minister next intend to visit the United Kingdom on Government business.

HON. M. K. FEATHERSTONE:

Sir, with respect, recently a question was asked in the Houses of Parliament and the supplementary, I think, varied considerably from the original question, but was bound up with it. I think it was when Mr. Wilson would next see Major Peliza, the Chief Minister of Gibraltar; and I think the supplementary referred to a referendum on the Common Market, yet it was accepted.

MR. SPEAKER:

It is the Speaker's prerogative in the House of Commons to rule as he thinks fit. It is my prerogative to rule in Gibraltar as I consider the rules require me to do. I feel that it is out of order as being extraneous.

HON. M. K. FEATHERSTONE:

Sir, may I therefore ask when the Chief Minister does next go to London does he consider that it is of public importance that the public should know or not?

HON. CHIEF MINISTER:

That, of course, I can answer. Yes, of course it is of public importance, and I shall always do so when I think it is proper to do so.

HON. M. K. FEATHERSTONE:

So I may take it, Sir, from the Chief Minister, that he will instruct his Minister of Information to release the news to the press in Gibraltar prior to the visit.

HON. CHIEF MINISTER:

Mr. Speaker he may take it the way he likes, but that is not what I said.

HON. M. K. FEATHERSTONE:

I ask him point blank, Sir, will he so instruct his Minister for Information?

HON. CHIEF MINISTER:

Is this another question, Mr. Speaker?

MR. SPEAKER:

No. It is within the province for him to ask this supplementary. Of course, it is for the Chief Minister to answer it as he considers necessary and in the circumstances to say what he feels. In other words, there is no need for an answer if the Chief Minister feels that he has no reason to answer it.

HON. CHIEF MINISTER:

Absolutely no, Sir, I don't think there is any need for me to give an answer at this stage.

HON. M. K. FEATHERSTONE:

Very good, Sir.

Question No. 58 of 1970

HON. A. W. SERFATY:

Oral

Sir, will Government request the British Government to send out to Gibraltar under Technical Assistance a replacement for the Director of Tourism with adequate experience for at least 2 years whilst a locally selected future holder of the post is trained in London, Gibraltar and possibly elsewhere?

Answer:

THE MINISTER FOR TOURISM AND MUNICIPAL SERVICES
(THE HON. W. M. ISOLA):

Mr. Speaker, Sir, it is the policy of the Government to provide opportunities for promotion to locally-recruited officers in the Gibraltar Civil Service whenever possible. Applications have been invited accordingly in this particular case. It will be for the Public Service Commission to consider the applications and to advise the Governor whether suitable applicants are available, and if so, which of these should be selected for appointment.

Supplementary:

HON. A. W. SERFATY:

Sir, does the Minister consider that there is anybody in the Civil Service in Gibraltar with sufficient experience and know how of this very important and specialised matter to appoint him to the post of Director of Tourism, in this very important post, and which means so much to the future economy of Gibraltar?

HON. W. M. ISOLA:

Mr. Speaker, Sir, it is not for me to comment on whether or not suitable persons with adequate experience are available locally. This is a matter for the Public Service Commission and the Governor to consider. It is implicit in the answer which I have given that the possibility of recruiting a replacement from outside Gibraltar has not been ruled out. My Honourable Friend is the first to recognise that our purpose in having a first Director of Tourism from Britain was in order to establish in a professional manner the operation of our Tourist Department. During the term of office of the present holder it has been possible to build up a satisfactory infrastructure with a properly functioning head office and information offices, and to appoint advertising agents and public relations consultants, would be able to develop an integrated programme of promotional activity. This both in United Kingdom and in Morocco. Now that the operation is running smoothly, we do not anticipate that there would be any difficulty in a competent locally-recruited officer carrying out the duties of the Head of the Department.

HON. A. W. SERFATY:

Sir, I am satisfied that we have now, thanks to the previous Government, a proper infrastructure for the promotion of Tourism. But I would like to put another question. And that is this: Does the Honourable Minister agree that there has been no time, and there will be no time by the time the present Director leaves Gibraltar, to train a selected candidate for that important post of Director of Tourism? Does he not agree that it would take more than 3 or 4 months to train a Director of Tourism with the necessary experience and know how, whatever size and however good our present infrastructure is?

HON. W. M. ISOLA:

As I said before, Mr. Speaker, Sir, it is not for me to comment on whether or not suitable persons with adequate experience are available locally. It is for the Public Service Commission and the Governor to consider.

HON. A. W. SERFATY:

Can I have an assurance, with all due respect to the Public Service Commission, I agree that we politicians must not meddle in these things, but can I have an assurance from the Minister for Tourism that the selected candidate will fill the needs of the Department of Tourism here in Gibraltar?

HON. W. M. ISOLA:

Mr. Speaker, Sir, as the Honourable Mr. Serfaty is aware, under the new Constitution, if one will be made by the Public Service Commission and the Governor will consider the appointment, subsequent to that, under the Constitution, as Mr. Serfaty is aware, the Governor will consult the Chief Minister, who in turn, I presume, will be consulting me. Of course, I hope that the person will be a suitable candidate and I assure you that if a person is selected by the Public Service Commission it will be all right.

HON. A. W. SERFATY:

Isn't it something much more important than hoping? Isn't the Minister for Tourism responsible, quite apart from the Public Service Commission and, with all due respect, His Excellency the Governor, isn't he responsible for the proper running of the Department of Tourism; and mustn't he make quite sure that a proper candidate is selected with sufficient experience? And will he give me that assurance, and he will take it upon himself to make quite sure that a proper candidate is selected?

HON. W. M. ISOLA:

Mr. Speaker, with great respect, is my Honourable Friend suggesting that I should take the duties of a Public Service Commission?

HON. A. W. SERFATY:

No, Sir, I am not suggesting such a thing. But I think the responsibilities of a Minister go beyond hoping. I think the responsibilities of a Minister for Tourism today in Gibraltar goes far beyond that, and the Honourable Minister should make quite sure that the proper candidate is selected. If not from Gibraltar — I believe in Gibraltarisation — but if not from Gibraltar, from elsewhere.

HON. J. CARUANA:

Mr. Speaker it is ironical that this side of the House should be advocating promoting a local man, and the other side should be promoting the appointment of someone . . .

HON. A. W. SERFATY:

But not at the expense of efficiency. I don't mind saying so quite openly.

HON. SIR JOSHUA HASSAN:

May I ask the Government whether the statement of policy of the Minister about the appointment of a Director of Tourism applies equally to the proposed appointment for a Director of Public Works, and will he be recruited from the local Heads of Department or other people? (Cries of order).

MR. SPEAKER:

Order. Next question, please.

Question No. 59 of 1970

Oral

HON. A. W. SERFATY:

Sir, what is the composition of the present staff of the Gibraltar Tourist Office in London?

Answer:

THE MINISTER FOR TOURISM AND MUNICIPAL SERVICES

(HON. W. M. ISOLA):

Mr. Speaker, Sir, the present staff of the Gibraltar Tourist Office in London consists of two information clerks, both from Gibraltar. In addition, and pending the appointment of a London Manager of the office, our Public Relations Consultants have enlisted a Mrs. S. Hazan, a person experienced in tourism promotion who has been engaged as field sales representative.

Supplementary:

HON. A. W. SERFATY:

Isn't it a fact that Mrs. Hazan, (HAZAN I believe, like my mother) has been mainly engaged in doing the promotion works in the provinces, and that her job is not going to be a real marketing job?

HON. W. M. ISOLA:

Mr. Speaker, Sir, as I have just stated, Mrs. Hazan is experienced as a field sales representative. In fact only last night she was in Liverpool addressing some 70 or 80 travel agents.

HON. A. W. SERFATY:

Sir, this is a marketing job, a promotional job in the provinces that we have done before. I quite agree, and I welcome the idea of Mrs. Hazan doing this job. But isn't the Minister aware that there is great need for a marketing person, a person with experience of marketing, to be established in our office in London? That is what we opened it for. And visiting shipping companies and tour organizers and travel agents. Mrs. Hazan is not going to do that, I can assure you. Can I have that assurance — I mean can the Honourable Minister tell me whether Mrs. Hazan is going to do that marketing job, that most important marketing job, in London?

HON. W. M. ISOLA:

As I stated before, Mr. Speaker, Sir. At present she is engaged as field sales representative, until such time as a Manager is appointed in London.

HON. A. W. SERFATY:

Can I have the answer again, Mr. Minister?

HON. W. M. ISOLA:

Did I speak loud enough for you? No. Well, as I said before Mr. Speaker, Sir, Mrs. Hazan at present is carrying out the duties as a field sales representative, until such time as a Manager is appointed in London, which we hope will be in the near future, she is entirely doing the work of field sales representative.

HON. A. W. SERFATY:

Do I get it now, which is new to me, that this job of a Manager in the London Tourist Office is going to be filled?

HON. W. M. ISOLA:

The job of Manager in London is going to be filled.

HON. A. W. SERFATY:

Thank you very much. I hope this time you will select the right person.

Question No. 60 of 1970

Oral

HON. A. W. SERFATY:

Sir, will Government take steps to put a stop to the practice of some drivers in the Public Bus Service who leave their buses parked loaded with passengers whilst they have lunch or a cup of tea or coffee?

Answer:

THE MINISTER FOR TOURISM AND MUNICIPAL SERVICES
(HON. W. M. ISOLA):

Mr. Speaker, Sir, there have been no complaints to either the Transport Commission or the Police about this alleged practice.

It can only be assumed that the Hon. Member is referring to persons who board the buses at the Terminal where there is a set time of departure.

There is no objection to drivers having a break at this point, as long as buses leave at the scheduled time.

If the Honourable member will substantiate to me the allegations he makes in his question I shall be only happy in any particular instance to take this matter up.

Supplementary:

HON. A. W. SERFATY:

Will the Honourable Minister take note of the fact that there were a few young ladies just outside my house in Naval Hospital Road who were in a bus waiting for the driver to have a cup of tea somewhere in South Barracks a few days ago? And they were lucky that I brought them to town. (Laughter).

HON. W. M. ISOLA:

Mr. Speaker, Sir, if the Honourable Member would give me the date and the time when this occurred, I will certainly take the matter up and I am very grateful for my Honourable Friend bringing this to my notice.

HON. A. W. SERFATY:

A few days ago, Mr. Minister, I could not be more exact

Question No. 61 of 1970

Oral

HON. LT.-COL. J. L. HOARE:

When is it intended to bring up to date the Gibraltar Regiment Regulations?

Answer:

THE ATTORNEY-GENERAL

(HON. C. B. O'BEIRNE):

Sir, these Regulations, which affect pay and conditions of service, date from the year 1958 and they were amended from time to time in subsequent years. They were consolidated and reprinted in the 1964 Edition of the Laws of Gibraltar.

Further amendments became necessary and the Regulations were again consolidated and reprinted in June, 1969. They comprise in their present state some 65 regulations and run to 42 pages of print.

On 6th February of this year an Interim Pay Award was notified to Government. This, Sir, involved further detailed amendments to the Regulations.

On the 17th March, while these amendments to which I have referred were in proof, a general Review of Pay and Conditions of Service was notified. This again involved further and extensive amendments to the Regulations.

The work of incorporating all of these changes in the Regulations is at present being undertaken in the Chambers of the Attorney-General as a matter of urgency. I should say, Sir, that in the meantime the Interim Award is already being paid.

Supplementary:

HON. LT.-COL. J. L. HOARE:

I thank the Honourable Attorney-General for that lengthy and quite satisfactory reply. But is he aware that in addition to changes in rates of pay there have been changes in the conditions of promotion of officers. Will these be included as well as the pay amendments in the next amendments?

HON. ATTORNEY-GENERAL:

The answer to that, Sir, is: Yes, Sir, they will, together with certain amendments which are also being made not referred to the Honourable Member in the pensions Regulations.

HON. LT.-COL. J. L. HOARE:

Regarding this pay; was the Government's concurrence, prior concurrence, obtained for these new rates of pay?

HON. ATTORNEY-GENERAL:

That, Sir, if I may say, with respect, does not appear to arise out of the original question.

HON. LT.-COL. J. L. HOARE:

With respect, Mr. Speaker, these are rates of pay which are going to be published in these amendments. We must therefore

MR. SPEAKER:

Is it out of order. The question related to whether the Regulations had been brought up to date and the question has been answered fully. I do not feel that it would be right to go into the merits of the amendments themselves on a question as to whether the Regulations are going to be amended; whether it is intended to amend the Regulations. We cannot discuss the particular amendments on a question like this.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, the Regulations will in due course be laid on the table and no doubt we may be able to have a debate on them if we want, in regard to the question of consultation.

HON. CHIEF MINISTER:

Mr. Speaker, could I say that he could have a debate on any matter if he wants to.

HON. SIR JOSHUA HASSAN:

I know that, Mr. Speaker, I know that, but I do not want to give too many opportunities to the Chief Minister to eat his words.

STATEMENT BY THE MINISTER FOR MEDICAL AND
HEALTH SERVICES.

HON. J. CARUANA:

Mr. Speaker, in the estimates approved by the House at the December session, reference was made to the specialist treatment available to the people of Gibraltar, in the United Kingdom, when persons requiring such treatment are sent to the United Kingdom as referred and sponsored patients.

I am now in a position, Sir, to inform the House that during the September 1969 Conference with Lord Shepherd and the UK delegation, I requested that consideration should be given by

Her Majesty's Government to relieving the Gibraltar Government from the recurring expenditure of the Medical and Surgical charges incurred by these patients which are now paid by the Gibraltar Government to the Ministry of Health and which naturally are a burden on our finances. This was of course in addition to the policy of this Government which included principally the question of a Health Centre, Isolation and Laboratory Unit.

I am glad to announce, Sir, that Her Majesty's Government having considered our representations, have now agreed, within the framework of the existing arrangements, to waive the charges for treatment. The Gibraltar Government will continue to pay for the cost of sending patients to Britain.

I am sure, Sir, the House will join me in thanking Her Majesty's Government and Lord Shepherd for this generous gesture.

Supplementary Estimates No. 3 of 1970:

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that this House resolves itself into Committee to consider Supplementary Estimates No. 3 of 1970, in detail.

This was agreed to and the House resolved itself into Committee.

House in Committee:

Head XII. Public Works Non-Recurrent. Subhead (1) Government. Item 30. (New) Beautification and tidying-up Campaign.

HON. SIR JOSHUA HASSAN:

What is the Government precisely going to screen that we are spending £250 on?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

I am sure, Sir, that the Honourable and Learned Minister for Tourism would be only too happy to answer that question.

THE MINISTER FOR TOURISM AND MUNICIPAL SERVICES

(HON. W. M. ISOLA):

Mainly Devil's Tower Road, Mr. Speaker.

Supplementary Estimates No. 3 of 1970 were agreed to.

Resumption:

House resumed.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to report that Supplementary Estimates No. 3 of 1970, have been considered in Committee and agreed to without amendments and I now move that they be passed.

Before putting the question Mr. Speaker invited discussion on Supplementary Estimates No. 3 of 1970. There being no response Mr. Speaker then put the question which was resolved in the affirmative.

Supplementary Estimates No. 3 of 1970 were passed un-animously.

The Control of Employment (Amendment) Ordinance, 1970:

First Reading:

The Honourable the Minister for Labour and Social Security moved that a Bill for "An Ordinance to amend the Control of Employment Ordinance (Cap. 33)" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

Second Reading:

THE MINISTER FOR LABOUR AND SOCIAL SECURITY
(HON. M. XIBERRAS):

Sir, I have the honour to move that this Bill be read a second time.

Sir, in a statement which I made in this House on the 26th of February, 1970, I gave notice that this draft Legislation was in the process of being prepared for submission to the House. The purpose of the Bill is to impose stricter control over the employment of persons from outside Gibraltar. This has become necessary for various reasons, principally the shortage of accommodation, public health consideration, and the importance of developing local skills. In regard to the latter, Honourable Members are aware of the progress which has already been made in the construction industry, in providing proper training for local youths and men. The Gibraltar Construction Training Centre is now practically complete, and I am informed that courses, other than appreciation courses for supervisors, will begin very shortly. The exhibition also, on the construction industry, has been by Gibraltar standards — momentous, and we look forward to a good response.

In time it is hoped to make other arrangements for training in other industries under the general umbrella of the Industrial Training Ordinance. But all these efforts will be seriously undermined unless we have a proper grip on the importation of labour from abroad.

This Bill therefore is the framework within which other measures to turn Gibraltar's economy from one of numbers to one of efficiency. Within this framework these other measures will operate. They would be short lived, and next to futile, if we did not keep this firm grip on the importation of labour from abroad. Even the wages policy of the Government might suffer without this piece of legislation. The community might find themselves falling between two stools. Paying more for increased productivity on the one hand, and at the same importing labour wholesale, without thinking of the implications of the type of labour required, the skills or the numbers, within each of the skills. I think it would be fatal to pursue both aims at the same time. The Bill provides for the establishment of a Man-Power Planning Committee, representative of employers and employees, and Government, charged with the duty of keeping employment requirements under review and making recommendations to the Governor-in-Council with a view to determining a quota for the members to be employed, or employment permits to be given to a certain number, which the Director of Labour and Social Security would issue in respect of particular industries or occupations. In this way, the community's co-operation in the important recommendations to be made in connection with this Ordinance is ensured by its participation in the position making process. May I say in parenthesis, that this is further evidence of the Government's purpose to draw into the purpose of governing, in the general sense, the Trade Unions, the private employers, a subject about which I spoke in the Hall opposite on the occasion of the T.U.C. Delegation's visit. These more stringent conditions for the importation of workmen from abroad will eventually benefit all, even though they might seem a burden now.

However, we have been put at the cross-roads by the withdrawal of Spanish labour, and it is the Government's duty, in the interests of the community as a whole, to say which way we should now head. Judged in the context of other Government measures introduced already, and those that have been announced for the future, I am sure that this particular Bill will seem reasonable and indeed essential.

In future, therefore, before granting an employment permit, the Director will have to be satisfied, not only that the existing provisions in the Law are satisfied, but also that the employment falls within the approved quota; that a written contract of employment in terms approved by the Director has been entered into; that satisfactory accommodation has been provided; that the employer has deposited an amount sufficient to ensure the worker's repatriation; and that the validity of the workman's

passport covers the length of the contract. In addition, a permit may be made subject to the conditions that the employer shall train a Gibraltarian for the particular employment within a reasonable time, and also that the workman shall not change his accommodation without the Director's approval. The Director is also given absolute discretion to refuse to grant a permit for the employment of a workman who has entered Gibraltar before the requirements are down in the written contract about accommodation, the cost of repatriation, and so on.

One important principle of the Bill to which I particularly draw the attention of the House, and which should help in maintaining the desired control over the size of the imported labour force in years to come, as circumstances may require, is that employment permits shall be valid for not more than 12 months, and subject to the provisions of the Ordinance being satisfied; and they would not be renewed for a further period unless these conditions are satisfied. Employment permits issued before the coming into force of the amending Bill, and which under the law as it now stands are for an unlimited period, will be cancelled not later than the 31st March, 1972. Any permits issued in lieu will be subject to the amendments made by this Bill.

May I however, at this stage say that we have under consideration a Government sponsored amendment to section 7 of this Bill, which I will circulate to members as soon as possible, to the effect that existing permits shall cease to be valid on a date to be determined by the Director of Labour and Social Security not later than the 31st of March, 1972. This slight variation will make flexibility and ease of implementation. Whilst I am about this, may I mention a second Government sponsored amendment, which I shall also circulate at the earliest opportunity, to the effect that where the Director of Labour and Social Security has reason to doubt the authenticity of any special skill claimed by the workman, he may have the person undergo such trade test as he thinks reasonable. And if the workman fails the test the work permit may be withdrawn by the Director.

My colleagues in Government and I, Sir, see this as the only way in which we can put to great advantage the present situation resulting from the withdrawal of Spanish workers last June.

In the report of Lord Beeching's Manpower Mission, written before the Spanish workers were withdrawn, it was stated, in strong terms, and I quote: "it would be inexcusable not to seek to upgrade the effectiveness of the working population in order to exploit the sources selectively to the greatest advantage." As it happened, events caught up with us and this statement acquired even greater force. I am convinced that it would be futile to try and achieve what it recommends unless we are in a position to exercise proper control over the importation of labour from abroad, such as it will be made possibly by this Bill.

Sir, I commend the Bill to the House.

Mr. Speaker then invited discussion on the general principles and merits of the Bill.

HON. A. P. MONTEGRIFFO:

Mr. Speaker, Sir, this Bill, and in fact it is stated so in the objects and reasons, is an extension to the Control of Employment Ordinance which was enacted, I believe, in 1955. There are, in all fairness I must say so, one or two things which go perhaps a bit further than just an extension, and that is the incorporation into the Control of Employment Ordinance of the Manpower Planning Committee, which was suggested by Lord Beeching. We would very much have liked to have seen this Manpower Planning Committee brought into effect much quicker than wait for legislation, because today, perhaps, it would have done a lot of spade work which could have done away with unpleasant misunderstandings and suspicion, that arose at least from this side of the House, when we saw that the labour force from abroad was for all practical purposes frozen at the time, and we did not know which way we were going to go.

There are, Sir, one or two points on which we would like to make certain suggestions in the hope that the Government will take them in the spirit in which they are being made, and that if possible we can come either to some agreed amendment or if not we shall be prepared ourselves to put the amendments when we come to the third reading.

The first point on which I would like clarification, Sir, is Clause 3, sub paragraph (a). It does say that if there is no resident of Gibraltar registered under Section 4 who is in the opinion of the Director capable of undertaking etc., then the Director can give a permit for the importation of an alien worker. But, Sir, I want to be satisfied too that all the possible facilities are also given to the non-registered ones. I say this because if one goes back to the principal Ordinance, it will be noticed that registration is done by request, and if my mind does not fail me, Sir, I seem to recollect that this was done very carefully in those days because we did not want to give the impression that we were coercing by persuasion or otherwise, for people to register. Therefore we do not want people to have to register in order to be available for the job for which an alien worker is being imported or hoped to be imported.

I agree that in sub-paragraph (c) there is provision, and I am very glad to see that, for adequate efforts to be made so that a resident of Gibraltar, and here it does not apply definitely, or in particular, to those who are registered, and I want to be assured that everything possible will be done to see that the same facilities, though perhaps not the same opportunities, are given to all, whether registered or not. This is more a matter of administration than an amendment to the Bill itself.

We now come, Sir, to Clause 4, paragraph 3, sub-paragraphs (a) and (b).

Now, sub-paragraph (a) has got a very worthy motive behind it, no doubt, and that is to uphold the principle to which we all subscribe of giving priority of employment to Gibraltarians, and this side of the House agrees completely.

But, Sir, we must be a little bit careful in this. It is stated in the Bill that no contract should be valid for more than a year, less, but never more than a year. So the odds are that in Gibraltar where, during this situation in any case, there is no unemployment, and the odds of any permit being granted to any alien worker to come to work and then a Gibraltarian being available within two or three months time, is going to be very rare.

I think, Sir, that it a bit unfair, if we want to attract people to come to Gibraltar, and if we consider the human rights as a whole, forgetting now any particular protection of anyone, it is going to be a little bit unfair to expect anyone to come here for six months and then be given a months notice, and being told, "we now have got a Gibraltarian, you have got to quit." In any case I don't think that it would arise and it would do more harm than good.

I would expand on this Sir, but as it is realised by both sides of the House, I may be going into the International Relations aspect, and I would not like to say anything that would embarrass the Government of Gibraltar by expanding on this, but it might give rise to certain objections from other quarters.

I would like the Government to consider either rephrasing this, doing away with the clause altogether, or perhaps, if they think that this is not possible for reasons that I may not know, then I would suggest that the worker should be better compensated and apart from the month's notice given a month's wages on top. We don't want people to feel that having been brought to Gibraltar and been led up the garden path.

The other one is sub-paragraph (d). Here it says that a contract can be rescinded if there has been a breach of any of the conditions in the contract of employment, whether on the part of the employer or the workmen.

Now, we can see a workman committing himself and, of course, being sacked because the contract is rescinded, but I do not see why a workman should be left without work because the employer commits a breach in the contract, and the contract is rescinded.

Whether it is that the Government has other intentions behind this paragraph, which have not been properly explained and which I cannot understand, I would be very glad to hear the real motive behind it.

I would suggest, Sir, that what is needed is to do away with the question on the part of the employer, then go back to Section 17 of the Principal Ordinance, increase the penalty for the offences committed against the principles of the Bill, which I think is only £10, and I think that it should be raised, and that the Appeals Tribunal should be given powers to provide for compensation for the worker in such circumstances.

We must realise, Sir, that in the present situation Gibraltar is going through, none of us like controls, but this is very necessary and that is why we must be doubly convinced and sure that we are doing justice to all.

Lastly, Sir, I wonder whether the Government would consider submitting the Bill, if there is time, to the Unions, and to the Labour Advisory Board. I do not know whether this is possible or not, but I wonder whether they will consider this, and whether the Attorney-General has realised that in the Definitions and Interpretations Clauses of the Principal Ordinance there were, amongst other things, a worker described as a man earning not more than £750. Now with the Marsh Award in July, and with wages probably going up in the next two years, unless we take the opportunity to change the £750 and increase it, we might find ourselves that we are controlling no-one. I wonder whether you would look into that and prove me right or wrong.

With these reservations we support the principles of the Bill.

HON. SIR JOSHUA HASSAN:

I would just like to deal with one aspect of it, which is the one I am concerned with. My colleague has dealt with the details, but I have been a little concerned about the announcement of the Minister about an amendment that would give him the right to terminate the agreement at any time. But we shall look at that when we see it, and when we consider it.

What I feel about this, is that this Bill, the proposals here, give a considerable amount of power to the Director; of course, he will have the directions of the Minister who is responsible for the Department.

I think we ought to consider strengthening the Appeals Board from the decision, as I understand it now, it is presided by the Registrar of the Supreme Court, and there is one employer, and one employee. I may be wrong, but if that is so, I think we ought to strengthen it, widen it, and strengthen it, because particularly at the beginning of the Bill, there may be a lot of grievances, and the best possible way of ensuring that confidence is had in the working of the Bill is that there is a strong tribunal that can look at any grievances.

HON. P. J. ISOLA:

Sir, I am sure Honourable Members will welcome this Bill as a realistic attempt on the part of the Government to control employment, properly, in Gibraltar, bearing in mind the long term objective of the Government to create a skilled local labour force in Gibraltar, as has been evidenced by the new Construction Training Centre, and by the great publicity, and effort, which has gone into the Gibraltar Building Work which we are undergoing through now.

We would all like to ensure, I think, that this Control of Employment Bill is something that is workable, and I am sure, that the idea that has been introduced into the Bill, of establishing a statutory Manpower Planning Committee, will do much to enable the views of employers and employees, as well as projecting Government policy, all these things to get together and produce what we hope will be a very good answer to the difficult problems that labour, or the importation of labour from overseas, present in Gibraltar.

I think we welcome the strength, we would welcome the strength, of the Manpower Planning Committee. I see that the General Manager of the Dockyard will be a member of the Committee, as indeed the Regional Director of the Ministry of Public Building and Works, and also two representatives of the Government, as well as representatives of employers, and employees.

I think it is important, Sir, that this Committee, after it has made its deliberations, and made its recommendations to the Governor-in-Council, I think it is important that the recommendations once the Governor-in-Council has approved them, the recommendations as to quotas, should not be questioned in any Court of Law.

I would ask the Government, or the Minister, or the Honourable and Learned Attorney-General, to assure me that any determination by the Governor-in-Council, in accordance with Section 6 (a)(v) of quotas in any particular trade, or skill, or craft, cannot be questioned in any Court of Law. I think that is important if the executive arm of the Government is to do its work properly, and I hope I can have an assurance on that point.

The other point I would like to raise, Sir, is this question of the quota. Am I right in assuming that the Director of Labour will only be able to consider applications in respect of industries or occupations, in respect of which a quota has been decreed by the Governor-in-Council, and only insofar as there are vacancies in that quota? I should imagine the second answer is quite simple, but I would like to be reassured that the new Section 7, of the Principal Ordinance, sub-paragraph (h), in effect means that no permits of employment can be granted in respect of any industry, or trade, or occupation, unless the Governor-in-Council has made a quota in respect thereof. I think it is important, if

Government policy is to be effective in this very difficult field, that applications should only be directed in respect of trades and occupations in which the Governor-in-Council has made a determination as to a quota in that trade or occupation; and I would like the Minister of Labour, if that is not the case, to consider seriously producing an amendment to the Bill at the Committee Stage, to ensure that that is the case—because that is the only way, in my view, in which the policy decisions in respect of the Ordinance can be effectively carried out.

I will not comment on points raised by the Honourable Mr. Montegriffo, except on his suggestion that the Minister might wish to withdraw, or delete, from the Ordinance, Section 8 of the Principal Ordinance, Section 4, 8 (III) (a) this question of revocation of a permit of somebody who has been brought into Gibraltar if the Director is satisfied that there is a resident of Gibraltar who is capable of undertaking and is suitable for the employment in respect of which a permit is granted. I think it is important to leave that provision. The reason I say this is that it will take some time before all the various Government Training Schemes and Apprenticeships that are carried out, and the further training that will inevitably result from the passing of the Industrial Training Ordinance, I think it is essential, in order to encourage the Gibraltarian to take up skills and crafts, that he should realise that once he is fit, and is trained, there will be a job for him, and that importation of labour into Gibraltar is only a temporary measure. Therefore, I think that to delete this particular section as suggested by the Honourable Mr. Montegriffo, could in fact play havoc with the Government policy of training young people and of encouraging people—working people—to become skilled in a particular trade or occupation. So I hope that the suggestion that that Section is repealed will not be taken up by the Minister. In any event there is a right of appeal under Section 5 of the proposed Bill against the discretion of the Director in revoking a permit, or indeed, in revoking any permit, at any time, in respect of breaches of that particular Section, or in respect of his exercise of his discretion. So I think the position of the foreign worker, and the employer of foreign labour, who may also be aggrieved by the decision of the Director, their position, I think, is protected by a right of appeal as to whether the Director has in fact used his discretion properly and reasonably. But I think that the primary aim of this Legislature and the primary aim of this House, must be to ensure, or rather, to make it possible that Government policies, and I am sure the policy shared by all Honourable Members of this House of encouraging young people to take up skills and becoming skilled in their occupations, is something that can be carried out if this importation of labour, does not prove a hindrance to the successful operation of this policy. I would ask the Minister, therefore, not to accept the proposed amendment of the repeal of that particular subsection.

Subject to these observations that I have made, Mr. Speaker, on this Bill, I think we must welcome this Bill as a realistic

attempt to put our house in order in respect of the importation of foreign labour into Gibraltar.

HON. CHIEF MINISTER:

Mr. Speaker, I rise with great satisfaction today for a number of reasons.

First because it is very encouraging to see constructive debate in this Assembly on matters of great importance as this one. The sober attitude that has been taken by the Opposition on this occasion is more than welcomed by this side of the House.

Secondly, because it happens to appear to me that they agree on the corner-stone of the policy of the Government which is, basically, a question of raising the standard and status of labour in Gibraltar.

This has got far-reaching effects on the economy of Gibraltar, and if we happen to be at one on this question, it appears to me that this Government will be able to pursue its economic policy quite successfully if the attitude adopted from henceforth is similar to the one we are experiencing today.

This is the corner-stone of our policy. It hinges on an organised society, and the purpose of this Bill, above everything else, is to organise our society in Gibraltar so that we get maximum productivity, and maximum benefit, from all our resources; and we attach the greatest importance to any people, certainly of Gibraltar, to their skills and their manpower potential.

Here we have a Bill which is trying to bring together employers and employees. I am sure, as can be seen by the Committees that will be advising and suggesting, that employers and employees will be able to meet round a table and make sound suggestions which will be to the benefit of everybody in Gibraltar.

To put the Honourable Member, Mr. Montegriffo, at ease, the Manpower Planning Committee has been functioning already. There has been no delay in that Committee at all, in fact it started, I think, back in September as a Labour Planning Committee, which is in fact very much the same thing; and to this effect, if I remember rightly, we issued a Press Release.

Now apart from raising the status and quality of the worker in Gibraltar, and encouraging employers towards better management, we will, by means of this Ordinance, be able to be selective as to the future settlers of Gibraltar, which is, I think, in the long term, very important.

We shall, I think, as time goes by, be able to see through employers and employees, those men and women who we would like to see remain in Gibraltar and setting their homes here. We

have willy-nilly had to increase our population, but of course we must not go for numbers, and we want quality at the same time. This, by means of this Ordinance, will be possible.

I would like to come back now to the point raised by the Honourable Mr. Montegriffo. I think it was Clause 4 (iii) (a). At present because we are suffering very acutely from over full employment, I doubt whether it will be necessary at all to make use of that Clause which he feels is repugnant. But one does not know if in the future it will be necessary to make use of that Clause. I say so because if we are going to wait everytime before we allow a young man, Gibraltarian, who has been trained to find a gap in the many contracts which have been held with all employers, it may be found very difficult to find room for him, since this can be renewed, and it has to become a matter of coincidence that the contract has got to be renewed when the individual is now offering himself for employment. To avoid this situation happening, which perhaps will never happen, but if it did, I think protection towards our own people must necessarily come first.

I do not think, judging by the number of people who we have the capacity to train at any one given time, that this, in fact, will happen, but I would say that it might be necessary to keep it. I am not, of course, saying that this will not be gone into, we have time in our hands. The suggestions made, I think, are good, there's time for reflection, and our Government will certainly look into all the points raised by the Opposition most carefully, and will give it full consideration. There is still, of course, some time even to make more suggestions, in writing if they so wish, or, I think, personally to the Minister for Labour. We are always open to advice and suggestions.

Finally, I think that without this piece of Legislation the Beeching policy to which this Government is fully committed would not be possible, it could not be implemented. So if we want, certainly the Government, the new society that we want to create it is vital that this piece of Legislation should get through this House. I remember coming here when we inaugurated this new House of Assembly, saying that our aim was moving from a low wage, low productivity society, to a high wage, high salary, high productivity society.

I am pleased to say that we have moved a long way in that direction as I feel that with this Ordinance going through our dreams and objectives will be achieved.

HON. M. XIBERRAS:

Mr. Speaker, may I first congratulate my Honourable Friend, the Chief Minister, for putting forward very well the general principles and philosophy of the Bill.

I myself treated the Bill in a rather technical manner, but I am glad that he has put it forward so well as regards the philosophical, the thinking, behind it.

I don't think I would be prepared to comment very specifically on the amendments made by the Honourable Member opposite, but I would like to offer some general comments as to the feasibility or desirability of such amendments, because some of the points that he has raised have been considered already.

We must remember that this Control of Employment Ordinance is a complicated piece of Legislation to operate, quota systems are rather difficult to operate, and even though this is by no means an emergency and we have lived with the problem for a number of months now, we still have to work out systems, ways of putting into effect such things as the quota. Because of this, the Ordinance is bound to have what I might call rather more teeth than a normal Ordinance for inside Gibraltar might have. I do not know whether it has enough teeth at the moment. The position as I see it on specifics, or should I add that for some time now we have had a statistician working full time trying to produce accurate statistics of the labour population such as it is, and I should say too that plans for a general census of labour will be advanced.

I myself feel that without this detailed information, which employers are being asked to supply, it would be rather difficult to work a quota system, except for the consideration that the Chief Minister has brought out, and that is, that we should not rush into things anyway now, and we have a little bit of time to play about, and try and get statistics really strong and usable. Without the statistics, which as I said we are trying to provide as quickly as possible, the Manpower Planning Committee would just be involved in guesswork.

As regards Section 3 (a)—this is the question of the unemployment register—I very much take the Honourable Member's point. It is unfortunately, or fortunately, one of the difficulties that the people who register under Section 4 are not generally representative of the people looking for jobs, specially among non-industrials. But there again, in the absence of statistical information, this is the only thing we can pin the Law to. It is, as far as I can see, the only thing. Now if we had accurate information, and a working quota, it might be rather different. If we know the number of whatever it is, clerks, or electricians, that we actually had, even in the private sector, then we might be able to refer to a document which embodied these things, but in Law, it is only the unemployment register which exists strong enough to pin this Law to. I fully take the Honourable Member's point, but I think that it will not be possible to pin this on anything else short of a working quota system. If the Honourable Member has more specific ideas, then I will be glad to take them into consideration, but frankly I do not think there's much hope for either of us here.

There is an important point which is raised by the Honourable Member opposite and that is, that all other considerations in the Law having been taken into account, a man from abroad co-

ming to work in Gibraltar could be sent back whether he, or his employer, broke the contract. It does not necessarily mean, I think the Ordinance does not say that he will be sent back, in fact part of the Ordinance says that there would be a register of people who are employed in Gibraltar, whether they are Gibraltarians or not. The difficulty here is the following: that it is the employer who is the Gibraltarian, and it is the employer who has the moral responsibility in this contract. It might be, and it has been, I am sorry to say known to be done by some employers, that when they did not wish to have an employee from abroad any longer on their books, they would break the contract themselves and dismiss the chaps.

Now this is not a very good thing, if it is carried to the extent that it was by one company, I think I have mentioned it in the House already, who employed in a period of about six months 250 for a required 25. There must be some way of putting some sort of onus on the employer, so that the employer is also responsible for the breach of a contract and cannot get rid of the employee by a breach of a contract. I do not know whether the phrasing leads one to this conclusion or not, but I do know that the Ordinance says that before an employee is put out of Gibraltar the Director must be satisfied about certain things. In other words, that his dismissal from Gibraltar is not automatic, even though the Director can put people out of Gibraltar for this particular reason.

Here again, I come back to the Ordinance having teeth. I think that the prime reason why this was needed, this amendment was needed, was that the old Ordinance had no teeth; that it was difficult to operate, and I think the proof of the pudding is that in the last whatever number of years, four or five years, that even though we had this Ordinance, we did get into a position, I refer to the old Control of Employment Ordinance as it is at present, in fact, we did have a surplus of workers here, and did not suffice to keep workers out. I realise the scruples on the part of the Opposite side, but I would like to see something concrete in writing about this and still making the employer responsible for the contract.

As far as submission to the Unions goes, the Labour Planning Committee was in operation already with representation of the Unions. What this has done really is to make the Labour Planning Committee statutory and to define its functions. May I also draw attention to the Constitutional difficulties presented by the Bill. I refer to the Despatch and the Constitution itself. As regards definition, or what the Member opposite said about the £750, I am fully in agreement, it is an oversight. The Director has too much power, it has been said by Members opposite. The Director has a great deal of power, and I think I mentioned this in relation to another subject, I think it was the question of Supplementary Benefits. In this situation I feel that it is important that he should have considerable power, for even though one has created a number of hurdles, or methods of sifting the

workers here, and encouraging employers of pushing in one direction or another, the complications, or the differences in the types of workers that we might get are such, that the Director must have a little bit of elasticity, a little bit of discretion, to be able to put the Law, or the spirit of the Law, into practice.

As to my Honourable and Learned Friend's comments, the determination of the quotas cannot be questioned in a Court of Law. I am no expert on the matter. I think the phrase "as the Governor-in-Council thinks fit" could only be questioned on the grounds of ultra-vires, but this is, I think, the case. I think there is little risk that the Governor-in-Council would be intimidated, one way or another, whether it is possible to take Ministers to Court, or Officials to Court, or not, I think the responsibility lies strongly, or squarely, in the Gibraltar Council, and I think many of our Laws do have some provision of this kind. I do not see the reason for any special treatment in this Law.

I can assure my Honourable and Learned Friend that the Ordinance does have, to my mind, enough teeth for the situation he is envisaging. Whether it has enough teeth for another kind of situation I do not know, but I can assure my Honourable and Learned Friend, that for the purpose of allowing Gibraltarians to move into good jobs, and to be trained, and trained to some purpose for these jobs, the Ordinance is strong enough to my mind.

May I end on the note that my Honourable and Gallant Friend, the Chief Minister started, and that is that I welcome the spirit in which this debate has taken place. I would ask, however, that amendments should be put in writing, please, because of the complications. I am quite willing to see any Member of the Opposition, for any amount of time, to discuss particular amendments, should this be necessary, or be found necessary, on their part.

One final thing I might say on the general principles of the Bill without delaying the House too much, and that is that no Law is perfect. And this of course is a truism, but this particularly applies, as I think Honourable Members opposite, and the public generally, will find out, no Law is perfect, and Laws do depend, to a great extent, on the willingness, not just of the Government to put them into effect correctly, but also may I say, of the people. I refer in this case solely to employers — of employers — to see that not only the letter of this Law, but also the spirit of this Law, and even history.

I think, Sir, that the Bill is an important one, and without any further comments, I commend the Bill to the House.

HON. SIR JOSHUA HASSAN:

Sir, I would like to ask the Minister to comment on my suggestion of strengthening the Appeals Board which he did not mention.

HON. M. XIBERRAS:

Sir, if I may, I apologise to the Honourable and Learned Member opposite. Strengthening Boards is almost a pass-time in my Department, Sir. We have so many Boards. We have just strengthened the Manpower, or what was the old Labour Planning Committee; we will need a Board probably for the industrial training; we intend to push the Labour Advisory Board and to make it more effective — it might be necessary to alter it because of the merger of Council and Legislature. I think, if I may say so, that the gentlemen named by the Honourable and Learned Member opposite, who are members of the Tribunal, hardly need any strengthening, but should this be found to be the case, it is a matter for the Governor, on my recommendation. I would look at it. I would not at first glance say that there is a need to strengthen that Board, should however, the number of applications—I hope we don't get too many, or they don't get too many—but should this increase, in the light of experience I think we might look at it; but I think that the Board actually did a very good job under similar circumstances, pretty difficult ones they were. I know from members of this Board, the Appeals Tribunal, and they did not complain of overwork. I do not think they would be overworked as a result of this Legislation, so I would not, I am afraid, say straight off that we should increase the membership of this Board having seen them in action over the past six months.

HON. SIR JOSHUA HASSAN:

Sir, as a matter of personal explanation. The last word by the Minister clears the matter; but when I said strengthening, I did not mean strengthening in changing the membership, but in extending it. No aspersion on the present members, very much the opposite. They did good work, particularly during the emergency Legislation. Thank you.

HON. M. XIBERRAS:

As far as the extension of the powers the Honourable and Learned Member opposite means numbers, well this is in fact what I was answering, and I think there is no need, a priori, for this.

Mr. Speaker then put the question that the Bill be read a second time, and this was resolved in the affirmative.

The Bill was read a second time.

HON. M. XIBERRAS:

Sir, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken at the next meeting of the House.

Suspension of Standing Orders.

HON. MAJOR R. J. PELIZA:

Sir, I have the honour to move the suspension of Standing Order No. 30 in respect of this Bill.

The reason for seeking the suspension of Standing Order No. 30 is that whilst the Bill has been published in the Gazette as required by Standing Order 29, it was not sent to members in printed form at least seven days prior to the first reading as required by Standing Order No. 30.

Mr. Speaker then put the question, which was resolved in the affirmative.

*The Development and Planning Commission
(Temporary Provisions) Ordinance, 1970.*

First Reading:

The Chief Minister moved that a Bill for "An Ordinance to make temporary provision for the establishment of a Development and Planning Commission, and for matters connected therewith" be read a first time.

Mr. Speaker then put the question, which was resolved in the affirmative.

The Bill was read a first time.

Second Reading:

HON. MAJOR R. J. PELIZA:

Sir, I have the honour to move that this Bill be now read a second time.

Perhaps I should start by reading the objects and reasons of the Ordinance. The purpose of the Ordinance was to provide for the previous Ordinance that this is trying to substitute, which is Section 3 of the Building Interim Control Ordinance, the purpose of this is to provide for the control of building development for a limited period, pending the introduction of further legislation on this subject. The Central Planning Commission will be abolished and replaced by the Development and Planning Commission as established under the Ordinance. The powers and duties which were conferred, or imposed on the Central Planning Commission will have the effect as though they had been conferred, or imposed, on the Development and Planning Commission.

Now, again the object is to try and streamline both planning and development in Gibraltar. Most of the planning up to now has been carried out by the Central Planning Commission, and this Commission was established in August 1947 under the Bul-

ding Interim Control Ordinance. Now, the object of that Ordinance at the time, and I am now quoting word for word, was: "to provide for the Control of Building Development for a limited period," I underline that, for a limited period, "pending the preparation of the coming into force of planning schemes." I do not know why this interim period has lasted 23 years. I am sure that the Opposition must have very good reasons for it. Anyway, we find it necessary, thinking in modern times, to try and produce a new kind of Commission which will enable business of development planning to go through more smoothly and more rapidly. With this in view, and in order not to delay our schemes, we did produce a press release very recently, when I assumed the Chair of the then, and still now, Central Planning Commission; but with the idea of re-organising it to suit the plans and the kind of management that my Government would like to see put into effect with as little delay as possible.

The membership of the Commission was given out in the press release, and I shall go through it very quickly; myself, the Minister for Labour and Social Security, the Minister for Information, Post, Trade and Industry, the Minister for Housing and Public Works, the Financial and Development Secretary, the Regional Director, Ministry of Public Building and Works, the Senior Representatives of the Royal Navy, Royal Air Force and the Army, the Defence Land Agent, the Chief Planning Officer, and Mr. Reginald Norton, as Acting Planning Secretary.

Now, what we are trying to do is to give some statutory strength to the new Commission, which is going to be called now, in the future, and to try and rename it, at least, to give it the new image: the Development and Planning Commission; and this in fact will be, more or less, the future form of the Development and Planning Commission that will come into being eventually when we have all the necessary legislation. In the meantime, under the present Development and Planning Commission, we intend to put together in this framework, the past Central Planning Commission, the Economic Development Committee, the functions of the City Council, and all other (I can see the Leader of the Opposition is a little bit taken aback but what I meant, in fact, was Part I of the Public Health Ordinance of the City Council). Perhaps, now that I have been a bit more specific, he can relax.

Sir, we have then included there, the Defence Land Agent, who is, you might say, the Landlord of the different Service Departments; the Ministry of Public Building and Works—who, I think, it is necessary to co-ordinate with because, as you can see already, we have established wonderful teamwork, as can be seen by the Exhibition which I am sure is a great attraction and will encourage lots of young people in Gibraltar to take up the trades which are so essential for us in Gibraltar, and also, the establishment of a Training Centre for Gibraltarians which most certainly will lift up the status of the Gibraltarian worker. This, in a nutshell, shows very quickly how much can be done by having a

Commission which will embody all these different departments—U.K. departments—who have always contributed so much for the well-being of Gibraltar, and who I am sure will continue to do so more and more, as experience is teaching us.

In the past, the Central Planning Commission has cleared matters in two ways. First, what they call the minor projects, and those were projects which, the Leader of the Opposition is already; saying, the short procedure, and this is the way that it was done through a Civil Servant without any further consideration from any quarter.

The other one was the major, and other projects, which sometimes got into difficulties because they could infringe either in the town planning arrangements or perhaps, in territories of other U.K. departments, or for any and many other reasons. In that case it went to the Central Planning Commission, and from the Central Planning Commission, which by the way was constituted as follows: the Chairman, who in his personal capacity, not as Chief Minister, was Sir Joshua Hassan at the time; the Commissioner of Lands & Works; the Central Planning Officer; the City Engineer; the Medical Officer of Health; and a representative of the M.P.B.W. This went in there, and sometimes it had to go out of there again; and in that case it had to go through quite a number of Departments. One of them was the City Council, where perhaps, to make sure that it would clear the by-laws, the Fire Brigade, any Medical objections on the Health side, it used to go to the Defence Land Agent, and so it could really get bogged down in a mass of correspondence going backwards and forwards.

Now we hope to be able to eliminate that by having this Central Planning Commission, where people of high calibre from all these departments will be sitting and will be able to decide on policy, so that as time goes by, the small difficulties, which were very big before, and had to go for policy decision backwards and forwards, as we all get together and find that the same problems are arising again and again, a policy decision can be taken once and for all, so we shall be getting rid of all these corners which can be, I think, very delaying in the progress of any development. This being so we shall then hope to have three committees working for the Development and Planning Commission. One of them will be the Planning Committee itself. This will deal mainly with building applications; and to a large extent will be doing the work, the automatic work that was carried out by the CPC in short procedure. Clerks, of course, do a lot of spade work on other matters, so that policies coming, or points being raised and coming to the Development and Planning Commission, will have been ironed out and business will thus be expediting. We shall then have an Economic Committee, which we hope, in this case, will be chaired by the Financial and Development Secretary. The other, by the way, the Planning Committee, we hope, will be chaired by the Planning Secretary who will be a member of the Development and Planning

Commission. There we hope the economic policies will be worked out so that some kind of blue-print will be able to be presented to the Development and Planning Commission in order to get on with the work.

And finally, we shall have a third committee which shall be the co-ordinating committee, and their main objective will be to facilitate the implementation of projects, and by that I mean, if there's any development about the place, not only seeing that people keep up their schedules, and things are activated and kept up to date, but also to ensure that things like the services: electricity, water, sewerage and all the other services that go with any development are moving in time with all the other things that are being done, and this co-ordination, so that we do not have the street being opened today, filled up tomorrow, and opened the following day. That kind of thing that we have seen time and again happen in Gibraltar, we hope, will not happen again.

This is the sort of idea behind this temporary bit of legislation, it will take some time—I hope not 23 years—before we have the final legislation coming out which will do things that we certainly have to embody. One will be the Town Planning Ordinance, and the other one will be Part I of the Public Health Ordinance. I would like to state here, at this stage, that I intend to introduce an amendment, to Clause 6(b) which reads at the moment “carry out such . . .”

HON. SIR JOSHUA HASSAN:

Mr. Speaker, Sir, it is not 6(b) but 7(b).

HON. MAJOR R. J. PELIZA:

I am sorry, it is 7(b), which reads: “Carry out such other function relating to town planning as the Governor may from time to time prescribe.” I intend to delete the words “relating to Town Planning”. This is important, otherwise the functions of the Development and Planning Commission will be unduly restricted. Apart from that, the general idea, I think, will stay as it is. I can see no other amendment, unless the Opposition have any at all to offer, and of course if they do, I shall certainly give it most careful consideration. Apart from all this it will also give us an opportunity of having representatives from the Services, at least in one Commission, where they will be able to make representations, in many ways, concerning the general affairs of Gibraltar, bearing in mind that they are rate payers, and therefore I think it is very fair that at least in some committee they should be able to express an opinion. So, apart from all the mechanical advantage that we are going to gain from this, I'm sure that by having this co-ordination we will be able to make the best possible use of the little land available in Gibraltar. It will most certainly simplify procedure; it will establish co-operation between us—the Services, and all other U.K. departments; it will expedite matters, and I am sure it will

lead to progress by enabling this Government to formulate the policy that we stated here when we first made our statement on policy in this House.

I commend the Bill to the House.

Before putting the question Mr. Speaker invited discussion on the general principles and merits of the Bill.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, the history of the Central Planning Commission started long before there was a Legislature or a Government. It would take very long to explain the difficulties in those days, when we were first provided with a first-class town planner, and then deprived of him because his salary was higher than the then Colonial Secretary who could not stand the sight of somebody earning more money than he was. This was a difficulty we had from the very beginning; and in fact if there was some kind of outline town plan prepared by the late Mr. Clifford Holiday,—an eminent town-planner,—whether the result of the perseverance of the few of us, who felt that it was time that something should be done about it, because otherwise it would not have been done and it would not have been done because, if I may say so, it started exactly the same as this Bill proposes to do.

There was first in '46 created, what was then called the Town Planning Board, full of all the important people: the Brigadier, the Financial Secretary, the Chief Secretary—everybody was there; and of course there were so many important people there that it did not function. Therefore a technical sub-committee had to be appointed from that Board to get on with the outline town plan, which was prepared, and true enough, the interim control was meant to have been a short while, but everytime there was an attempt to bring through a Town Planning Ordinance, there were great objections from all sort of people, including the Services. Nowadays, we are glad to see, and I do not say now, but I mean in the last few years, the Services' attitude and the United Kingdom attitude to Gibraltar has changed very considerably to what it was in the 1940's and the early 1950's. Yet it is interesting to note that the Interim Control Ordinance, which had very wide powers, and which had to be exercised very carefully, only had two appeals from the decisions taken to the Governor; one of which was over-ruled, and the other one divided in half, in typical Solomonic way: the Commission was objecting to a garage for very heavy lorries and when it went to the Governor he limited the weight of the lorries that could be garaged and therefore he cut the child in two. But our objection to this Bill is two-fold. First of all, that it is very heavy, very heavy indeed. It has got all the people that will never get together all at once, I am sure, because they are all the most important people in the various departments, (to say nothing of the fact that in the communique one of the Ministers is the Min-

ister for Information, Port, Trade and Commerce) and I predict that it is very cumbersome and will not work. I will never be as patronising, even with my years of Public Service, as the Chief Minister was before, when he got up to speak after what we had said, he attributed to us certain sentiments that we do not accept as being that. We oppose something when we think we ought to oppose it, and we approve it if we think we ought to approve it. So no patronising words from the Chief Minister will alter our attitudes in these matters, as he will see very soon that we go along with this Bill. So we feel very strongly, and I speak with a little experience, that this Draft Bill is very cumbersome in the concept that it has, and therefore that it will not work. And for that we object.

There is something much more fundamental and stronger against the Bill which we will fight with all the power we have at our disposal, and that is that after years of endeavouring to have power evolved in the people of Gibraltar, so that they can more and more govern their own affairs, we are going to give up all that to a majority of people from outside Gibraltar and who are not elected, because the establishment of the commission is the Chief Minister and three Ministers—if they are all here at the same time—the Financial & Development Secretary, who could be said to be an adviser, and I do not think that they would be expected in many matters that he should be voting on the matter then; the Regional Director; three Services members; the Defence Land Agent; that is five, the Chief Planning Officer is an official of the Government and it would be very difficult to get him to use a vote on anything like that, so therefore there is a majority of officials.

Now, I would like to say that we do not oppose official participation and in fact one of the great losses or the disappearance of the City Council as such, was the wonderful co-operation that was there by the Service representation over the years which one did everything possible to foster, and it was really a meeting place where common interests were discussed and each learned a lot of the other, which was a great help to the community. So nothing that I say about the numbers, is any reflection, either on the participation of the U.K. element in this Board, or of the persons that have been earmarked in this press release, and which is also mentioned in the Bill. But the great principle that we must fight against, and I am sure that this is not done as a result of any representation from the Services, but the idea of wanting to put everybody there means, not only that it is a very heavy body, but that it has what the Council took years to do away with—and official majority. And this is what this Board has: four ministers and the rest are either Civil Servants or important Service representatives. We cannot agree, or be a party, to matters as important as the Chief Minister has stated are going to be decided in that Board, the majority of the people of Gibraltar is going to be given up. We have not been fighting for our rights over so many years to give it up so easily.

And, incidentally, I would like to draw the attention of the House to the fact that in accordance with Clause 5 the decision of the majority of the members present and voting at any meeting shall be the decision of the Commission on any matter before it. So really this is not a question of a consultative thing, it is a matter where votes are going to count, and if there is a conflicting interest, the majority of the people of Gibraltar are not there represented. It is a pity that despite his patronising words before, the Chief Minister did not have one word of praise for the work, not of myself, that was very unimportant, but of the many people who have gone through the Central Planning Commission and have dealt with thousands of applications over the years.

I do not expect any praise from him, of course, but on the other hand he has not been properly briefed on how the Commission works, and he has really been up the pole on that, completely. It is not correct to say that we were mixed up with all sorts of things and taking much longer than it was necessary. We had not, as he says, a representative of the M.P.B.W., that was only recently; we had a representative of the Services. And in fact, when the outline town plan was made we had representatives of each Department as the planning was done, of those who were concerned. But to think that he can have a body in Gibraltar with Services and Official representatives, who will take decisions there, to save time, is really to think a little unrealistically; because for one thing the Services still require reference back in any matter of importance, back to the United Kingdom, we have it in the smallest matters, Trade Union matters, and the smallest matters, where the officials here have no power and they have to refer it to Ministries—perhaps decided by some little Civil Servant in England of much less calibre than the chap who is recommending what ought to be done from Gibraltar. But this is a fact of life, and this is why we do not agree that this Commission so powerful, and with such ideas as the Chief Minister has outlined, should have a majority of officialdom and not a majority of the Elected Representatives of the people of Gibraltar. For that reason, the Bill to us is completely repugnant and we shall be voting against it.

HON. M. XIBERRAS:

Sorry, Mr. Speaker, for this hurried entry, but I was just checking on something—if I may be allowed to speak, Sir. I was just checking my facts, and not doing something sort of very, very important out of the bag.

It has been said that the Commission such as it is, would be too heavy. May I say that as the Honourable Learned Member opposite is aware, this would be interim, I imagine, to the Planning Commission as proposed in the Coutts Report. He should be aware that in the Coutts Report the Financial & Development Secretary, the Ministry of Defence, the MPBW the Chief Planning Officer and the Executive Officer, it is recommended, should all be there. Then there is another paragraph which

says, more or less, that at the time of writing, this would be adequate representation. But that time was when the Council was still there, and the Services had representation, of which the Honourable Learned Member opposite has spoken highly. The inference there, I think is that the 5 non-elected members, who are definitely recommended in the Coutts Report, would have to be increased in some way by the inclusion of other people, presumably, if one reads Coutts Report, presumably people from Army, Navy or Air Force, or perhaps a combination of all of them. In any case, I think we would still need quite a number of Ministers on this Commission and, on the other hand, the accusation that the Commission would be heavy in numbers is, I think, a contradiction. This, I feel is important, whatever has been said on the other side about the rights of elected members in this. That was the little bit which I checked in the course of my being out. The other thing is, of course, whether we like it or not, the interests of the various parties who, it is proposed, should be represented on the Commission, in fact exists. And whether you give them representation or not, they do in fact exist, and the Honourable Member opposite will know, from his long experience in Government, that they do exist. Whether he gets across the table and talks to them, or he goes round in other ways to carry the Government business these interests must be consulted. I would not therefore go as far as predicting that the thing is bound to fail because this might be a comment on elected Government in Gibraltar generally. These interests and there are hundreds of examples of which the Honourable Learned Member opposite has quoted some, whether it is important to get the co-operation of the Ministry of Defence, Services Establishments, Ministry of Public Building and Works, and so on. If the attitude of the Services and of the U.K. departments has changed, it might be due in some part to the changed situation. It might be due, in fact, to a different way of approaching these people. Now, whichever way we look at it, the attitude of the Services Departments is an important thing and the great change is that we have no City Council, where no doubt the talk, the exchanges of view, did take place before. If any one of these parties wants to be obstreperous, or if it wants to present obstacles, it can do it at any point, but across the table may be, this may be the way to do it. But whether the Opposition votes in favour or not of the proposal, I should say that I am glad that labour has a representation on this, and I thank the Chief Minister for this, because I have said on occasion in the House, in September, that the needs of Labour, or our Labour position, was very relevant to economic developments, and I just put forward in answer to a prediction something which I said was going to happen some time ago and has actually happened. I think that Labour is the economy in the present circumstances, and I assure the House that the views of my Department will be strongly represented there. So I do support the Bill. There are difficulties in any Ordinance of this type, but the difficulties are the difficulties, ins and outs, which confront Gibraltar generally. I do not think there is another way of doing it except sort of going round and having a drink here and having a drink there, and having a

drink there, and chatting people up. I think this might be a more important constitutional way of doing it. I do not think they can wish away, the Opposition can wish away, the difficulties in this type of operation.

HON. MAJOR R. J. PELIZA:

Mr. Speaker, first of all I would like to thank the Leader of the Opposition for the most interesting stories he has told us about the Central Planning Commission. Sometimes I found them even amusing. On the other hand I found that there were a few contradictions. The first one is to say that I should have praised him, but in the second breath saying that I had not given a word of praise for those in the Commission. When moments before he said not to think that because I had said something in favour of the Opposition this afternoon he was going to take that patronage as the way of stopping them from talking their minds later on. So obviously, if I had praised the Leader of the Opposition for whatever work he may have done there, he would have called it patronage. Secondly, he talked rather disparagingly of officials, as if because they are in a Committee, in a Committee which is absolutely non-political, and purely administrative, they were going to vote in any way against the Government of Gibraltar and in favour of some other kind of policy.

HON. SIR JOSHUA HASSAN:

Mr. Speaker will the Chief Minister give way because I want to make a personal explanation. It is a very serious matter and I never mentioned anything like that. I was dealing mainly with the principle of majority of elected representatives. I particularly praised the people. I said that it was no reflecting on the individual, and I spoke of the great work that has been done jointly in the City Council. So I think the Chief Minister is most unfair in trying to implicate into what I said any aspersions on anybody. All I said was that I was upholding the fact the majority in a thing like that must be with the elected representatives of the people.

HON. MAJOR R. J. PELIZA:

But if you look at the Central Planning Commission you find that the only elected Member of that Commission was Sir Joshua Hassan himself. All the others were the Commissioner of Lands & Works; the Central Planning Officer, the City Engineer; the Medical Officer of Health and the representative of the MPBW. At least we seem to have 3 elected members in our Commission, or four. Furthermore, I do not see representatives of the Services in Gibraltar working against Gibraltar. I think it is a wonderful opportunity to be able to exchange views. It is a wonderful opportunity to co-operate. Why not? We are not saying Gibraltar-British get out! We want them here! Certainly this side of the House! (Cries of shame and order.) Nor do we want Independence. It is necessary for Gibraltar to live in peace and full harmony with the Services in Gibraltar. And that is

the way that this Government intends to proceed. It is not true either that the Elected Representatives of Gibraltar have given anything away. Because the final say comes with the Council of Ministers. The Commission is subject to the Council of Ministers and therefore the last word comes from the Council of Ministers. This is purely an administrative body, and within its own administration, it will work. This statutory commission will have certain powers under the Law. And there is nothing to stop the elected members to change that Law if that became necessary. Therefore we are not losing any rights. The rights are still with us. They are there to give—in fact, it is just delegation, not power—delegation is not giving away rights. Therefore I feel that the accusation made by the other side of the House should be withdrawn, because that is not so. We have not given any rights away; we have only delegated. And I stand by that, and he cannot say nonsense because that is a fact. And the fact is that if this House wants to change this Bill tomorrow it can do so. Therefore we have not given any rights away, we still have them. What we are trying is to bring in a Commission which will see that business of the kind that we need so urgently in Gibraltar, and which has been delayed for 23 years, gets under way as soon as possible. Therefore this business of losing rights was a red herring. And if I may say so: a stinking red herring. Therefore I hope that the Opposition will be able to reflect, consult their pillow for the next 30 days. Perhaps they will come back realising that we are trying to produce an organisation which will help the economic development of Gibraltar; which will ensure that as much land as possible is made available for public use; that there is no wastage of time in getting through minor works, and that big projects are planned in an organised manner. We shall need this planning. It will be very essential for the future of Gibraltar, as modern building goes, to ensure that whatever manpower is available is kept in use all the time.

I had a very good lesson yesterday at the Seminar organised by the Ministry of Public Building and Works, in which not only Government experts took part, but also the local and U.K. building trades were invited too. We had a talk by Mr. Baker who is an expert on this particular thing of planning and serial contracting, and programming, and it is amazing how much we could get out of our labour force if there was co-ordination between the Government of Gibraltar and all the United Kingdom Departments. I think that these are the sort of practical results that we are going to get from this Commission. And I do hope that the Opposition will cease to be emotional about these things. That they will give thought to what can be obtained by systematic co-operation, and good management, which will be, in fact, the product of this commission and if they have any points, any amendments to the Bill we shall certainly, as I said before, be prepared to give it full consideration. But I do hope that they will vote with us in favour of the Bill.

I commend the Bill to the House.

On a division being taken the following Honourable Members voted in favour of the motion:

The Hon. Miss C. Anes
The Hon. J. Caruana
The Hon. L. Devincenzi
The Hon. Major A. J. Gache
The Hon. P. J. Isola
The Hon. W. M. Isola
The Hon. Major R. J. Peliza
The Hon. M. Xiberras
The Hon. E. H. Davis
The Hon. C. B. O'Beirne

The following Honourable Members voted against the motion:

The Hon. I. Abecasis
The Hon. E. J. Alvarez
The Hon. M. K. Featherstone
The Hon. Sir Joshua Hassan
The Hon. Lt. Col. J. L. Hoare
The Hon. A. P. Montegriffo
The Hon. A. W. Serfaty

The Bill was accordingly read a second time.

HON. MAJOR R. J. PELIZA:

Sir, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken at the next meeting of the House.

Motion deploring the handling of affairs by the Minister for Education in the Department for which he is responsible.

Motion re:

HON. M. K. FEATHERSTONE:

Sir, I have the honour to move the motion of which I have given notice: "That this House deplores the handling of affairs in the Department for which he is responsible, by the Minister of Education, and censures him therefor."

Sir, rising to move this motion, I do so with a certain sense of sadness. It gives little pleasure, Sir, to highlight a Minister's fumbling and bumbling; and this sense of distaste is intensified when one finds that the canker of mismanagement has spread into the Department under the Minister's control with the result that members of the Executive exceed the position that they should rightfully hold, and take powers which do not rightfully belong to them.

But, Sir, the greatest, the most poignant sadness is, that the victims of this unhappy state of affairs in the Department of Education, the innocent sufferers, are the children at our schools. And in particular, Sir, and at the immediate time, this has been the unhappy fate of our 11 year olds, who have suffered what, in euphemistic language, I might call, the 11 plus fiasco. Perhaps in blunter terms, Sir, I could call it the Hon. Devincenzi's clanger.

Sir, the more one hears about this, the greater the mess seems to be. But perhaps we could try and unravel some of the knots in this tangled skein. Firstly, Sir, we were told that the wrong papers were sent — these are the papers for the 11 plus verbal reasoning test. Nobody told us why they were wrong, we were only told they were wrong. Thus apparently Sir, a new set was sent, but somehow in the Post, — and I will not blame the Honourable Minister for Ports, etc., etc., who also, I understand, does the Post Office, I will not blame him for this — they were sent to Malta. This is not under his control, (this was the Post Office in Britain. The result was the exam had to be postponed, but finally, Sir, papers did arrive. Then we find out that one school apparently has already done these papers. This of course, is consternation, panic-stations in the Department. I would like to know, and this I cannot really understand, how Murray House could sent out papers for an examination, or an 11 plus test, which are already public knowledge, which have already been sprayed around to the public at large.

I wonder, Sir, did the Department inform Murray House that papers were required for a test, for an 11 plus test, or did Murray House think that they were merely inquiring for some papers, what are known, as 'open papers'? Surely Sir, if 'closed papers' were demanded, a paper would never have been public knowledge beforehand. I should like to have some information on this, Sir. The House has never been told anything about it; it is about time we were informed whether the correct papers were in fact originally ordered. And of course, Sir, through the House the people of Gibraltar will find out something about what went on at the beginning, to make all things wrong.

This discovery, Sir, occurred, and I use the Minister's own words: "at 8 p.m. in the evening". It might be a good 11 plus question, Sir, to ask what is 8 p.m. in the morning? It has at last sunk through, I'm glad. Now, Sir, if this did get found out in the evening, at 8 o'clock, did they consider postponing again? Would it have been so difficult? Surely, they could have postponed the exam? This of course, they might say, would create frustration on the children. I agree. But I should imagine it created far greater frustration when they got an exam which they never even knew they were going to get, something completely different to what they were expecting. They could have postponed the examination, Sir; they could have contacted Murray House and asked for a new set of papers

Now, Sir, we have been told that no other sets of papers were available. How is it, Sir, that Gibraltar knows all the papers that are available in Murray House, or is it that somebody has a very fertile imagination? But even so, Sir, even if there were no other papers, why not an urgent telephone conversation, other papers could have been prepared and been here perhaps within a week. The postponement would have done very little harm to children, far less than the papers they were set. It seems, Sir, there was a desire for inordinate haste. The Head-teachers, I understand, were consulted, I will not say they were pressurized, but they agreed to set two papers in lieu of this verbal reasoning; they were willing to set an arithmetic paper and an English paper. Did the Minister sit on these discussions, Sir? Or, did he, like a certain Roman Governor, wash his hands of the whole matter, and throw it on the Executive to do as they thought fit?

The Minister has said that the Attorney-General was consulted. All this happened in the same evening after this 8 p.m. I presume, Sir, he was consulted on the Constitutional aspect, whether they could set aside a motion which was passed in this Chamber, not under this exact Constitution, but in this Chamber, on July 21st 1964. Sir, this was a motion proposed by the Honourable P. J. Isola, it was passed by 5 votes to 2, Sir, and if I may have the liberty to read, some of it said: "etc., etc., which proposed: (1) The elimination of the English Language and Arithmetic Papers from the 11 plus test." I do not think, Sir, anything can be clearer than that. It was passed by this House, or by a House in this Chamber, 5 to 2, — the elimination of English and Arithmetic. Yet, Sir, we had English and Arithmetic in this recent 11 plus.

Now, Sir, we have in the Cabinet, an ex-teacher. A man of wide tutorial experience, a man who must have quite a lot of knowledge of teaching. I believe he took a very active part in his time in the Gibraltar Teachers Association. Was he consulted? We also have, Sir, an ex-Minister for Education. A man also of very wide experience in the field of Education and who has been Chairman of the Board of Education. He is a Government supporter, Sir. Was he consulted? Or did the Minister just go it alone?

Now, Sir, if the Minister agreed to these two papers, if he took a part in the discussions even, did he know this was outside the Constitution as such? I would like to have some answer about that when the time comes. But let us consider Sir, these two papers. Neither subject has been, in some schools, very adequately studied in the last six months. I understand, Sir, that some schools have been cramming on verbal reasoning tests. This, of course Sir, I may be told is wrong, that English and Arithmetic are part of the current curriculum. This is quite so, Sir, but it is also so that a great deal of cramming on verbal

reasoning was done, in some schools at least, to the detriment of English and Arithmetic. Perhaps, Sir, the C.E.O. should have checked on schools. I believe that is part of his job.

Now, Sir, what did these schools that did study arithmetic do? Some schools, I believe, for the last six months have been working on decimal coinage, but in this examination of Arithmetic, Sir, there was one question at least, which dealt with a coin called half a crown. A coin demonetarised more than six months ago, and yet this is the thing that is given to our children in a current examination. Where did the English and Arithmetic Papers come from? This is another thing that nobody has yet explained. Where were they? Were they here all the time as stand-by papers? If so, Sir, how long have they been out here? I would like a specific answer to that question.

The papers were of course put before the children, who had to answer them, and the papers were sent off full-speed to England with, we are told, a covering letter. Would it have been difficult for the Minister for his Department to make that covering letter public, to allay some of the fears of parents?

Then, Sir, we come to the day that the parents wished to see the Minister. But the Minister shirked the job, as he had previously shirked going on the television, he left it to his Chief Administrative Officer, and then, Sir, on that television programme we had the final ignominy. The Chief Education Officer Acting, a Mr. Dick Reed, said: "On this question of what to do, I have to answer the parents; I will consult with the Minister, and I will decide." Sir, who controls the Department, the Minister or the C.E.O.? Is the Minister putty in the hands of the Senior Officers of the Department? Well, Sir, this is not strange if it is so, because many feel already he is the tool of the hawks in his own party, who have put him into a position of responsibility for which he has neither the heart, nor the experience, nor the ability.

Now, Sir what are we going to do about this 11 plus mess of the Minister? He has not told us anything yet. I offer him an idea free of charge. Those children, Sir, who do come out as passes must remain as passes; those children who are unsuccessful should be permitted, at the parents discretion, to sit a verbal reasoning test, as they should have done at the correct time. This should be done at the earliest opportunity. No solution, Sir, is perfect, but this perhaps is the fairest way to salvage something from the flotsam of the 1970 Gibraltar 11 plus test. But, Sir, I must deplore wholeheartedly the haphazard and cowardly attitude of the Minister in his whole approach to this 11 plus problem. Sir, I must equally deplore the mishandling by the Minister on the issue of a new Chief Education Officer for Gibraltar. Once again, Sir, this is a tale of the Minister being out of touch with reality.

The Government is always saying 'we are entering a new era for Gibraltar'. Well, Sir, we are on the threshold of a new era in Gibraltar of Education. Gibraltar is going comprehensive. It is essential, Sir, that we get off to a good start, that we start on the right lines. Who is going to guide us? There is nobody in Gibraltar, Sir, who has anything near the knowledge or experience of this type of Education to hold the reins of what can prove to be a very tough assignment indeed. This, Sir, was strongly stated by people who should know: the Teachers' Association. They said so on T.V. in no uncertain terms; and, Sir, I understand they have told the Minister the same thing also in no uncertain terms. What, Sir, was the result? First of all we had a local advertisement asking for applicants from Gibraltar. I believe, Sir, that applications had to be in by mid November, and applications were made, but I do not think, Sir, the applicants have even had the courtesy of any acknowledgement yet, and it is April. Then, Sir, following this local advert the Teachers, apparently put more pressure on the Minister that this should be advertised in the U.K. because they felt that a man from the U.K., who had actual experience of comprehensive education was an essential. This advert appeared in the U.K. papers in February, the teachers were not consulted about the advert, and I have been told that the Minister himself knew nothing of the advert either when it first came out. I wonder how the Minister explains his groping around in the dark on such an important matter. How does he explain if it is so, that he was totally ignored with regard to placing this advert in the U.K.?

And what of this advert, Sir? It was couched in almost the same terms as the advert in Gibraltar, except that it did say that it would be desirable to have a person with a degree and with some experience of comprehensive education. The salary, Sir, was £2,100 plus an inducement allowance of £327. This, Sir, for this type of post, is chicken-feed. It will not attract the right person. The Teachers have realised this and told the Minister so. The Minister apparently failed utterly to appreciate this point. He fails to appreciate the urgency of the matter; the gravity of the situation. Now, where did the Teachers get their ideas from to substantiate their desire and their disagreement with the terms of this advertisement? A Headmaster in England, Sir, of a comprehensive school, gets a salary from £3,500 to £4,600 a year. A Deputy Head, Sir, gets £2,700 to £3,250. So what are we going to get for £2,100? A very junior, junior. And is this the sort of architect the Minister wants to build the next 20 years of Gibraltar education? After February, Sir, the Teachers again sought an interview with the Minister, but he said he could not see them. He did not consider the matter was very urgent. Now, Sir, Headteachers have been told that this 11 plus that has just been undergone, suffered by our youngsters, would be the last 11 plus. It is very interesting that the Teachers are told this by the Minister, Sir, but the House is not. Of course we come last on the list and I will say a little more about this lack of information to the House later. But if this is the last 11 plus, Sir, there must be some plans for a comprehensive system.

Now, who prepared these plans? The last C.E.O., or the present acting C.E.O., or even a certain new adviser on Education to the Government? Three very worthy gentlemen, doubtless, Sir; but all lacking in experience of comprehensive education. Is this new educational structure to be built on sand by inexperienced planners, they love planning over there, under the control of a Minister who through ineptitude or ignorances has not the slightest clue? Unless comprehensive education in Gibraltar, Sir, is initially controlled by a man of experience, a top man, it is doomed to failure. Unless the Minister gets a man of calibre, with direct experience of comprehensive education then, Sir, I would warn the Minister, I would warn the House, Education is heading for disaster in Gibraltar, which will take years to recover from, and the children who undergo this disaster period may never recover. On this question, Sir, of the Chief Education Officer, the Minister, has failed; failed miserably, failed utterly.

It also seems, Sir, that in the day to day life of the Department, the Minister is out of touch with Teachers. Teachers are not very happy with the terms of reference of a new adviser to Government a Mr. Brown. I think they were sent a circular in which the Department told them: "You will be happy to learn of the appointment of Mr. Brown." Well, Sir, this is indeed a great deal of optimism.

Now, Sir, may we turn to the information given to this House. I know this House does not always get all the information it should. And we have heard today, Sir, the Government has a satistician at its disposal. Statistics now, Sir, are used to support, or destroy, anything the Government has under survey. Well, Sir, two can play at that game. So if the House will bear with me, Sir, a little longer, I have a few statistics. Unfortunately the Hon. Caruana has upset them all. But he often makes a mess of many things also. He made another statement today.

HON. J. CARUANA:

Mr. Speaker, on a point of clarification, is the Honourable Member opposite going to get at me now, as well? Or introduce a motion against me?

HON. M. K. FEATHERSTONE:

Sir, since the new Government came to power we have ten proper statements in this House. We have had three from the Honourable Mr. Xiberras, two from the Honourable Chief Minister and two from the Honourable Minister for Ports, etc., etc., one each, and I correct as I go along, Sir, from the Honourable Mr. W. Isola, the Honourable Mr. Caruana, and the Honourable Mr. Devincenzi. Mr. Devincenzi's Sir, if again I may crave your indulgence, 'Policy statement by the Minister for Education'—this was the question of technical education a technical training it could almost have been said by the Minister for Labour.

We also, Sir, had speeches of policy during the budget. We had one from the Chief Minister, one from the Honourable Mr. Xiberras, one from the Honourable Mr. Caruana, one from the Honourable Major Gache. We even had a long review from the Honourable Mr. P. J. Isola but nothing from the Minister of Education. Nothing, Sir, from the Minister of Education. Surely the Opposition, Sir, is not supposed to provide policy for the Government, I thought they could do their own dirty work.

Now, Sir, may I crave your indulgence to read some actual figures for the statisticians. The figures are slightly approximate, the error of course is minimal, does not influence the general trend. The total number of words in proper statements, not counting this statement, by the Honourable Mr. Caruana: 7,150. Honourable Mr. Xiberras: 3,500—48.92%. Honourable W. Isola: 1,500—20.96%. Honourable Chief Minister: 1,350, well down on the list—18.86%. Sir. Honourable Minister for Ports, etc.: 640, or 8.95%. The Honourable Mr. Devincenzi: 165—2.3%.

Actually, of course, this is only half a statement, but if we take the budget as well, then we have 13,000 odd words Sir. I will not go through all the figures, but the Honourable Mr. Xiberras leads the field as usual; the Chief Minister has moved up one—it is almost like a football league; the Minister of Education still sits on the bottom, he has dropped from 2.3% to 1.23%. Well, Sir, these figures are illuminating.

The Honourable Mr. Xiberras has said a great deal, the Chief Minister also, Education does not get anything. I agree, Sir, some Ministers are more verbose than others judged by the number of words in policy statements. Perhaps this is reasonable. We also know that the Honourable Mr. Devincenzi, Sir, is the addict of the short, sharp, concise form of speech. The punget interjection. Read the Hansard, I think in one of them he says: "Sir, the Honourable Mr. Featherstone", he sat down again and he never said anything else in the whole of the session. The incisive turn of phrase, Sir. He abhors the polysyllabic, he is a devotee of the four-letter word. The fact remains, Sir, policy on Education told to this House figures the least important. Yet the grapevine says much is happening in Education. Is it that the Minister considers this House of little consequence, and therefore need not be told anything? There is no need to explain policy to us? Or is it he has got too many skeletons in the cupboard and he dares not speak for fear of exposure? Or is it just he has no policy at all, Sir? He lives from day to day to use a favourite phrase of the Government side: "willy-nilly". He solves problems as they arise, or he lets them grow into bigger problems. Sir, the House deserves more respect than that. The people of Gibraltar deserve more respect than that.

The Ministry of Education, Sir, is the second most expensive in Government, I am leaving aside the Municipal part. No

less than £329,000 is projected to be spent on Education in 1970. And what do we get for all this money? From what the Honourable Minister tells us — nothing. Sir, in most cases a man is damned by his own words. Here we have the opposite. The silence of the Honourable Member is his most eloquent accuser, he has censured himself. I commend, Sir, the motion to the House.

Mr. Speaker then invited discussion on the motion.

HON. L. DEVINCENZI:

Mr. Speaker, one would have thought that when the Honourable Mr. Featherstone, under the influence of frustration, that his only ability to be constructive, thought of bringing a motion of censure to this House, that he had something useful to say. But this is not the case. He criticises and attempts to be destructive with one aim and one aim only, and that aim is not based on Educational grounds, but solely on political grounds and, undoubtedly, eagerness for power. Perhaps, he might be tempted to deny the latter, but I doubt very much whether he will disagree with the former. Is he pretending that he cares about Education? Let us have a quick look at his record as my shadow Minister. As I look across, I am tempted to say a very pale shadow. Apart from the ill-conceived and ill-fated motion, which he has brought to the House, he has not asked a single question at question time today directed at me. But that is nothing. This is not new to him. Neither did he put any question to me at the last House of Assembly. On reflection, however, he has probably been taking a very timid course of action possibly because he thinks that it is not worthwhile asking questions; perhaps he is not interested enough; or perhaps because he knows all the answers. It could also be a combination of the three.

Mr. Speaker, although the Honourable Mr. Featherstone has spoken at length on the 11 plus and also on the question of the C.E.O. and the comprehensive system, the motion which he has brought to the House seemed to be much wider than that. In fact he accuses me and censures me on the affairs of the Department as a whole. Now, I am sure that the House both the positive side in the Government benches, and the negative side across the Chamber, would like to hear at least part of the advances and achievements, without making long speeches, that have taken place in 8 short but progressive months; and if I may add, enjoyable months.

However, before I do so, the House would no doubt like to recollect that when the question at the Estimates time, the Opposition did not query one single item of Expenditure, one way or another, at the Budget session, and in fact they even agreed to the salary being offered to the Chief Education Officer which incidentally was at the very head of the list. Have they now changed their minds about what should be paid to this gentleman? Not having much to do, perhaps they find an enjoyable

past-time? In addition they probably entertain the vain hope that politically it is to their advantage to do so.

Sir, another item which comes to mind is that after many years, the Domestic Science Laboratory at Rosia School is being transferred to St. Joseph's School at John Mackintosh Hall. Sir, this, of course, might not look very exciting in itself, but in effect, it means that the girls at St. Joseph's School will no longer have to go to Rosia School for their domestic science. This, of course, in the past has entailed that rain or shine, they either got the bus or walked up there. In addition to this, we have in fact killed two birds with one stone, in the sense that Rosia School, which of course had been vacated will now be used by St. Margaret's School, which has been absolutely to the brimful for many years now, will be used as an annex. And this again has been achieved after very careful planning and thought.

Now, Sir, the summer vacation course which has been a feature of Education in the past will be continued this year, but with improvements. For the first time a boy from the Gibraltar and Dockyard Technical School was awarded a scholarship; and in fact, he was sent to England. Whilst on the question of the Technical College, we are now moving forward in a direction of negotiating with the Ministry of Defence (Navy) for acquiring the land adjacent to the College for future possible development. This sort of thing, Sir, takes planning and it takes effort, and they do not just grow up like that. In fact, whilst on the question of the Technical College, to which we attach a lot of importance, 2 lecturers were requested: one has already been appointed and the post for the other has already been advertised.

Sir, an increase of over 100% of classes being given for adult education at John Mackintosh Hall, that is from 11 last year to 28 this year. There is one in particular, Sir, which I recommend to the Honourable Mr. Featherstone.

Sir, again, perhaps, this is a minor point, but they all add up. Two youth clubs have been opened during my term of office.

Due to possible implications from the proposed new Educational Ordinance Report, which in fact has already been completed and handed to me, due to the possible proposal from this Report, we extended the Youth Employment Temporary Provision Ordinance, which I am sure the House is aware.

The Laguna School, a long cherished dream of the Department, will now become a reality. As you already know tenders were invited and Government will be replying to them very, very shortly. Of course, this is due, to some extent, to all the help I get from the Honourable Mr. Featherstone.

After very considerable amount of thought and work, the Industrial Training Ordinance, is scheduled to be brought to the House, very, very, shortly now.

Sir, for the first time in its history, the Department organised and is paying for a Biology, Geography field strip outside Gibraltar. Sir, the Department also organised in collaboration with O.D.M. a Conference, as we already know, on comprehensive education. The fact that this was not held is certainly not our fault. Unfortunately, as you probably know there was a motion in the GTA Meeting. If I remember correctly this motion was proposed by a very prominent member of the AACR, although in all fairness I must say, that he did say that it was not meant on political grounds. I would not say it was or that it was not but I am sure some people would not believe this.

Sir, once again, for the very first time ever the Department opened a nursery school, in order to help mothers to go to work. It is the intention of the Department to review the situation with regard to further possible demands and take any action which they consider necessary. After hearing the Hon. Mr. Featherstone, I am tempted again to offer the facilities of the nursery to him. He really cannot say I have not been generous with him now.

Sir, and what about the holidays for youths? Here again we are making available £1,200 for youths holidays in U.K. This Sir, is an addition to the number of grants being given to youth clubs. Needless to say this is the first time that this is happening. But we have not, Sir, forgotten at all, although the Honourable Mr. Featherstone might think so, the children. In fact, Sir, we think so much about them and their welfare, that this year we are spending very nearly £13,000 to send them on holidays to U.K. This is about £9,000 more than last year. In fact an increase of over 300%. In this connection it is appropriate to say that many of these will be going on an exchange basis. In fact some 200 U.K. children will be coming over to our own homes, and about 100 are going from Gibraltar to U.K., of course, in addition to other holidays.

Sir, I do not propose to keep the House here much longer, but just going very briefly on the question of the 11 plus. Quite frankly a lot of very naive accusations and unfounded accusations have been levelled at me, and I repeat this, for purely political purposes. There are many, many things which go to the Department, and the Honourable Mr. Featherstone thinks of one thing politically, where can I gain? Obviously the 11 plus. He thinks he has a chance to make political capital and he is trying to do so in the House, which is fair enough, and also through organs he contributes or manages, or surely controls.

Sir, I do not for a moment agree that I shirked my responsibilities as Minister to answer questions to mothers, fathers nor T.V. or anything of the sort. This is a lie, and I think he knows it. I went on T.V. the week after the examinations were held. Surely, this is not a very long time. As I have already explained on T.V. and I do not propose to go over it again, I was asked to go on T.V. the very same evening. Why should I go? I knew

that there were bound to be other developments. Should I go on T.V. every day there is something? Of course not. The wise thing to do was to wait, see what would happen, the reaction of the people, and then go on T.V. and explain. And I think seven days after is not too much.

Now, there has been a lot of criticism levelled again at the Department and in fact even some at personalities. Let me inform the Honourable Mr. Featherstone that I am the one who takes full responsibility for anything that happens in the Department. It is not true, at least I am sure of it, that the Acting Chief Education Officer said that he would consult me and make his decision after consulting me. This is not true. When the Acting Chief Education Officer said this, he was in fact referring to the teachers, that he had consulted the teachers, the Head-teachers, but of course the final responsibility rested with him. He of course was thinking in terms with the teachers or himself, but not as regards to the Minister. I do not propose to answer a lot of nonsense here, but just pick one or two. On the question of whether the papers were sent open or closed, papers were requested and in fact they were supposed to be closed papers certainly not open papers. The fact that a school happened to have one paper, was very unfortunate, in fact that school had not done those tests in the true sense. What happened was that this particular Headmaster must have got hold of one paper, perhaps a long time ago, and he used it to test some of the children. That is why it had to be withdrawn. But of course they were closed papers.

Another point that brought up the question of the Constitution, whether it was considered correct. I think I already answered him. The answer is that it was correct to do so. He also mentioned why I was in the room when this meeting took place. Sir, he seems to know quite a lot about what happens, or he thinks he knows. I was not in the room. I was being kept fully informed of all the happenings, and the decision in fact was mine. I am very glad that I took this decision. Who is the Honourable Mr. Featherstone to say that this was the wrong decision? I know that there were figures of 2% and 3% and what have you—I wonder if this is a bank rate—but why should I be in the room? There were the nine teachers who were concerned with these exams, there was the Acting Chief Education Officer; and I although I agreed fully with them, I took their advice; heard what they had to say and I agreed. Perhaps it might be of interest to say that the GTA while not committing themselves to anything, because they said they had not been consulted. Again this was rather late as one of them, who spoke for himself, I must admit this, did say that from the facts available he agreed it was the right decision. None of the other members of the GTA present at the meeting rose to say anything against it. So, whether they agreed or not, I do not know, but by indication one would gather that they themselves saw that under the circumstances given, it was the right decision. But perhaps even more important we have in Gibraltar now an Education Adviser

of the Ministry of Overseas Development, Mr. Brown, as Mr. Featherstone has mentioned before. This man is a man of great experience, in fact he was an H.M.I. (Her Majesty's School Inspector), he too was responsible to the Ministry, he too can go around any school, anywhere in the U.K. and they can test teachers, they can do anything they like in fact in schools on educational grounds. So he is a man of great experience. I am glad to say that Mr. Brown has told me that if I wanted to say so that I could say it, and that is that he entirely agrees with the decision that was taken not to postpone the exams any further. Naturally, if we had postponed the exams, and supposing the Headteachers had said we should not postpone them, and the Chief Education Officer has said we should not postpone them, and I had over-ruled them, what would Mr. Featherstone have said? Here you have a man 6 or 7 months in the Department over-ruled what the Headteachers and the Chief Education Officer had said. Who does he think he is?

Now, Sir, I want to end very briefly. I want to give an opportunity to Mr. Featherstone to speak again — it is delightful to hear him. In fact, he said so many clever things that I am tempted to offer him the post of Chief Education Officer. I wonder whether he would care to take it.

Sir, very briefly, on the question of the Chief Education Officer, I would like to say and remind the House again of the position agreed that Sunday, the 21st of December, this is, and, I hope that they do know about it—the Opposition—the Governor's responsibility to appoint the Chief Education Officer. The responsibility of the Minister is to set out the qualifications, say what sort of a man he wants and then it is up to the Governor to make the appointment, and naturally this would be done through the O.D.M. I think you will agree that the O.D.M. are very experienced people in recruiting. A very powerful organisation. They are in fact the people who gave us £4m. They are the people who have now — the British Government as you know have committed themselves to comprehensive. In fact they feel that we can obtain the man we want at this salary. This salary of £2,100 is not all. First of all there is the inducement allowance. Also, of course, there is the restructuring exercise that Mr. Marsh is undertaking. I am sure that this will prove an adequate amount for the standard of Chief Education Officer we require — and I do not know how much Mr. Marsh is going to recommend — surely this could be nearer £3,000 than anything else. Now, for that figure, there could be many reasons why a man of the calibre we want will be willing to come to Gibraltar. It is not for me to say that unless we pay £3,500 we will not get a good one — in fact we could get a very bad one. As a matter of fact, it is also true that for this salary of nearly £3,000 we could get a very good one. In any case I am very pleased to say that we are expecting very soon

HON. P. J. ISOLA:

I am impressed by the responsible, and reasoned way in which the Minister has put forward for the information and enlightenment of the House and in particular of the Honourable mover of the motion, the policy of his department and what is happening in that department. I contrast that, and I hope the Minister will forgive me for saying this, I contrast that with the rather more eloquent exposition we have had from the Honourable Mr. Featherstone—but an eloquent exposition of nothing. We have heard time and time again from Members of the Opposition that they will oppose and that they will offer constructive criticism. There are been little constructive criticism on the part of the Honourable Mr. Featherstone on the situation that exists with regard to the 11-plus and the appointment of a new Chief Education Officer. Knowing as he must well do, having regard to his long experience in public service, knowing as he must well do the problems and emotions that the 11-plus test generates, and the problems that face any Government, or any responsible body in the appointment of a person to a post at a salary higher than that categorized for that post, he has dealt flippantly with the whole thing. He has just said what the people want to hear. The poor children — the poor suffering children — I do not think his contribution helped to relieve that suffering at all, Sir. He gave vent to the annoyance of the Gibraltar Teachers' Association, thus hoping to capture their support, but said nothing at all, nothing at all, of all the matters on which he has commented in his newspaper with regard to the performance of different people, and indeed with regard to the performance on certain matters by the Association.

Sir, I said in opening I was impressed with what the Minister has said because I think in his own quiet and inimitable fashion, he has told us — given us a picture — of the whole work of his Department. The Department of Education does not consist in running the 11-plus and appearing on television, the running of the Department of Education consists in showing orderly progress in the educational field. And we find a technical scholarship has been awarded this year. This, perhaps he may think is a small matter, but it is an important matter in that establishment — to see that Government is doing something and sending people for further training. We have the opening of two youth clubs — that is an important step forward. The extra money being made available for school holidays this year; the granting of extra funds to youth clubs for holidays during the year; the sixth form excursion into Morocco — this is something completely novel — an excellent idea; an idea to be commended. The continuous planning on the comprehensive education that is needed and has been going on. In this connection, Sir, I must express surprise at the Honourable Mr. Featherstone's questions about Mr. Brown — and indeed in all fairness, I do not know whether the Gibraltar Evening Post

reports correctly, I have heard it said that it does not on occasion — but I was most surprised to hear a member of the Gibraltar Teachers' Association saying at a meeting, or reported to be saying at a meeting, I cannot believe it, saying: Who is Mr. Brown? As if Mr. Brown had suddenly descended on Gibraltar in 1970. Mr. Brown, Sir, for the information of the Members of the House, appeared in Gibraltar for the first time in mid 1968, and was welcomed to Gibraltar on behalf of the Gibraltar Teachers' Association by Mr. Reed who was then President of that Association, on behalf of the Teachers' Association. He is not a new phenomenon, he is somebody who has been coming regularly to Gibraltar and regularly advising the Government, the Chief Education Officer, and indeed a great number of teachers. He has been round all the schools. He has done tremendous sterling work for education in Gibraltar. I cannot believe that members of the Teachers' Association were asking five days ago or two weeks ago: Who is Mr. Brown? I cannot believe that ignorance exists. It just does not; it just cannot be true.

Sir, the Honourable Mr. Featherstone attacked the decision on this question of the 11-plus; he said it went contrary to the motion that was passed on July 21st 1964 in the predecessor to this House, the Legislative Council, on my motion; and he read just one particular part of the motion. I will not read the whole, I do not think it is necessary. He did not mention incidentally, Sir, that the only people who voted against the motion were the members of the AACR in the Legislative Council at that time. The Honourable and Learned the Leader of the Opposition and the Honourable Mr. Serfaty, and I shall have something to say about that. There in that motion, we said: "desiring that the education in the Infant and Junior Schools should be placed on broader basis and freed from the pressures placed on it by the present requirements of the 11-plus selection test." We found at that time, rightly or wrongly in 1964, that because we had three test papers in the 11-plus test, the whole examination, the whole school curriculum in the primary schools, was geared to this 11-plus test, and they did nothing else. We thought that was bad, that was wrong, that was not the real purpose of primary education. This is why we did away with the English and Arithmetic tests. It was on educational grounds, it was not felt that it was necessary to have these tests, and by reducing the test to a verbal reasoning test we thought we would take off the pressures of the 11-plus in the primary schools and enable the primary schools to have a broader basis of education than they were having up till then. This was sound educational policy. Whether this has in fact worked, whether this has turned out to be the case since then, I would not like to say; I would say that it certainly did help, it certainly did achieve the trick. But that did not mean that the English and Arithmetic tests were not considered good tests, they were, and they are good selective tests. I think that to say that the policy on the 11-plus has been changed because of what happened this year, is abso-

lute nonsense. A close analysis of what happened shows that to be so. But what I would like to say, Sir, since this particular motion was raised, that the reason why the AACR members voted against it, the reason why they voted against it was because there was an election pending and they felt that the decision should be left to the next Government. The Honourable and Learned Leader of the Opposition, in the course of his speech, mentioned the existence then of a nebulous coalition; he said "when this present nebulous coalition terminates with the elections, then let a proper Government and Opposition decide this issue." In those elections they promised the electorate they would do away with the 11-plus in April 1965. This political gimmickry over education was on then, it is no new factor in the Opposition policies on education. It was then used politically to win an election in the same way it is now being used politically to try and discredit the Minister of Education and his work in his Department. They promised the electorate they would do away with the 11-plus, but then, as things would have it, fate was bitter with them and they did not get a majority in the new Legislative Council. So they had to form another coalition—this time with Sir Peter Russo. And, Sir, at what price was that coalition formed? This is the important thing — at what price the educational policies of Mrs. Chiappe were put in cold storage? The promise to do away with the 11-plus in April 1965 was shelved and instead the usual thing was done; to have a commission on education. That was the interest the Opposition had in Education then, and that, I submit to the House, is the interest that they have today judging from what the Honourable Mr. Featherstone has said in support of his motion. I would like, Sir, the House to consider seriously the situation that was created when this happened. I was not, incidentally, for the information of the Honourable Mr. Featherstone, in Gibraltar at the time. But let us consider the situation that occurred. There was a mess-up about the 11-plus test papers. It is no fault of the Department, no fault of the Minister — no-one is seriously, I hope, suggesting this. They just did not come, or the wrong ones came or they went to Malta; and there were children who had just done a verbal reasoning test and had to be tested again in accordance with the policy of making it a reasonable test of ability. What was a Minister to do in those circumstances? A decision had to be taken, and he took the best professional advice available to the Minister. You may think it is good, you may think it is bad; but it was the best professional advice available to him. And that was the Chief Education Officer (Acting) and the Headteachers of the schools concerned. The Honourable Mr. Featherstone tried to put in a suggestion there of pressurizing of Headteachers. This shows how little the Honourable Mr. Featherstone knows about education and about teachers. To suggest that Headteachers can be pressurized is to show an abismal ignorance of our teachers in Gibraltar, or alternatively to show a certain amount of wilful malice to the Minister. This was a decision

made and it was a perfectly commonsense decision. Of course I can understand the children being upset by it. Of course I can. Anybody would be upset by suddenly having put before him a test of which he or she had no previous notice. But, incidentally, the architects of the original 11-plus test did conceive the 11-plus test exactly in those terms: that there should be little or no preparation for them. English and Arithmetic, I would have thought, should have and would have had, extensive tuition in the primary schools. I do not think there was anything that would do harm to the children in this. In any event they were all faced with the same problem. Nobody was at a disadvantage. The Minister's statement just now as to how the papers would be marked ensures that there will be no disadvantage. The parents in Gibraltar, and this is what I think should be the message that goes out of this House tonight, the parents of Gibraltar can be assured that no children would be penalised as a result of what has happened. We have the Honourable Minister's assurance that a child who has achieved grammar school standard in the verbal reasoning test will obtain a place in the grammar school. We also have an assurance that a child who does well in all three will equally go there; and I know how conscientious the Department is in looking at the marks in the 11-plus test, and how careful they always are, and they always have been, to be fair to the children in whose charge they have been put. What is all this fuss about? What is this suggestion that the Honourable Mr. Featherstone makes, the constructive suggestion apparently of saying: let all those who pass — I knew he would make it, it was in the Gibraltar Post prior to this meeting this evening — let all those who pass go into the Grammar School, and let all those who fail have another test. Does the Honourable Mr. Featherstone know anything about the 11-plus? I very much doubt it. Does he not know that there is no such thing as passing or failing in the 11-plus test. It is a selective test in which you cream off the best 25 per cent of children and you put them in the Grammar School. You cream off the best 58 or 60 or 56 of each sex and you put them in their respective Grammar Schools; and they are the people whom we say have passed. Experience shows that the Department is generous when it creams off 25%. In actual fact I would say that the number of children of real Grammar School standard in Gibraltar, in any one sex, is about 45 in one year. So that nobody need have any worries that their children have been at a disadvantage or their children have not been treated properly. It is an impossibility, and the Honourable Mr. Featherstone should have realised this, it is an impossibility to say: those who pass will pass and then we will test those who fail again. Where are you going to put them? Shall we build another Grammar School to put them in? I mean the whole thing, Mr. Speaker, is ridiculous, and shows, in my view, an appalling ignorance by the shadow Minister of Education of the 11-plus and of his duties. Instead of spending his time working out absurd mathematical problems and counting — I mean this is an extraordinary mind that Mr. Featherstone has,

Mr. Speaker, of having taken the trouble to count every single word that has been said by Government Ministers in this House. I really do think he might benefit from a little talk in the Department with the Officials and the Minister as to what the 11-plus is about, instead of indulging in these mathematical absurdities.

Sir, I would now like to move to the question of the Chief Education Officer, and the appointment of him. Of course we want a competent Chief Education Officer. We also want a competent Director of Tourism and a competent Director of Labour, and a good Director of Works. Of course we do — we all want that. But is Mr. Devincenzi, the Minister going to select that person? Are the GTA going to select them? Is the Chief Minister going to select them? Is that the Government we want? Is that the independence in the Civil Service that we seek? This is nonsense again, Sir. The appointment of the Chief Education Officer is a matter for the Governor under the Constitution to which the AACR and everybody here, except the Honourable Major Gache, subscribed to. The Constitution says the Chief Education Officer shall be appointed by the Governor in consultation with the Chief Minister. That is the position and nobody can change it. I do not think anybody wants to change it. What the Minister has said, and has said quite rightly, we have asked that a Chief Education Officer be appointed with the ability and the qualifications to run a Department — the administration of a Department — and to also have the educational qualifications to cover the Department in the important transition period from the selective system of education into the comprehensive system of education. But listening to Members opposite and listening and reading what I have read in the press, one would think that no work has been done on this at all. A tremendous amount of work has been done on the transition period from the selective system to the comprehensive system of education. There is no question about it at all. Of course we want somebody to put this into effect; but what guarantee has the Gibraltar Teachers' Association, what guarantee has the Honourable Mr. Featherstone, that if you offer a salary of £3,500 you will get such a man? Or if you offer a salary of £5,000 you will get such a man? The Honourable Mr. Featherstone gave us the position of a Headmaster of a comprehensive school in England. I presume he is referring to one of the larger schools, that he gets a salary of £3,500 a year. What the position is after the deduction of tax is something which I would have thought, with his mathematical wisdom, he would have given us the advantage of hearing. Because that is, surely, the important factor to an applicant for Chief Education Officer; and that is, what is the net salary he is going to get at the end of the year. The Honourable Mr. Featherstone is aware, and all members of this House must surely be aware, of the restructuring of salaries that Mr. Marsh is at the moment engaged in. It would be idle to suppose that Mr. Marsh when considering the salaries of Heads of Departments

in Gibraltar Government positions, did not take into account the need and the desirability of having highly paid posts within the Government. Surely it is within that structure that we must seek, in the first instance, to obtain a new Chief Education Officer. I mean it is all very well for the Honourable Mr. Featherstone to say: offer £3,500 or £4,000 to a particular Head of a Department because he feels that is the only way to get one who can do the job right. Is this principle going to be applied to all Government posts? To my mind education is perhaps the most important department in any Government. Others have different views; but I cannot doubt the Director of Works is also an extremely important person in the Government. I cannot deny that the Financial Secretary is an extremely important person in the Government of Gibraltar. Do we just look around and say Education will receive £3,500; the Financial Secretary keeping the £2,600, and Labour will get £4,000 because the Honourable Mr. Xiberras is a man of great influence in the Government? Is that the way you are going to pay people for posts? Surely, you must make an attempt to obtain the services of a Chief Education Officer within the ambit of present salaries, within the ambit of the inducement allowance and within the ambit of the restructuring of salaries for Heads of Departments that is being undertaken at the moment by Mr. Marsh. What is the point of Mr. Marsh saying for instance: the Head of the Education Department should receive £2,600 in June, when you have already appointed somebody at £3,500. Is there any sense in this? This is surely the issue which responsible members in the House must face. This is surely the issue. The responsibility in this House is to vote the monies that are required for a proper Head of a Department in every Department of the Government. But not to decide themselves what is the money that should be offered, or what is the money that should not be offered. Therefore, I think that the stand of the Minister on the appointment of a Chief Education Officer is a perfectly proper and correct one. He has set out his requirements and then it is up to the Ministry of Overseas Development or to the Public Service Commission, to make their recommendations to the Governor; and when they have been made, it is the duty of the Governor, in consultation with the Chief Minister, surely, to decide whether the conditions put forward by the Minister of Education had been met and complied with. That, I think, is the proper procedure; we must not be panicked into any other procedure. It is a matter, Mr. Speaker, to me, of some regret, of some sadness, that the Gibraltar Teachers' Association should have misinterpreted the wish of the Minister and the wish of the Government to have a properly qualified man as Chief Education Officer. And it is a matter of sadness and regret, I think, for all of us who are interested in Education, that they should have decided to boycott the Seminar on comprehensive education which would surely have helped them to achieve what they want to achieve in Gibraltar, which is a comprehensive system of education. And it is a matter of regret as well what I read, — and I read in the Post — I do not know whether it is correct or

not, and that is this policy or non-cooperation with the Acting Chief Education Officer of the Department. This is Bedlam. This is chaos. This is Clive Jenkins at his worst. By all means let the Gibraltar Teachers' Association express their views forcibly; by all means let them quarrel with the Minister; and I hope the Minister will listen to them as often as it is required and will consult them on matters of general policy. This is a sensible thing for him to do and I am sure he will do. But it must never be forgotten that the government of the Department of Education is vested in the Chief Education Officer who is responsible to the Minister, who is in turn responsible to this House who is in turn responsible to the people of Gibraltar and nobody else. And that principle none of us in this House can allow to be in any way interfered with by anybody or by any union, however strong it may be. The Government of Gibraltar is vested in the elected representatives of the people of Gibraltar and in nobody else. I do hope that the Gibraltar Teachers' Association while fighting strongly for their rights, while continuing to pressurise public opinion to what they think is right and educationally sound, will nevertheless remember that the Chief Education Officer has responsibilities; and it is up to them to co-operate with him and to accept his directives where the administration of his department is concerned. Sir, having said all this you are no doubt aware that I cannot possibly show any approbation for what the Honourable Mr. Featherstone has said; said, I think, lightly, flippantly and without the sense of responsibility we would have expected from a shadow Minister of Education. As I said before, I have been, and I am sure all Honourable Members of the House have been, extremely impressed with the quiet and dignified manner in which the Honourable Mr. Devincenzi has dealt with the accusations leveled against him and has put forward what is happening in his department today. Therefore I would like to suggest to the House, some slight amendment to the motion — it is of course of some substance I need hardly say — and that is, Sir, I propose that the motion be amended by the deletion of the word “deplores” in the first line thereof and by the substitution therefor of the word “approves”. By the deletion of the word “censures” in the third line thereof and the substitution therefor of the word “commends”. Mr. Speaker, and Honourable Members of the House, you will have heard, you will no doubt appreciate my reasons for suggesting these amendments, and I do hope that the House will approve them. I do hope that the Honourable Mr. Featherstone will feel that the points he wished to make have been made and that it is his duty, having regard to what has been said by the Minister, it is his duty now, having heard the defence, it is his duty to vote with the motion as amended. I accordingly move, Sir, in the terms of the amendment — I have made a little copy and I will let the mover have one. I am sure he would like to read it, Mr. Speaker, and the Minister. I thank you, Sir.

Mr. Speaker the invited discussion on the amendment to the motion.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I do not want to deal with that because it is just a way of traversing the whole motion, and this is really a gimmick, and will not carry any weight. I am not going to deal with the merits of this because they have been adequately dealt with by the mover. But I do want to deal with one or two matters which have been raised in which reference has been made to me and to the previous Government. In the first place Mr. Isola speaks about the fact that the AACR have no interest in Education. I wonder how he was able to bear with us since July '65 until the last day before the General Election and for a great part of that time as Minister for Education. What is it? Either he did not . . .

HON. P. J. ISOLA:

Because you agreed with all my proposals.

HON. SIR JOSHUA HASSAN:

Exactly. That is what I was going to say, I know. If we agreed with his proposals, because that was his responsibility, then we had an interest in Education. If we had not had an interest in Education we would not have given him, as we gave him deliberately time and time again, all the help that the Minister of Education, for all we know, may be receiving from his colleagues now. The only difference of course is that now he is on that side of the House and we are on this side. He is still there. On the question of the motion that was referred and the reason why we did not vote in favour of it, I think the Hansard is quite clear, if I may be allowed. I would like to remind members that in July '64 we did not have a ministerial system, we had a membership system in which all people were Government and Opposition. That is why I called it the nebulous coalition, because we were all together and we were all apart. This was the system that was dying and we knew the Landsdowne Constitution was giving ministerial responsibility and Government and Opposition. This meeting in July — the elections had already been fixed for the 10th September — was called at the instance of the Honourable Mr. Isola, and this is part of what I said at the time: "the crux of this debate is that this House is dying, and that the people who have to judge the future of Education are not members of this House, but the electorate. The Honourable Member for Education can confirm that I have scarcely ever touched upon his domain of Education, or interfered with the manner in which he carried out his duties. I and the members of my party have been loyal to this nebulous coalition which is now dying. And the difficulties explained by the Honourable Member for Education could almost be interpreted as a funeral oration for the nebulous coalition. When

a Government of four elected members is divided two against two, it shows, whatever the decisions of this House may be today, that the system is fast dying. It is because the system is fast dying that we have said all along that this is not the time to bring about any changes in the educational system for the simple reason that either we or any other person that may form the next Government may have different ideas and may wish to scrap whatever is decided now. Our attitude, and I am encouraged to see that three responsible persons writing in the papers share exactly the same view, is clear. One letter finishes by saying: 'Lastly why the hurry for the motion at the end of the present Council's life and in the throes of an impending election when this education problem may well be a major issue.' Another letter finishes: 'After five years in office it seems to me that all this haste to rush the thing through is unseemly. A very controversial matter could well have been reserved as an election issue'. A further letter says: 'Though I do not necessarily condemn the proposals put forward by Mr. Isola and the Board of Education, I believe that they are honestly made as a result of earnest study and they deserve consideration, but I do agree that such a controversial and important matter should not be suddenly rushed through in the last rose of the present Council's life'. It is a very long letter and I need not bother—it is just to clear the position. What we felt was that this was very important and this is why we did not vote on that motion. But in fact it stated quite clearly that he had asked for a meeting and I had readily agreed — even though it was in summer and we were going to the elections — because he wanted to get this through. Now, whatever may be said by the Honourable Minister against the last system, or anything in contrast, is as much a reflection on the Honourable Backbencher on that side as it is on those colleagues of his who were in the Government. He was responsible for education for a certain time; he was given free latitude and almost every help that was required. That was what we considered to be teamwork. It is no use now trying to say that all the others were bad, and I was the only good one. Well, if you were the only good one why did you remain among the bandits for so long?

HON. J. CARUANA:

Mr. Speaker, I welcome this amendment by the Honourable and Learned Mr. Isola because the spirit is in such great contrast to the spirit expostulated so eloquently by the Honourable Mr. Featherstone who aims in typical fashion at sensationalism, and plays to the gallery. In his own inimitable way he blows a trumpet of gloom, of despondency and of despair. This is demonstrated not only in this House, but elsewhere. The new amendment passes from this air of animosity and trying to create the division between certain sectors and others, goes from the constructive to the positive, and not to the destructive. I think that it is about time that someone mentioned something, and that it should not be forgotten, and a form of apology to come

out of this House to Mr. Brown and Mr. Pearce for the inconvenience, in fact one would say in this House a disgraceful inconvenience, caused to them by the decision taken to boycott the Seminar on the comprehensive system. I, personally, and I am sure my colleagues, apologise for this inconvenience to these two people and to all the people who worked so hard to organise a very difficult Seminar for the benefit of teachers, parents and children who would have been instructed at great expense and time and effort, in instructing the people of Gibraltar in fact what comprehensive system is and how it works. I think, Mr. Speaker, that everything, or more or less everything, that has to be said of substance has already been said. I thank you.

HON. M. XIBERRAS:

Mr. Speaker, Sir, I feel very much like the Honourable Minister for Medical Services in rising. A great deal has been said on this side of the House and a great deal which is sensible and right. I cannot hide that I find the demeanour of the Honourable Member opposite, mover of the motion, very irritating. I think he has been most unfair. Even accepting the give and take of parliamentary debate, most unfair about the terms and the language in which he has attacked my Honourable Colleague, the Minister for Education. May I say that whether I was a teacher or not, and the Honourable Mr. Featherstone often refers to this fact, I do not know what he is intending to prove by it, that now as a Minister, I am proud to serve with the Minister for Education and I think he has given ample evidence not of being a coward, far from it. He has stood up, perhaps with less verbal dexterity than the Honourable Member opposite, but certainly with a good deal more manliness, a good deal more guts. (Hear, hear).

Now, I think there is one point of substance in the Honourable Member opposite's speech. And that is the appointment of the Chief Education Officer to which I must turn. But I must decry this attempt to convert, not just a little failing of the Minister, which it is not, but an administrative accident, into something the substance of a vote of censure on the Minister. Mind you that the language he has used proves that the Honourable Member opposite has little sense of proportion in the use of words. It is not the mass of figures that you produce, or the mass of numbers that you produce which make the point, but a little bit of heart which I have not seen in the Honourable Member's speech at all. I think he thought it was his day. He would make the speech of his life, he would attack this Minister and he has seized on this administrative accident to further befuddle and confuse the parents, precisely what quite reasonably the Minister for Education was trying to avoid. I think that this, the 11-plus fiasco, as the Honourable Member opposite with his elegant choice of words has called it, was no more than an administrative accident; that it raised certain problems with

political implications, and I think that the Minister for Education dealt with this problem wisely. And the first point which proves this, and which I will put forward, is the relationship between the Minister and the Civil Servants. The Honourable Member opposite has tried to brow-beat the House, push all sorts of little things and make them big. I am sure that he would give his whole-hearted attention in the Ministry of Education, if he ever gets there, to the little things of his Department, rather than look at the big things. What has happened today is that this side of the House has put forward the big things confronting Education: when are we going to go comprehensive? I do not accept the excuses of the Honourable and Learned Leader of the Opposition trying to justify why comprehensive was dropped from the political programme of the last Government.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, with greatest respect, I never mentioned one word of that.

HON. M. XIBERRAS:

I am sorry, it must have been my Honourable and Learned Friend. Perhaps it was the confusion between Honourable and Learned. But certainly the truth of the matter is there. It is indisputably there. It was made quite clear that as a result of the pact with Sir Peter Russo the comprehensive system was dropped. And also it is a fact that there was some dispute between my Honourable and Learned Friend and on the other side by the Honourable and Learned Leader of the Opposition, as to which should have priority: housing or education. I have seen a statement to this effect, and I am sure it would have been unnecessary to make this statement had there not been some dispute about it, that education would have priority over housing. Was this a political victory of my Honourable and Learned Member here? I prefer the first solution, which is the one which this side of the House now has. As my Honourable Friend the Minister for Education has said, we have persuaded the British Government to give us money for both, and we hope we can build this. And we are doing something about this. There was a time, mind you, when it was said: 'We will never go comprehensive because it will cost too much money'. There was a time when this was said. My attitude, naive as it might have been in those days, was: you ask money for this and for that and you may not get it, but you ask money for a comprehensive school and you will get it. I am glad to say that this argument went down very well with the Minister in O.D.M. in the U.K. Whilst I am on the subject of a visit to England may I say that as early as that the Minister for Education charged me with putting across specially the need for a Chief Education Officer; and I made the point very strongly in O.D.M. and in F.C.O. May I say that in the past it has taken longer to make appointments, and this I can say from my experience in the Teachers' Association. This has been a constant source of complaint. I can even remember a time when

I visited the Secretariat as a member of the GTA and was told that one could not look a gift horse in the mouth. Now, this attitude this Government has certainly not accepted. The requirements for the C.E.O. have been put across clearly. All that needs to be done at this end has been done. I agree both with Teachers' Association and with the Committee of 10 that has been formed, that we should have a gap of so many months without a Chief Education Officer, at this stage. But this is no fault of the Government at all. The Government was well aware, the Government and members in the Government, were well aware long before time, long before the last Chief Education Officer was due to resign, that this would become an issue and representations started very quickly. May I say also that the GTA was not all that clear on what it wanted. I think the principles of "Gibraltarianisation," and the principles of a high salary, was for some time unresolved as far as the Union were concerned. Now, I say that they have a point,—they have a general point to make. But this is not mishandling at all by my Honourable Friend the Minister for Education. And not one iota of what the Honourable Mr. Featherstone has said has proved otherwise.

My turn to be a little bit flippant now. I am not usually flippant. Flippant to begin with anyway. If the Honourable Mr. Featherstone has counted all the words that were said . . .

HON. M. K. FEATHERSTONE:

Is that not a different thing?

HON. M. XIBERRAS:

No. If the Honourable Mr. Featherstone was assiduous enough to count up all the words said by this Government and from that, with his mathematical brain, deducted what the efficiency of the Minister was, I wonder how his theory would come up if he counted the words spoken by the last Government seen by all at the last election and what comment he would make of a certain Minister in the last Government, much respected highly voted. What would he say about that? Now, I am not going to be absurd. What is more the Hon. Mr. Featherstone has a manner of twisting things, statistics. Statistics were recommended by Beeching—he can have his dig at me, if he likes—he knows there were no statistics at all in the Labour Department. He knows that it is absolutely necessary to have those statistics there, and he can use statistics to all purposes. A malicious purpose is I think the worst of the lot. So whatever the lexicography of the Honourable Member opposite, whatever his use of words, let us look at the facts. Let us look at what he actually said to censure the Minister for Education.

The Teachers' Association also has been wrong in this matter—has provided a certain kind of ammunition which the Honourable Member has twisted to his own purpose. I disagree entirely with the decision to cancel the Seminar. I am not afraid to say this. When I was in the Union we were fighting

for consultation. But consultation has its limits. One cannot impinge on the P.S.C. I went in my time and fought for a high-calibred man for Education. Fought for five years but I did not say anything at all about the chap who occupied the post before, who has just left. I said absolutely nothing about that. I did not try to impose the selection on the Public Service Commission. The GTA in this matter is perfectly justified in pushing for a good appointment. Of course, but it has no right to make that appointment itself. That is the matter for the Public Service Commission.

May I go back to the 11 plus. Was it right, or was it not right in such a technical matter as Education, was it right or not right what the Minister did? Should he have taken the decision himself on political grounds or should he have listened to what the advisors had to say. I remember one competent gentleman expressing the view that perhaps there was too much political influence at one time in the Department of Education for the good of people, of the children, rather. In this particular issue I think that the Minister for Education acted with complete propriety and complete good sense. Whether he went on television one day before or one day afterwards is not such a major thing. In fact, I think the acting Chief Education Officer is much more conversant with the ins and outs of the 11 plus—I am twisting the Honourable Mr. Featherstone's argument about my being a teacher—the Acting Chief Education Officer is much more able to express the ins and outs of this complicated thing, which the 11 plus is, than, with respect, my Honourable Friend. That point was reassuring, a certain kind of reassurance to the parents, that their children would not be unfairly treated. I am sure the Honourable Mr. Featherstone with his prepared speech, would have made that speech closely after my Honourable Friend went on television, and the matter might very well have become a political matter rather than a technical matter. And it was perfectly right that the Acting Chief Education Officer should appear and explain the position. He did not justify the position on political grounds. He simply tried to explain it to the parents which was followed by a letter—again it takes nothing at all to sign a letter—which was signed by the Acting Chief Education Officer, because this was a technical matter and this should not have been a political matter at all, either then nor should it be now. Where is the responsibility of the Minister for Education for something that happened well away from here? But then again, the Honourable Member opposite has even tried to censure the Minister for the Post Office. Again some flippancy on the other side. You are attacking everybody.

HON. M. K. FEATHERSTONE:

Not at all.

HON. M. XIBERRAS:

If, then, the Honourable mover had come forward with something about the delay—regretting that delay—or even cen-

sureing the Minister for Education for the delay in the appointment of a Chief Education Officer, this would have been a good thing, but to make the whole basis of his speech, I repeat, an administrative accident which happened miles away from here, I am sure others have happened—this is not worthy of the Honourable Mover's motives at all.

I will finish up now by saying again what I have said before and that is that as far as my own department is concerned, the Minister for Education has given nothing but support for the idea that there is some connection between what we hope to do in labour and how much of that can be done through education. The comprehensive school, the Industrial Training Ordinance, the nurseries—all these things do help my own department do help the predicaments of Gibraltar. But he has accepted this does not mean in the rather nasty way it was put across, that I run the Minister for Education. The Minister for Education is his own boss. While we think alike and if my problem now has a particular importance, and if Ministers support what I put forward, that does not mean to say by any means that I run the Government. It simply means that even before Beeching was here we had a comprehensive policy in I.W.B.P. which linked up all these aspects, and that we came into Government with a well crystalized policy, and that we have not quarrelled over things. I am sure that if there are quarrels to come they will come. If the Minister for Education disagrees with something which I have to say, we will quarrel. But I will not seek to have my own way all the time. So far the Minister for Education has been nothing but help, and I think finally that the manner the tone,—it is a pity this will not be conveyed in the newspapers—the tone in which he has spoken tonight is admirable and makes the use of such adjectives as 'cowardly' a complete nonsense. (Tapping on table).

HON. CHIEF MINISTER:

Mr. Speaker, I am glad to say that the Honourable Mr. Featherstone, referring to me today, said that the Minister for Education was a tool of a hawk. I would have resented if he had said that he was under the influence of a dove. For that, I thank you very much.

HON. M. K. FEATHERSTONE:

Sir, on a point of clarification. I never said that the Minister was a tool of the Honourable Chief Minister being a hawk, perhaps he is a dove, perhaps the hawks are others in the group.

HON. CHIEF MINISTER:

Well, I think that the Minister for Education will assure him

that if he is under anybody's authority in Government he is under me, and of that I have no doubt. So I do think that he could have been referring to anybody else. Anyway, be that as it may, we here are not a Government of statistics or words, we are a Government of statistics of deeds. This is what counts at the end of the four years. I think the deeds are already being done—the good deeds. The Minister for Education today has not just given figures or words, he has produced results. Holidays for children to England; a nursery; more time on television; more youth clubs. Those are deeds: what has that got to do with words? Summing up thousands and thousands of words. What little game is he playing at night? Just wonder, would a man of that nature pass the 11 plus or be sent to some other institution? I have appointed the Honourable Mr. Devincenzi as Minister for Education because I know of his sincere dedication to children. His greatest policy is that he loves children, and this is, I think, the first necessary essence of a good Education Minister. Of that I have no doubt. And I defy anybody to say the opposite. I also say and I defy this too; to find another Education Minister who has done so much in such a short time, under so many great difficulties. Furthermore, I would like to find out if there has been a Minister who has been able to come here and say: this Government is now committed to comprehensive education. This Government are not just offering pie in the sky in saying so, having had the commitment of Her Majesty's Government. One thing that is very important, is to build those schools. I can announce here tonight that the consultants have already been that we have not done it at the expense of housing. Now, I say, appointed, and that we will be in a position to make an announcement next week. These are not empty words. I can also say taking all this into account is it fair that this motion of censure against the Minister should have been introduced into this House today. Is it fair that the Honourable Mr. Featherstone should have done all this, without finding out the facts first? Would it not have been better if instead of counting words he should have come along and asked the question to the Minister first or, as the Minister said so rightly here before, put the question to him last week or even today, before he introduced the motion. Therefore, I can only say that his attitude here tonight is irresponsible, and it really would not matter at all if the fact that he has produced this motion was not creating doubt and anxiety on many young children who have had to go to that 11 plus; and, in fact, the very reason why the test had to be taken under those circumstances at that time, was to prevent that anxiety, which we are all so keen to do away with once and for all, and which we hope this year has been the last one. If this had been brought about through any mishandling on the Minister's side perhaps he would have been entitled to be that cruel. Because sometimes you can be cruel to be kind; but this time, I am sorry to say, that he has not even been cruel to be kind. This happened through an accident over which the Minister had no control whatsoever, in fact, the Honourable Mr. Featherstone admits it. It was something that went wrong at the Post Office, not in Gibraltar, not even in Gibraltar, away from Gibraltar. This was an

accident that just could not be avoided as far as the Minister was concerned. He had to act on advice. The advice was the best expert advice available in Gibraltar; it was also connected with the Headteachers concerned on this matter who, I think, are in the best position to judge and tell. Taking all this into consideration, and seeing that this was absolutely unanimous, not even one dissenting voice of people who knew, obviously he had no option. Even if he had thought differently but I know he did not, but to accept the advice and accept responsibility for it. I therefore think that it is very regrettable that the Honourable Mr. Featherstone should have acted in this manner.

HON. M. K. FEATHERSTONE:

Sir, we have had an awful lot of speeches tonight. We have had the responsible and reasoned way of the Honourable Mr. Devincenzi, and the Honourable Mr. Xiberras, rather vigorous. We have had the Honourable Chief Minister, also rather vigorous. I feel, Sir, that this side of the House should be given cotton-wool at times when these gentlemen raise their voices to all this extent.

Of course, the Honourable Mr. Devincenzi said I was telling lies in the House—this of course was not heard by the Honourable Mr. Xiberras. Now, Sir, there has been so much said that one hardly knows where to begin. But supposing we begin with this question that has been bandied around of comprehensive education—going comprehensive. May I crave the indulgence to read again, Sir. This is from a very long speech of the Honourable Peter Isola, when he put forward this motion which was passed by five votes to two in this House in July 1964. He said: "I am not saying the comprehensive principle is wrong. I personally do not believe in it, but I am not saying it is wrong." Well, Sir, he got his motion through by five votes to two. The two that voted against were definitely from this side of the House, they did not vote against it purely because they were against the motion as such, but because they wished for the electorate to decide on the question. However, Sir, once it had gone through and when they came back in the next House in a majority, they could easily, if they wished, have thrown out this motion, but they accepted it. Why did they not go comprehensive straight away? It took them about two years to convince the Honourable Mr. Isola that comprehensive was not such a bad idea after all. Of course Mr. Isola is getting more easy to convince as he gets a little older. Perhaps when he was young he was more impetuous. In the last 6 months or in the last 8 months he has come from a right winger to a complete left winger. He has been convinced very, very quickly, Sir. But that is one of the reasons why comprehensive took so long. Now, Sir, let us go to another small point, according to the Honourable Mr. Xiberras, which hardly I should have brought up at all, this question of the Teachers' Association etc. The Honourable Peter Isola says, craving your indulgence, Sir: "I am a great believer in consulting teaching opinion on any changes, because

whether any changes can be made effective will depend principally on the teacher. The teacher is the most important unit in any educational system. We in the Department value very highly the advice given to us by the Teachers' Association." Well, those were the days of the Honourable Peter Isola as Minister of Education. Now what did the Teachers say, Sir? They said, again with your indulgence: "The Committee feels that the post of C.E.O. will never be truly effective unless the post is upgraded. This can only be achieved by offering the appointment to a person of the highest calibre, both as regards qualifications and experience. For this, adequate remuneration must be offered. A salary of £2,100 will never attract such a candidate. The least remuneration the Committee considers appropriate is £3,500." Sir, it was thrown at me that this was my desire to push over £3,500. I am merely reiterating what the Teachers have suggested. This suggestion from a body so highly valued by the Honourable Mr. Isola, but apparently less valued by the Honourable Mr. Devincenzi. Of course, Sir, if we offer £3,500 or £5,000 how do we know we are going to get the right person? We do not, but I can assure you of one thing, Sir, if you offer £1,000 you are not going to get a very good chance, if you offer £2,000 you have a better chance of getting somebody good. If you offer £5,000 then you have a pretty good chance—you may still get a failure, but you will not even get the top people as even applying if you only offer £1,000. So that your chances of getting a top man are removed completely. Is it so new to have these salaries? Surely we have had a gentleman here that came for Tourism and for Town Planning. Would it be so difficult, Sir, to convince the O.D.M. that they should do the same for Education, in this crucial time when we are going into something completely new. Sir, this question of a report that a Teacher said: "Who is this Mr. Brown?" I should not answer for that. I did not say: Who is this Mr. Brown? If the Honourable Peter Isola is worried about this, let him take it up with the Teachers, why should he take it up with me. I must of course thank him for the generous advertising he gives for a certain newspaper with which I have a certain interest. As long as he continues to advertise us we shall be very grateful. Now, Sir, the Honourable Mr. Devincenzi says that I was not constructive at all, that my aims were this, an eagerness for power. Oh no, Sir, he can sit there as long as he wishes in the life of this Government. I want them to ruin themselves—they are well on the way to it. But if they were thrown out tomorrow they would come back and say they did not have a chance. Let them have their chance. Gibraltar will be sick of them by the end of three or four years and then they are finished. But, Sir, unfortunately the Honourable Devincenzi has left the room, he has not answered the questions I asked him. I put specific questions to him and again he has shirked the issue. He just will not answer. We hear of an administrative mistake somewhere. Where—Murray House?

HON. M. XIBERRAS:

Sir, if the Honourable speaker will yield for a moment, I said 'administrative accident', which is even less than a mistake.

And I said specifically, before he poses the next question, that it was away from here.

HON. M. K. FEATHERSTONE:

I was saying what the Honourable Mr. Isola was referring to. But if we take up even the Honourable M. Xiberras: and administrative accident. An accident in Murray House, that Murray House should have sent an open paper instead of a closed one. This is astonishing. That such an important body in Britain, that must know examinations from A to Z, should do a thing like this, I can hardly believe it. We still have no proof of it. We only have the words of certain gentlemen on that side that it was an administrative accident; but we do not know. If one asks the Minister for Education he does not tell us—he leaves the others to rescue him. I also asked, Sir, where did the English and Arithmetic papers come from? Again we get no answer, again no answer. They do not tell us. You see it is easy to come here with all other stories about going comprehensive; we should have done it in two years, we should have done it in five etc. But they do not answer the specific point. The biggest point of all, Sir. Of course he must listen to the advice of his administrative officers. But this was a political matter, Sir. It was political in so far that this House said no more English and Arithmetic. They set that aside. They just pushed that aside—that did not worry them. It was much more interesting to a Headteacher, who I shall assume is not political, to solve this problem, and the House can go to damnation for all they are concerned. And the Minister concurs with this. Surely, Sir, this was a political matter. Surely there was something here passed in this House by a clear majority. They do not listen to that. They do not think of that. It worries them more what are they going to do? Are they going to postpone the exam.? Are they going to hold it? One hears that the voting was unanimous, from that side of the House. I have heard the voting was not unanimous. Not unanimous.

Now, Sir, I don't know if the Honourable Devincenzi heard Mr. Dick Reed on television. But the question was put on television, and of this I am quite certain: What answer are you going to give the parents who have asked for the examination to be declared void? And he replied: "I am thinking about it. I will consult with the Minister and then I will decide and tell them." And this, Sir, I am quite willing to challenge by getting the tapes from the television and having them played back to the Honourable Minister.

Now, Sir, we had, at long last, after all this need for a motion, some information of what is going on in the Education Department. They have done all sorts of things. I congratulate them, Sir, wholeheartedly. But, Sir, what have they done? We have had more so and so, more something else—this is excellent, Sir. But it is more. It was already there in the previous Government. Congratulate them, of course on doing more, but

they did not start it. If you look, Sir, at the estimates: Holidays for school-children—£2,000 was voted in 1969 Estimates. This year—£4,000, an increase. Of course, excellent, Sir. But they put it across as an innovation — that they are the first ones to think it up. This is not true, Sir. This is not fair to the House. If you take the whole of the estimates on education, Sir, the difference between 1969 and 1970 is negligible and attributable mainly to the increase given by Mr. Marsh. If they are therefore following the pattern we have set, why are we going to say they are making a mess of everything? Why are we going to turn round and give new policies when they are following our own. Of course we said little at Education time in the budget, they were doing exactly what we would have done. They improved a little bit on one or two things. Very good, Sir. If they had done something completely different then we might have said no, we disagree with that, or we disagree with the other. But if you look at the figures, everything is identical, Sir. Then why should we oppose something we are completely in favour of, something built on our own pattern. Of course we are not going to say anything about it, it was just accepted. This is excellent. Of course we have given questions on Education, Sir. But we are not going to give a question on Education today on the 11 plus, when we have a substantive motion, to be given some answer that is hardly worthwhile. We want answers to something solid. We do not even get them. A great thing about the domestic science school. It is an improvement. But improvements must come along. You cannot take each and every improvement and hold it up as the guiding star that has suddenly come out and is shining and has never shone before. If one takes over the last 20 years, education has been steadily improving. It should continue to improve. We will support it, we will commend every improvement. The adult classes—I do not know which class the Honourable Mr. Devincenzi wishes me to attend. He might do well to attend some himself, he could learn longer words than four letters. Of course, now we have got the school coming at Laguna. Congratulations, but who planned it? Was this planned two weeks ago, three weeks ago or even six months ago? Or two or three years ago? The last Government set the foundation for the Laguna School. The planning was set in motion then. If it starts to come to fruition now one must not take the full credit for it. I should have thought the responsible gentlemen on that side of the House were willing to give some credit where it is due, but they want to give none, they want everything for themselves. They are responsible. We are irresponsible. Everything we say is wrong, everything they say and do is right. The Honourable Devincenzi mentioned that he is going to have an Ordinance very shortly now to deal with the question of technical education and technical training. But, Sir, he said, back on the 30th October: 'The Government has already prepared draft legislation whereby all employers will be required to provide proper training for all their apprentices.' In October, Sir, this is April, and we are still told this is coming shortly, very soon now; but they already had it ready in October—this is six months back. And now we are promised it shor-

tly. And then of course this side is always wrong. That side is always working like demons. The nursery school—congratulations to them, Sir, an excellent idea. But then, Sir, if you had suggested a nursery school for mothers in Gibraltar who wished to go out to work in the Honourable Mr. Isola's day, they would not have wanted it. Mothers did not want to go out to work then; it was the Spanish situation that made this sudden change. This came to a head in July. So there is nothing really wonderful, really thought provoking in bringing this. And this was already proposed anyway by the Honourable Mr. Isola, at the very end of the last Government, but the Honourable Mr. Devincenzi must get all the credit. There are so many pages, Sir, you must bear with me a little bit.

Now, Sir, we understand that Mr. Brown — I have to jump back just a little bit because there were so many Honourable Ministers speaking, and they kept jumping themselves—we heard that Mr. Brown agrees with the Department's decision on the 11 plus. This is quite correct perhaps, in so far as administration goes, but was Mr. Brown told of the constitutional aspect? Was he told that this was against the ruling in the House? Was he given that? I would ask that at the next meeting we get a statement from Mr. Brown, who is so keen to give statements, saying: "Yes, I was quite willing to say you were right in doing this against the wishes of the House, in breaking the rules of the House of the Constitution."

HON. M. XIBERRAS:

Sir, this was not the rules of the House in the accepted sense, it was, as I understand it, a motion of the House.

HON. M. K. FEATHERSTONE:

That is binding.

HON. M. XIBERRAS:

I cannot see how binding that is. It is something to bear in mind that this House did make this sort of a ruling. Neither was the intention there to plug the House at all. But even if the Minister had acted contrary to that.....

HON. M. K. FEATHERSTONE:

Sir, if the Honourable Peter Isola stands up to propose a motion.....

MR. SPEAKER:

May I interrupt to ask if you are going to be long? Perhaps we could have a short adjournment and then we will return again.

HON. M. K. FEATHERSTONE:

Sir, I think, where we left off, the Honourable Mr. Xiberras was flippantly putting aside the motion that had been passed in

this House by 5 votes to 2. A motion, Sir, which fills very long space in Hansard, Sir, something like 40 odd pages—it is about 20,000 words. Now let us be flippant for a change, Sir. Let us be flippant. Let us just have a little one for the Honourable Peter Isola. Some people enjoy mathematics, Sir. You have got the mathematics of absurdities, as he said. He perhaps knows very little about mathematics; but there are books written on what is called 'squaring the circle' or 'the theory of' a formula for prime numbers' now these are mathematical absurdities. Then you also have the pure mathematical abstractions; you have got Riemann's Geometry, Sir, and Einstein's abstract mathematics; sometimes they have a little use in the world—it is astonishing. You also have, and perhaps this might appeal to the Honourable Mr. Isola, various other things in the theory of numbers and in the theory of probability. You know, you spin a coin and it may be heads or tails—do it a million times and see what happens. There are all sorts of things in mathematics, Sir. Some people enjoy mathematics. I do, why shouldn't I. Who are they to say that I must not? Apparently the Honourable Mr. Xiberras likes to play with statistics. From what I hear if there is anything that any Government member is doing, the Honourable Mr. Xiberras, free and gratis, says: 'Oh, do not worry, I will get you a graph from my statistician.' He enjoys his statistics. Others can do the same, Sir. Yes, statistics are very practical, Honourable Mr. Caruana, you would be surprised how one statistic will prove yes and the next one will prove no—and they are both the same figures. Statistics are rather a myth. You would be surprised when some of your statistics get put to the test, we will see how accurate and how vital your statistics prove to be. Time will tell, there is plenty of time. We are in no hurry.

We have had this question of the tragedy for Mr. Brown etc., that the Seminar has been cancelled. Teachers of course, I suppose, are not even allowed to think. They must just follow along blindly and do what they are told. They are not allowed to have strong feelings. Of course, they could have strong feelings in the past when the Honourable Mr. Xiberras was in the Teachers' Association, and Mr. Dick Reed was in it — they used to be very strong with the Honourable Peter Isola, giving him a rather tough time. But of course now they are on the other side. Now everything's got to be nice and smooth, and Teachers must not really say very much. This Seminar on comprehensive who was going to take it? Men of experience? Surely the Teachers if they want a Seminar want a really top man to start them on the track. We come back to the same question that the Teachers have said time after time, what about a top man for a C.E.O. Now we were told by the Honourable Mr. Devincenzi, we did not vote the money in the Estimates for this £3,500 or what have you. But, Sir, if this person was seconded from the O.D.M. under technical assistance, etc., we would only pay the £2,100, the balance will come from O.D.M. We do not have to vote £3,500 or £20,500, we vote what we are willing to

pay, we go to O.D.M., and we say: "Look here we want a very top man. We think you should get one for £4,500. We are willing to pay £2,100 and will you make up the balance?" They have done it already. We had this in the question of Tourism. If they can do it there, they can do it again. But we do not have to put in our estimates £3,500 or £4,000 or £5,000 or anything. We vote what we can afford to and we ask for technical assistance for the balance. It is a red herring to turn round and bring out that because we did not say £3,500 we did not then want a top man and we have suddenly changed our tune.

Now, Sir, we have had a very Churchillian statement from the Honourable Chief Minister concerning his Minister of Education. No other Minister could have done so much in so little time against so many difficulties. Well, that means that he does not think very much of the rest of his Ministers, surely. This, of course, does not include the Honourable Peter Isola who unfortunately for reasons of his own is precluded from being a Minister. And although I am not a very great supporter of the Honourable Peter Isola, although he is an assiduous reader of a certain newspaper, I think that he would have done a jolly sight more than the Honourable Minister that we have at the moment. And, of course, the reason that he was put for Education is that he loves children. Sir, this is not a reason for being a Minister of Education: that you love children. This is a reason for running a kindergarten or a Sunday-school — not to be a Minister of Education. We have youth leaders — brilliant men. Baden Powell, for example, who started the Boy Scouts. He probably loved youth, they did not make him a Minister of Education on the strength of that. Love of children surely is not the necessary qualification for being a Minister of Education.

HON. CHIEF MINISTER:

I did not say quite that. I said that was one of the most essential essences of a good Minister of Education. Perhaps the Honourable Mr. Featherstone should be more accurate when he is quoting other Ministers who have spoken here tonight.

HON. M. K. FEATHERSTONE:

I have quoted the Honourable Chief Minister on more than one occasion. He does not rememehr what was said. I can tell you that. But when I referred to the Hansard . . .

HON. CHIEF MINISTER:

I remember what I said this time.

HON. M. K. FEATHERSTONE:

But when I have referred to the Hansard afterwards, I have been proved right. In fact if he would like one I can give him one where he has got £4m. plus £2m. plus 750 houses. He got all that. He said that he did not say it, but it is down here that

he did say it. And as an aside they have been in power eight months, their £4m. is shrinking now. It used to be a million a month, now it is only half a million a month.

HON. CHIEF MINISTER:

Mr. Speaker, I suggest he should stick to the point. I am talking about this fact now.

HON. M. K. FEATHERSTONE:

I am not interested, Sir, in what the Honourable Chief Minister wants me to say, I am interested in what I wish to say. I have had to put up with all their harangues, they can put up with mine now, surely, Sir. Let them have a little of this patience — this equanimity which they desire from everybody. This is rather like Alice through the looking-glass, when one talks about all these things of the Minister of Education.

HON. CHIEF MINISTER:

With all due respects, Mr. Speaker, this is not accurate. I said today that the consultants, who will be building the comprehensive schools, have already been appointed and we shall be making a statement next week.

HON. M. K. FEATHERSTONE:

Next week! Why not today, Sir? We were having the stadium started on the 1st February — we were told this in all solemnity . . .

HON. CHIEF MINISTER:

They have been appointed, Mr. Speaker.

HON. M. K. FEATHERSTONE:

The stadium was going to be started — they were going to start work on the stadium on the 1st February; now we are in the middle of April. Everything is going to be done so quickly . . .

MR. SPEAKER:

I would ask the Honourable Member to keep to the question

HON. M. K. FEATHERSTONE:

Yes, Sir. Now, Sir, we had the question from the Honourable Peter Isola, or the position from the Honourable Peter Isola, about how the papers are marked. Well he does not know how they are marked — this is something Murray House apparently knows. But he does say, and he is quite right, that certain numbers are creamed-off, and of course I know nothing about how this is done, he is the expert and I bow to him. But, Sir, I am given to understand that when these

results come through and we come back to this terrible matter of statistics, if you took a very long column, you have 3 or 4 or 5 very brilliant ones up the top, completely clear. Then you get a pretty good bulk, and you get a lot right down the bottom. Well the bottom ones, Sir, regrettably, are not grammar school types. There is no hope for the bottom ones, but the middle bulk, sometimes by one or two marks are separate from each other, on a total number of marks of several hundreds. So you do not just cream-off, and I think the Honourable Peter Isola said that it is rather difficult at times to do this. What about some of those that are just not creamed-off — just below the level they have got to make? The level apparently is the number of spaces they have got in the Grammar School; but of course sometimes they can take 60 into the Grammar School and other times they only take 30. This year, I understand, they are only taking 30. What about the person who is 31st or 32nd? Perhaps, had he had the correct papers, he might have been just that little bit higher. So this creaming-off as such is not quite so simple as it would appear. Obviously, your top ones are the absolute passes — they will pass anyway. These are the brilliant ones; these are the ones that in slang language are known as the “egg-heads.” These are brilliant. There is no doubt about these people. But there are many others who are in the intermediate stage. These are the ones that we have got to worry about. These are the big group that should be given the second chance — if the parents so wish. Take off your very top lot, your 5 or 10 or 12, and let the middle block sit the exam again. Your bottom lot, of course you cannot. But it is no good just saying that there is no pass mark. Of course there is a type of pass mark and the Honourable Mr. Isola knows that very well, it is no good trying to blind us to this issue. But on this question of how papers are marked. Again I said in my speech, this letter that was sent to Murray House, why was it not made public? Again we get no reply from the Honourable Mr. Devincenzi. He does not seem to be interested in the substantive matters. He brings in all the different red herrings about are we giving a bit more to schools for holidays for school-children etc. But we know all that. What we want are things we do not know. But he will not tell us.

Finally, Sir, the Honourable Mr. Isola has given us a gimmick. He has used the gimmick of twisting round an amendment for a double advantage. Not because he really wants to praise the Minister etc., he wants to have the last word. We know that, we are not exactly as dumb as they think. He wants to be the last speaker, so he proposes an amendment, Sir. This gives him the right to be the last one to stand up and speak. We know on this side, and we knew before we put this motion, it was going to fail. They have got a majority over there. We must fail. They all stick together. They are all birds of a feather — they are all in the same mire. They have to help each other out. (Laughter). Of course we get it thrown at us, in the last legislature, that people did not speak very much. Well,

there are some on that side that have not said very much. You cannot always have people that are good speakers. I believe there is one person on that side that does not speak very much, but works very well behind the scenes. But what we do expect is that when something is going on of importance we should have a statement here. And with this critical situation, as this 11-plus was, I would have thought that the Minister would have come here with a prepared statement why this 11-plus situation was as it was. We did not get it. I would have thought that if he had told Headteachers: "This is the last 11-plus", he would have told this House. We did not get it. As I say, Sir, we get nothing.

To assist the Honourable Mr. Isola I would propose an amendment to his amendment. The amendment, Sir, is that the amendment of the Honourable Peter Isola be further amended by placing the words "with regret" after the word "approves", and the word "reluctantly" be placed after the word "commends", in the Honourable Mr. Isola's amendment.

MR. SPEAKER:

I now propose the question which is that the amendment proposed by the Honourable P. J. Isola be further amended by placing the words "with regret" after the word "approves", and the word "reluctantly" after the word "commends".

MR. SPEAKER:

I now put the question in the terms of the amendment proposed by the Honourable Mr. Featherstone.

Before I take a vote on this amendment to the amendment, I have to refer the Assembly to Section 44 of the Gibraltar Constitution Order 1969, which reads as follows: "All questions proposed for decision in the Assembly shall be determined by a majority of the votes of the members present and voting: Provided that the ex-officio members of the Assembly shall not vote on any motion that, in the opinion of the Speaker or other person presiding in the Assembly, is a motion of confidence or of no-confidence in the Council of Ministers or in any individual Minister."

It is my opinion that the amendment to the amendment amounts to a vote of no-confidence on an individual Minister and therefore I rule that the ex-officio members, i.e. the Honourable the Financial and Development Secretary and the Honourable the Attorney-General are precluded from voting on the amendment to the proposed amendment.

The following Honourable Members voted in favour of the amendment to the amendment:

The Hon. I. Abecasis
The Hon. E. J. Alvarez
The M. K. Featherstone
The Hon. Sir Joshua Hassan
The Hon. Lt. Col. J. L. Hoare
The Hon. A. P. Montegriffo
The Hon. A. W. Serfaty

The following Honourable Members voted against:

The Hon. Miss C. Anes
The Hon. J. Caruana
The Hon. L. Devincenzi
The Hon. Major A. J. Gache
The Hon. P. J. Isola
The Hon. W. M. Isola
The Hon. Major R. J. Peliza
The Hon. M. Xiberras

The motion was accordingly defeated.

MR. SPEAKER:

I now have to put . . .

HON. L. DEVINCENZI:

I would like to say something, Sir.

MR. SPEAKER:

On a point of order?

HON. L. DEVINCENZI:

No, Sir. On a point of clarification. In fact there are two points on clarification, Sir.

HON. P. J. ISOLA:

On a point of order, Mr. Speaker, the amendment to the amendment having been defeated, the question now before the House is my amendment, and discussion can now continue on it.

MR. SPEAKER:

Anyone who has spoken to your amendment is precluded from speaking again. Mr. Devincenzi has not spoken therefore he can speak.

HON. L. DEVINCENZI:

Sir, I would like to clear a few things. First of all it is that even if the Hon. Mr. Featherstone did hear correctly, and to quote him: "The Hon. Mr Reed", what he did say on

television obviously was a mistake, this can happen. I am sure it was unintentional. Now, Sir, I did not say that holidays started with this Government, as the Hon. Mr. Featherstone had said; but I did say that we have increased the amounts by about 9 or 10 thousand. Again I did not say they should have voted £3,500 for the Chief Education Officer. I said that they agreed with the £2,100 that were being offered. And on this point I would like to mention that he cannot compare the post of the Chief Education Officer with that of the Director of Tourism, viz a viz O.D.M., in the sense that the Director of Tourism was appointed under technical assistance, and in fact ODM paid the full £4,000. It is not the normal practice of O.D.M. to supplement existing posts in the establishment. Therefore you could not in fact ask ODM for supplementation on an established post. Of course, I am not surprised at his ignorance. He did say something, and he was very right, he said: "Everything we say is wrong", and he is right. Again on the question of the Laguna School he said that the previous Government meant to do this.

HON. M. K. FEATHERSTONE:

Sir, if the Honourable Member will give way, I said that the plans were prepared by the previous Government, two years ago they were thinking of it, Sir . . .

HON. L. DEVINCENZI:

Yes, very true. They were thinking for a very long time.

HON. M. K. FEATHERSTONE:

Thinking and planning and getting ready, Sir. He must quote what I say correctly or not quote it at all Sir.

HON. L. DEVINCENZI:

I would like to suggest to the Hon. Mr. Featherstone that one thing is to plan and one thing is to do the thing. There is a big gap between one and the other. The Stadium, I did say here, after consultation with Major Hartley, that they did think that they would be able to start on the 1st of February. And we accepted that. Everybody knows, and we are very grateful for the help they are giving us. Unfortunately, due to circumstances, they were unable to start in February, and I think again Major Hartley went on television and explained what the position was. Again it was good of him to go — better than a Minister who would appear to be politically interested in the subject — and he explained exactly what was the position. Are we going now to force the Royal Engineers what to do. They have given us now an assurance of when they propose to do it. I think this is satisfactory. It would be very difficult to find the labour for that, however much we want it. Again this is going to be quite a very large saving — even up to £30,000. I think it is worth waiting a little bit, no matter how much I would like

to see it. Personally, for me it would be a very good thing — politically too. Again on the question of the Industrial Training Ordinance, this was in fact ready and we could have brought it for this session, but there were some difficulties and we were advised by a very highly placed gentleman in O.D.M. to make some amendments to it. Naturally we thought he was right and it has been left in abeyance.

HON. M. K. FEATHERSTONE:

It was not ready.

HON. L. DEVINCENZI:

It was ready. On the question of the nurseries once again, as with the Laguna School, it is one thing to plan and talk about it and another thing is to implement it. I would like to say something about the question mentioned by the Honourable Mr. Featherstone about not having brought this question of the 11-plus to the House with an explanation. May I remind him this is the first session after the 11-plus. Of course, he says so much that he really does not know what he is talking about now.

Finally, I would like to clarify something which I said before about the gentleman who I said had proposed the motion on the boycott for the Seminar. It appears now that this gentleman did not propose the motion; there was some discussion and from the floor the suggestion came that it perhaps should be boycotted. This gentleman was asked whether he would raise this motion, which he did, and having done so he was asked to put it forward. He did put it forward, of course, and when somebody mentioned that that was political, he withdrew it. Therefore, I would like to make that point clear, I think it is only fair that this gentleman should know that I have cleared this on his behalf. Thank you very much, Sir.

Excuse me, just one other thing which I think is important for the Hon. Mr. Featherstone. He wanted me, Sir, to clear one thing on the papers, and I will clear it for him. I have here now, the sequence of the events clearly and for his information they are as follows: Closed papers were ordered in December 1969 from Murray House and included two verbal reasoning tests, one non-verbal, one mathematics and one English. We were informed by the Crown Agents that there was only one verbal reasoning test available. When the papers were opened we discovered that the non-verbal reasoning test was in fact for the 7-plus. This is where the Hon. Mr. Featherstone comes in.

HON. M. K. FEATHERSTONE:

Sir, on a point of clarification. I think the Honourable Mr. Isola will know that I taught the sixth form of the grammar school, I think I could pass the 11-plus and even the seven plus. Could the Honourable Mr. Devincenzi?

HON. L. DEVINCENZI:

Sir, then again the Crown Agents informed us that there were no more non-verbal reasoning tests available, when we ordered another lot. Finally, and again for his information, the last lot which came here were not from Murray House, because they were reported to have no more verbal or non-verbal reasoning tests available. This came from NFER. Does he know what it is? I will say it for his information: "The National Foundation on Educational Research". Again they were ordered as closed papers and this was the lot that went to Malta. NFER informed us, in fact we phoned them and they said that they could provide the test in fact which when they were opened at 5.30 on the evening previous to the exams, it was found that a school already had a copy. For his information, it is in fact possible, even for closed papers to be available and to have been used in fact by other authorities. This is the position; and this is factual. Thank you.

MR. SPEAKER:

Mr. Isola, as the mover of the question before the House, do you wish to reply?

HON. P. J. ISOLA:

Very shortly, as I am sure all Honourable Members will now wish to see the debate concluded. But I do not think I can just sit down having said that after the rather lengthy, and if I may say, entertaining address given to the House by the Hon. Mr. Featherstone, who treated us to another set of statistics, including the pages of the debate in July 1964 — the number of pages of Hansard that it covered. I noticed, however, he was careful not to do a break-up in this case, otherwise he would have found himself having to attribute to me something like 90% of everything that was said. I can well understand the Hon. Member's reluctance to do this. I do not think it is necessary really for me to deal in much detail with what the Honourable Mr. Featherstone said. I think three quarters of his address was really a defence of the AACR, as if there was a motion of censure on them and not directed to the amendment which was a motion, an amendment of commendation to the Minister. I know it is necessary for the party opposite to defend its policy on education and, if I may say so. It's history, in education, politically and electorally, is not really a very happy one. If I may go to the debate on the 21st July 1964, and I will not attempt to speak in any detail on it, except to say that the Honourable Mr. Featherstone is an expert at picking things out of context. I find that in his enjoyable newspaper it happens very often. Things are picked out of context, and of course he chooses to pick what suits him. He does not say why it was that I thought that comprehensive education was not on in 1964. If he read my speech carefully he would have seen that it was (a) the lack of qualified teachers, and (b) the lack of buildings. And if he would have read my speech carefully . . .

HON. M. K. FEATHERSTONE:

Sir, on a point of order. I simply read the little bit that said: "I am not saying comprehensive principle is wrong, I am saying I personally do not believe in it." He then went on to say why it could not be put in Gibraltar immediately etc., he said a specific statement and there is no taking out of context, that he did not believe in it.

HON. P. J. ISOLA:

I accept that, of course. I did not at the time believe that in the circumstances of Gibraltar and with the staff available to Gibraltar it was the right thing. In fact, if you read part of my speech the idea of comprehensive education then had not been tried out by the majority of education authorities in the United Kingdom. Now, the AACR never convinced me, if I may say so, because the AACR policies on education had been tailored for election time, and then conveniently shelved. And, if I may say so, and if the Hon. Member will allow me to continue, I will show him this. As I said before, the statement on the 11-plus selection test was a reasoned one made by me and it drew on authority from all sorts of sources. I am not going to justify that now. The point I want to get is that this policy was put forward in the House after consultation, it is true, with the Board of Education, the Teachers' Association, the professional Heads of the Department and a lot of other people. And it was put forward at that time because the consultations had only finished something like April that year, and in the Gibraltar Government, in the Council of Members, in the Executive Branch of the Government, there had been a deadlock. Because there was a deadlock on it, it was necessary to go on a motion to the House to see whether the majority support favoured one side or the other. But, the decision for the alterations to the proposals, or for the alteration to the 11-plus test, the decision inevitably was and had to be an executive one; in fact the decision was that of a Minister, and that is the constitutional position. In fact I said in my speech in reply to the Hon. and Learned Sir Joshua Hassan at that time, I said that a new Minister could change it if he wished after the Elections. This was the opinion of the present people concerned with Education. So for the Hon. Mr. Featherstone to accuse the Minister of Education of having been in breach of it, and having breached the constitutional usage of the House, is so much sheer nonsense. It is within the province of the Minister, it is not necessary to come to the House, otherwise we would have to have a meeting, I should imagine, every week to confirm the decisions taken by Council of Ministers and Gibraltar Council, in the House. It is absolute nonsense to say that, and I am sure the Honourable Members opposite must realise that. The responsibility for policy in a department, the executive responsibility, lies with the Minister, and it is he who decides policy in his department and not the House of Assembly. Therefore, it was perfectly open for the Minister of Education, provided he felt he had the confidence of his fellow

Ministers and of a majority of them, or provided he felt he had the confidence of a majority of his Ministers, if it should be put in issue, it was solely his responsibility to determine what sort of test should be put to the children in the 11-plus selection test. He was not bound by this decision of the House. In fact, I think it was made clear in one of the statements issued from the Department that advice had been taken and the advice of the Attorney-General was that there had been no infringement of the Constitutional principle. And, of course, it is perfectly clear that that is the case. There has not been a change of policy by the Minister. If the 11-plus test has to be held next year again, it will not be the same as this year, it will be in accordance with the normal practice. What happened was that the decision had to be made at that time, and he made it after taking the best professional advice open to him. That is the fact on which we must judge it. In my view having made the decision on the best professional advice available to him, in my view he did the right thing in making that decision, and in fact the decision that he made was perfectly correct in the circumstances as he found them.

On this question of the marking, I know the Honourable Mr. Featherstone has taught in the sixth form and this puts me in great difficulty, because obviously he is a highly qualified man, in mathematics, if I may add. But I do not know whether he has ever seen the 11-plus marks as I have done for about 10 years. I can assure him from my experience of them that the picture that he paints is a totally false and incorrect one. There are not 15 people suddenly finding themselves clear at the top — this is not the case. Nor is there a big number of people, the borderline cases are what I would call, in most cases, the borderline cases, having regard to the numbers that are admitted to the grammar schools, the borderline cases are not really in fact grammar school types at all. I repeat, supposing we were to do what Mr. Featherstone, or the Minister was to do what the Honourable Mr. Featherstone has suggested, and that is put in the ones that have passed, put in the ones that are definitely grammar school standards, and then test the rest again, I think he would find that the Minister would have to put in at least 45 and the other 15 are the rest of the 25% that normally get in. The other 15, if they have in fact attained what we know to be grammar school standard marks, or the normally acceptable mark on average for the grammar school, why should they be tested again? Why should they not go in? And this is the fact — this is what happens. The grammar school entry is a two form entry school so it may be 60, maybe 59 or 58. But, if we apply the Honourable Mr. Featherstone's principles in practice, what will happen is that if you admit 45 and leave 15 out, those 15 that you have left out have in fact attained the marking required or the rating, this happens every year. There is so much confusion I think on the 11-plus test. The failing of the 11-plus, I think, is not acceptable to parents, teachers and

children, and that is why it has to go. But it does its work reasonably well. You see this year after year.

Therefore, to make this suggestion of having a second test is really, in educational terms, as I understand it, as I have found from my experience, so much nonsense, because it is impractical and it is not related to the facts as they exist and as they repeat themselves year after year.

The question of the appointment of the Chief Education Officer, I have not said in the course of my address, I have said in fact, and if the Honourable Mr. Featherstone quoted from my speech in 1964, and I have no reason to change that, I think the advice of the Gibraltar Teachers' Association is invaluable on matters of policy and I have said so in the course of my speech. I am sure the Minister also accepts it. But it does not mean that you have to follow every word that has been given to you, every advice that has been given to you. In the case of the Chief Education Officer, you cannot say we must have him appointed today, we just have not got him. If a child says I must have an apple and there are no apples in town you cannot give it to him, it is as simple as that. The process of selection by the Ministry of Overseas Development takes time. The Hon. Mr. Serfaty, I am sure, will recollect the number of months it took to get a Director of Tourism appointed by the Ministry of Overseas Development. How long did the change-over between Mr. Campbell and Mr. Harrington take? How long did the change-over between Mr. Rowell before and Mr. Campbell take? I think if you look at the history of all these appointments you will find it was some considerable time. In fact, I see here that between Mr. Campbell and Mr. Harrington it was four months and two weeks. And so far we have only gone 3 months and 3 weeks, I am told. So you see

HON. M. K. FEATHERSTONE:

Statistics!

HON. P. J. ISOLA:

You see, statistics. Everybody talks about statistics, but no-one seems to talk about vital statistics—which I am sure are of more abiding interest for most of the Honourable Members in this House. These are facts Gentlemen, so what are we left with, with this motion of censure? What are we left with? All we are left with really is with the fact that everybody agrees that a Chief Education Officer should be appointed, who is worthy of the post. We all agree on that. Everybody must agree that the Gibraltar Government has done everything possible to ensure that such a Chief Education Officer is selected. On the 11 plus it must be clear that the procedure that has been followed in the circumstances was fully justified and educationally sound. So what are we censuring? We cannot censure anything, especially after the Honourable Mr. Featherstone kept saying he congra-

tulated the Government on all their policies in education — in everything except in the 11 plus and the Chief Education Officer. So I think the net results of this debate, the explanations have been given satisfactory by the Minister with regard to the Chief Education Officer and the 11 plus test, the net result is that we all agree on the educational policies being followed by the Government. Whether the party opposite claims credit for it or not is, I think, irrelevant. The fact remains that we all agree that the policies being followed by the Government are the right ones. Therefore the amendment that I have suggested to the motion is one that I am sure should command the support of all the Members of the House. Let us not be niggardly and suggest amendments 'with reluctance' and 'with regret'. Why 'regret'? Regret that you have to approve? Why 'reluctance', once you commend why commend with reluctance? Why not be honest about it? Why not say.....

HON. SIR JOSHUA HASSAN:

Mr. Speaker, that motion has been defeated, and he is speaking to his motion, not even to the vote of censure motion.

HON. P. J. ISOLA:

I am speaking to the amendment, Mr. Speaker. What I am saying is that the amendments that were put by the Honourable Member gave sneaking agreement to this amendment. What I am suggesting is why not be honest about it and say: "Mr. Minister you have satisfied us on the two issues on which we have been censuring you and therefore we will agree with the amendments; and as we approve of the general educational policy of the Government we have pleasure in voting for them." Let us see whether the Opposition show that they are a constructive Opposition, and agree with the motion, in view of the fact that they have agreed with all the policies put forward by the Minister for Education. I thank you, Sir.

MR. SPEAKER:

I now put the question which is that the amendment proposed by the Honourable P. J. Isola: that the motion be amended by the deletion of the word "deplores" in the first line thereof, and by the substitution therefor of the word "approves"; and by the deletion of the word "censures" in the third line thereof and the substitution therefor of the word "commends" be made.

Again, before I put this motion to the vote, I have to make the same observations. In this case it is my opinion that this is a vote of confidence on one of the Ministers and therefore the ex-officio members are precluded from voting.

The following Honourable Members voted in favour of the amendment:

The Hon. Miss C. Anes
The Hon. J. Caruana

The Hon. L. Devincenzi
The Hon. Major A. J. Gache
The Hon. P. J. Isola
The Hon. W. M. Isola
The Hon. Major R. J. Peliza
The Hon. M. Xiberras.

The following Honourable Members voted against:

The Hon. I. Abecasis
The Hon. E. J. Alvarez
The Hon. M. K. Featherstone
The Hon. Sir Joshua Hassan
The Hon. Lt. Col. J. L. Hoare
The Hon. A. P. Montegriffo
The Hon. A. W. Serfaty.

The motion on the amendment to the original motion was accordingly carried.

HON. CHIEF MINISTER:

Sir, before moving the adjournment of the House I wish to express and record the great regret of this House at the passing away of Bishop Eley. Our deepest sympathy goes to Mrs. Eley and the Dean and the Anglican Community of Gibraltar. I think I can say that all of us in Gibraltar, of all denominations, are greatly saddened by this loss.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I would like to associate myself with the Chief Minister's remarks. I had known Bishop Eley since he took office, and in fact attended his consecration. I think he was fully aware of the predicament of Gibraltar and occasionally wrote about his concern about it. We must all be very sad about his death, and I entirely agree that the Bishop's wife should be appraised of the feelings of this House.

MR. SPEAKER:

I fully associate myself with the words of the Government and of the Opposition.

HON. MAJOR A. J. GACHE:

Mr. Speaker, I am not quite clear. Again I would like some clarification. I do not believe that the motion has actually been put. I think what we did take was the amendment to the motion, with respect. I hope I am wrong.....

MR. SPEAKER:

With respect Honourable Minister, the amendment has been carried and therefore that defeats the original motion. In other words the motion as amended has been carried.

HON. MAJOR A. J. GACHE:

I did not hear the motion as amended.

HON. SIR JOSHUA HASSAN:

Then the Government would have helped us to pass the motion of censure, if he had known what was happening.

HON. CHIEF MINISTER:

Sir, I have the honour to move that this House do now adjourn sine die.

The House then adjourned sine die.

The adjournment was taken at 11.30 p.m.